



ICRC

INTERNATIONAL COMMITTEE OF THE RED CROSS

**Advisory Service on
International Humanitarian Law**

**PARTICIPATION IN RELEVANT INTERNATIONAL
HUMANITARIAN LAW TREATIES AND
THEIR NATIONAL IMPLEMENTATION**

**Achievements and activities
in the countries of the Americas
in 2003**

Document prepared by the International Committee of the Red Cross (ICRC)
for the information of the Member States of the
Organization of American States

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The mission of the ICRC

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 war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the International Red Cross and Red Crescent Movement in situations of conflict. It 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 Movement.

Legal bases

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

At the prompting of the ICRC, governments adopted the initial Geneva Convention in 1864. In the years since, the ICRC, with the support of the entire Movement, has put constant pressure on governments to adapt international humanitarian law to changing circumstances, particularly developments in means and methods of warfare, with a view to providing more effective protection and assistance for the victims of armed conflict.

Today almost all States are bound by the four Geneva Conventions of 12 August 1949, which, in times of armed conflict, protect wounded, sick and shipwrecked members of the armed forces, prisoners of war and civilians.

Two Protocols additional to the Geneva Conventions were adopted in 1977. Protocol I protects the victims of international armed conflicts, while Protocol II protects those of non-international armed conflicts. These Additional Protocols codify the rules that protect the civilian population against the effects of hostilities. Around two-thirds of all States are now bound by the Protocols.

The legal bases of any action undertaken by the ICRC can be summarized as follows:

In the four Geneva Conventions of 1949 and Additional Protocol I, the international community gives the ICRC a mandate in the event of *international armed conflict*. In particular, the ICRC has the right to visit prisoners of war and civilian internees. They also confer on the ICRC a broad right of initiative.

In situations of *armed conflict which are not international in character*, the ICRC also has a right of initiative recognized by States and enshrined in the four Geneva Conventions. In the event of *internal disturbances and tension* and in any other situation that warrants humanitarian action, the ICRC has a right of humanitarian initiative, which is recognized in the Statutes of the International Red Cross and Red Crescent Movement and allows it to offer its services to a government without that offer constituting interference in the internal affairs of the State concerned.

The role of the ICRC is to "work for the faithful application of international humanitarian law applicable in armed conflicts".

The information provided in this report is not exhaustive. It includes only the information supplied to the ICRC as of 31 December 2003. Further information may be requested from the Advisory Service on International Humanitarian Law (International Committee of the Red Cross, 19 Avenue de la Paix, CH-1202 Geneva), from the Advisory Service, Unit for Latin America, in Mexico City, (ICRC Mexico, Calderón de la Barca 210, Col. Polanco, 11550, Mexico, D.F.) or from any other ICRC delegation in the Americas.

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Introduction

The Advisory Service on International Humanitarian Law of the International Committee of the Red Cross (ICRC) offers support to the States in the field of national implementation of international humanitarian law treaties. This is part of the mandate bestowed on the ICRC by the States as established in article 5.2 (c) of the Statutes of the International Red Cross and Red Crescent Movement.

This role was reasserted in Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent, which endorsed the Final Declaration of the International Conference for the Protection of War Victims adopted on 1 September 1993 and the recommendations drawn up by the Intergovernmental Group of Experts at a meeting held on 23-27 January 1995 in Geneva.

In the period under review, the Advisory Service operated in 33 States in the Americas with a specialized team formed by nine people based in Bogotá, Buenos Aires, Guatemala City, Lima, Mexico City, San José and Trinidad and Tobago. It worked closely with the Organization of American States (OAS) and other regional organizations, such as CARICOM and MERCOSUR.

The purpose of this report is to outline the achievements and progress made in 2003 in the area of international humanitarian law in the Americas. Overall, the results were positive.

There were 28 new ratifications of or accessions to the main international humanitarian law treaties, three bills for the protection of the red cross and red crescent emblems were completed and work continued on two others, eight bills for the repression of war crimes were prepared and work continued on seven others, two new bills banning anti-personnel land mines were completed, two bills banning chemical weapons were drafted and one bill on missing persons was prepared.

The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was examined and considered in at least 11 States. Significant progress was made in incorporating international humanitarian law in military training and doctrine and in disseminating knowledge of applicable human rights and humanitarian principles in the police and security forces. In almost all parts of the Americas, universities continued and increased the teaching of international humanitarian law. Efforts were also made on a regional scale to address the problem of people missing as a result of armed violence.

Regional organizations, in particular the OAS, reasserted their commitment to international humanitarian law by means of specific resolutions and concrete action.

States and humanitarian organizations, like the ICRC, face the challenge of providing an effective response to remedy or prevent situations in which international humanitarian law is not applicable because no armed conflict is in progress, but which cause indescribable suffering to victims.

In such cases, legal protection is not as well established and the rules are less well developed. It is therefore more difficult to ensure compliance with the law in order to minimize the risks for those who do not take part in the hostilities. It is necessary to find solutions based on a pragmatic view that goes beyond treaty law, while at the same time ensuring strict compliance

with this body of law, however arduous the road to adopting the national implementation measures required to guarantee the effective protection of victims.

This fourth annual report highlights the firm commitment of the countries of the Americas and regional organizations to the humanitarian cause. The ICRC Advisory Service wishes to express its appreciation of the fruitful cooperation that resulted in significant progress in 2003 and remains at the entire disposal of the States and organizations of the Americas for whatever support and assistance they may require in their efforts to help the victims of armed conflict through the ratification and implementation of international humanitarian law treaties.

Anton Camen
Legal Adviser for Latin America and the Caribbean
Advisory Service on International Humanitarian Law
International Committee of the Red Cross

A. Status of national implementation

I. Participation in international humanitarian law treaties and other relevant instruments

1. Victims of armed conflict

International humanitarian law protects persons who do not, or not anymore, take part in the hostilities. It also establishes restrictions on the means and methods of warfare.

The Geneva Conventions have been ratified by all 35 States in the region, and there are 191 States Parties worldwide.

Additional Protocol I of 1977 (international armed conflict) has been ratified by 33 States in the region and by 161 worldwide. The following States party to this treaty in the Americas have made a declaration, recognizing the competence of the International Fact-Finding Commission (IFFC): *Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Panama, Paraguay, Trinidad and Tobago and Uruguay*. Acceptance of the competence of the IFFC is currently under consideration in *El Salvador, Guatemala* and *Peru*. A total of 65 countries worldwide have recognized the competence of the IFFC.

Additional Protocol II of 1977 (non-international armed conflict) has been ratified by 32 States in the Americas and 156 in the world as a whole.

The number of States party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 2000 increased significantly in 2003 to 17, now including *Belize, Chile, Costa Rica, Uruguay* and *Venezuela*. There are 68 States Parties worldwide.

2. Cultural property in the event of armed conflict

The High Contracting Parties to the 1954 Hague Convention undertake to prepare in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict. They undertake to respect cultural property situated within their own territory or anywhere else to prevent it from being exposed to destruction or damage in the event of armed conflict and to refrain from any act of hostility directed against such property.

The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict has been ratified by 17 States in the Americas and by 108 worldwide. The First Protocol to the Convention has been ratified by 14 States in the region and by 88 States in the world as a whole. The Second Protocol of 1999 was ratified in 2003 by *Costa Rica, Honduras* and *Mexico*, bringing the total number of States Parties up to seven in the region and 20 worldwide.

Studies were begun in *Bolivia, Chile, Paraguay* and *Trinidad and Tobago* to prepare the legal texts required for the ratification of the Convention and its Protocols. *Argentina* continued its consideration of participation in the First and Second Protocols, while *Brazil, Colombia,*

Guatemala, Peru and the *Dominican Republic* continued to examine the Second Protocol, with a view to becoming States Parties.

3. Environment

The 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention) is a disarmament instrument of international law aimed specifically at protecting the environment against the effects of hostilities. It prohibits the use of the environment as a means of warfare. Protocol I of 1977 additional to the Geneva Conventions of 1949 is an essential supplement to the provisions of the ENMOD Convention, prohibiting direct attacks against the natural environment in the event of armed conflict.

A total of 14 States in the region and 69 worldwide are party to the ENMOD Convention. *Panama* ratified the Convention in May 2003.

4. Weapons

In any armed conflict, the Parties do not have an unlimited right to choose means and methods of warfare. Various treaties uphold this fundamental principle, restricting the use of certain means and methods.

There are 32 States party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction in the Americas and 151 internationally. *Antigua and Barbuda* ratified the Convention on 29 January 2003.

The 1980 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 (1980 Convention) applies two general customary rules of international humanitarian law to specific weapons, namely: (1) the prohibition of the use of weapons that have indiscriminate effects, and (2) the prohibition of the use of weapons that cause superfluous injury. The Convention establishes a framework in which four protocols regulating the use of certain weapons have been inserted. New protocols can be added if States deem it necessary.

Three initial protocols were annexed to the 1980 Convention at the time of its adoption: Protocol I (non-detectable fragments), Protocol II (mines), which was later amended, and Protocol III (incendiary weapons). Two further protocols were added at a later date: Protocol IV (blinding laser weapons) and Protocol V (explosive remnants of war), the latter adopted in November 2003.

There are 18 States in the Americas party to the Convention and 93 worldwide; 18 States party to Protocol I in the region and 91 worldwide; 15 States party to Protocol II in the region and 82 worldwide; 16 States party to amended Protocol II in the region and 74 worldwide; 17 States party to Protocol III in the region and 88 worldwide; 16 States party to Protocol IV in the region and 75 worldwide. At the end of the year no State had yet ratified Protocol V.

In 2003 *Chile* and *Honduras* ratified the 1980 Convention and Protocols I, II, III and IV and *Ecuador* ratified Protocol IV.

The 2001 amendment to the 1980 Convention has been ratified by two States in the Americas and 21 worldwide. *Mexico* ratified this instrument on 22 May 2003.

