

2020-2021 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** 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 2020–2021. The report is not intended to be exhaustive, and readers seeking further information on this subject can visit the **ICRC website**.

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 Conference 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 IHL applicable in armed conflicts, preparing any development of this body of law and ensuring compliance with its rules and principles.

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.

In non-international armed conflicts, the ICRC enjoys a right of humanitarian initiative, enshrined in Article 3 common to the four Geneva Conventions, to help the victims of armed conflict. This right also enables the ICRC to act as a neutral intermediary between the opposing parties.

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 Movement's Statutes and which means that it can offer its services to governments without this 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 in the ratification, implementation and promotion of international humanitarian law (IHL) treaties in the two-year period from 2020 to 2021. It describes action taken by the region's states to implement Resolution 1 Bringing IHL home: A road map for better national implementation of international humanitarian law, adopted at the 33rd International Conference of the Red Cross and Red Crescent (2019), following recommendations and ideas set out in the guidelines prepared by the ICRC to facilitate domestic implementation.¹

The period covered by this report presented undeniably complex challenges around the world. The Americas faced a series of pressing humanitarian situations as well as the uncertainty and dangers created by the COVID 19 pandemic. Armed violence, armed conflicts, internal displacement, migration, missing persons and the prison situation are just some of the issues that, compounded by the pandemic, posed challenges for the operations of humanitarian organizations, including the ICRC. In spite of these difficulties, the ICRC Advisory Service's network of legal advisers sought, through their legal and operational work, to promote an environment conducive to respect for the rights of people affected by armed conflict and other 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. To this end, in 2020 and 2021, the region's states, with the support of the ICRC, took steps to ratify and implement IHL treaties and carried out activities to promote knowledge and understanding of IHL among the authorities and the general public. Some examples of these important advances are the ratification of the Treaty on the Prohibition of Nuclear Weapons by Belize, Honduras and Paraguay and the ratification of Additional Protocol III and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity by Ecuador.

There have also been major developments in implementing and enforcing IHL in the Americas in areas of specific interest to the ICRC, and we would like to highlight two in particular: missing persons and their families and restrictions on the use of certain weapons.

We know that for every missing person, there are family and friends left behind who suffer the agony of not knowing where their loved ones are and have to deal with the impact of their disappearance on their lives and the many difficulties it brings. As always, a significant part of the response to these humanitarian problems lies in ensuring appropriate legal protection nationally. Many states have already adopted important measures to establish national legal frameworks for these questions. Examples in the reporting period include Ecuador's adoption of the Organic Act on Action in Missing Persons Cases and Mexico's adoption of the Standard Search Protocol. We have also seen IHL in action in this area. In 2021, the governments of Argentina and the United Kingdom signed a new agreement requesting the ICRC to carry out further forensic work to identify the bodies buried in Grave C1.10 at Darwin Cemetery, an Argentine military cemetery in the Falkland Islands, and to ascertain whether there are human remains buried in the Teal Inlet area. Another example is Ruling 19 of 26 January 2021, issued by Colombia's Special Jurisdiction for Peace in Macro-Case 1, ordering those indicted to present a detailed plan and timelines that provide information to help focus search efforts to locate and identify the remains of people who went missing in connection with the armed conflict so that they can be returned to their families.

1 [Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law | International Committee of the Red Cross \(icrc.org\)](#).

Restricting the use of weapons is another key area in which legislative developments were seen in the region in 2020 and 2021. One of the principal objectives of IHL is to restrict or ban the use of certain weapons, with a view to protecting civilians. Progress has been made in this area in El Salvador with the adoption of reforms to the Criminal Code in 2021 to increase prison sentences for the illicit possession, carrying and transportation of weapons of war and for the illicit manufacturing, carrying and possession of and trade in firearms and home-made and improvised explosive devices. Chile put IHL into action, completing its humanitarian demining operations on 22 July 2020, which means that all mined areas throughout the country have now been cleared. Another significant achievement was the regional consultation of Latin American states on IHL and cyber operations during armed conflicts, jointly conducted by the government of Mexico and the ICRC in November 2021. The aim of this event was to facilitate dialogue among states in the region on IHL and cyber operations, with a view to developing a common understanding on how international law applies to the use of information and communication technologies during armed conflicts.

In the reporting period, the multidimensional effects of the COVID 19 pandemic reverberated throughout the world. Although this was a significant drain on resources, the American states continued supporting the development and dissemination of IHL, fulfilling the commitment they made to disseminate knowledge of IHL when they became parties to the Geneva Conventions. The ICRC actively cooperated with universities in the Americas, with a view to promoting the teaching of IHL and humanitarian principles and their inclusion in academic programmes. For example, with the help of reference materials provided and adapted by the ICRC, government and justice officials and university lecturers continued their work to further the interpretation, development and implementation of IHL and other relevant legal frameworks during the COVID 19 lockdowns. Another example was the sponsorship and guidance provided by the ICRC to help university students from Argentina, Colombia and Mexico take part in international IHL competitions, as a way of enriching public debate and cultivating support for IHL and the Movement's activities. Keen Peruvian and Colombian students wrote essays on the subject, and more than 500 students in Argentina, Costa Rica, Colombia, Ecuador and Peru increased their knowledge of IHL and humanitarian issues through online workshops, seminars and competitions organized or supported by the ICRC. These efforts contributed significantly to spreading knowledge of IHL and stimulating public debate on IHL implementation in the Americas.

Another area in which we are seeing a growing commitment from the region's states is the work of national committees for the implementation of IHL, which advise and assist governments in implementing and spreading knowledge of this body of law. The ICRC renewed its commitment to supporting and facilitating the work of national IHL committees and states in this area through its Advisory Service on IHL. In the reporting period, the exchange of information, experiences and best practices was facilitated by the online community for national IHL committees, to which 11 of the region's countries belong, and the participation of over 60 authorities from 21 countries of the Americas in the Regional Meeting and Fifth Universal Meeting of National Committees and Similar Entities on IHL.

Ensuring that the most vulnerable are better protected and treated with dignity and increasing the impact of humanitarian action to address the consequences of armed conflict and other violence clearly requires hard work, collective thinking and commitment. We are pleased to see these values reflected in all our work with the Organization of American States (OAS). Through the OAS Committee on Juridical and Political Affairs (CAJP) and Department of International Law, efforts were made to promote knowledge of and compliance with IHL and related regional instruments, and measures were adopted for their practical implementation. Important events included the CAJP's special meeting on topics of current interest in IHL and the seventh course on IHL for OAS member states and officials. Resolutions on questions of mutual interest to the OAS and the ICRC, approved at the 50th and 51st Sessions of the OAS General Assembly held in Washington and Guatemala respectively, highlight the importance given to promoting and strengthening IHL.

The Americas is a highly diverse region of countries with widely varying geographic, economic, social and political characteristics, which is currently experiencing fast-paced development and rapid and profound changes. In this context, the states and the ICRC are faced with a variety of situations requiring collective analysis and joint humanitarian action that must be dynamic and effective. These include protracted and complex armed conflicts, different forms of violence, instability and acute humanitarian crises. All this makes it difficult to generalize, compare and apply standard formulas for disseminating and implementing IHL. However, beyond these differences, readers of this report will be left in no doubt that the region's states have continued to acknowledge the importance of IHL in today's world, carrying out activities to facilitate its implementation and dissemination and collectively striving to mitigate the suffering caused by armed conflict and other violence and to tackle the COVID 19 pandemic.

The ICRC renews its commitment to continue fulfilling its mandate, providing spaces for exchanges and inviting the region's states to implement and comply with IHL and other relevant legal frameworks.

Romina Morello
Legal Adviser
ICRC regional delegation for Panama and the Caribbean

I. IHL TREATIES AND CUSTOMARY LAW

IHL is a set of international rules, established by treaty or custom, which are specifically intended to be applied in international and non-international conflicts. It seeks to limit the effects of armed conflict. It does this in two main ways: a) by limiting the right of the parties to a conflict to choose means and methods of warfare and b) by protecting people and property affected or likely to be affected by the conflict.

IHL does not legalize, legitimize or seek to prohibit war. Its ultimate aim is to limit the suffering of people who are not or are no longer participating in hostilities, including in situations involving the use of force. The codification of this body of law began in the 19th century, based on past experience of war and the customs that had developed around it. Since that time, states have accepted a body of IHL treaties and treaties containing rules relating to IHL. Some of the main instruments are described below.

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 those used in the table at the end of this section of the report).

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 health care 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 Non-International Armed Conflicts of 8 June 1977 (AP II 1977):** Within the scope of Additional Protocol II are non-international conflicts that take place in 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 III 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 ICRC, the National Societies and their International Federation. A total of 79 states are parties to Additional Protocol III, including 20 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 take a direct 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 172 states are parties to this Optional Protocol, including 30 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 68 states are parties to this Convention, including 15 American states.



Meeting with authorities of the Ministry of Foreign Affairs of the Dominican Republic on the ratification of the Nuclear Weapons Prohibition Treaty. The Dominican Republic was the 67th State to ratify this Treaty. September 2022.

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 56 states are parties to this Convention, including 13 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 43 states are parties to this Amendment, including 11 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. 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 84 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. It prohibits the hostile use of the environment as a means of warfare. 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 146 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 Conv. 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 183 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 Conv. 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): 97 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 87 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 the 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 110 states are parties to this Convention, including 25 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. It 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. A total of 61 states are parties to the Treaty, including 23 American states.



In April 2021, the ICRC Vice-President, the Director of Operations for the Americas and the legal team of the ICRC Mission in Honduras meet with the authorities of the Honduran Government to promote the ratification of the Treaty for the Prohibition of Nuclear Weapons (TPNW). The TPNW is the first international law instrument aimed at mitigating the catastrophic humanitarian consequences of nuclear weapons. Honduras was the 50th State to ratify this international treaty, allowing its entry into force on January 22, 2021.

B. CUSTOMARY IHL

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 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 in all types of armed conflict. 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 (NGOs).

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 the 161 rules of customary IHL² 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. In the two-year period covered by this report, the practices of one of the region’s countries – Uruguay – were updated, and work began on updating the practices of several other of the region’s states.

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

Volume 1 of the study can be downloaded in PDF format at <https://www.icrc.org/eng/resources/documents/publication/pcustom.htm>.



A. Rodríguez Martínez/ICRC

The legal team of the ICRC Delegation in Bogota meets with authorities from 14 indigenous reservations in San Jose del Guaviare in an IHL dissemination activity. November 2021.

2 The 161 rules were identified in the study *Customary International Humanitarian Law*, published in 2005. Although the study is comprehensive, it does not claim to be an exhaustive analysis of customary IHL.

C. MAIN RATIFICATIONS IN 2020 AND 2021

The Americas maintained the momentum of progress, making it a leading region in terms of IHL treaties. Some states have now ratified all the main instruments relating to this body of law.

In 2020–2021, a growing number of American states ratified arms and IHL treaties; for example, seven countries ratified the Treaty on the Prohibition of Nuclear Weapons.³

Other instruments ratified by American states during the reporting period were the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity,⁴ the Convention on Cluster Munitions,⁵ Protocol III additional to the Geneva Conventions⁶ and the Rome Statute.⁷

Please see the Appendices for a full list showing the ratification status of the IHL treaties referred to in Section I (A) of this report.



The ICRC met with the Vice Minister of Human Rights and Access to Justice and with the Director of Human Rights of the Ministry of Justice and Human Rights of Peru, the President and the Technical Secretariat of the National Commission for the Study and Application of IHL (CONADIH).
September 2021.

³ The TPNW 2017 was ratified by Paraguay (23 January 2020), Belize (19 May 2020), Saint Kitts and Nevis (9 August 2020), Jamaica (23 October 2020), Honduras (24 October 2020), Chile (23 September 2021) and Peru (23 December 2021).

⁴ CSL 1968 was ratified by Ecuador on 1 December 2020.

⁵ Cluster Munitions 2008 was ratified by Saint Lucia on 15 September 2020.

⁶ AP III 2005 was ratified by Ecuador on 6 October 2020.

⁷ ICC Amdt 2010 was ratified by Bolivia on 10 December 2020.

II. NATIONAL IMPLEMENTATION OF IHL AND OTHER RULES PROTECTING PEOPLE AFFECTED BY VIOLENCE

Certain measures must be adopted to implement IHL treaties in order to enable the parties to a conflict to comply with their provisions. 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 committees, whose role is described in Section III of this report, play an especially useful role in drafting and providing guidance on the adoption of such supplementary measures.

States have committed to taking a variety of steps, including legislative and regulatory initiatives and administrative, practical and educational measures.

This section also covers activities carried out to further the integration and promotion of international human rights law (IHRL) and standards on the use of force in law enforcement which seek to prevent and alleviate suffering in situations of violence other than armed conflict. As part of the humanitarian activities it carries out around the world, the ICRC provides government institutions with technical support, in accordance with the principles of neutrality, independence and impartiality, aimed at helping them comply with international law and standards on the use of force in order to strengthen the protection of civilians.

A. LEGISLATIVE, REGULATORY, PRACTICAL AND PUBLIC POLICY MEASURES

1. PROSECUTION AND PUNISHMENT

In order to ensure compliance with IHL, it is crucial to suppress grave breaches of its provisions, taking into account that such serious violations are classified as war crimes, which it is in the interest of the international community as a whole to prosecute and punish.

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 grave breaches of the Conventions or ordering them to be committed.

The Conventions also stipulate that each state has the obligation to search for individuals alleged to have committed grave breaches or to have ordered them to be committed 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 suppression of grave breaches also apply to the suppression 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 clarifies 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 IHL 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 (ICC) with jurisdiction over war crimes. The ICC 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 ICC 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 ICC'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 party to the Rome Statute to adapt their criminal legislation to the Statute so that they are able to try crimes under the ICC'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.

By the end of 2021, 29 American states were parties to the Rome Statute. By 2021, 11 American states had ratified the amendment to Article 8 of the Rome Statute, the most recent being Bolivia in December 2020.

National implementation measures adopted

Colombia. Decree 601 of 2020 empowers the Office of the High Commissioner for Peace to establish a procedure for members of organized armed groups who show a genuine commitment to peace and respect for justice to be prosecuted individually.

In connection with this, Decree 965 of 2020 was issued, regulating new procedures and benefits for members of organized armed groups who choose to be tried individually.

Additionally, Resolution 452 of 25 March 2021 establishes the criteria for issuing certificates to be submitted to the Special Jurisdiction for Peace (JEP) accrediting that those opting for the special prosecution procedure under the JEP are eligible and have contributed information to help the Missing Persons Search Unit (UBPD) fulfil its mission.

On 26 January 2021, the JEP issued Ruling 19 in Macro-Case 1, indicting former leaders of the Revolutionary Armed Forces of Colombia–People's Army (FARC–EP) for hostage-taking and confirming that the JEP considers it a war crime, which means that those indicted are not eligible for amnesty.

Honduras. The country's new Criminal Code, which contains chapters on war crimes and crimes against the international community, entered into force on 25 June 2020.

Pending national implementation measures

Brazil. Some years ago, a working group formed by experts in various areas of law prepared a bill to incorporate the crimes listed in the Rome Statute into Brazil's domestic legislation. It criminalizes the acts defined as war crimes in the Geneva Conventions of 1949, Additional Protocol I and Article 8 of the Rome Statute. Congress considered the bill, along with another presented by a member of Congress, which was examined by various committees, and a substitute bill was finally approved in 2015. Up to 2018, Brazil's national IHL committee submitted various requests to Congress for the original bill, drafted by the group of experts, to be considered again. So far, the original bill has not been reintroduced for consideration and, at the end of 2021, the substitute bill had still not been passed.

Costa Rica. During the period 2020–2021, Costa Rica's national IHL committee continued its efforts to rework Bill No. 20187 amending the Criminal Code (Act No. 4573), with a view, among other things, to fully incorporating the crimes defined in the Rome Statute, including the Kampala amendments.

El Salvador. The Legislative Assembly's Justice and Human Rights Commission has been tasked with preparing a draft transitional justice bill. It is also studying amendments to the Pardon and Amnesty Act to make people convicted of war crimes, crimes against humanity and certain other crimes ineligible for a pardon.

Guatemala. Congress is considering Bill No. 4998 which aims to bring domestic legislation into line with the crimes defined in the Rome Statute and develop coordination with ICC bodies. The bill enjoyed wide support among civil society organizations and members of Congress and was also backed by Guatemala's IHL committee. In spite of this, the bill has yet to pass the first reading.

2. MISSING PERSONS

In 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 missing 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 and Rule 117 of the Study on Customary IHL). IHRL recognizes the right to know the truth about the circumstances of the enforced disappearance and to be informed of the progress and results of the investigation and the fate of the missing person (see Article 24(2) of the International Convention for the Protection of All Persons from Enforced Disappearance and Article XI of the Inter-American Convention on the Forced Disappearance of Persons). The authorities have an obligation to do everything in their power to prevent people from going missing and to take steps to deal with the consequences of disappearances when they do occur, including measures to address the different needs of their families. These obligations arise from IHL in relation to armed conflicts and from IHRL in relation to other violence that falls outside the scope of IHL.



Delivery of the results from the identifications of Argentine soldiers buried in tomb C1.10 at the Darwin Cemetery, Malvinas– Falklands, within the framework of the Humanitarian Project Plan II. November 2020.

National implementation measures adopted

Argentina. In the reporting period, the ICRC continued working on the Humanitarian Project Plan (HPP). As part of this plan, the remains of 122 soldiers buried in graves in the Argentine military cemetery in Darwin (Falkland Islands), bearing the inscription “Argentine soldier known only to God”, were exhumed and analysed in 2017. By December 2021, 115 soldiers had been identified as a result of the work carried out under this first plan (HPP1). In 2021, the governments of Argentina and the United Kingdom signed an agreement for a new plan (HPP2) requesting the ICRC to carry out further forensic work to identify the bodies buried in Grave C1.10 at Darwin Cemetery and to ascertain whether there are human remains buried in the Teal Inlet area. HPP2 resulted in the identification of a further four soldiers, the reconfirmation of the identity of one more soldier and the reassociation of the remains of another. Both projects also involved legal studies, for example, on the legal framework for the transportation of samples of human remains, legislation on the chain of custody and the application of IHL rules to soldiers killed in international armed conflicts. During the implementation of HPP2, the ICRC, together with the Argentine authorities and the Argentine Forensic Anthropology Team (EAAF), remained in constant communication with the families of the soldiers buried in Darwin Cemetery, ensuring they were kept informed of the progress made by the project and taking note of their wishes for the final disposition of their loved ones.

Brazil. On 9 February 2021, the president signed Decree 10,622, which contains implementing regulations for Act 13,812 of 2019 and appoints the National Public Safety Department of the Ministry of Justice and Public Safety as the principal authority for national policy on the search for missing persons. The decree also creates a committee to manage implementation of the policy and sets out 14 policy focus areas distributed between the Ministry of Justice and Public Safety and the Ministry of Women, Family and Human Rights. Both ministries issued ministerial orders creating working groups on the focus areas under their responsibility. The areas covered include legislative development and the National Register of Missing Persons. The ICRC maintains a dialogue with the ministry teams to provide them with technical guidance on the development of national policy in this area.

Colombia. Decree 974 of 2021 was issued revoking Decree 306 of 2020. It establishes the pay scale for public servants employed in the UBPD, the unit set up to conduct the search for people who went missing in connection with the armed conflict. The Attorney General’s Office published the third report on the implementation of the Final Peace Agreement (2021, pp. 87–90). An important step forward was recognition of the need to involve families in the search for information to help establish the fate and whereabouts of missing people.

The JEP issued Ruling 19 of 26 January 2021⁸ in Macro–Case 1 which indicted former FARC–EP Secretariat members, establishing their responsibility in acts and conduct relating to hostage–taking and other severe

⁸ See Panel for Acknowledgement of the Truth and Responsibility and Determination of the Facts, *Hostage-taking and other severe deprivation of liberty by FARC–EP members*, Ruling 19 of 2021, JEP.

deprivation of liberty. The ruling ordered those indicted to present a detailed plan and timelines providing information on the blocks, fronts and commanders of the disbanded FARC–EP guerrilla group to help focus search efforts to locate and identify the remains of people who went missing in connection with the armed conflict so that they can be returned to their families.

Ecuador. The Organic Act on Action in Missing Persons Cases was passed on 28 January 2020, and its implementing regulations were adopted on 17 November of the same year. This legislation provides for government coordination of the activities required, under a humanitarian approach, to search for and locate missing people nationwide, ascertain the circumstances in which they went missing, protect the rights of missing persons until they are located, prevent people from going missing, provide services, assistance and protection to indirect victims during the investigation and develop international cooperation processes to find Ecuadorian nationals who have gone missing abroad. The aim of this coordination is to ensure that the required services are provided and an effective response is delivered. The Act creates a national system for the search for missing persons and assistance for indirect victims (families) and establishes a national register of missing persons, persons whose identity cannot be established and unclaimed and unidentified remains.

Mexico. The Standard Search Protocol was adopted in 2020 as part of the measures undertaken to implement the General Missing Persons Act. The purpose of the Protocol is to guide efforts to search for and locate missing persons nationally. Work also continued to develop state laws on this issue. In 2020, some 15 local laws were passed, and local commissions were set up in all the states.

Development of the extraordinary forensic identification mechanism continued in 2020. There are thousands of unidentified remains in the country, and the purpose of this mechanism is to coordinate the work of national and international experts in identification processes in order to provide the families of missing persons with answers about their loved ones.

Pending national implementation measures

Honduras. The AMBER Alert System National Coordinating Committee finalized the implementing regulations for Decree 119 of 2015 providing for the creation of the AMBER Alert initiative to trace and protect missing and abducted children, but they have not yet been adopted. The Search Protocol of the AMBER Alert Decree has been finalized and is awaiting enactment. The ICRC advised the national authorities on the development of search protocols for locating people missing as a result of violence and missing migrants, which are expected to be finalized and adopted by the end of 2022.

Mexico. To strengthen implementation of the General Missing Persons Act, secondary legislation is required to enable the authorities to deliver a coordinated nationwide response. This includes requirements for the Unified Information Technology and Computer System (including the creation and development of a number of registers), procedures for the involvement of family members in search processes, the National Search Programme and the National Exhumation Programme and guidelines on coordination among authorities at all levels of government. At both the local and federal level, work continues on the creation of the National Register of Unidentified Dead Bodies, the National Forensic Database and other registers necessary for missing persons search, location and identification processes.

Lastly, still to be adopted are the new guidelines on the operation of the External Support Mechanism responsible for dealing with and investigating cases of migrants who have gone missing in Mexico, with a view to ensuring that information is available to relatives in other countries.

Peru. The Directorate General for Missing Persons is developing a protocol, based on a humanitarian approach, for the provision of psychosocial support to families during the search for their missing loved ones in implementation of Act 30470 on the Search for Missing Persons.

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.

National implementation measures adopted

Colombia. The Attorney General's Office adopted Directive 17 of 15 September 2021 which provides for immediate medical attention for people who suffer an accident with an anti-personnel mine, unexploded ordnance or improvised explosive device, regardless of whether they are civilians or members of the armed forces or armed groups. It also strengthens comprehensive assistance and reparation measures for victims of such accidents.

El Salvador. In November 2021, the Legislative Assembly adopted reforms to the Criminal Code to increase prison sentences for the illicit possession, carrying and transportation of weapons of war and for the illicit manufacturing, carrying and possession of and trade in firearms and home-made and improvised explosive devices.

Other activities

Brazil. In February 2020, the international Rio Seminar on Autonomous Weapon Systems was held at the Naval War College in Rio de Janeiro. The aim of the event was to contribute to the debate on the governance of emerging technologies in the field of lethal autonomous weapon systems (LAWS) under international law, including IHL, particularly within the framework of the Group of Governmental Experts of the High Contracting Parties to the CCW on LAWS, addressing the diplomatic, legal, technological, corporate, strategic and military aspects of the issue. The speakers included representatives of governments, international organizations, the ICRC, NGOs, the private sector and academia.

Chile. The National Demining Commission continued its work to fulfil the country's obligations under the 1997 Anti-Personnel Mine Ban Convention and the Cartagena Action Plan. On 22 July 2020, Chile completed its humanitarian demining operations, which means that all mined areas throughout the country have now been cleared.

Costa Rica. On 4 April 2020, Costa Rica celebrated International Day for Mine Awareness and Assistance in Mine Action, highlighting the need to step up efforts to universalize the Anti-Personnel Mine Ban Convention. The Ministry of Foreign Affairs and Worship urged states that had not already signed and ratified the Convention to do so and encouraged states parties to endorse the rules it contains and the Maputo Declaration and Action Plan, which sets out a road map for achieving a mine-free world by 2025. In March 2021, the Ministry of Foreign Affairs and Worship and the Ministry of Science, Technology and Telecommunications, together with the Foundation for Peace and Democracy (FUNPADEM), officially launched a national campaign with the slogan "For a country free of autonomous weapons: technology at the service of peace". The main aim of the campaign is to mobilize Costa Rican society as a whole to advocate nationally for technological development for peaceful purposes. To this end, a series of activities have been organized, including working sessions, webinars, free talks and audiovisual presentations, to raise awareness about the issue among academics and students and in industry.

4. PROTECTING THE EMBLEMS

The use of the emblems – a red cross, red crescent or red crystal on a white background – is governed by the Geneva Conventions of 1949, Additional Protocols I and II of 1977 and Additional Protocol III of 2005. These instruments specify 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 components of the International Red Cross and Red Crescent Movement – the National Red Cross and Red Crescent Societies, their International Federation and the ICRC.

National implementation measures adopted

Ecuador. On 26 May 2021, Ecuador's president issued Executive Decree 1343 containing the general regulations for the Act on the Use and Protection of the Red Cross and Red Crescent Emblems, which provide details of the practical measures that enable the law to be implemented. They regulate the indicative and protective use of the emblems and provide for preventive, control and monitoring measures to ensure they are used correctly. The text of the regulations adopted was the result of the work of Ecuador's national IHL committee, with support from the ICRC. The San Francisco University of Quito (USFQ) Law Clinic also provided support during the drafting process.