The internal process leading to the ratification of the 1980 Convention and its Protocols is in progress in *Paraguay*, *Dominican Republic* and *Venezuela*.

There are 27 States party to the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in the region and 160 worldwide. *Guatemala* and *Belize* became States Parties in 2003.

There are 32 States party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997 Ottawa Convention) in the region and 141 worldwide. *Guyana* ratified the Convention on 5 August 2003.

5. International criminal law

The 1998 Rome Statute affirms that the most serious crimes of concern to the international community as a whole must not go unpunished. According to article 8 of the Statute, the International Criminal Court shall have jurisdiction in respect of war crimes including most of the grave breaches of international humanitarian law mentioned in the Geneva Conventions of 1949 and Additional Protocol I of 1977, whether committed in international or non-international armed conflicts. In 2002 the threshold of 60 ratifications required for the Rome Statute to come into force was crossed. The ICRC continues to urge States not to make use of the reservation established in article 124 on becoming States Parties. There are 19 States party to the Rome Statute in the Americas and 92 worldwide.

The 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity establishes that no statutory or other limitations shall apply to the prosecution and punishment of such crimes. It covers war crimes, expressly including grave breaches of the Geneva Conventions of 1949. This Convention is retroactive, as it requires any existing limitations established by other laws or rules to be abolished. There are eight States party to the Convention in the Americas and 48 worldwide. In the period under review, *Argentina* and *Peru* became States Parties. At the end of the year, the Convention was under consideration by the Senate Foreign Relations Committee in *Chile*.

II. National implementation of international humanitarian law treaties

1. Protection of the emblems

States are bound to prevent and punish the misuse of the red cross and red crescent emblems and names (or imitations thereof), the civil defence sign and distinctive markings designated in instruments of international humanitarian law. They must also adopt national regulations on the definition and identification of recognized and protected emblems and designate the national authority responsible for supervising related matters, including who is authorized to use the emblems and for what purpose.

There are several States in the Americas region that have not yet given effect to their obligations in relation to protection of the red cross and red crescent emblems in national legislation. In these cases, the situation must be reviewed and the necessary measures taken.

In the period under review, draft legislation was prepared in various States in the region, with a view to giving domestic effect to obligations arising from international humanitarian law. These efforts are being led by the State authorities, through national committees for the implementation of international humanitarian law and National Red Cross Societies.

In *Colombia* a bill on the emblem was at the final stage of adoption at the end of 2003. In *Argentina* a similar bill was brought before Congress in 2003. In *Mexico* a new bill was prepared. In the *Dominican Republic* a bill was completed. In *Honduras* and *Paraguay* draft legislation was being considered by the authorities. In *Bolivia* implementing regulations for law 2390 of 2002 on the emblem are awaiting preparation. Lastly, public awareness campaigns were carried out in 2003 to disseminate current legislation concerning the emblem in *Costa Rica* (national press) and in *El Salvador* (preparation of information leaflet).

2. Repression of violations of international humanitarian law

International humanitarian law establishes the individual criminal responsibility of those who violate its rules or order others to do so. Serious violations are considered war crimes and States are required to prosecute and punish all those who commit such crimes, regardless of where they are committed and the nationality of the perpetrator or victim. This principle, known as the principle of universal jurisdiction, is a key factor in ensuring the effective repression of war crimes.

Furthermore, States must prosecute and punish other violations of international humanitarian law that are not considered serious breaches.

Significant progress was achieved in various States in the Americas which were preparing to reform criminal law. The process of adapting national criminal law to the Rome Statute generally involved the integration of the system of repression established by the Geneva Conventions of 1949 and Additional Protocol I of 1977. The States sought to reconcile requirements arising from the principle of complementarity of the International Criminal Court and the obligations of the Geneva Conventions and Protocol I.

At the end of 2003, national legislation to repress war crimes was under review in criminal law reform processes in *Costa Rica*, *Ecuador*, *El Salvador*, *Honduras*, *Guatemala*, *Uruguay* and *Venezuela*, with a view to completing the respective draft legislation. Bills have been completed in *Argentina*, *Brazil*, *Chile*, *Nicaragua*, *Panama*, *Peru*, *Dominican Republic* and *Trinidad and Tobago*.

3. Prohibition of anti-personnel mines (1997 Ottawa Convention)

The States party to the Ottawa Convention, which prohibits the use, stockpiling, production and transfer of anti-personnel mines and provides for their destruction, are bound to enact laws to prevent and punish violations of the Convention.

At the end of 2003, eight States in the region had enacted laws to repress violations of the Ottawa Convention, namely *Brazil, Canada, Colombia, Costa Rica, Guatemala, Honduras, Nicaragua, Trinidad and Tobago*.

In *Argentina* the national committee for the implementation of international humanitarian law prepared a bill to give domestic effect to the Ottawa Convention in the second half of 2003.

In *Peru* a bill on the criminal prosecution of acts prohibited under the Ottawa Convention is pending enactment. It was prepared by the national committee for the implementation of international humanitarian law and submitted to the Special Penal Code Review Committee in July 2003.

In *Colombia* the authorities worked on implementing regulations for Law 759 of 2002, which gives domestic effect to the Ottawa Convention.

4. Chemical weapons

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction belongs to the category of international humanitarian law instruments banning the use of weapons that have particularly injurious effects. This Convention upholds the principle that in the conduct of hostilities the parties to a conflict do not have an unlimited right to choose the means and methods of warfare.

At the end of 2003 a bill for the national implementation of the 1993 Convention on Chemical Weapons was under consideration by the Senate in *Brazil*. *Trinidad and Tobago* also prepared a bill for this purpose.

5. Protection of cultural property in the event of armed conflict

The protection of cultural property in the event of armed conflict requires the adoption of a series of legislative, administrative and practical measures, without which current rules of international law on this matter cannot be implemented.

In *Argentina, Bolivia, Chile, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay* and *Peru* various activities were undertaken with a view to enhancing the protection of cultural property in the event of armed conflict. Particularly noteworthy were efforts made in *El Salvador*, where a workshop was held on a project to mark cultural property in Santa Ana in November 2003. In *Nicaragua* a project was prepared to mark León Viejo, and in *Peru* a bill on the cultural heritage of the nation continued its progress through the Congress of the Republic.

6. Integration of international humanitarian law in the armed forces

The dissemination of international humanitarian law in the armed forces is an essential part of the national implementation of international treaties, which seeks to translate the rules of this body of law into specific mechanisms and concrete measures to ensure the protection of people and property in the event of armed conflict. The rules of the law of armed conflict must be

enshrined in military doctrine and included in military training, instruction and choice of weapons to ensure that members of the armed forces incorporate these rules into their behaviour.

The majority of the States in the region have already included international humanitarian law or the law of armed conflict as a compulsory subject in military training and instruction programmes. Special efforts were made to incorporate this subject in military doctrine and at all levels of military instruction.

In *Colombia* Directive No. 800-4 was adopted on 13 February 2003, requiring military commanders to take into account the rules of the law of armed conflict when planning, conducting and carrying out military operations. It also provides that evaluation systems used to assess operations must comply with the rules of international humanitarian law.

In *Peru* the International Humanitarian Law Centre for the Armed Forces of Peru was opened in February 2003 to support efforts to incorporate international humanitarian law in military doctrine and training for the armed forces of Peru.

From August to November 2003, the law faculty of the Pontifical Catholic University of Peru gave a 60-hour course on international humanitarian law for 20 officers of the armed forces. The group receiving the training was formed by officers from the International Humanitarian Law Centre for the Armed Forces, members of the working group responsible for proposing specific measures to incorporate international humanitarian law in the armed forces' tactical and strategic manuals and military legal advisers belonging to the Ministry of Defence and the Office of the Joint Chiefs of Staff of the armed forces.

Military instructors were also trained in the law of armed conflict and courses were given autonomously or semi-autonomously by the armed forces in *Brazil, Canada, Chile, Cuba, El Salvador, Ecuador, Guatemala, Guyana, Honduras, Nicaragua, Dominican Republic, Uruguay* and *Venezuela*.

Representatives from *Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama* and the *Dominican Republic* took part in the 7th annual meeting of officers responsible for the incorporation of the law of armed conflict. The meeting was held in the *Dominican Republic* from 24 to 26 November 2003, providing an opportunity to exchange experiences, information and expertise in this area.

In *Colombia* the army's Officer Cadet School has been running a university course specializing in international humanitarian law applicable in armed conflicts, aimed at a group of professionals, mostly lawyers and officers, at the service of the armed forces. This initiative is an important part of efforts to disseminate international humanitarian law in the country.

Many countries in the region have not yet fully implemented article 82 of Protocol I of 1977. These countries must appoint legal advisers to assist military commanders in applying the law and providing appropriate instruction for the armed forces.

7. Integration of international humanitarian law in academic teaching

States are bound to spread knowledge of the provisions of the international humanitarian law treaties that they are party to as widely as possible to ensure that the leaders and decision-makers of the future are familiar with the rules of this body of law and capable of applying them.

It is therefore incumbent on States to ensure that international humanitarian law is included in the university curricula to familiarize students with this body of law.

In *Argentina* international humanitarian law is taught as part of the master's degree in international relations at the University of Buenos Aires.

In *Chile* international humanitarian law has been included in the law faculty curriculum at the University of Chile.

The *Universidad Externado de Colombia* runs a specialized international humanitarian law programme in which lecturers include this dimension in relevant subjects. In 2003 the second class completed this postgraduate course, the only one of its kind in Latin America.

In *Costa Rica* international humanitarian law was introduced in the curriculum at the National University of Heredia and in the master's degree in diplomacy at the *Instituto del Servicio Exterior* (foreign service institute), thanks to cooperation with the University of Costa Rica. In December 2003 the law faculty of the University of Costa Rica officially established the "Sergio Vieira de Mello Chair in the protection of people in situations of armed conflict and displacement".