Pending national implementation measures

Brazil. The bill on the use of the emblems establishing the conditions for using the red cross, red crescent and red crystal emblems in the country has been approved by two Chamber of Deputies committees and continues its passage through Congress.

Costa Rica. In the period 2020–2021, Costa Rica's national IHL committee continued its work to draft the implementing regulations for Act 8031 on reporting cases of misuse of the red cross emblem, which will be introduced into the Legislative Assembly for consideration.



Darien, Panama. The use of the emblems is strictly regulated by the Geneva Conventions of 1949 and their Additional Protocols of 1977 and 2005. The ICRC works together with the States to establish norms that prevent any abusive use of the emblems that identify the components of the International Movement of the Red Cross and Red Crescent. April 2021.

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

Bolivia. Bolivia's Ministry of Culture and Tourism is implementing a project to mark cultural property with the Blue Shield. In 2020 and 2021, more than 70 buildings located in cities including Oruro, La Paz, Potosí and Chuquisaca were marked with the Blue Shield.

Costa Rica. The country's national IHL committee continued its work to identify historic buildings that could be classed as cultural property and display the Blue Shield. As a result of the COVID 19 pandemic, in 2020 and 2021, the only cultural property to be marked with the Blue Shield was the National Archives. During this period, efforts focused on drawing up a list of potential sites that could be marked in 2022.

El Salvador. In November 2021, the building housing the Court of Accounts, located in the historic part of San Salvador's city centre, was marked with the Blue Shield. The emblem was unveiled by Roberto Anzora, president of the Court of Accounts, and representatives of the Ministry of Culture and the ICRC. In 2021, the general condition of Blue Shields displayed at at least ten protected sites were examined to check if they needed to be replaced.

Guatemala. At the end of 2021, five sites were marked in Quetzaltenango, a city recently incorporated into the country's cultural protection plans.

Mexico. In 2020, an application was submitted to UNESCO, under Article 5 of the Second Protocol to the Hague Convention of 1999, for financial support to carry out the preparatory work for the request to have its National Anthropology Museum included in the International List of Cultural Property under Enhanced Protection. The application was accepted, and progress was made in 2021 in meeting the requirements for inclusion. The study to assess the possibility of having the walled city of Campeche included in the list also continued.



San Salvador, El Salvador. The ICRC donates Blue Emblems which, pursuant to the 1954 Hague Convention, identifies the protection of cultural property. These activities were carried out in support to the IHL Interdisciplinary Committee of El Salvador. April 2022.

6. OTHER MEASURES

Dissemination of IHL

Knowledge of IHL is a necessary condition for compliance. When states become parties to the four 1949 Geneva Conventions and their 1977 Additional Protocols relating to the protection of victims of armed conflicts, they undertake to disseminate knowledge of them as widely as possible both in peacetime and in times of armed conflict so that they are known to the armed forces and to the general public. Other IHL instruments also contain a similar obligation. Although it is primarily the responsibility of states to make the law known, other organizations, such as the ICRC, working in cooperation with National Red Cross and Red Crescent Societies and their International Federation, have a mandate to assist states in this task and are encouraged to take initiatives to achieve this.

Other activities

Brazil. In 2020 and 2021, the ICRC took part in online events held to provide updates on IHL issues at various universities. They included the IHL seminars organized by the Federal University of Minas Gerais (UFMG), the Federal University of Rio Grande do Sul (UFRGS), the Lutheran University of Brazil (ULBRA) and the University of São Paulo (USP) and the 18th International Congress on International Law organized by the Brazilian Academy of International Law (ABDI), at which the ICRC presented the section “Promoting international humanitarian law in times of the pandemic”. Online IHL dissemination events were also held for journalists and communication students, jointly organized by the ICRC and the São Paulo Reporter of the Future project, run by the company Oboré. In October 2021, the First Brazilian Conference on IHL was held. It was organized by the UFRGS’s IHL Clinic, with the participation of the ICRC, and was streamed on YouTube. The ICRC was also involved in several conferences, courses and one-day events on IHL held at Brazilian armed forces academies and on online platforms, addressing a variety of issues including autonomous weapon systems, civilian–military relations in armed conflict zones, protection of civilians in armed conflict, weapon contamination and humanitarian demining.

Colombia. In 2020 and 2021, activities were carried out for national, regional and municipal UBPD officials concerned with the search for people who went missing as a result of the armed conflict to increase their knowledge of the legal framework applicable to issues relating to missing persons and their families.

In 2020 and 2021, the ninth and tenth editions of the Augusto Ramírez Ocampo Annual Course on IHL were held. Around 120 public-sector employees received training, including at least 20 members of the armed forces. The course was held online for the first time, with the participation of academic panellists and government representatives.

In 2020 and 2021, workshops were held on IHL for staff from the JEP, the National Centre for Historical Memory, the Truth Commission and the Presidential Programme on Human Rights and for military defence lawyers, advisers to the Colombian Congress, the lawyers of former FARC–EP members appearing before the JEP and students from Sergio Arboleda University, Externado University, University of Córdoba, Magdalena University, Cooperative University of Colombia (UCC) and La Sabana University.

Costa Rica. The National University (UNA) and Costa Rica’s national IHL committee jointly organized the event Inaugural Lesson 2021: Contemporary Challenges for International Criminal Justice. Those who took part included Ms Elizabeth Odio Benito, then president of the Inter-American Court of Human Rights, Mr Sergio Ugalde Godínez, an ICC judge, and Ms Monserrat Solano Carboni, former ombudsperson. The Chair of Human Rights of UNA’s International Relations School began work, in coordination with the national IHL committee and other IHL institutions, on preparing a book on this subject to be published in Costa Rica.

El Salvador. In 2020, El Salvador's Interinstitutional Committee on IHL organized two workshops on topical IHL issues for 60 public prosecutors and 40 employees from the Ombudsperson's Office. Events in 2021 included conferences on IHL for staff at the Ministry of Education, Science and Technology and the Court of Accounts and the webinar "The impact of IHL in the world". All these activities were carried out with the support of the ICRC.

Guatemala. Guatemala's national IHL committee and the Diplomatic Academy of the Ministry of Foreign Affairs held two editions of the annual IHL course, one in 2020 and the other in 2021, which provided specialist training in IHL for the staff of various government institutions.

Mexico. In 2020 and 2021, the 27th and 28th International Law Workshops were organized by the Legal Office of the Ministry of Foreign Affairs to promote discussion among high-level experts, government staff, lecturers and students on some of the contemporary issues and challenges in international law. Topics addressed during the workshops included the protection of cultural property and International Court of Justice judgments relating to IHL. The Matías Romero Institute, belonging to Mexico's Foreign Ministry, organized events to launch various issues of the *International Review of the Red Cross* and an expert panel on the Treaty on the Prohibition of Nuclear Weapons. In 2021, a course was held on the use of force for law enforcement officials, jointly organized by the Federal Judiciary and the ICRC.

Peru. The ICRC regional delegation in Lima organized a workshop that ran from 30 September to 2 October 2020 for public prosecutors, assistant public prosecutors and staff involved in investigating cases of people who went missing during the non-international armed conflict that occurred between 1980 and 2000 and other crimes. It was attended by 70 people from the public prosecutor's offices of Lima, Ayacucho, Junín, Apurímac, Huánuco, Huancavelica and Pichari. The aim of the workshop was to provide them with an understanding of the concepts of IHL, IHRL and international criminal law relating to the situation of people who have gone missing in connection with an armed conflict.

Regional activities. In 2020 and 2021, the ICRC carried out activities aimed at promoting IHL in academia. They consisted of IHL Days,⁹ featuring a series of online conferences organized by the ICRC, with a view to promoting spaces for debate and analysis of IHL issues relevant for the Americas, such as urban violence in the context of armed conflict and other violence, memory and armed conflict, protracted conflicts, and children and armed conflict.

In August 2021, the ICRC organized the Regional Workshop on the application of IHL to Cyber Operations, which addressed key humanitarian and legal questions relating to the use of cyber capabilities. The workshop was attended by 95 representatives of national IHL committees and National Red Cross Societies from 15 countries. The OAS rapporteur for this issue also took part. In November 2021, the Mexican government and the ICRC jointly organized a regional consultation of Latin American states on IHL and cyber operations during armed conflicts.¹⁰ The aim of the event was to facilitate dialogue among the region's states on this subject, with a view to developing a common understanding on how international law applies to the use of information and communication technologies in armed conflicts. Government representatives from 11 countries and international experts took part in the consultation.

⁹ Videos of these events are available in Spanish at <https://www.icrc.org/es/document/jornadas-de-derecho-internacional-humanitario-2021-america-latina>.

¹⁰ The report from the meeting is available at <https://www.icrc.org/en/publication/4635-report-regional-state-consultation-ihl-and-cyber-operations-americas>.

B. INTEGRATING AND PROMOTING 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 and into standard operating procedures and decision-making on the choice of weapons.

Ministries of defence usually 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 Staff provides courses to train military instructors in IHL. The National Institute of Air and Space Law runs postgraduate IHL courses for both military personnel and civilians. The Argentine Joint Training Centre for Peace Operations (CAECOPAZ), with support from the ICRC, provides IHL training for all Argentine military personnel to be deployed on United Nations (UN) peacekeeping operations. Argentina also has a National Defence University (UNDEF) which runs courses and seminars on IHRL, IHL and subjects relating to humanitarian assistance. In the period 2020–2021, military educational institutions held IHL courses online due to the COVID 19 pandemic.

Bolivia. In the period 2020–2021, the Human Rights and Interculturality Department of the Ministry of Defence and the ICRC held 18 workshops on IHL, IHRL and standards on the use of force at military bases throughout the country for a total of 2,532 members of the armed forces. In 2021, the Ministry of Defence asked the ICRC and the Office of the High Commissioner for Human Rights (OHCHR) mission in Bolivia to contribute to a review of the manual of the armed forces on the use of force in internal conflicts. This review process is currently in progress.

Brazil. The country's national plan sets out hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels. In the reporting period, all Brazil's military colleges continued providing instruction on IHL and the rules governing the use of force in law enforcement operations. The Defence College (ESD, formerly ESG Campus Brasilia) trains new IHL trainers and, in order to achieve its goals, has increased the number of teaching hours for both theory classes and practical exercises, taking into account new challenges for IHL. Brazil's Joint Training Centre for Peace Operations (CCOPAB) continued incorporating teaching on IHL and the international humanitarian agenda into its online courses during the COVID 19 pandemic, with the participation and support of the ICRC, particularly for courses with content relating to IHL and humanitarian issues.

Chile. The country has a national plan establishing a set of hierarchically organized orders and provisions which ensure IHL dissemination, teaching and training 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. Chile's Joint Training Centre for Peace Operations (CECOPAC) provides instruction in IHL and IHRL to all Chilean military personnel to be deployed on UN peacekeeping operations. Chile's armed forces also incorporated the rules and principles of IHL across its military manuals. The national IHL committee organizes seminars to provide updates on the integration of IHL in Chile's armed forces and report on progress made and new developments in this field. CECOPAC includes content on various areas of IHL in its courses.

Colombia. The Damascus Doctrine, issued in 2020, aims to strengthen the capacity of the armed forces as a key player in the dialogue with civil society. In November 2020, the fifth edition of the Basic Doctrine on Air, Space and Cyber Operations was also issued in Regulation 4.2 of 2020. In this doctrine, non-international armed conflicts are defined on the basis of Protocol II additional to the Geneva Conventions. It also highlights the importance of the principle of proportionality in assessing the viability of military air operations, military advantage and risk in attacks.

With the help of the ICRC, the Ministry of National Defence and the Joint Chiefs of Staff 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 the use of force in IHRL were conducted for members of the armed forces and police. Several confidential thematic round-table 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.

Ecuador. In the period 2020–2021, the Human Rights, Gender and IHL Department of the Ministry of National Defence and the ICRC held nine workshops on IHL, IHRL and standards on the use of force for 287 members of the armed forces from the North, South, Central and West regions and IHRL and IHL instructors from military colleges and academies of the navy, air force and army.

El Salvador. In 2020 and 2021, online and in-person training was provided on IHL, the use of force and peacekeeping operations for personnel from El Salvador deployed for the UN Interim Force in Lebanon (UNIFIL) and the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) who might find themselves in armed conflict situations in the course of their duties. In addition, 23 civilian and military legal advisers to El Salvador's armed forces took part in the workshop for operational legal advisers held in 2021 in fulfilment of Article 82 of Protocol I additional to the Geneva Conventions.

Mexico. In the period 2020–2021, various training events were jointly organized by the Ministry of Defence, the Naval Ministry and the ICRC for members of the Mexican army.



As part of our work in the VRAEM, the ICRC team disseminates the importance of respecting International Humanitarian Law and Human Rights amongst the members of the Armed Forces. July 2021.

Paraguay. The country's national plan sets out hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels across all three branches of the armed forces. There is also a liaison office for communication with IHL and human rights organizations responsible for ensuring the continued integration of the rules of IHRL and IHL. The Joint Training Centre for Peace Operations (CECOPAZ) organizes courses for members of the Paraguayan peacekeeping forces on a regular basis. Several of them include IHL and IHRL content, particularly in relation to the protection of civilians.

Peru. In Peru, the IHL and Human Rights Centre (CDIH-DDHH) of the armed forces and the ICRC held 41 courses on IHL, IHRL and standards on the use of force for 2,071 members of the armed forces, including military personnel deployed at the counter-insurgency bases in the Apurímac, Ene and Mantaro river valley (VRAEM) area.

United States. On 2 July 2020, the Department of Defense (DoD) reissued Directive 2311.01 on its Law of War Program. This directive establishes policy requiring service personnel to report violations of IHL. Additionally, on 22 June 2020, the Secretary of Defense issued Interim regulations for condolence or sympathy payments to friendly civilians for injury or loss that is incident to military operations.

Uruguay. The country has guidelines containing a set of hierarchically organized orders and provisions which ensure that IHL is effectively taught and promoted at all levels across the three branches of the armed forces. The Ministry of Defence, in collaboration with the academic units of the armed forces and the National Peace Operations Training Institute (ENOPU), regularly organizes courses for the members of peacekeeping forces which include IHL and IHRL content.

Central American Armed Forces Conference (CFAC). In 2020 and 2021, various training and capacity development events were held as part of CFAC, including the 2021 IHL competition for military academies in CFAC member countries.

C. INTEGRATING AND PROMOTING IHRL AND 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 in dealing with the consequences of such violence on a daily basis, works to promote knowledge of and compliance with 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, department and municipal police and security forces of more than a dozen countries in the Americas continued to use the UN 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 purpose of incorporating and implementing these guidelines in the doctrine, instruction, training, supervision, control and equipment of the police and security forces.

These awareness and training activities were 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 doctrine and instruction and training plans, with a view to incorporating humanitarian rules and improving compliance with IHL.



Mexico City, Mexico. Training of Trainers for the National Guard on the Use of Force in Law Enforcement Operations and Humanitarian Principles. August 2022.

Activities

Brazil. In 2020 and 2021, the Rio de Janeiro military police trained 49 of its instructors in human rights standards and rules governing the use of force. The Rio de Janeiro municipal police began work on reviewing the content of its instruction curriculum, with a view to incorporating human rights standards and rules governing the use of force. The Ministry of Justice's Management and Learning Department reviewed the content of six courses on its e-learning platform and incorporated human rights standards and rules governing the use of force. The Internal Affairs Unit of the Security Department in the city of Fortaleza (Ceará) reviewed disciplinary regulations and procedures for the investigation of human rights abuses and violations committed by municipal police officers. The Fortaleza municipal police issued and initiated implementation of standard operating procedures for action at health facilities, schools and bus terminals and for the use of force. The ICRC provided support and advice to all the forces involved in these activities.

Chile. In the period covered by this report, the Chilean police extended the mandate of its Human Rights Directorate to include protection of the family. It trained 79 human rights instructors and held two courses to train human rights trainers, with the support of the ICRC. The Human Rights Directorate also reviewed and updated law enforcement procedures, with an emphasis on human rights. Police officers continued to receive training on human rights and the use of force in law enforcement operations under the Annual Training Plan, and human rights sections were created in all the country's regions.

Colombia. Decree 003 of 5 January 2021 brought into effect a protocol on preventive action and action during and after protests, called the Statute on Reaction and the Use and Verification of Legitimate Force by the State and Protection of the Right to Peaceful Protest. It regulates aspects relating to the use of force, with a focus on human rights, taking into account various international standards on the use of force in protests.

Costa Rica. In the period 2020–2021, the National Police Academy continued providing training in IHL for its trainees.

El Salvador. In 2021, the Ministry of National Defence, in collaboration with the ICRC, updated and printed 20,000 copies of the Salvadoran soldier's handbook on rules governing the use of force and firearms to be distributed to armed forces personnel involved in supporting law enforcement operations. It also prepared and printed 5,000 copies of the procedures handbook for personnel deployed to monitor irregular border crossings.

Guatemala. In 2021, it prepared a bill on the use of force to be introduced into Congress in 2022 for consideration and approval.

Honduras. The draft bill on the use of force applicable to all police officers and other personnel assisting the police in law enforcement operations was introduced into Congress in early 2018. Two of the three opinions issued on the draft bill by the end of 2019 were favourable. In 2022, approaches were made to the new government and legislature for a review of the bill.

In 2020 and 2022, a multiplying effect was achieved thanks to the instructors trained by the ICRC, with training provided to between 4,000 and 7,000 members of the armed forces each year.

In 2021, with support from the armed forces and the ICRC, Honduras's Defence University included as part of its academic offerings a course on the use of force, which is open to all justice and law enforcement officials. A total of 28 people, including judges, public prosecutors, police officers, lawyers from the Office of the National Commissioner for Human Rights and members of the armed forces, signed up for the first edition of the course.

Mexico. In the period 2020–2021, various training events were held for police officers, including a course on application of the National Protocol on the Use of Force, which is based on international human rights standards and humanitarian principles.

Paraguay. Owing to the COVID 19 pandemic, in 2020 the national police's Human Rights Department provided human rights training online rather than in person, with a total of 225 police officers taking part.

Peru. On 15 March 2020, Supreme Decree 003-2020-DE was issued, approving the implementing regulations for Legislative Decree 1095. They set out rules on the use of force by the armed forces in Peru. In addition, Act 31012 on police protection, which regulates criminal responsibility for the misuse of force, was published in the Official Gazette on 28 March 2020.

D. PROMOTING THE TEACHING AND DISSEMINATION OF IHL AT UNIVERSITIES

On 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 domestically. In order to fulfil this commitment, academic institutions in each country must include IHL in their course plans, teach the subject and promote research in this field, particularly in law faculties and at postgraduate level. Having good universities and lecturers with expert knowledge in this area enables states to train specialists, future civilian and military leaders, members of the judiciary, legislators, other decision makers and civil society in IHL.

A significant number of universities in the region's countries, for example, in Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Peru, United States and Uruguay, offer IHL courses at bachelor, master and doctorate level (including IHL topics either as separate subjects or as units in compulsory or optional subjects) that provide students with knowledge and experience in this branch of public international law. Such courses are offered by faculties of political science, social science, journalism and international relations as well as by law faculties.

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

Lecturers and experts in a variety of disciplines continue to support and contribute to efforts to promote IHL and the teaching of the subject as part of academic courses offered at universities nationally and to encourage research in this field. 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 work aimed at increasing understanding of this area of law by carrying out research, participating in debates and international conferences, writing opinion papers and providing input as government experts.



The legal team of the ICRC Delegation in Bogotá meets with journalists from the Valle del Cauca Region, Cali, to discuss the protection of migrant populations under IHL during an event on armed conflicts and migration. July 2021.

Activities

Argentina. In the period 2020–2021, the teaching of IHL at universities moved online due to the COVID 19 pandemic. The ICRC provided documents and multimedia material to its network of IHL lecturers to facilitate their work delivering virtual classes. Various teams from universities in Argentina took part in international IHL competitions, such as the Jean Pictet Competition, and in regional competitions in Colombia and Ecuador, among other countries. The IHL Observatory of the University of Buenos Aires (UBA) Law Faculty continued to collaborate in monitoring progress in incorporating IHL into the programmes of the country’s academic institutions and carried out activities in relation to clinics on specific IHL issues, with the support of the ICRC.

Dozens of lecturers in law and international relations, researchers specializing in international law and university students in Argentina took part in hybrid (online and in-person) events in November 2020 and 2021, including the 12th and 13th editions of the Colloquium on IHL and International Criminal Law, organized by the Human Rights Institute of the National University of the Centre of the Buenos Aires Province (UNICEN), with the support of the ICRC. The 12th Colloquium focused on the 40th anniversary of the adoption of the Convention on Certain Conventional Weapons, while the 13th Colloquium was devoted to the 75th anniversary of the verdict of the International Military Tribunal in Nuremberg. The format of the Colloquium involves discussion of the papers presented by the participants. At these two editions, participants discussed various papers on the conduct of hostilities, armed conflict and its regulation in times of COVID 19, IHL and the gender perspective, development of the concept of war crime in international criminal law, new weapons and warfare technologies, and interdisciplinary perspectives on IHL. The teaching of IHL continued at all Argentina’s universities, especially as part of degrees in law and international relations. The ICRC supported these activities by providing audiovisual resources, teaching materials and documents suitable for online use to lecturers in the Southern Cone network, which helped them deliver virtual classes during the pandemic.

Bolivia. In March 2021, the ICRC regional delegation in Lima and San Andrés University (UMSA) signed a cooperation agreement to promote research on IHL and its inclusion in the university’s course plans. Under this agreement, the ICRC provided support for the implementation of the Juan Pinto Programme for Training and Research on IHL and International Criminal Law at UMSA, which ran from August to November 2021. This was the first event carried out with UMSA, and it paved the way for a fruitful cooperation relationship with this academic institution.

Brazil. In 2020 and 2021, various Brazilian universities continued teaching IHL. Teams from some of the country’s universities took part in the Jean Pictet Competition and other international IHL competitions in the Americas and Europe, with the support of the ICRC. New IHL courses, study groups and clinics were created at various universities, including USP, UFMG and UFRGS.



Canada. Universities throughout the country continued offering IHL courses. In addition to the specialized IHL courses and programmes offered by Canadian law faculties, IHL is also taught in other academic fields, such as social science and education. As a result of the pandemic, the Summer School on IHL, run each year by the University of Ottawa and the Canadian Red Cross, was held online in 2020 and 2021. In 2021, the Royal Military College began offering an IHL course for university students, and the ICRC was invited to give lectures as part of it. In 2020 and 2021, Canadian university students were able to continue taking part in international IHL competitions online. Finally, the Laval University IHL Clinic continued to collaborate with the ICRC on compiling state and international practices for the ICRC Study on Customary IHL.

Colombia. Volumes 1 and 2 of the Ibero-American Yearbook of IHL were published in 2020 and 2021 respectively. The second and third Ibero-American IHL Competition also took place in the reporting period, with the participation of universities from all over Latin America. The winners were La Sabana University in 2020, and the National Autonomous University of Mexico (UNAM) in 2021.

Dominican Republic. In 2020 and 2021, activities were carried out to spread knowledge of IHL in the Dominican Republic. It was also announced that the Ministry of Foreign Relations is reviewing the Diplomatic Academy's course plans to include more content on IHL and human rights in its 2022–2024 programme. In addition, the National Judicial College (ENJ) undertook to review the courses it offers, with a view to incorporating new IHL topics.

Ecuador. With the support of the ICRC, the Ecuadorean Red Cross and the Humanitarian Research and Study Promotion Centre (CIFEH) organized the sixth edition of the Manuel Muñoz Borrero IHL competition in 2020, and the seventh edition in 2021. A total of 13 teams made up of students from Ecuador, Peru and Colombia took part in the 2020 online edition. The 2021 edition was also held virtually, with ten teams from Peru, Ecuador and Brazil. This competition, which focuses on IHL-related topics, is the first 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. Academic sessions on IHL featuring lectures and activities intended to promote IHL are held at different universities in Quito in the week running up to the Manuel Muñoz Borrero competition. In 2021, the Benjamin Ferencz Centre on the Use of Force, the University of Azuay and Ecuadorian student associations organized the First National Meeting on IHL, which was held over two days in the city of Cuenca. The ICRC coordinated a series of smaller-scale academic events on IHL issues of interest using a virtual format with several universities, including USFQ, the Pontifical Catholic University of Ecuador (PUCE) and the International University of Ecuador (UIDE), and various university student associations. Lastly, the ICRC helped teams from Ecuador's universities prepare for the Jean Pictet Competition by providing academic material on relevant subjects.

El Salvador. In 2020 and 2021, various talks and webinars on the link between human rights and IHL were organized by the country's Judicial College (ECJ) and several public and private universities, with the support of the ICRC.

Guatemala. In 2021, a Guatemalan team was selected and prepared to enter the Jean Pictet Competition for the first time. The competition involves simulations and role-play exercises and is open to teams of students from universities and military academies all over the world.

Mexico. In 2020, the Interministerial Committee on IHL held another edition of its IHL training workshop for university lecturers. Another edition of the Víctor Carlos García Moreno ICC moot court competition was also held in 2021. The fictitious case used for the competition included elements of IHL, enabling representatives from various universities in the region to increase their knowledge of IHL implementation. In 2020 and 2021, two Mexican teams were selected, advised and financed by the ICRC to enter the Jean Pictet Competition, with the support of the Mexican Ministry of Foreign Relations. Mexico's UNAM team won the 35th edition of the competition in 2021, and the Competition Committee announced that the city of Cuernavaca had been chosen to host the 37th edition in 2022.