In *Guatemala* the University of Rafael Landívar teaches international humanitarian law as a compulsory subject in public international law and human rights at bachelor degree level, and in the master's degree in human rights. International humanitarian law is also taught at the University of San Carlos as an optional subject.

In *Peru* international humanitarian law is taught at the University of Lima as an optional subject. It is also taught at the Pontifical Catholic University of Peru, the University of San Martín de Porres and the University of San Marcos.

International humanitarian law has been incorporated in the study plans of other universities, such as the University of El Salvador in *El Salvador* and the Ibero-American University of Mexico.

8. Integration of human rights law and humanitarian principles in security and police forces

Programmes are carried out in the region to support the efforts of the police and security forces in this area. Courses and workshops are held to train the officers of police and security forces, with a view to including international law in their respective training and instruction plans.

Support for such courses was generally provided by a specialized team of Brazilian police officers, instructors from the countries involved and ICRC delegates, who cooperated with the police and security forces of the following countries in 2003: *Argentina, Bolivia, Costa Rica, Colombia, Ecuador, Guatemala, Mexico, Panama, Peru, Guyana, Suriname* and *Venezuela*.

The project begun in cooperation with the Brazilian Ministry of Justice in 1998 continued to train officers of the Brazilian military police to provide instruction in human rights for a multiplier effect. The third Latin American human rights seminar was held for police instructors in Sao Paulo in March and April 2003.

In 2003 a total of 17 training events were held in *Peru* to increase and spread knowledge of human rights, aimed mainly at police officers of different departments and regions.

9. Missing persons

The public authorities, armed groups and other leaders must take all necessary measures to prevent the enforced disappearance of persons and deal with the consequences when it does occur, particularly with regard to the families of missing persons.

In *Colombia* Law 589 of 2000 set up a National Missing Persons Commission to support and promote investigation into crimes of enforced disappearance. The same law provides that the central government shall develop and manage a national register of missing persons.

A bill to regulate an immediate search mechanism and create a special fund for the operation of the National Missing Persons Commission was brought before parliament.

The committee for international humanitarian law in *Argentina* received a proposal from the Ministry of Foreign Affairs, whereby the functions of the National Information Office would be performed by the Directorate General for Legal Affairs. The committee considered and accepted the proposal. The office will, in all probability, be created by ministerial resolution.

III. National bodies for the implementation of international humanitarian law

The implementation of the rules of international humanitarian law requires the coordination and support of all the ministries and other bodies concerned with this work. With a view to facilitating this process, many States have set up inter-ministerial committees to provide advice and guidance and support governments in their efforts to implement and spread knowledge of international humanitarian law.

Resolution AG/RES. 1944 (XXXIII-O/03) of 2003 adopted by the General Assembly of the OAS urges "Member States to continue to support the work of national advisory committees or commissions or similar bodies for the dissemination and implementation of international humanitarian law where they already exist, and to consider the advisability of establishing such bodies where this is not already the case, with support from the ICRC".

By the end of 2003, a total of 15 national committees for the implementation of international humanitarian law had been established in the following countries: *Argentina, Brazil, Bolivia, Canada, Chile, Colombia, El Salvador, Guatemala, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Trinidad and Tobago* and *Uruguay*.

Such a committee was set up in Brazil in November 2003.

In the second half of 2003, *Costa Rica* completed a draft decree to create a national committee for the implementation of international humanitarian law. In August and September preparatory meetings were held by the future committee members. At the end of 2003 the draft decree was awaiting signature.

In *Honduras* significant progress was made with the draft decree to establish a national committee on international humanitarian law, which was nearing completion at the end of the year.

In the period under review, the national committees for the implementation of international humanitarian law played an instrumental role in almost all the achievements accomplished in this area in the States of the region. They carried out activities to promote international humanitarian law and provided advisory services for the ratification of treaties and the work involved in giving domestic effect to such treaties.

The national committee in *Argentina* prepared a bill on the Ottawa Convention, promoted the organization of an Information Office, submitted a bill on the protection of the red cross and red crescent emblems, prepared a project to improve protection for cultural property in the event of armed conflict and examined the issue of enforced disappearances.

In *Bolivia* the national committee supported efforts to incorporate international humanitarian law in university curricula and the process required for the national implementation of the Rome Statute. It coordinated the participation of the government in the 28th International Conference of the Red Cross and Red Crescent. By the end of the year, it had also finished designing an international humanitarian law dissemination programme.

The Canadian National Committee for Humanitarian Law created a website, drew up a list of national experts and carried out a series of dissemination activities.

The national committee on international humanitarian law in *Chile* prepared a draft bill on the repression of war crimes and promoted adherence to the 1980 Convention on Conventional Weapons and the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

In *El Salvador* the national committee on international humanitarian law focused efforts on the protection of cultural property. In particular, it formulated a project to mark cultural property in Santa Ana. It also promoted the teaching of international humanitarian law at the country's universities.

In *Guatemala* the national committee examined requirements relating to the protection of cultural property, carried out various dissemination activities and contributed to preparing the country's participation in the 28th International Conference of the Red Cross and Red Crescent.

In *Nicaragua* the national committee proposed a project to mark the city of León Viejo as a cultural site, held a workshop on the project and had exchanges with other committees on the issue, designed its website and organized a course on international humanitarian law for civil servants.

In *Panama* the national committee completed a penal code reform project including the repression of war crimes, began work on a bill to ban anti-personnel mines and carried out activities to disseminate international humanitarian law among civil servants. It also made reference material about international humanitarian law available to the general public.

The national committee of *Paraguay* began work to prepare a bill on the repression of violations of the Ottawa Convention and gathered data on national legislation and case law relating to international humanitarian law.

In *Peru* the national committee completed a bill to repress violations of the Ottawa Convention, coordinated the preparation of a law to reform the penal code with regard to the prosecution of war crimes, organized a series of events to support the national implementation process, including one in the Congress of the Republic, and developed a project to improve the operation of the committee itself.

In the *Dominican Republic* the efforts of the national committee focused on the preparation of a bill for the protection of the red cross and red crescent emblems and on the implementation of the Rome Statute.

The ad hoc committee in *Trinidad and Tobago* considered the advisability of participation in the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict, assisted the government in implementing the Rome Statute and carried out various initiatives aimed at establishing international humanitarian law as a compulsory subject.

Most of the national committees for the implementation of international humanitarian law organized their work on the basis of action plans and produced reports on the activities that they carried out.

All the national committees in the region took part in the meeting held in Antigua, Guatemala, from 27 to 29 August 2003.

B. Inter-American and regional activities

The Organization of American States (OAS), the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Institute of Human Rights and other regional or sub-regional organizations and institutions continued to support the promotion of international humanitarian law in the Americas. The achievements made in the period under review are outlined below.

I. Organization of American States

In the period under review, cooperation between the OAS and the ICRC was strengthened with the signing of a Memorandum of Understanding on 3 April 2003, supplementing the Cooperation Agreement of 10 May 1996. The objective of the Memorandum is to facilitate ICRC participation in OAS meetings on issues relating to international humanitarian law and other matters of humanitarian interest.

1. General Assembly

On 10 June 2003, the 33rd General Assembly of the OAS held in Santiago de Chile adopted resolution AG/RES. 1944 (XXXIII-O/03) "Promotion and Respect for International Humanitarian Law".

The resolution stresses the importance of reinforcing the provisions of international humanitarian law, by achieving universal acceptance of its instruments and the subsequent adoption of

national measures, which are essential to the effective implementation of treaties in each country.

Resolution AG/RES. 1944 (XXXIII-O/03) makes particular reference to the obligation to prosecute and punish those responsible for war crimes, resolve the problem of enforced disappearance and include international humanitarian law in the doctrine of the armed forces. It also urges OAS Member States to protect cultural property against the effects of hostilities, ensure that the means and methods of warfare that they use comply with international humanitarian law and contribute to finding a solution to the problem of explosive remnants of war and the unregulated availability of small arms and light weapons. Finally, it invites States party to the Rome Statute to adopt the measures necessary for effective cooperation with the International Criminal Court.

With regard to mechanisms designed to facilitate national implementation of international humanitarian law treaties, resolution AG/RES 1944 (XXXIII-O/03) commends the efforts of national committees on international humanitarian law and urges States that have not yet established such a committee to do so (as *Brazil* did at the end of 2003).

The 33rd General Assembly also adopted other resolutions directly linked to international humanitarian law: “Strengthening of human rights systems pursuant to the plan of action of the Third Summit of the Americas” (AG/RES. 1925 XXXIII-O/03); “Promotion of the International Criminal Court” (AG/RES. 1929 XXXIII-O-03); “Protecting human rights and fundamental freedoms while countering terrorism (AG/RES. 1931 XXXIII-O/03); “Support for the program of integral action against anti-personnel mines in Central America” (AG/RES. 1934 XXXIII-O/03); “Support for action against mines in Peru and Ecuador” (AG/RES. 1935 XXXIII-O/03); “The Americas as an anti-personnel-landmine-free zone (AG/RES. 1936 XXXIII-O/03); “The Americas as a biological- and chemical-weapon-free zone” (AG/RES. 1966 XXXIII-O/03); Proliferation of and illicit trafficking in small arms and light weapons (AG/RES. 1968 XXXIII-O/03); “The protection of refugees, returnees and stateless and internally displaced persons in the Americas” (AG/RES. 1971 XXXIII-O/03); and “Inter-American convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials (AG/RES. 1972 XXXIII-O/03).

2. Committee on Juridical and Political Affairs

Pursuant to resolution AG/RES. 1904 (XXXII-O/02), the Permanent Council, through the Committee on Juridical and Political Affairs, held a “Special Meeting of the Committee on Juridical and Political Affairs on the promotion of and respect for international humanitarian law” on 20 March 2003 at OAS headquarters.

The meeting provided an opportunity to take stock of the progress made in the implementation of international humanitarian law in the Americas to date, discuss the challenges involved in protecting people in today’s world and consider future prospects.

3. Secretariat for Legal Affairs

The contribution of the OAS Secretariat for Legal Affairs included the valuable efforts of the Technical Secretariat for Legal Cooperation Mechanisms throughout the period under review to promote international humanitarian law and national implementation in the States of the region.

The most significant activities included the development of a website on international humanitarian law for the general public, the preparation of the above-mentioned special meeting on international humanitarian law and the organization of the meeting of national committees for the implementation of international humanitarian law in the Americas held in Antigua, Guatemala, from 27 to 29 August 2003.

II. Inter-American Court of Human Rights

Within the framework of a cooperation and public information exchange agreement signed on 18 August 2000 between the Inter-American Court of Human Rights and the ICRC, the two institutions continued to exchange scientific and public information on the protection of persons.

A significant event was the third "Day of Study and Exchange on International Humanitarian Law and Related Issues" held in San José, Costa Rica, on 5 December 2003. It provided an opportunity for the judges and other officials of the court and ICRC legal advisers to examine a number of important legal issues relating to the protection of persons today in the Americas.

III. Inter-American Commission on Human Rights

In the period under review, the Commission and the ICRC maintained occasional contact, but confirmed the expediency of exploring the possibilities of developing dialogue between them on legal and scientific matters.

The Commission was represented at the meeting of national committees for the implementation of international humanitarian law in the Americas held in Antigua, Guatemala, from 27 to 29 August 2003.

IV. Inter-American Institute of Human Rights

In 2003 the Inter-American Institute of Human Rights cooperated closely with the ICRC particularly in the exchange of information relating to the promotion and integration of international humanitarian law and human rights law.

The ICRC was invited by the Institute to participate, with the chair in international humanitarian law (Jean Pictet Chair), in the 21st interdisciplinary human rights course held in San José, Costa Rica, from 23 June to 4 July 2003. The central theme of the course was Justice and Security, and the ICRC put particular emphasis on the repression of violations of international humanitarian law and the challenges involved in protecting people affected by situations of internal violence in today's world. Also as part of this course, the ICRC coordinated a workshop in which the participants examined aspects relating to the programmes that the ICRC carries out with security and police forces.

V. Central American Educational and Cultural Coordinating Organization (CECC)

In 2003 the CECC and the ICRC maintained contacts, with a view to mutual cooperation for the protection of cultural property in the event of armed conflict. In 2002 the Ministers of Education

and Culture from Central American countries adopted resolution CECC/RM/(O)/GUA-2002/RES/002 on the protection of cultural property in the event of armed conflict.

VI. United Nations University for Peace (UPAZ)

Under a cooperation agreement with the University for Peace based in Ciudad Colón, Costa Rica, the ICRC was invited to teach a module on international humanitarian law from 24 to 26 March 2003. The module was part of the university's post-graduate programme and sought to familiarize students with the reality of international humanitarian law protecting the victims of armed conflict. There were also talks between the two organizations, with a view to including international humanitarian law in UPAZ study plans on a permanent basis.

VII. Non-governmental organizations

In the period under review, a number of activities were carried out to promote and reinforce relations between the ICRC and various non-governmental organizations, particularly in connection with the International Criminal Court.

C. Advisory activities in the Americas

I. Promotion and technical assistance

In the period under review, the ICRC carried out promotion and technical assistance activities throughout Latin America and the Caribbean. It operated from its delegations in Bogotá, Buenos Aires, Caracas, Lima and Mexico D.F., with the support of its offices in Brazil, Guatemala, Port of Spain, Port-au-Prince and San José de Costa Rica. The activities were carried out multilaterally or through bilateral exchanges with the authorities.

1. Participation in international humanitarian law treaties

In 2003 States in the region requested advice and guidance on the following treaties:

The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols of 1954 and 1999;

Convention of 1976 on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques;

1977 Protocol Additional to the Geneva Conventions of 1949 (Protocol II);

Convention of 1980 on Certain Conventional Weapons and its Protocols, particularly amended Protocol II (on landmines) and Protocol IV (on blinding laser weapons) and the amendment to article 1 of the 1980 Convention, adopted in December 2001;

Ottawa Convention of 1997 on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;

1998 Rome Statute of the International Criminal Court;

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 2000.

Towards the end of 2003, the ICRC also began to promote the recently adopted Protocol V (explosive remnants of war) to the 1980 Convention on Certain Conventional Weapons.

2. Legal advice for the implementation of national measures

In the period under review, the legal advice provided by the ICRC in the States of the Americas covered a wide range of measures for the national implementation of treaties, including legislation on the repression of war crimes, protection of the red cross and red crescent emblems and the prohibition of anti-personnel landmines. It also covered other measures relating to the protection of cultural property against the effects of hostilities and the prevention of the enforced disappearance of persons.

3. Support for national committees on international humanitarian law

In 2003 close links were maintained among the national committees for the implementation of international humanitarian law in the region and the ICRC. The ICRC was called upon on numerous occasions to contribute to the work of the committees aimed at the national implementation of international humanitarian law. It also facilitated contacts and exchanges among the committees of different States, with a view to creating synergies that could contribute to the prompt development of solutions with regard to both organization and substance.

The ICRC provided States considering the possibility of setting up a national committee for the implementation of international humanitarian law with information and technical support on a regular basis. This cooperation resulted in the establishment of a national committee in Brazil at the end of 2003 and preparations to formalize such a committee in *Costa Rica*. In the second half of the year work began in *Honduras* on a draft decree to set up a national committee on international humanitarian law.

4. Compilation and exchange of information on measures for the national implementation of international humanitarian law

States in the region continued to provide information on legislation and case law relevant to the national implementation of international humanitarian law, enabling the ICRC Advisory Service to build up its database, which it puts at the disposal of the States and other interested parties. In the period under review, information on legislation and case law from 17 States in the Americas was added to the database. At the end of 2003, the database contained information on 26 States in the region:

| | | |
|----------------------------|----------------------|---|
| <i>Antigua and Barbuda</i> | <i>Ecuador</i> | <i>Panama</i> |
| <i>Argentina</i> | <i>United States</i> | <i>Peru</i> |
| <i>Bahamas</i> | <i>Granada</i> | <i>Saint Kitts and Nevis</i> |
| <i>Barbados</i> | <i>Guyana</i> | <i>Saint Lucia</i> |
| <i>Belize</i> | <i>Haiti</i> | <i>Saint Vincent and the Grenadines</i> |

| | | |
|---|--|--|
| Canada Chile Costa Rica Dominica | Honduras Jamaica Mexico Nicaragua | Suriname Trinidad and Tobago Venezuela |
|---|--|--|

The information is available at the following URL:

<http://www.icrc.org/ihl-nat>

II. Seminars, workshops and courses

In the period under review, representatives of the ICRC Advisory Service participated as experts in numerous seminars, workshops and courses relating to the implementation of international humanitarian law in the Americas. It was also often involved in organizing such events.

The most significant events included:*

- Technical seminar on current international humanitarian law issues, Havana, 21 January 2003. The event was organized by the Directorate for Multilateral Affairs of the Ministry of Foreign Affairs and the *Unión de Juristas de Cuba* (Cuban association of legal advisers).
- Methodological workshop for military instructors, Havana, 22 January 2003. The event was organized by the International Humanitarian Law Study Centre of the Cuban Red Cross.
- Conference on biotechnology, weapons and humanity, Mexico, 27 January 2003. The event was organized by the *Instituto de Investigaciones Jurídicas* (institute for legal research) of the National Autonomous University of Mexico and the ICRC.
- Preparatory meeting for the Special Conference on Hemispheric Security, Washington, D.C., 4 March 2003. The event was organized by the OAS.
- Special Meeting of the Committee on Juridical and Political Affairs on the promotion of and respect for international humanitarian law, Washington, D.C., 20 March 2003. The event was organized by the OAS, with the support of the ICRC.
- Course on international humanitarian law as part of the master's degree programme at the United Nations University for Peace, Ciudad Colón, Costa Rica, 24-26 March 2003.
- Training course for legal advisers of the armed forces of El Salvador, San Salvador, 7-11 April 2003.
- Conference on the implementation of the Rome Statute, Lima, 23 April 2003. The event was organized by the *Comisión Nacional de Estudio y Aplicación del Derecho Internacional Humanitario* (national committee for the study and implementation of international humanitarian law) in Peru, the Catholic University of Peru and the ICRC.

* This list is not exhaustive.

- Updating seminar on human rights and international humanitarian law, Asunción, 15 April 2003.
- 2nd Central American Workshop on the International Criminal Court, San Salvador, 7 May 2003. The event was organized by the *Coalición Salvadoreña por la Corte Penal Internacional* (El Salvador coalition for the International Criminal Court) and the Central American University José Simeón Cañas.
- Seminar on the International Criminal Court "Impact on civil society and internal law in Costa Rica", San José, Costa Rica, 12 May 2003. The event was organized by the Professional Association of Lawyers of Costa Rica.
- Regional conference on persons missing as a result of armed conflict or situations of internal violence, Lima, 28-30 May 2003. The event was organized by the Ministry of Foreign Affairs of Peru and the ICRC.
- Second edition of the international competition "Víctor Carlos García Moreno", Mexico, 20 June 2003. The event was organized by COLADIC (Latin American Council of International and Comparative Law Scholars).
- 10th International Law Workshop, Cuernavaca, Mexico, 30 July 2003. The event was organized by the Ministry of Foreign Affairs of Mexico.
- Meetings for university lecturers of the Republic of Paraguay "Introduction to teaching international humanitarian law in academic settings, Asunción, 30 July-1 August 2003. The event was organized by the Catholic University of Asunción.
- Regional seminar "Towards a hemisphere free from anti-personnel mines", Lima, 14-15 August 2003. The event was organized by the governments of Peru, Canada and the OAS Program of Integral Action Against Anti-Personnel Mines.
- Meeting of national committees for the implementation of international humanitarian law of the Americas, Antigua, Guatemala, 27-29 August 2003. The event was organized by the OAS and the ICRC, with the support of Canada and Guatemala.
- Seminar on "International humanitarian law in today's world", Santiago de Chile, 23 September 2003. The event was organized by the Catholic University of Concepción, Chile.
- Third seminar on international humanitarian law, Rosario, 30 September 2003. The event was organized by the Catholic University of Argentina.
- Special Conference on Hemispheric Security, Mexico, 27-28 October 2003. The event was organized by the OAS.
- Second national congress on victimology, San José, Costa Rica, 29 October 2003.
- Ibero-American Experts Meeting on the system of legal guarantees in international humanitarian law, with special reference to military jurisdiction, Madrid, 6-7 October 2003. The event was organized by the Ministry of Defence of Spain, the Professional

Association of Lawyers of Madrid, the International Humanitarian Law Study Centre of the Spanish Red Cross and the ICRC.