Peru. The ICRC continued to support the Yachay Regional Human Rights Competition organized by the Pontifical Catholic University of Peru (PUCP). The competition, held annually and entered by universities from various cities in Colombia, Peru, Ecuador and Bolivia, consists in arguing a fictitious case involving IHL or humanitarian issues relevant to the region. During the pandemic, it was held as an essay competition but has since been changed back to its original format as a moot court competition. The ICRC also helped teams from Peru's universities prepare for the Jean Pictet Competition by providing academic material on relevant subjects. Finally, in 2020 and 2021, the ICRC strengthened its relationship with San Marcos University (UNMSM), with which it carried out IHL dissemination activities for the general public and others aimed specifically at students outside Lima, including a course to prepare them to take part in IHL competitions.

United States. Numerous law faculties in the United States offer IHL courses. In the reporting period, the seventh and eighth editions of the annual Clara Barton IHL Competition were held. It is a simulation-based, experiential legal competition open to teams of students pursuing law degrees at law faculties and students of military academies in all the countries of the Americas. The Emory University School of Law IHL Clinic compiled practices for the ICRC Study on Customary IHL in 2020 and 2021.



Inaugural conference of the ICRC during the International Law of Armed Conflict Course at the Higher Defense School of Brazil. March 2021.

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 on becoming parties to IHL treaties.

Globally, 112 states have set up mechanisms to facilitate this task.¹¹ Most states in the Americas have such a mechanism. They generally take the form of interministerial or interinstitutional committees and are composed of executive branch institutions, such as ministries of foreign affairs, defence, interior, 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.

COUNTRY	COMMITTEE CREATED IN
Argentina	1994
Bolivia	1992
Brazil	2003
Canada	1998
Chile	1994
Colombia	2000
Costa Rica	2004
Dominican Republic	1995
Ecuador	2006
El Salvador	1997
Guatemala	1999
Honduras	2007
Mexico	2009
Nicaragua	1999
Panama	1997 ¹²
Paraguay	1995
Peru	2001
Trinidad and Tobago	2001 (<i>ad hoc</i>)
Uruguay	1992
Venezuela	2015
TOTAL	20

¹¹ The list of national IHL committees around the world can be found at <https://www.icrc.org/es/content/lista-de-comisiones-nacionales-de-derecho-internacional-humanitario>.

¹² Through Executive Decree 44 of 12 May 2022, the government of Panama created a standing committee for the implementation of IHL to replace the committee in operation since 1997.

During the reporting period, the region's national IHL committees remained active, taking part in regional and international meetings, in spite of the difficulties caused by the COVID 19 pandemic. Specifically, over 60 authorities from 21 countries from South America, Central America and North America took part in the Regional Meeting of National Committees on IHL and Other Similar Entities of the Americas, held online from 2 to 5 February 2021 and hosted by Ecuador.¹³

From 26 to 30 April 2021, the Fifth Meeting of Representatives of National IHL Committees of Commonwealth Countries took place under the overarching theme "Partnership, persistence and a sense of possibility: National IHL Committees and the Commonwealth". The global pandemic meant that the meeting had to be held online rather than in person. The event brought together representatives of the national IHL committees of Commonwealth countries to discuss current IHL developments and issues, in particular, the role that national IHL committees can play in supporting IHL implementation.¹⁴

At the international level, the Fifth Universal Meeting of National Committees and Similar Entities on IHL, hosted by the ICRC, was held online from 29 November to 2 December 2021, under the banner "Bringing IHL home through domestic law and policy".¹⁵ The title refers to Resolution 1 "Bringing IHL home: A road map for better national implementation of international humanitarian law", adopted at the 33rd International Conference of the Red Cross and Red Crescent held in 2019. As the Fifth Universal Meeting took place midway between the 33rd International Conference and the 34th, due to be held in 2024, it provided a good opportunity to reflect on what national IHL committees have already achieved in implementing Resolution 1 and determine what more needs to be done in the run-up to the next International Conference.

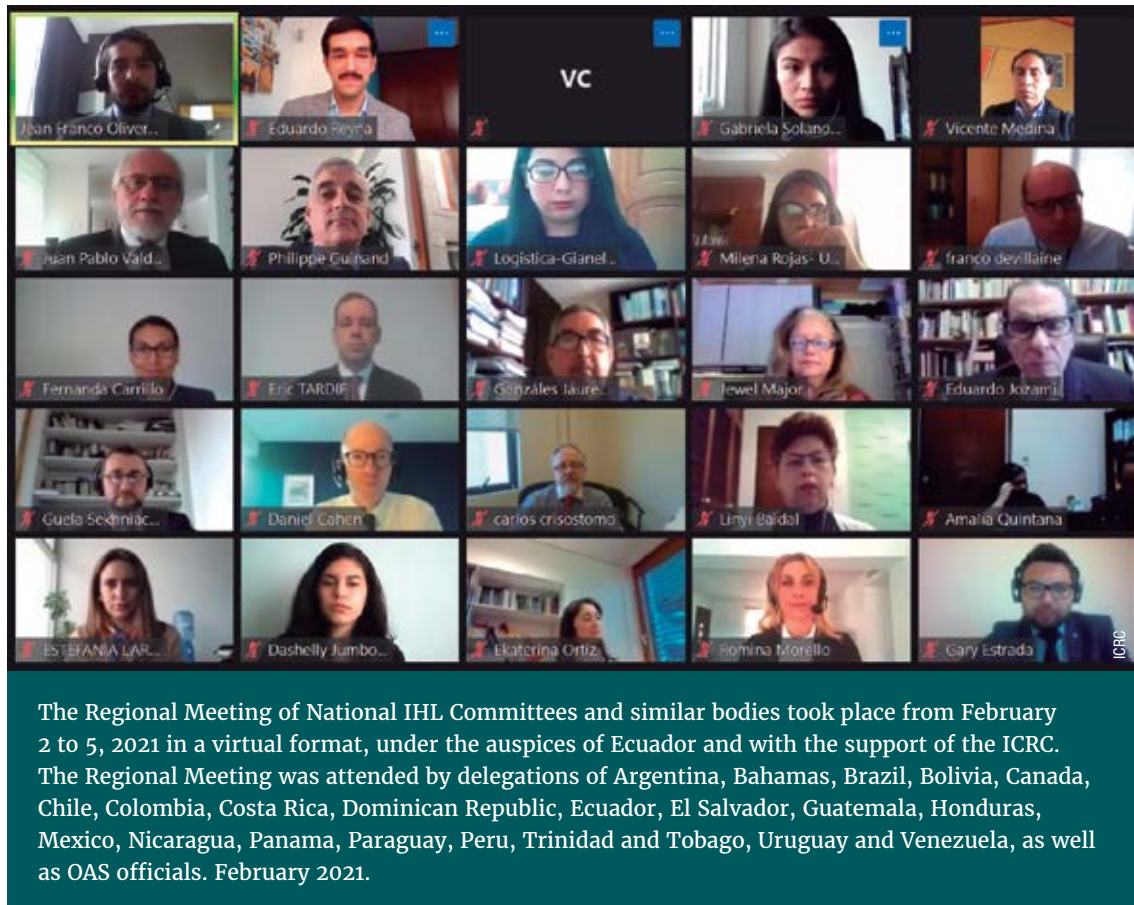
Another important achievement in the reporting period was the publication of two documents supporting the operation of national IHL committees. The first was the translation into Spanish of the document *National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success (Spanish translation)*. The document aims to provide existing national IHL committees with guidance on ways to be efficient and function well in order to increase the impact of their efforts to have IHL incorporated into domestic legislation and ensure compliance at home and abroad. It also aims to support the establishment of new IHL committees, where required, and help national authorities with this task.

In July 2021, the ICRC Advisory Service published the document *Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law*. This document contains guidance for states and National Societies on working together towards the domestic implementation of Resolution 1, adopted in December 2019 at the 33rd International Conference. It sets out recommended practical measures in the form of checklists relating to key paragraphs in the resolution. Users of the document are encouraged to select the areas that are most relevant to their context and build on the recommendations, following the idea that national implementation of IHL is a continuous process and that additional steps are always available, regardless of the current state of implementation.

13 For more information, visit the following link: [Ecuador: Regional Meeting of National Committees on IHL and Other Similar Entities of the Americas](#).

14 The report can be found here: [Report – Fifth Meeting of Representatives of National IHL Committees of Commonwealth Countries](#).

15 For more information, visit the following link: [Fifth Universal Meeting of National Committees and Similar Entities on International Humanitarian Law](#).



This section provides an overview of some of the work carried out by the region's national IHL committees although they are also involved in developing and implementing many initiatives described elsewhere in the report.

Bolivia. With the support of the ICRC, Bolivia's National Standing Committee on the Implementation of IHL (CNPADIH) held the Mariscal Andrés de Santa Cruz course on IHL online from 24 November to 5 December 2021 for 50 civil servants. Academic support was provided by the PUCP Democracy and Human Rights Institute (IDEH).

Canada. The Canadian National Committee for Humanitarian Law (CNCHL) remained active in 2020 and 2021, in spite of the pandemic. In 2021, the CNCHL participated online in various events organized by the ICRC, including the Regional Meeting of National Committees on IHL of the Americas, the Meeting on Voluntary Reporting, the Meeting of Representatives of National IHL Committees of Commonwealth Countries and the Universal Meeting of National Committees on IHL. The CNCHL is currently updating its website and finalizing its first voluntary report. It is also considering joining the ICRC's online community for national IHL committees.

Colombia. The government of Colombia prepared a draft presidential decree ordering the creation of a national committee for the implementation of IHL in Colombia, but it has not yet been officially issued.

Costa Rica. The activities carried out by Costa Rica's national IHL committee in the reporting period included a meeting with representatives of the Henry Dunant Society at an extraordinary session of the committee held at the Law Society in March 2020, with a view to carrying out a series of activities and establishing an interactive dialogue between the two organizations. The points highlighted at the meeting included the legacy of the Henry Dunant Society, the valuable work it undertakes globally and the crucial importance of promoting IHL in peacetime.

Ecuador. With the support of the ICRC, Ecuador's National Committee for the Implementation of IHL (CONADIHE) held the 12th edition of the Mariscal Antonio José de Sucre IHL course online from 16 November to 18 December 2020. It was attended by 100 civil servants. The theme of the 13th edition, which was held in 2021, was current challenges for IHL. Finally, CONADIHE, with the support of the ICRC, organized the Regional Meeting of National Committees on IHL and Other Similar Entities of the Americas, which was held online from 2 to 5 February 2021, with the participation of over 60 authorities from 21 of the region's countries. The meeting featured round-table discussions and keynote conferences addressing important IHL topics, such as the difference between non-international armed conflict and other types of violence, sexual and gender-based violence in armed conflict and other violence and how IHL applies to cyber operations.¹⁶

El Salvador. El Salvador's Interinstitutional Committee on IHL organized various conferences and webinars for the staff of its member institutions. It is divided into three subcommittees: a) protection of cultural property, b) training and dissemination and c) legislation. In 2020 and 2021, it worked towards fulfilling the pledges made during the 33rd International Conference of the Red Cross and Red Crescent, preparing a national IHL plan to serve as a road map for the work to be carried out in the area of IHL between 2020 and 2024.

Guatemala. In the reporting period, the Guatemalan Committee for the Implementation of IHL, together with the Diplomatic Academy, organized two editions of the annual IHL course to promote this area of law in the institutions represented on the committee.

Peru. With the support of the ICRC, the National Committee for the Study and Implementation of IHL (CONADIH) and the PUCP IDEH organized the 15th edition of the Miguel Grau IHL course, intended mainly for professionals and public-sector personnel. The course, which lasted seven weeks, featured a combination of synchronous and asynchronous activities and three sessions open to the general public. Another development was the publication of Supreme Decree 006-2021-JUS on 13 May 2021 and its implementing regulations to bring CONADIH into line with current legislation.

¹⁶ The full text of the Declaration of the Regional Meeting of National Committees on International Humanitarian Law and Other Similar Entities of the Americas is available at <https://www.icrc.org/en/document/ecuador-americas-regional-meeting-between-national-committees-and-similar-bodies-ihl>.

IV. INTER-AMERICAN INSTITUTIONS AND IHL

In the two-year reporting period, the whole world suffered the multidimensional effects of the COVID 19 pandemic. Although this was a significant drain on resources, the OAS and its member states continued to promote respect for IHL and its development. Their efforts focused mainly on activities in two areas: promotion of IHL and training in IHL.

A. PROMOTION OF IHL

OAS General Assembly Resolution AG/RES. 2959 (L-O/20) “International law”, adopted at the fourth plenary session held on 21 October 2020, urges the General Secretariat to continue strengthening cooperation between the OAS and the ICRC on promoting respect for IHL and its principles. It instructs the Permanent Council to hold a special meeting in the first half of 2021 on topics of current interest in IHL, including the application of IHL to lethal autonomous weapons. This special meeting was held on 29 April 2021. The resolution also invites member states to continue to support the work of national IHL committees and commissions and other institutional mechanisms responsible for the dissemination and implementation of IHL. To this end, OAS officials took part in the Regional Meeting of National Committees on IHL and Other Similar Entities of the Americas, hosted by Ecuador with the support of the ICRC and held online from 2 to 5 February 2021.