- Diploma in international humanitarian law, Managua, 15-17 October and 23-24 October 2003. The event was organized by the American University of Managua and the national committee for the implementation of international humanitarian law in Nicaragua.
- Meetings for university lecturers in Uruguay, Montevideo, 23-25 October 2003. The event was organized by the University of the Oriental Republic of Uruguay.
- First course on teaching international humanitarian law in academic settings, aimed at teachers in the Federative Republic of Brazil, Brasilia, 27-31 October 2003. The event was organized by the *Academia Diplomática de Río Branco* (diplomatic academy).
- Workshop on marking of cultural sites, Santa Ana, El Salvador, 26 November 2003. The event was organized by the inter-institutional committee on international humanitarian law in El Salvador, the National Council for Culture and Art and the Municipal Council of Santa Ana.
- Conference on international humanitarian law and the process of implementation in the framework of Peru's internal law, Lima, 24 November 2003. The event was organized in the Congress of the Republic by the national committee on international humanitarian law, the Ministry of Justice, the Congress Constitution Committee and the ICRC.
- Conference on journalism and armed conflicts "Application of international humanitarian law in journalism", Lima, 26 November 2003. The event was organized by the University of Lima and the ICRC.
- Master class on the International Criminal Court and war crimes within its jurisdiction, Lima, 27 November 2003. The event was organized by the *Centro de Altos Estudios Nacionales* (national centre for advanced studies) as part of its regular courses.
- Third "Day of Study and Exchange on International Humanitarian Law and Related Issues" between the Inter-American Court of Human Rights and the ICRC, San José, Costa Rica, 5 December 2003. The event was organized by the Inter-American Court of Human Rights and the ICRC.

Annexes

ANNEX I



ICRC

INTERNATIONAL COMMITTEE OF THE RED CROSS

Advisory Service on International Humanitarian Law

Status of participation of the countries of the Americas in the main international humanitarian law treaties

- As at 31 December 2003 -

(*) The main IHL and other related treaties have been grouped by subject for indicative purposes only and in no way reflect the official position of the ICRC in this respect.

The tables shown below are updated on a monthly basis and can be consulted at the ICRC website www.icrc.org/eng or requested from ICRC delegations in the Americas.

Protection of victims of armed conflict

- Geneva Conventions of 12 August 1949 (**GC I-IV**)
- Protocol 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**);
- Declaration provided for under article 90 of the aforesaid Protocol (**AP I – IFFC ART. 90**)
- Protocol 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**).
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict of 25 May 2000 (**OP CAC**)

Protection of cultural property in the event of armed conflict

- Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954 (**HCCP**)
- First Protocol to the HCCP of 1954, (**HCCP P I**)
- Second Protocol to the HCCP of 1954 to reinforce the repression of violations of the Convention, 26 March 1999 (**HCCP P II**)

Environment

- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 10 December 1976 (**ENMOD**)

Weapons

- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972 (**BWC**)
- 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, Geneva, 10 October 1980 (**CCW**)
- Protocols to CCW: Protocol on Non-Detectable Fragments (**P I**), Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (**P II**), Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (**P III**), Protocol on Blinding Laser Weapons (**P IV**), 13 October 1995
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II) (**P II a –1980- 1996**)
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 13 January 1993 (**CWC**)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997 (**Ottawa**)
- Amendment to 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 (with protocols I, II and III), Geneva, 10 October 1980 (**CCW a 2001**)
- Protocol on Explosive Remnants of War (Protocol V to 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), Geneva, 28 November 2003 (**P V ERW 2003**) ****Status of participation not available**

International criminal law

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 26 November 1968 (**CSL WC & CAH**)
- International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989 (**Mercenaries**)
- Rome Statute of the International Criminal Court, Rome, 17 July 1998 (**ICC**)

Status of participation of the countries of the Americas in the main international humanitarian law treaties (as at 31 December 2003)

| Country | | Protection of victims of armed conflict | | | | | Protection of cultural property in the event of armed conflict | | | Environment |
|---------|----------------------------------|---|--------------|--------------------------|---------------|----------------|---|------------------|-------------------|---------------|
| | | GC I – IV 1949 | AP I 1977 | AP I - IFFC (ART. 90) | AP II 1977 | OP CAC 2000 | HCCP 1954 | HCCP P I 1954 | HCCP P II 1999 | ENMOD 1976 |
| 1. | Antigua and Barbuda | 06.10.1986 | 06.10.1986 | | 06.10.1986 | | | | | 25.10.1988 |
| 2. | Argentina | 18.09.1956 | 26.11.1986 | 11.10.1996 | 26.11.1986 | 10.09.2002 | 22.03.1989 | | 07.01.2002 | 20.03.1987 |
| 3. | Bahamas | 11.07.1975 | 10.04.1980 | | 10.04.1980 | | | | | |
| 4. | Barbados | 10.09.1968 | 19.02.1990 | | 19.02.1990 | | 09.04.2002 | | | |
| 5. | Belize | 29.06.1984 | 29.06.1984 | | 29.06.1984 | 01.12.2003 | | | | |
| 6. | Bolivia | 10.12.1976 | 08.12.1983 | 10.08.1992 | 08.12.1983 | | | | | |
| 7. | Brazil | 29.06.1957 | 05.05.1992 | 23.11.1993 | 05.05.1992 | | 12.09.1958 | 12.09.1958 | | 12.10.1984 |
| 8. | Canada | 14.05.1965 | 20.11.1990 | 20.11.1990 | 20.11.1990 | 07.07.2000 | 11.12.1998 | | | 11.06.1981 |
| 9. | Chile | 12.10.1950 | 24.04.1991 | 24.04.1991 | 24.04.1991 | 31.07.2003 | | | | 26.04.1994 |
| 10. | Colombia | 08.11.1961 | 01.09.1993 | 17.04.1996 | 14.08.1995 | | 18.06.1998 | 18.06.1998 | | |
| 11. | Costa Rica | 15.10.1969 | 15.12.1983 | 02.12.1999 | 15.12.1983 | 24.01.2003 | 03.06.1998 | 03.06.1998 | 09.12.2003 | 07.02.1996 |
| 12. | Cuba | 15.04.1954 | 25.11.1982 | | 23.06.1999 | | 26.11.1957 | 26.11.1957 | | 10.04.1978 |
| 13. | Dominica | 28.09.1981 | 25.04.1996 | | 25.04.1996 | 20.09.2002 | | | | 09.11.1992 |
| 14. | Ecuador | 11.08.1954 | 10.04.1979 | | 10.04.1979 | | 02.10.1956 | 08.02.1961 | | |
| 15. | El Salvador | 17.06.1953 | 23.11.1978 | | 23.11.1978 | 18.04.2002 | 19.07.2001 | 27.03.2002 | 27.03.2002 | |
| 16. | United States of America | 02.08.1955 | | | | 23.12.2002 | | | | 17.01.1980 |
| 17. | Grenada | 13.04.1981 | 23.09.1998 | | 23.09.1998 | | | | | |
| 18. | Guatemala | 14.05.1952 | 19.10.1987 | | 19.10.1987 | 09.05.2002 | 02.10.1985 | 19.05.1994 | | 21.03.1988 |
| 19. | Guyana | 22.07.1968 | 18.01.1988 | | 18.01.1988 | | | | | |
| 20. | Haiti | 11.04.1957 | | | | | | | | |
| 21. | Honduras | 31.12.1965 | 16.02.1995 | | 16.02.1995 | 14.08.2002 | 25.10.2002 | 25.10.2002 | 26.01.2003 | |
| 22. | Jamaica | 20.07.1964 | 29.07.1986 | | 29.07.1986 | 09.05.2002 | | | | |
| 23. | Mexico | 29.10.1952 | 10.03.1983 | | | 15.03.2002 | 07.05.1956 | 07.05.1956 | 07.10.2003 | |
| 24. | Nicaragua | 17.12.1953 | 19.07.1999 | | 19.07.1999 | | 25.11.1959 | 25.11.1959 | 01.06.2001 | |
| 25. | Panama | 10.02.1956 | 18.09.1995 | 26.10.1999 | 18.09.1995 | 08.08.2001 | 17.07.1962 | 08.03.2001 | 08.03.2001 | 13.05.2003 |
| 26. | Paraguay | 23.10.1961 | 30.11.1990 | 30.01.1998 | 30.11.1990 | 27.09.2002 | | | | |
| 27. | Peru | 15.02.1956 | 14.07.1989 | | 14.07.1989 | 08.05.2002 | 21.07.1989 | 21.07.1989 | | |
| 28. | Dominican Republic | 22.01.1958 | 26.05.1994 | | 26.05.1994 | | 05.01.1960 | 21.03.2002 | | |
| 29. | Saint Kitts and Nevis | 14.02.1986 | 14.02.1986 | | 14.02.1986 | | | | | |
| 30. | Saint Vincent and the Grenadines | 01.04.1981 | 08.04.1983 | | 08.04.1983 | | | | | 27.04.1999 |
| 31. | Saint Lucia | 18.09.1981 | 07.10.1982 | | 07.10.1982 | | | | | 27.05.1993 |
| 32. | Suriname | 13.10.1976 | 16.12.1985 | | 16.12.1985 | | | | | |
| 33. | Trinidad and Tobago | 24.09.1963 | 20.07.2001 | 20.07.2001 | 20.07.2001 | | | | | |
| 34. | Uruguay | 05.03.1969 | 13.12.1985 | 17.07.1990 | 13.12.1985 | 09.09.2003 | 24.09.1999 | 24.09.1999 | | 16.09.1993 |
| 35. | Venezuela | 13.02.1956 | 23.07.1998 | | 23.07.1998 | 23.09.2003 | | | | |
| TOTAL | REGION | 35 | 33 | 11 | 32 | 17 | 17 | 14 | 7 | 14 |
| | WORLD | 191 | 161 | 65 | 156 | 69 | 108 | 88 | 20 | 69 |