OAS Resolution AG/RES. 2961 (L-O/20) “Promotion and protection of human rights”, also adopted at the fourth plenary session held on 21 October 2020, addresses questions relating to the needs of migrants, displaced people and missing persons and their families, which are issues of great concern to the ICRC and to the OAS and its member states. The resolution promotes a human rights approach and gender perspective in health measures, particularly in the context of the COVID 19 pandemic, calling for a differentiated approach to vulnerable people, such as victims of armed conflict and other violence and people deprived of their liberty. Another important feature of this resolution is that it recognizes the humanitarian needs arising from armed conflict, armed violence and migration, inviting member states to continue their cooperation with the ICRC, “facilitating its work and taking up its technical recommendations” and the progressive adoption of measures aimed at preventing people from going missing, establishing the fate and whereabouts of missing people and meeting the needs of their families. Member states are also urged to deal with cases of missing migrants, taking action to search for them, trace them and, if possible, reunite them with their family. The resolution urges member states to ensure the implementation of applicable law in this area with a humanitarian approach.

Resolution AG/RES. 2974 (LI-O/21) “International law”, adopted at the second plenary session held on 11 November 2021, analyses part of the activities of the CAJP in the light of the Final Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System.¹⁷ The resolution addresses the promotion of the ICC under the agreements signed by the ICC with the OAS General Secretariat and the Inter-American Court of Human Rights. It calls on member states, regardless of whether or not they are party to the Rome Statute, and regional organizations to strengthen cooperation and assistance with the ICC. This call is also extended to academia, national authorities and civil society, who are invited to participate and cooperate in discussions on measures to strengthen collaboration with the ICC.

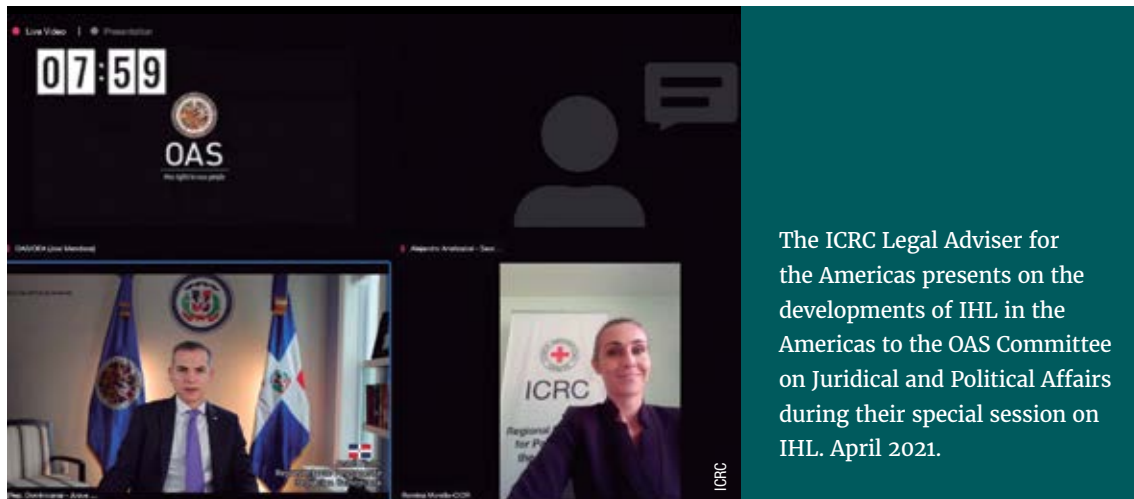
¹⁷ *Independent Expert Review of the International Criminal Court and the Rome Statute System: Final Report* contains 384 recommendations to enhance the performance of the Court. It is available at https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP19/IER-Final-Report-ENG.pdf.

Listed below are the main resolutions relating to the promotion and strengthening of IHL adopted in the reporting period by the 50th OAS General Assembly, which met in Washington in 2020, and the 51st General Assembly, which was hosted by Guatemala and held online in 2021. The relevant sections of the resolutions are reproduced in an appendix to this report.

- AG/RES. 2959 (L-O/20): International law
 - iii. Promotion of and respect for international humanitarian law
- AG/RES. 2961 (L-O/20): Promotion and protection of human rights
 - i. Protecting human rights in the context of the COVID 19 pandemic
 - iii. Eradication of statelessness in the Americas
 - iv. Universal civil registry and the right to identity
 - vii. Persons who have disappeared and assistance to members of their family
- AG/RES. 2974 (L-O/21): International law
 - vi. Promotion of the International Criminal Court

Another joint activity carried out to promote IHL was the participation of Human Rights Specialist Hortensia Sofía Galván from the Inter-American Court of Human Rights in a meeting of public defenders at which international standards on pre-trial prison were presented. The meeting, held on 10 November 2021, was organized by the Directorate General for Public Defence and Access to Justice of Peru's Ministry of Justice and Human Rights, with the support of the ICRC.

Additionally, as part of the ICRC's detention-related activities, on 3 and 4 February 2020, the deputy head of the ICRC delegation for Panama and the Caribbean and its prison system adviser took part in the Fourth Meeting of Officials Responsible for Penitentiary and Prison Policies of the OAS Member States held in Santo Domingo.



B. TRAINING IN IHL

Resolution AG/RES. 2959 (L-0/20) asks the General Secretariat to organize, within the framework of the CAJP, a course for member states, OAS staff and the general public, aimed at promoting knowledge of and respect for IHL and related regional instruments, including measures for their effective implementation. In response to this request, the seventh course on IHL was held on 24 June 2021 through the OAS Department of International Law and in coordination with the ICRC. The course was divided into two sections focusing on topics closely related to IHL:

1. Introduction to IHL with a focus on the protection of people in armed conflict
2. Sexual and gender-based violence in IHL.

Other joint training activities included: a) participation of ICRC legal advisers in the meeting organized by the OAS Department of International Law and held on 9 August 2021; b) presentation given by the ICRC regional legal adviser for the Americas as part of the course on internally displaced people organized by the OAS Department of Social Inclusion on 27 September 2021; c) presentation given by the ICRC regional legal adviser for the Americas on the Montreux Document at a session of the Committee on Hemispheric Security held on 14 October 2021; d) participation of an ICRC legal adviser in an online course on cyber security, diplomacy and law held on 9 November 2021; and e) online participation of an ICRC legal adviser for the armed forces from the delegation for Mexico and Central America in the annual Seminar on Human Rights and IHL hosted by the Inter-American Defense College on 27 October 2020 and 21 October 2021 and in the Seminar on Human Rights and IHL for the Armed Forces of the Western Hemisphere hosted by the Inter-American Defense Board on 24 March 2021.

Interorganizational efforts were undertaken in cooperation with academia in 2021 to provide training in IHL aimed at increasing knowledge of this body of law. The Inter-American Court of Human Rights, the Inter-American Institute of Human Rights and the ICRC held the first regional university essay competition on human rights and IHL. The competition was open to university students in Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua. The entrants submitted unpublished essays on human rights challenges faced by police and security forces. The winning essay on the lack of transparency in access to information and accountability in the use of force by the armed forces in law enforcement operations was written by Irving Ilán Rodríguez, a student at UNAM Law Faculty.

The ICRC also maintains a close relationship with the Inter-American Institute of Human Rights, an academic institution created under an agreement between the Inter-American Court of Human Rights and the Costa Rican government. A good example of the cooperation between the two institutions is the standing invitation extended to the ICRC to give the Jean Pictet Chair lecture as part of the Interdisciplinary Course on Human Rights organized annually by the Institute. The 38th edition, in which the ICRC gave a lecture on the importance of including IHL in public policy, was held online from 28 October to 4 December 2020.

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

The Advisory Service on IHL offers states expert legal and technical advice to help them implement IHL nationally.

This is a mandate given by states to the ICRC, as defined most notably in Article 5.2(c) of the Movement's Statutes. 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).

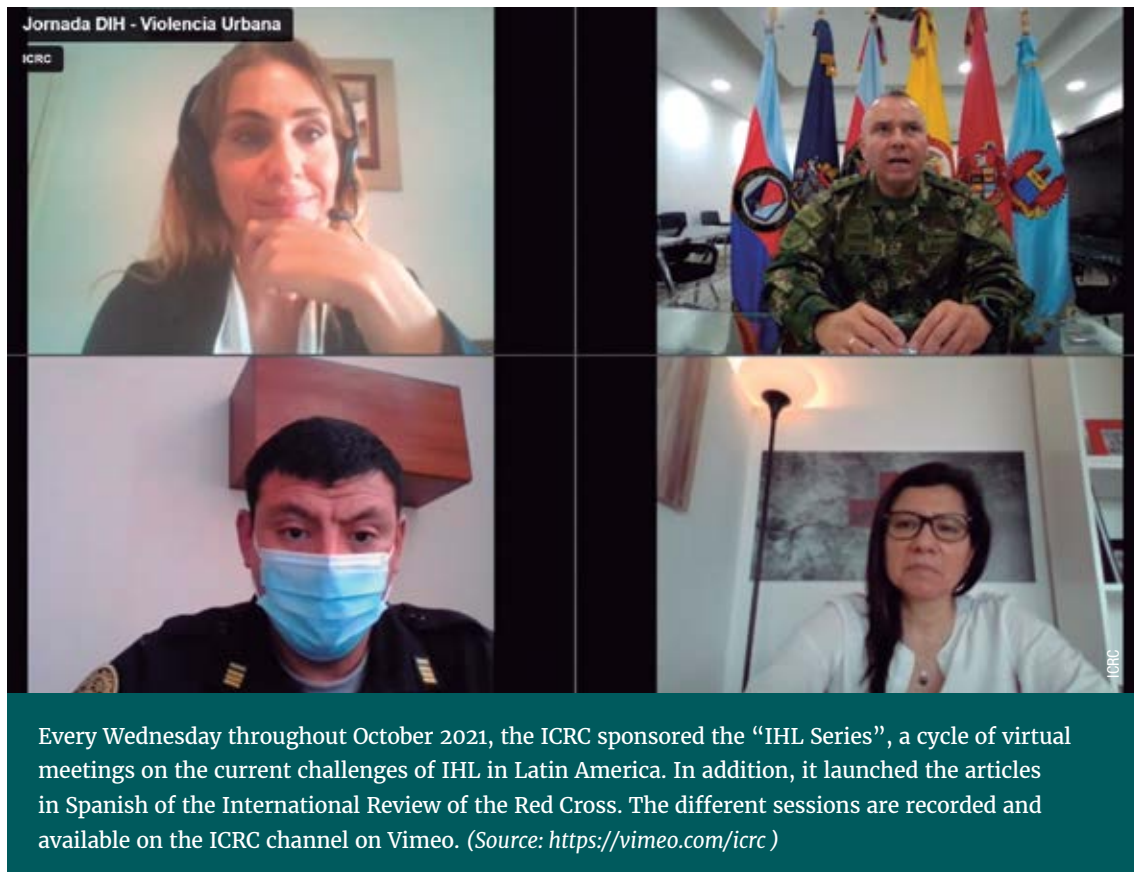
As a specialized body of the ICRC, the Advisory Service assists states in the process of implementing IHL domestically. It provides guidance to national authorities on the specific domestic implementation measures needed to meet their IHL obligations, and it supports the work of national IHL bodies established 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 advisers 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 OAS and the African Union.

The Advisory Service has a decentralized structure, with a team of experts operating from ICRC headquarters in Geneva and legal advisers based in different regions around the world. Both the legal and technical teams provide advice taking into account the specific needs, political systems and legal traditions of the governments consulting them. In the Americas, the Advisory Service has advisers in Bogotá, Brasília, Caracas, Guatemala City, Mexico City, Lima, Panama City, San Salvador, Tegucigalpa and Washington.

In 2020 and 2021, 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 content of IHL treaties they are not party to in order to promote their ratification;
- **providing technical advice** to authorities responsible for dealing with the COVID 19 pandemic (documents and online training) to help them develop action and protection protocols;
- **providing guidance** to states to determine whether domestic legislation is consistent with IHL treaties;
- **preparing legal opinions** for states to help them ensure that bills 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 people from going missing, establishing the fate and whereabouts of missing people and meeting the needs of their families;
- **designing strategies** aimed at strengthening national IHL committees, in coordination with the relevant authorities, and providing support for their implementation;
- **facilitating exchanges** between national IHL committees and external experts;
- **informing** states about developments in the field of IHL, for example, the debate on issues relating to the Arms Trade Treaty and new technologies, such as autonomous weapons and cyber operations;



- **organizing meetings** of government experts on issues relating to IHL and national implementation;
- **giving talks** 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 through the database that the ICRC makes available to states and the general public, which is updated regularly with information on all 35 American states and available on the ICRC website: <https://www.icrc.org>.