Status of participation of the countries of the Americas in the main international humanitarian law treaties (as at 31 December 2003)

| Country | | Weapons | | | | | | | | | | | International criminal law | | |
|---------|----------------------------------|-------------|-------------|----|-----|------|----------------------|-----------------|-------------|----------------|---------------|-------------------|----------------------------|---------------------|-------------|
| | | BWC 1972 | CCW 1980 | | | | PII a (1980) 1996 | CCW PIV 1995 | CWC 1993 | Ottawa 1997 | CCW a 2001 | PV ERW 2003 | CSL WC & CAH 1968 | Mercenaries 1989 | ICC 1998 |
| | | | CCW 1980 | PI | PII | PIII | | | | | | | | | |
| 1) | Antigua and Barbuda | 29.01.2003 | | | | | | | | 03.05.1999 | | | | | 18.06.2001 |
| 2) | Argentina | 27.11.1979 | 02.10.1995 | x | x | x | 21.10.1998 | 21.10.1998 | 02.10.1995 | 14.09.1999 | | | 26.08.2003 | | 08.02.2001 |
| 3) | Bahamas | 26.11.1986 | | | | | | | | 31.07.1998 | | | | | |
| 4) | Barbados | 16.02.1973 | | | | | | | | 26.01.1999 | | | | 10.07.1992 | 10.12.2002 |
| 5) | Belize | 20.10.1986 | | | | | | | 01.12.2003 | 23.04.1998 | | | | | 05.04.2000 |
| 6) | Bolivia | 30.10.1975 | 21.09.2001 | x | x | x | 21.09.2001 | 21.09.2001 | 14.08.1998 | 09.06.1998 | | | 06.10.1983 | | 27.06.2002 |
| 7) | Brazil | 27.02.1973 | 03.10.1995 | x | x | x | 04.10.1999 | 04.10.1999 | 13.03.1996 | 30.04.1999 | | | | | 20.06.2002 |
| 8) | Canada | 18.09.1972 | 24.06.1994 | x | x | x | 05.01.1998 | 05.01.1998 | 26.09.1995 | 03.12.1997 | 22.07.2002 | | | | 07.07.2000 |
| 9) | Chile | 22.04.1980 | 15.10.2003 | x | | x | 15.10.2003 | 15.10.2003 | 12.07.1996 | 10.09.2001 | | | | | |
| 10) | Colombia | 19.12.1983 | 06.03.2000 | x | x | x | 06.03.2000 | 06.03.2000 | 05.04.2000 | 06.09.2000 | | | | | 05.08.2002 |
| 11) | Costa Rica | 17.12.1973 | 17.12.1998 | x | x | x | 17.12.1998 | 17.12.1998 | 31.05.1996 | 17.03.1999 | | | | 20.09.2001 | 07.06.2001 |
| 12) | Cuba | 21.04.1976 | 02.03.1987 | x | x | x | | | 29.04.1997 | | | | 13.09.1972 | | |
| 13) | Dominica | 08.11.1978 | | | | | | | 12.02.2001 | 26.03.1999 | | | | | 12.02.2001 |
| 14) | Ecuador | 12.03.1975 | 04.05.1982 | x | x | x | 14.08.2000 | 16.12.2003 | 06.09.1995 | 29.04.1999 | | | | | 05.02.2002 |
| 15) | El Salvador | 31.12.1991 | 26.01.2000 | x | x | x | 26.01.2000 | 26.01.2000 | 30.10.1995 | 27.01.1999 | | | | | |
| 16) | United States of America | 26.03.1975 | 24.03.1995 | x | x | | 24.05.1999 | | 25.04.1997 | | | | | | |
| 17) | Grenada | 22.10.1986 | | | | | | | | 19.08.1998 | | | | | |
| 18) | Guatemala | 19.09.1973 | 21.07.1983 | x | x | x | 29.10.2001 | 30.08.2002 | 12.02.2003 | 26.03.1999 | | | | | |
| 19) | Guyana | | | | | | | | 12.09.1997 | 05.08.2003 | | | | | |
| 20) | Haiti | | | | | | | | | | | | | | |
| 21) | Honduras | 14.03.1979 | 30.10.2003 | x | x | x | 30.10.2003 | 30.10.2003 | | 24.09.1998 | | | | | 01.07.2002 |
| 22) | Jamaica | 13.08.1975 | | | | | | | 08.09.2000 | 17.07.1998 | | | | | |
| 23) | Mexico | 08.04.1974 | 11.02.1982 | x | x | x | | 10.03.1998 | 29.08.1994 | 09.06.1998 | 22.05.2003 | | 15.03.2002 | | |
| 24) | Nicaragua | 07.08.1975 | 05.12.2000 | x | | x | 05.12.2000 | 05.12.2000 | 05.11.1999 | 30.11.1998 | | | 03.09.1986 | | |
| 25) | Panama | 20.03.1974 | 26.03.1997 | x | x | x | 03.10.1999 | 26.03.1997 | 07.10.1998 | 07.10.1998 | | | | | 21.03.2002 |
| 26) | Paraguay | 09.06.1976 | | | | | | | 01.12.1994 | 13.11.1998 | | | | | 14.05.2001 |
| 27) | Peru | 05.06.1985 | 03.07.1997 | x | | x | 03.07.1997 | 03.07.1997 | 20.07.1995 | 17.06.1998 | | | 11.08.2003 | | 10.11.2001 |
| 28) | Dominican Republic | 23.02.1973 | | | | | | | | 30.06.2000 | | | | | |
| 29) | Saint Kitts and Nevis | 02.04.1991 | | | | | | | | 02.12.1998 | | | | | |
| 30) | Saint Vincent and the Grenadines | 13.05.1999 | | | | | | | 18.09.2002 | 01.08.2001 | | | 09.11.1981 | | 03.12.2002 |
| 31) | Saint Lucia | 26.11.1986 | | | | | | | 09.04.1997 | 13.04.1999 | | | | | |
| 32) | Suriname | 06.01.1993 | | | | | | | 28.04.1997 | 23.05.2002 | | | | | |
| 33) | Trinidad and Tobago | | | | | | | | 24.06.1997 | 27.04.1998 | | | | | 06.04.1999 |
| 34) | Uruguay | 06.04.1981 | 06.10.1994 | x | x | x | 18.08.1998 | 18.09.1998 | 06.10.1994 | 07.06.2001 | | | 21.09.2001 | 14.07.1999 | 28.06.2002 |
| 35) | Venezuela | 18.10.1978 | | | | | | | 03.12.1997 | 14.04.1999 | | | | | 07.06.2000 |
| TOTAL | REGION | 32 | 18 | 18 | 15 | 17 | 16 | 16 | 27 | 32 | 2 | | 8 | 3 | 19 |
| | WORLD | 151 | 93 | 91 | 82 | 88 | 74 | 75 | 160 | 141 | 22 | | 48 | 25 | 92 |

ANNEX II

CULTURAL PROPERTIES IN THE AMERICAS INSCRIBED ON THE WORLD HERITAGE LIST¹

ARGENTINA: Jesuit Missions of the Guaranis: San Ignacio Mini, Santa Ana, Nuestra Señora de Loreto and Santa María Mayor (1984), Cueva de las Manos, Río Pinturas (1999) Jesuit Block and Estancias of Córdoba (2000) and Quebrada de Humahuaca (2003).

BOLIVIA: City of Potosí (1987), Jesuit Missions of the Chiquitos (1990), Historic City of Sucre (1991), Fuerte de Samaipata (1998) and Tiwanaku (2000).

BRAZIL: Historic Town of Ouro Preto (1980), Historic Centre of the Town of Olinda (1982), Ruins of São Miguel das Missoes (1984), Historic Centre of Salvador de Bahia (1985), Sanctuary of Bom Jesus do Congonhas (1985), Brasília (1987), Serra de Capivara National Park (1991), Historic Centre of São Luís (1997), Historic Centre of the Town of Diamantina (1999) and the Historic Centre of the Town of Goiás (2001).

CANADA: L'Anse aux Meadows National Historic Site (1978), Anthony Island (1981), Head-Smashed-In Buffalo Jump (1981), Historic District of Québec (1985), Old Town Lunenburg (1995).

CHILE: Rapa Nui National Park (1995), Churches of Chiloé (2000) and Historic Quarter of the Seaport City of Valparaíso. (2003).

COLOMBIA: Port, Fortresses and Group of Monuments, Cartagena de Indias (1984), San Agustín Archaeological Park (1995), National Archaeological Park of Tierradentro (1995) and Historic Centre of Santa Cruz de Mompox (1995).

CUBA: Old Havana and its Fortifications (1982), Trinidad and the Valley de los Ingenios (1988), San Pedro de la Roca Castle, Santiago de Cuba (1997) and Archaeological Landscape of the First Coffee Plantations in the Southeast of Cuba (2000).

ECUADOR: City of Quito (1978) and Historic Centre of Santa Ana de los Ríos de Cuenca (1999).

EL SALVADOR: Joya de Cerén Archaeological Site (1993).

UNITED STATES OF AMERICA: Mesa Verde (1978), Independence Hall (1979), Cahokia Mounds State Historic Site (1982), La Fortaleza and San Juan Historic Site in Puerto Rico (1983), Statue of Liberty (1984), Monticello and the University of Virginia in Charlottesville (1987), Chaco Culture National Historic Park (1987) and Pueblo de Taos (1992).

GUATEMALA: Antigua Guatemala (1979), Tikal National Park (1979) and Archaeological Park and Ruins of Quirigua (1981).

HAITI: National History Park – Citadel, Sans Souci, Ramiers (1982)

HONDURAS: Maya Site of Copan (1980).

MEXICO: Historic Centre of Oaxaca and Archaeological Site of Monte Alban (1987), Pre-Historic Site of Teotihuacan (1987), Historic Centre of Mexico City and Xochimilco (1987), Pre-Hispanic City and National Park of Palenque (1987), Historic Centre of Puebla (1987), Historic Town of Guanajuato and

¹ List established under the Convention concerning the Protection of the World Cultural and Natural Heritage, UNESCO, 23 November 1972. The cultural properties inscribed on the list benefit from the enhanced system of protection provided for in the Second Protocol of 1999 for the Protection of Cultural Property in the Event of Armed Conflict. For further information, see www.unesco.org/culture/legalprotection. See also www.icrc.org/eng

Adjacent Mines (1988), Pre-Hispanic City of Chichen-Itza (1988), Historic Centre of Morelia (1991), El Tajin, Pre-Hispanic City (1992), Rock Paintings of the Sierra de San Francisco (1993), Historic Centre of Zacatecas (1993), Earliest 16th-Century Monasteries on the Slopes of Popocatepetl (1994), Pre-Hispanic Town of Uxmal (1996), Historic Monuments Zone of Querétaro (1996), Hospicio Cabañas, Guadalajara (1997), Archaeological Zone of Paquimé, Casas Grandes (1998), Historic Monuments Zone of Tlacotalpan (1998), Archaeological Monuments Zone of Xochicalco (1999), Historic Fortified Town of Campeche (1999), Ancient Maya City of Calakmul, Campeche (2002) and Franciscan Missions in the Sierra Gorda of Querétaro (2003).

NICARAGUA: Ruins of León Viejo (2000).

PANAMA: Fortifications on the Caribbean Side of Panama: Portobelo–San Lorenzo (1980) and Historic District of Panama, with the Salon Bolívar (1997).

PARAGUAY: Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue (1993).

PERU: City of Cuzco (1983), Historic Sanctuary of Machu Picchu (1983), Chavin Archaeological Site (1985), Chan Chan Archaeological Zone (1986), Historic Centre of Lima (1988), Lines and Geogliphs of Nazca and Pampas de Jumana (1994) and Historic Centre of the City of Arequipa (2000).

DOMINICAN REPUBLIC: Colonial City of Santo Domingo (1990).

SAINT KITTS AND NEVIS: Brimstone Hill Fortress National Park (1999)

SURINAME: Historic Inner City of Paramaribo (2002)

URUGUAY: Historic Quarter of the City of Colonia del Sacramento (1995).

VENEZUELA: Coro and its Port (1993) and Ciudad Universitaria de Caracas (2000).

ANNEX III



ICRC

Key articles requiring national implementation measures

| | 1949 Geneva Conventions | | | | 1977 Protocols | | 1954 Hague Convention | 1999 Hague Protocol |
|---|-------------------------|--------------------------|------------------------------|---|--------------------------------|-----------|-----------------------|---------------------|
| | <u>I</u> | <u>II</u> | <u>III</u> | <u>IV</u> | <u>I</u> | <u>II</u> | | |
| Translation | 48 | 49 | 41, 128 | 99, 145 | 84 | | 26 | 37 |
| Dissemination and training | 47 | 48 | 41, 127 | 99, 144 | 80, 82-83, 87 | 19 | 7, 25 | 30 |
| Violations | | | | | | | | |
| General provisions | 49-54 | 50-53 | 129-132 | 146-149 | 85-91 | | 28 | 15-21 |
| War crimes | 49-50 | 50-51 | 129-130 | 146-147 | 11, 85-90 | | | |
| Compensation | | | | | 91 | | | |
| Protection | | | | | | | | |
| Fundamental guarantees | | 3, 12 | 3, 13-17 | 3, 27-34 | 11, 75-77 | 4-5, 7 | | |
| Judicial and disciplinary guarantees; rights of prisoners and detainees | 3 | 3 | 3, 5, 17, 82-90, 95-108, 129 | 3, 5, 31-35, 43, 64-78, 99-100, 117-126 | 44-45, 75 | 6 | | |
| Medical and religious personnel, medical mission | 40, 41 | 42 | | 20 | 15-16, 18 | 10, 12 | | |
| Medical transport and facilities | 19, 36, 39, 42-43 | 22, 24-27, 38-39, 41, 43 | | 18, 21-22 | 12, 18, 21-23 | 12 | | |
| Cultural property | | | | | 53 | 16 | 3, 6, 10, 12 | 5 |
| Dangerous forces | | | | | 56 | 15 | | |
| Identity cards | 27, 40, 41, Annex II | 42, Annex | 17, Annex IV | 20 | 18, 66-67, 78-79, Annexes I-II | | | |

| Key articles requiring national implementation measures | 1949 Geneva Conventions | | | | 1977 Protocols | | 1954 Hague Convention | 1999 Hague Protocol |
|---|-------------------------|-------|---------------|----------------|----------------------------|----|-----------------------|---------------------|
| Capture and internment cards | | | 70, Annex IV | 106, Annex III | | | | |
| Use/misuse of emblems and symbols | 44, 53-54 | 44-45 | | | 18, 37-38, 66, 85, Annex I | 12 | 6, 10, 12, 17 | |
| Experts and advisers | | | | | | | | |
| Qualified persons | | | | | 6 | | 7, 25 | |
| Legal advisers | | | | | 82 | | | |
| Organizations | | | | | | | | |
| National Societies | 26 | | | 63 | 81 | 18 | | |
| Civil defence | | | | 63 | 61-67 | | | |
| Information bureaux | | | 122-124 | 136-141 | | | | |
| Mixed medical commission | | | 112, Annex II | | | | | |
| Military planning | | | | | | | | |
| Weapons and tactics | | | | | 36 | | | |
| Military sites | | | | | 57-58 | | | 8 |
| Protected zones and localities | 23, Annex I | | | 14, 15 | 59-60, Annex I | | | |

In addition to ensuring compliance with the rules of international humanitarian law in areas of conflict or occupation, States are required to take a number of legislative, regulatory and administrative measures. Most of these measures must be adopted or prepared in peacetime as well as in time of conflict.

Extract from *Implementing International Humanitarian Law: From Law to Action*

Back to "IHL implementation: ICRC Advisory Service"

Last updated: 01/2003

ANNEX IV

CHRONOLOGICAL LIST OF NATIONAL BODIES FOR THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW ESTABLISHED IN THE COUNTRIES OF THE AMERICAS

AS AT 31 DECEMBER 2003

| Country. | Name and address of committee | Year established/Legal basis |
|------------------|---|--|
| Uruguay | <i>Comisión Nacional de Derecho Humanitario</i> (CNDH-Ur) c/o Ministerio de Relaciones Exteriores, Dirección de Derechos Humanos Colonia 1206 11600 Montevideo Tel.: +5982 902 78 06 / 5982 902 13 27 (22 15) | <u>Established:</u> 1992 <u>Legal basis:</u> Executive Decrees Nos. 677/992 of 24 November 1992 and No. XXX/996 of 3 June 1996 |
| Bolivia | <i>Comisión Nacional Permanente para la Aplicación del Derecho Internacional Humanitario</i> (CNPADIH) c/o Ministerio de Relaciones Exteriores y Culto Plaza Murillo, Ingavi esqu. Junín La Paz | <u>Established:</u> 1992 <u>Legal basis:</u> Decree No. 23-345 of 2 December 1992; reorganized pursuant to Resolution No. 218.456 of 17 August 1998 issued by the President of the Republic and the Ministry of Justice and Human Rights, which came into force on 30 October 1998 |
| Argentina | <i>Comisión de Aplicación del Derecho Internacional Humanitario</i> (CADIH) c/o Ministerio de Defensa Azopardo 250, Piso 13° 1328 Buenos Aires Tel.: +5411 43468877 | <u>Established:</u> 1994 <u>Legal basis:</u> Executive Decree No. 933/94 of 16 June 1994 |
| Chile | <i>Comisión Nacional de Derecho Humanitario</i> (CNDH) c/o Ministerio de Relaciones Exteriores, Dirección Jurídica Catedral 1158 3° Piso, Oficina 339 Santiago Tel.: +562 6794237/8 Fax: +562 6995517 | <u>Established:</u> 1994 <u>Legal basis:</u> Decree No. 1229 of 31 August 1994 |