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

APPENDICES

I. RESOLUTIONS ADOPTED AT THE 50TH GENERAL ASSEMBLY OF THE OAS (WASHINGTON, DC, 2020)

AG/RES. 2959 (L-O/20) INTERNATIONAL LAW^{18/19}

(ADOPTED AT THE FOURTH PLENARY SESSION,
HELD ON OCTOBER 21, 2020)

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2930 (XLIX-O/19) and all previous resolutions adopted on this topic; and

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly, July 2019 – October 2020, July 2019 – October 2020” (AG/doc.5691/20 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

(...)

iii. Promotion of and respect for international humanitarian law

RECOGNIZING that many states may have robust programs for the effective implementation of international humanitarian law by their armed forces;

DISMAYED that in various parts of the world violations of international humanitarian law persist, causing suffering to victims of armed conflict, particularly the civilian population, as well as by the challenges posed by current humanitarian consequences in the context of armed conflicts;

UNDERSCORING that 2019 marked the seventieth anniversary of the adoption of the 1949 Geneva Conventions, welcoming their universal ratification, and inviting states to consider ratifying relevant treaties on international humanitarian law;

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 of 1949 and to the states parties to one or more of the three protocols additional thereto;^{20/}

REAFFIRMING, to that end, the need to strengthen international humanitarian law by promoting its universal acceptance, its broadest possible dissemination, and the adoption of national measures for its effective application, including through adjustments to domestic law and, as appropriate, the imposition of penalties on those who commit gross violations of international humanitarian law; and

¹⁸ Antigua and Barbuda considers that the Bolivarian Republic of Venezuela is not a member state of the Organization of American States since, on April 27, 2017, the Government of the Bolivarian...

¹⁹ Mexico reiterates the position articulated in its statement during the report of the Secretary General on Credentials at the plenary session of the fiftieth regular session of the General Assembly.

²⁰ 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...

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, as well as in promoting respect for international humanitarian law, as conferred by the four Geneva Conventions of 1949 and by the Statutes of the International Red Cross and Red Crescent Movement,

RESOLVES:

1. To call on member states and the parties engaged in armed conflict to honor and fulfill their obligations under international humanitarian law.
2. To invite 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 remnants of war, proper care for victims, and control over the arms trade, and the ban on nuclear weapons.^{21/22/}
3. To exhort member states to consider integrating international humanitarian law into the doctrine, procedures, training, equipment, control mechanisms, and education of their armed and security forces.
4. To urge member states to contribute actively to follow-up on the resolutions adopted at the 33rd International Conference of the Red Cross and Red Crescent, held in Geneva, Switzerland, from December 9 to 12, 2019, and, in particular, the resolution “Bringing IHL home: A road map for better national implementation of international humanitarian law,” which recommends measures for more effective implementation of international humanitarian law at the national level and of voluntary pledges, for those States that have made them in the framework of that international forum.
5. To invite member states to continue to support the work of national committees, commissions, or other institutional mechanisms responsible for the dissemination and implementation of international humanitarian law and related agencies that advise and assist national authorities in the implementation, development, and dissemination of knowledge of international humanitarian law; and to encourage member states that have not yet done so to consider establishing such an entity and to promote its cooperation with related agencies at the international, regional, and transregional levels, in particular by exchanging information and good practices.
6. To encourage member states to follow up on the Continental Conference of National Committees for the Implementation of International Humanitarian Law of the Americas to be held in Quito in the first half of 2021, sponsored by Ecuador.
7. 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 relating to the Protection of Victims of International Armed Conflicts.
8. To express satisfaction with the cooperation between the OAS and the International Committee of the Red Cross (ICRC) 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 2021 on topics of current interest in international humanitarian law, including the applicability of this regulation to the issue of lethal autonomous weapons.^{23/}

21 Canada is committed to realizing a world without nuclear weapons and to working constructively towards this goal. To this end, Canada implements its obligations as a State Party to the NPT and...

22 The United States does not support and will not sign the “Treaty on the Prohibition of Nuclear Weapons” (TPNW) and does not consider it to be an “effective measure”...

23 The United States opposes the proposed discussion of lethal autonomous weapons systems (LAWS) in this forum. The Group of Governmental Experts on Emerging Technologies in the Area of Lethal...

9. To request that the General Secretariat, through the Department of International Law and in coordination with the ICRC, organize within the framework of the Committee on Juridical and Political Affairs a course for member states, staff of the Organization, and the general public, in order to promote knowledge of and respect for international humanitarian law and related regional instruments, including measures for their effective implementation.

FOOTNOTES

11. ...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 April 27, 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 it did not accept the credentials of the officials intending to represent the Bolivarian Republic of Venezuela at the forty-ninth and fiftieth regular sessions of the General Assembly.

Therefore, Antigua and Barbuda notifies all member states and the General Secretariat of the Organization of American States, as it did at the forty-ninth regular session of the General Assembly, that until further notice it will not consider itself bound by any declaration or resolution of the fiftieth 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.

12. ...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.
13. ...continues to support the Treaty as the cornerstone of the global nuclear nonproliferation and disarmament regime, including by calling for further concrete progress to be made towards nuclear disarmament. Canada remains concerned that the TPNW could erode the primacy of the NPT and its review process, and undermine efforts toward the NPT's universalization. Canada is also a State Party to the Biological Weapons Convention and to the Chemical Weapons Convention, and implements and fully supports, inter alia, UNSC Resolution 1540.
14. ...relating to nuclear disarmament under Article VI of the NPT. No state possessing nuclear weapons or which depends upon such weapons for its security supports this treaty. And this treaty will not result in the elimination of a single nuclear weapon, enhance the security of any state, or contribute in any tangible way to peace and security in the geopolitical reality of the 21st century. Rather, it will detract from legitimate efforts to advance the cause of nuclear disarmament. It ignores the current security challenges that make nuclear deterrence necessary, and risks undermining existing efforts to address global proliferation and security challenges. We share the desire to achieve a security environment that would make such progress possible and to make more and faster progress on nuclear disarmament, but the TPNW is not the answer. Effective, verifiable arms control and disarmament measures have proven to be the appropriate tools for limiting nuclear risks and preventing nuclear war. The TPNW cannot replace the NPT as the global gold standard for nuclear non-proliferation, nuclear disarmament, and the peaceful uses of nuclear energy. We reiterate our continued commitment to the better approach reflected in the NPT, including its disarmament provisions, and reaffirm our determination to safeguard and further promote its authority, universality, and effectiveness. The United States invites all states to support U.S. pursuit of a "new era of arms control" as we seek to engage Russia and China to limit all nuclear warheads and strengthen verification, and to participate in other dialogues that will facilitate progress on nuclear disarmament. In this regard, we welcome the participation of regional states in the initiative on Creating the Environment for Nuclear Disarmament (CEND).

15. ...Autonomous Weapons Systems, convened by the High Contracting Parties to the Convention on Certain Conventional Weapons, offers an appropriate framework for dealing with the issue of emerging technologies in the area of lethal autonomous weapons systems within the context of the objectives and purposes of the Convention, which seeks to strike a balance between military necessity and humanitarian considerations.



Colombia. Member of the ICRC talks with a member from the National Penitentiary and Prison Institute (INPEC). 2021.

AG/RES. 2961 (L-O/20)
PROMOTION AND PROTECTION OF HUMAN RIGHTS^{24/25/26}

(ADOPTED AT THE FOURTH PLENARY SESSION,
 HELD ON OCTOBER 21, 2020)

THE GENERAL ASSEMBLY,

REAFFIRMING the norms and general principles of international law and those contained in the Charter of the Organization of American States (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, as pertinent, 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), as well as resolution AG/RES. 2941 (XLIX-O/19) and all previous declarations and resolutions adopted on this topic;

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly, July 2019 – October 2020” (AG/doc.5691/20 add. 1), in particular the section on the activities of the Committee on Juridical and Political Affairs (CAJP);

CONSIDERING that the programs, activities, and tasks set out in the resolutions under the purview of the CAJP help further the essential purposes of the Organization enshrined in the Charter of the OAS;

(...)

i. Protecting human rights in the context of the COVID-19 pandemic²⁷

RECOGNIZING resolutions 1/2020 and 4/2020 of the Inter-American Commission on Human Rights (IACHR), concerning standards and recommendations to guide states on measures for handling and containing the COVID-19 pandemic, as well as the guidelines on the human rights of persons with COVID-19 and resolution CP/RES. 1151 (2280/20) of the Permanent Council;

UNDERSCORING the challenges that the States of the Americas encounter in implementing urgent and necessary measures to deal with the emergency caused by the COVID-19 pandemic, renewing their conviction about the need to adjust such measures, in particular those that entail restrictions on rights or guarantees, on the principles of legality, necessity, proportionality, and temporality, in accordance with their applicable international human rights law obligations;

CONSIDERING that the pandemic has differentiated and intersectional impacts on the fulfillment of economic, social, cultural, and environmental rights (ESCERs) for all sectors of the population, in particular for people and members of populations in situations of special vulnerability and/or historically subjected to discrimination, including women and girls;

²⁴ The Government of Saint Lucia supports all efforts aimed at the promotion and protecting of the rights of all citizens and remains committed to its obligations under the Universal Declaration of Human...

²⁵ Antigua and Barbuda considers that the Bolivarian Republic of Venezuela is not a member state of the Organization of American States since, on April 27, 2017, the Government of the Bolivarian...

²⁶ Mexico reiterates the position articulated in its statement during the report of the Secretary General on Credentials at the plenary session of the fiftieth regular session of the General Assembly.

²⁷ The United States notes that this resolution references “rights” that do not exist in customary international law or in any treaties to which the United States is party – for example, the “right to the...

STRESSING that health is a public good which ought to be protected by all States and that human rights related to health should include the importance of timely and proper health services, as well as the essential, interrelated elements of availability, accessibility, acceptability, and quality of health care services, products, and facilities, including medicines and the benefits of scientific progress in this area, on an equal footing and without discrimination; and

UNDERSCORING that every individual with COVID-19 has a right to the highest attainable standard of health and may experience adverse effects and limitations on other ESCERs, and that, against such a backdrop, negative impacts or restrictions on their ESCERs must be avoided at all costs, taking into account that certain vulnerable groups are exposed to a differentiated impact on them as a result of COVID-19,

RESOLVES:

1. To include in measures to promote the enjoyment of rights and the preservation of health, a human-rights focus and a gender perspective to tackle the pandemic and its consequences, with a differentiated focus on people and members of populations in situations of special vulnerability and/or historically subjected to discrimination.
2. To promote and protect the enjoyment and exercise of human rights, including the right to health for persons with COVID-19, consistent with the principles of equality and nondiscrimination.
3. To promote regional technical and cooperation exchanges that include good practices by States as regards measures adopted in the context of the pandemic with a human-rights focus and a gender perspective in order to effectively and humanely improve epidemiological responses, including to seek and promote accessibility and affordability – in a participatory, transparent, non-discriminatory way and with the widest possible geographical coverage – of medicines, treatments, vaccines, quality goods, services, information, and technological-scientific knowledge or applications developed for preventive, curative, palliative, or rehabilitative care of people with COVID-19.

(...)

iii. Eradication of statelessness in the Americas

RECALLING the importance of the right of all persons of the Americas to nationality, as recognized in Article XIX of the American Declaration of the Rights and Duties of Man and in Article 20 of the American Convention on Human Rights, and that statelessness is a serious humanitarian problem that must be eradicated;

CONSIDERING the goals and targets of the 2030 Agenda for Sustainable Development relevant to the right to nationality and the prevention and eradication of statelessness, such as Goal 16 to promote just, peaceful, and inclusive societies, which includes target 16.9: “by 2030, provide legal identity for all, including birth registration”; Goal 5 to achieve gender equality and empower all women and girls, which includes target 5.1: “end all forms of discrimination against all women and girls everywhere”; and Goal 10 to reduce inequality within and among countries, which includes target 10.3: “ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices”; and

HIGHLIGHTING the validity of the Global Action Plan to End Statelessness: 2014–2024, the Brazil Plan of Action “A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity” [Brazil Plan of Action (2014)], and the valuable commitments made by member states at the High-Level Segment on Statelessness, held in Geneva, Switzerland in October 2019, to assess the achievements of the global #Ibelong Campaign and to identify challenges and measures for the fulfilment of its goals five years after its adoption,

RESOLVES:

1. To reaffirm the commitment of member states to preventing and eradicating statelessness in the Americas and to invite member states to continue implementing the actions proposed in the Global Action Plan to End Statelessness: 2014–2024 and in the Brazil Plan of Action (2014) and supporting the global #Ibelong Campaign to eliminate statelessness by 2024, led by the Office of the United Nations High Commissioner for Refugees (UNHCR), as well as the commitments and initiatives adopted in the context of the High-Level Segment on Statelessness in 2019.
2. To invite member states that have not yet done so to consider ratifying or acceding to the international conventions on statelessness, as appropriate, and to adopt or amend their internal legislation, as required, to establish fair and efficient procedures to determine statelessness and grant facilities for the naturalization of stateless persons in accordance with the domestic law of each country and with international law.
3. To urge member states that have not yet done so to eliminate gender-based discrimination from the legal framework pertaining to nationality; to develop appropriate safeguards to prevent cases of statelessness, in particular in cases of children, adolescents, and groups in a vulnerable situation; to promote the universal registration of births and increase efforts, as necessary, to register births that occur or have occurred in border zones, indigenous territories, and remote rural areas; and to resolve existing cases of statelessness in accordance with their respective international rights commitments and obligations, especially in situations resulting from arbitrary denial and deprivation of nationality.

iv. Universal civil registry and the right to identity²⁸

CONSIDERING that the recognition of people's identity facilitates the exercise of the right to a name, to nationality, to civil registration, to family relations life, and to legal juridical personality, together with other rights enshrined in such international instruments as the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, and understanding that the exercise of those rights is essential for the consolidation of any democratic society;

CONSIDERING ALSO that in the 2030 Agenda for Sustainable Development, Goal 16 (to "promote just, peaceful and inclusive societies") envisages a specific target (16.9) concerning birth registration: "By 2030, provide legal identity for all, including birth registration";

RECOGNIZING the work carried out by the Universal Civil Identity Program in the Americas (PUICA) to support member states in their efforts to reduce under-registration of births in the region and full recognition of the right to identity; and

REAFFIRMING the efforts and commitment of member states to strengthen their civil registration systems and ensure a legal identity for all, as well as the commitments and initiatives adopted in the framework of the High-Level Segment on Statelessness in 2019, including the commitments presented by the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV) in that Segment and in the 2019 Santiago Declaration on Innovation and Cooperation to Close Gaps in Civil Identity,

²⁸ The United States notes that the first preambular paragraph of this section references several "rights" that do not exist in customary international law or in any treaties to which the United States is party...

RESOLVES:

1. To instruct the General Secretariat, through its Universal Civil Identity Program in the Americas (PUICA) and the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV) to continue providing assistance to those member states that so request for strengthening their civil registration systems in order to promote the protection and upholding of the right to identity, the universal registration of births, deaths, and other changes in civil status, and of interconnections between registration systems and national identity systems in order to ensure a legal identity for everyone and thereby strengthen protection for all human rights, particularly those of populations that are vulnerable, displaced, and/or historically subject to discrimination, as well as to prevent and eradicate statelessness and allow universal and equitable access to essential public services.
2. To urge all member states, in accordance with their domestic law, to promote access for all persons to identity documents by implementing effective and interoperable civil registration and vital statistics systems, including simplified, free, and nondiscriminatory procedures that respect cultural diversity, taking particular care with the protection of personal information and adopting a holistic and differentiating approach that takes account of gender, age, and rights.

(...)

vii. Persons who have disappeared and assistance to members of their family²⁹

REAFFIRMING the responsibility of member states to continue making the necessary efforts to alleviate the suffering, anxiety, and uncertainty experienced by relatives of persons reported missing in connection with, *inter alia*, armed conflicts, situations of armed violence, migration, or natural disasters, in order to address their various needs and to satisfy their right to the truth, justice and, as appropriate, reparation for the harm caused,

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 progressively to adopt measures, including laws, protocols, guidelines, and other national provisions of a legal and institutional nature, in order to:
 - a) Prevent the disappearance of persons, with particular attention to members of vulnerable groups, in that context, including unaccompanied children and adolescents and women and girls;
 - b) Take up cases of missing migrants and of children and adolescents presumed missing, with a view to searching for them, locating them, and, if possible, reuniting them with their families or, in the event that they are deceased, identifying them and returning their remains to their families, where possible, and promoting national coordination and regional cooperation on technical, judicial, and consular assistance;

²⁹ The United States is not party to the International Convention for the Protection of All Persons from Enforced Disappearance or to the Inter-American Convention on Forced Disappearance of Persons...

- c) Clarify the whereabouts and fate of missing 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 give priority to the humanitarian objectives of recovery, identification, return, and dignified disposal of human 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 family members as regards access to information about possible causes of the disappearance of their loved ones, including knowing the truth about what happened to them; conducting a search, recovering the remains in the event of death, and returning them; and resolving legal and administrative problems through comprehensive and affordable domestic legal processes that recognize the legal status of missing persons;
- e) Adopt the necessary measures to preserve the traceability and ensure the dignified treatment of the human remains of deceased persons, whether identified or unidentified, or as yet unclaimed, as well as post-mortem information on them, in order to preserve the possibility of identifying them and delivering the human remains to their respective families at a later date;
- f) Adopt the necessary measures to locate, respect and protect places where human remains of persons presumed missing may be found, with a view to their identification, recovery, and dignified return;
- g) Guarantee the participation and representation of victims and their family members at the relevant proceedings, as well as their access to justice and to mechanisms that ensure them full, fair, prompt, and effective reparations. Ensure arrangements for the protection of victims and witnesses in criminal courts and in other justice mechanisms, when their safety and well-being are in danger as a result of their reporting the crime of forced disappearance and other offenses that result in the disappearance of persons;
- h) Strengthen technical skills involved in the search, recovery, and analysis of human remains and associated evidence, as well as the use of various forensic sciences;
- i) Strengthen forensic agencies and disappeared persons search offices with the necessary resources (infrastructure, equipment, trained specialists) to implement standards and protocols for the recovery, custody, and identification of the human remains of deceased persons;
- j) Promote training and capacity building for actors that provide psychosocial support and psychological care during the process of searching for persons who have disappeared and assistance to their family members;
- k) Guarantee appropriate management of information, including information related to the personal data of missing persons and their families, by establishing information management systems to gather, protect, and manage data in keeping with national and international legal standards and provisions, in order to support the search for and identification of persons who have disappeared; and
- l) Promote, as necessary, within the organizational structure of forensic agencies and disappeared persons search offices, procedures to manage the records of unidentified and unclaimed deceased persons, compare information on missing persons with that of deceased persons, and produce a scientific identification report for the authorities and family members.

2. To urge member states to ensure the implementation of applicable law in this area, with a humanitarian approach.
3. To encourage member states to ratify or accede to the Inter-American Convention on Forced Disappearance of Persons and the International Convention for the Protection of all Persons from Enforced Disappearance and implement them in domestic system of laws; recognize the competence of the Committee on Enforced Disappearances; share experience 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, to invite member states to continue their cooperation with the International Committee of the Red Cross, facilitating its work and taking up its technical recommendations, with a view to consolidating measures adopted by member states to search for disappeared persons, treat human remains in a dignified way, and assist their family members.
4. To encourage member states to promote national adoption of measures related to the provisions of resolution AG/RES. 2134 (XXXV-O/05), “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 in that regard; and to instruct the CAJP to ensure that information is circulated prior to the fifty-second regular session of the General Assembly.



São Paulo State, São Roque. Closing event of the ICRC's support program for the families of missing persons. December 2021.

II. RESOLUTION ADOPTED AT THE 51ST GENERAL ASSEMBLY OF THE OAS (GUATEMALA, 2021)

AG/RES. 2974 (LI-O/21)
INTERNATIONAL LAW^{30/31/32/33/}

(ADOPTED AT THE SECOND PLENARY SESSION,
HELD ON NOVEMBER 11, 2021)

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2959 (L-O/20) and all previous resolutions adopted on this topic; and

HAVING SEEN the “Annual Report of the Permanent Council to the General Assembly, November 2020 – November 2021” (AG/doc.5726/21 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

(...)

vi. Promotion of the International Criminal Court³⁴

EMPHASIZING the universality of the Rome Statute as an instrument to put an end to impunity and of the International Criminal Court (ICC), as the first and only permanent, independent, impartial international criminal court that investigates, tries, and punishes those responsible for the most serious crimes against the international community, such as genocide, crimes against humanity, war crimes, and the crime of aggression;

TAKING NOTE of the most recent developments within the ICC, including the election of a new prosecutor and six new judges, as well as the “Final Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System”;

REAFFIRMING the primary responsibility of states to investigate and prosecute those responsible for the above-mentioned crimes and their commitment to support the ICC by upholding and preserving its principles, integrity, independence, and impartiality, particularly from actions by states that would limit its actions, those of its officials, and those who collaborate with it, so that it can fulfill its mandate; and

³⁰ Mexico once more notes with concern inconsistencies and irregularities in the report of the Secretary General on the presentation of credentials of the delegations taking part in the fifty-first regular...

³¹ Nicaragua endorses the statements made by the delegations of Saint Vincent and the Grenadines, the United Mexican States, and the Plurinational State of Bolivia rejecting the improper accreditation of...

³² 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...

³³ Saint Vincent and the Grenadines places on record its non-recognition and non-acceptance of the credentials of the purported delegation of the National Assembly of the Bolivarian Republic...

³⁴ Although the United States is not a party to the Rome Statute, we underscore our firm and deep commitment to justice and accountability, particularly for the worst crimes known to humanity...

RECOGNIZING the importance of the “Exchange of Letters Between the International Criminal Court and the General Secretariat of the Organization of American State for the establishment of a Framework Cooperation Arrangement” signed in 2011, the cooperation agreement signed by the Inter-American Commission on Human Rights and the ICC in 2012, and the “Memorandum of Understanding between the International Criminal Court and the Inter-American Court of Human Rights” signed in 2016, as well as the need for effective and comprehensive cooperation between States, international and regional organizations, and civil society to strengthen the ICC,

RESOLVES:

1. To reiterate its support for the International Criminal Court (ICC), which acts in favor of the common commitment to combat impunity for the most serious crimes of concern to the international community, in accordance with the Rome Statute, complementary to domestic criminal jurisdictions.
2. To welcome the new prosecutor and the six judges of the ICC elected for the 2021–2030 term.
3. To encourage those member states that have not yet done so to consider ratifying or acceding to, as appropriate, the Rome Statute of the ICC and its Agreement on Privileges and Immunities.
4. To urge member states that are party to those instruments to adopt, in accordance with their domestic law, the necessary measures to ensure their full and effective implementation.
5. To call upon those member states that are parties to the Rome Statute and urge those member states that are not parties, as well as international and regional organizations, to strengthen cooperation and assistance with the ICC in keeping with applicable international obligations, particularly with regard to arrest and surrender, production of evidence, protection and transfer of victims and witnesses, and enforcement of judgments, in order to avoid impunity for those responsible for committing the crimes over which it has jurisdiction.
6. To express its satisfaction with the cooperation between the OAS and the ICC in the area of international criminal law, to urge the General Secretariat to continue strengthening that cooperation within the sphere of its competencies, and to request the Permanent Council, within the framework of the CAJP, to hold, in the second half of 2022, a technical working meeting for member states to discuss measures that could strengthen cooperation with the ICC, particularly within the framework of the Review Mechanism to evaluate the recommendations contained in the “Final Report of the Independent Expert Review of the International Criminal Court and the Rome Statute System.” The ICC, international organizations, academia, national authorities, and civil society will be invited to cooperate and participate in that working meeting.

FOOTNOTES

7. ...The United States recognizes that the International Criminal Court can play a meaningful role in bringing those responsible for the worst atrocities to justice. To that end, we have provided – and continue to provide – specific support to the ICC in connection with certain investigations and prosecutions, consistent with U.S. law and policy. 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.

III. Ratification status of IHL treaties

State		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	13/05/2019
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	06/10/2020	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 y 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	16/11/2021	
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	REGIÓN	35	34	13	33	20	30	16
	UNIVERSAL	196	174	76	169	79	172	65

in the Americas

International Criminal Court			Protection of cultural property			Environment
CSL 1968	ICC STATUTE 1998	ICC AMDT 2010	HAGUE CONV. 1954	HAGUE CONV. 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
56	123	40	133	110	85	78

Status of participation of American States

	State	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	146	183	125	118	95	115




in treaties that are of relevance for IHL (as of 31 December 2021)

Weapons

CCW PROT. IV 1995	CCW PROT. IIA 1996	CCW AMDT 2001	CCW PROT. V 2003	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	25/02/2004	07/10/2011	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	19/05/2020
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	22/07/2002	19/05/2009	26/09/1995	03/12/1997	16/03/2015	19/06/2019	
15/10/2003	15/10/2003	27/09/2007	18/08/2009	12/07/1996	10/09/2001	16/12/2010	18/05/2018	23/09/2021
06/03/2000	06/03/2000	20/05/2009		05/04/2000	06/09/2000	10/09/2015		
17/12/1998	17/12/1998	03/06/2009	27/04/2009	31/05/1996	17/03/1999	28/04/2011	29/09/2013	05/07/2018
14/11/2012		17/10/2007	14/11/2012	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	13/09/2007	23/03/2006	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	13/02/2009	28/02/2008	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	24/10/2020
25/09/2008	25/09/2008	25/09/2008	25/09/2008	08/09/2000	17/07/1998		03/06/2014	23/10/2020
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	06/09/2007	15/09/2005	05/10/1999	30/11/1998	02/11/2009		19/07/2018
26/03/1997	03/10/1999	16/08/2004	29/11/2010	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	23/01/2020
03/07/1997	03/07/1997	14/02/2005	29/05/2009	20/07/1995	17/06/1998	26/09/2012	16/02/2016	23/12/2021
				21/05/2004	02/12/1998	13/09/2013	15/12/2014	09/08/2020
				09/04/1997	13/04/1999	15/09/2020	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	25	27	23
109	106	86	96	193	164	110	110	59

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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 instagram.com/icrc



ICRC

International Committee of the Red Cross
Regional Delegation for Panama and the Caribbean
Gonzalo Crance Street, No. 165,
City of Knowledge, Panama
pan_panama@icrc.org
www.icrc.org
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