| | | |
|----------------------------|--|--|
| Paraguay | <p><i>Comisión Interministerial de Aplicación del Derecho Internacional Humanitario</i></p> <p>c/o Ministerio de Defensa Nacional Edificio del Ministerio de Defensa Mcal. López esquina Vicepres. Sánchez Asunción</p> | <p><u>Established:</u> 1995</p> <p><u>Legal basis:</u> Presidential Decree No. 8802 of 12 May 1995; reorganization by Presidential Decree No. 15926 of 28 December 2001</p> |
| Dominican Republic | <p><i>Comisión Nacional Permanente para la Aplicación del Derecho Internacional Humanitario</i></p> <p>c/o Secretaría de Estado de Relaciones Exteriores Avenida Independencia 752 Santo Domingo Tel.: +1 809 535 62 80 / Fax: +1 809 535 68 48</p> | <p><u>Established:</u> 1995</p> <p><u>Legal basis:</u> Presidential Decree No. 101-03 of 6 February 2003 modifying Presidential Decree No. 131-99 of 30 March 1999</p> |
| Panama | <p><i>Comisión Nacional Permanente para la Aplicación del Derecho Internacional Humanitario (CPDIH)</i></p> <p>c/o Ministerio de Relaciones Exteriores Altos del Cerro Ancón Edificio 95 Ciudad de Panamá Tel.: +507 211 42 96 Fax: +507 211 42 96</p> | <p><u>Established:</u> 1997</p> <p><u>Legal basis:</u> Executive Decree No. 154 of 25 August 1997, amended by Executive Decree No. 165 of 19 August 1999</p> |
| Trinidad and Tobago | <p>Inter-Ministerial Committee on International Humanitarian Law</p> <p>c/o Ministry of Enterprise Development and Foreign Affairs 1 Queen's Park West Port of Spain Tel.: +1 868 623 41 16 Fax: +1 868 624 42 20</p> | <p><u>Established:</u> 1997 (ad hoc) 2001 (ad hoc)</p> <p><u>Legal basis:</u> Cabinet Decision No. 211 of 21 February 2001</p> |
| El Salvador | <p><i>Comité Interinstitucional de Derecho Internacional Humanitario (CIDIH-ES)</i></p> <p>c/o Ministerio de Relaciones Exteriores Edificio 3, 2 da. Planta Centro de Gobierno San Salvador Tel.: +503 22 24 447</p> | <p><u>Established:</u> 1997</p> <p><u>Legal basis:</u> Presidential Decree No. 118 of 4 November 1997</p> |
| Canada | <p>Canadian National Committee for Humanitarian Law</p> <p>a/s Croix-Rouge canadienne 170, Metcalfe, suite 300</p> | <p><u>Established:</u> 1998</p> <p><u>Legal basis:</u> Memorandum of Understanding of 18 March 1998</p> |

| | | |
|------------------|---|---|
| | Ottawa, Ontario K2P 2P2 | |
| Nicaragua | <i>Comisión Nacional para la Aplicación del Derecho Internacional Humanitario</i> c/o Ministerio de Relaciones Exteriores Apartado postal No. 127 Managua Tel.: +505 266 6512 Fax: +505 266 6512 | <u>Established:</u> 1999 <u>Legal basis:</u> Presidential Decree No. 54-99 of 23 April 1999 |
| Guatemala | <i>Comisión Guatemalteca para la Aplicación del Derecho Internacional Humanitario (COGUADIH)</i> c/o Ministerio de Relaciones Exteriores 2a Avenida Reforma 4-47, Zona 10 Ciudad Guatemala Tel.: +502 331 96 10 Fax: +502 331 79 38 | <u>Established:</u> 1999 <u>Legal basis:</u> Government Agreement No. 948-99 of 28 December 1999 |
| Colombia | <i>Comisión Intersectorial Permanente para los Derechos Humanos y el Derecho Internacional Humanitario</i> c/o Vicepresidencia de la República Carrera 8 No. 7-27 Bogotá Tel.: +571 4442120/2864126 Fax: +571 2863589 | <u>Established:</u> 2000 <u>Legal basis:</u> Presidential Decree No. 321 of 25 February 2000 |
| Peru | <i>Comisión Nacional de Estudio y Aplicación del Derecho Internacional Humanitario (CONADIH)</i> c/o Ministerio de Justicia Scipión Llona 350 Miraflores Lima Fax: +51 1 441 05 47 | <u>Established:</u> 2001 <u>Legal basis:</u> Resolution (<i>Resolución Suprema</i>) No. 234-2001-JUS of 1 June 2001 <u>Operation:</u> Ministerial Resolution No. 240-2001-JUS of 23 July 2001 (regulations of procedure and operation) |
| Brazil | <i>Comissão Nacional para Difusão e Implementação do Direito Internacional Humanitário no Brasil</i> c/o Ministerio de Relaciones Exteriores | <u>Established:</u> 2003 <u>Legal basis:</u> Decree of 27 November 2003 |

For further information, visit the ICRC website: <http://www.icrc.org/eng>

ANNEX V

AG/RES. 1944 (XXXIII-O/03)

PROMOTION OF AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW¹

(Resolution adopted at the fourth plenary session, held on June 10, 2003)

THE GENERAL ASSEMBLY,

REAFFIRMING the principles and purposes of the Charter of the Organization of American States and the Charter of the United Nations;

RECALLING its resolutions AG/RES. 1270 (XXIV-O/94), AG/RES. 1335 (XXV-O/95), AG/RES. 1408 (XXVI-O/96), AG/RES. 1503 (XXVII-O/97), AG/RES. 1565 (XXVIII-O/98), AG/RES. 1619 (XXIX-O/99), AG/RES. 1706 (XXX-O/00), AG/RES. 1770 (XXXI-O/01), AG/RES. 1771 (XXXI-O/01), AG/RES. 1900 (XXXII-O/02), and AG/RES. 1904 (XXXII-O/02);

DEEPLY CONCERNED over persistent violations of international humanitarian law affecting the world's civilian populations, in particular children and women;

AWARE that the aim of international humanitarian law is the protection of the civilian population and all persons affected by armed conflict and that it also establishes that the right of parties to armed conflict to choose the methods and means of war is not unlimited;

RECOGNIZING that international humanitarian law sets forth appropriate provisions for preventing and alleviating human suffering in situations of armed conflict, the need to reinforce its provisions by achieving their universal acceptance and their widest possible dissemination and application, and the importance of developing it;

RECALLING that it is the obligation of all states to observe and enforce, in all circumstances, the standards established in the 1949 Geneva Conventions and, for the states that are parties thereto, those contained in the 1977 Additional Protocols to those conventions;

REITERATING the need for states to adopt legislative, administrative, educational, and practical measures for the application, at the national level, of international humanitarian law;

AWARE of the need to punish those responsible for war crimes, crimes against humanity, and other grave breaches of international humanitarian law;

RECALLING that the Rome Statute of the International Criminal Court defines war crimes and crimes against humanity that the states parties thereto have committed must not go unpunished;

TAKING NOTE of the holding of the first meeting of the International Criminal Court, on March 11, 2003;

TAKING NOTE ALSO of the entry into force, on February 12, 2002, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

CONCERNED over the disappearance of persons and the taking of hostages, particularly during armed conflict, and the suffering this causes to families and loved ones during and after the conflict;

TAKING INTO ACCOUNT the results of the International Conference of Governmental and Non-Governmental Experts on the Missing, held in Geneva, Switzerland, from February 19 to 21, 2003;

UNDERSCORING the need to protect cultural property from the effects of armed conflicts;

NOTING the decision of the states parties to the 1980 United Nations 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 to commence negotiations with a view to adopting a new instrument on explosive remnants of war;

RECOGNIZING the important part played by the national committees or commissions established in numerous countries for the dissemination and application of international humanitarian law in ensuring that the Geneva Conventions and, where applicable, the Additional Protocols thereto, as well as the other instruments of international humanitarian law, are incorporated into the domestic law of states parties to those instruments, so as to ensure proper compliance with and dissemination of those instruments;

UNDERSCORING ONCE MORE the ongoing efforts of the International Committee of the Red Cross (ICRC) to promote and disseminate knowledge of international humanitarian law and the activities it carries out as an organization that is impartial, neutral, and independent under any and all circumstances; and

EXPRESSING its satisfaction with the fruitful cooperation between the OAS General Secretariat and the ICRC in furtherance of the agreement signed on May 10, 1996, and with the holding of the Special Meeting of the Committee on Juridical and Political Affairs on Promotion of and Respect for International

Humanitarian Law, at OAS headquarters on March 20, 2003, regarding which the Chair of the Committee prepared a report (DIH/doc.23/03),

RESOLVES:

1. To urge member states and all parties to an armed conflict to respect their obligations under international humanitarian law, particularly those that apply to the protection of the civilian population.

2. To urge member states of the Organization that have not yet done so to consider becoming parties to the following treaties:

- a. The 1977 Additional Protocols I and II to the 1949 Geneva Conventions; and that they consider making the declaration contemplated in Article 90 of Protocol I;
- b. The 1998 Rome Statute of the International Criminal Court;
- c. The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on Their Destruction;
- d. The 1980 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, including the amendment to its Article I adopted in 2001 and its four protocols;
- e. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, its 1954 Protocol, and its 1999 Second Protocol, on enhanced protection;
- f. The 1989 Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, which includes their participation in hostilities and their recruitment into armed forces and armed groups;
- g. The 1997 Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA); and
- h. The 1994 Convention on the Safety of United Nations and Associated Personnel.

3. To urge member states and all parties to an armed conflict to respect the impartiality, neutrality, and independence of humanitarian action in accordance with the guiding principles adopted by the United Nations General

Assembly in its resolution 46/182, dated December 19, 1991, and to ensure the well-being of the staff of humanitarian missions.

4. To urge member states to adopt the necessary measures to implement, at the national level, the provisions contained in the instruments of international humanitarian law to which they are parties; to enlist, if necessary, the technical assistance of the ICRC; to bring about the widest possible dissemination of international humanitarian law throughout the population, particularly among the armed forces and security forces, by including it in doctrine, military manuals, and official instruction programs.

5. To urge member states to continue to support the work of national advisory committees or commissions or similar bodies for the dissemination and implementation of international humanitarian law where they already exist, and to consider the advisability of establishing such bodies where this is not already the case, with support from the ICRC.

6. To urge the parties to an armed conflict to take immediate measures to determine the identity and status of persons reported as missing and to invite member states to consider the dissemination and application of the observations and recommendations adopted at the International Conference of Governmental and Non-Governmental Experts on the Missing, held in Geneva, Switzerland, from February 19 to 21, 2003.

7. To urge member states to apply the necessary measures to protect cultural property from the effects of armed conflicts, such as the identification, registration, or distinctive marking of such property.

8. To urge states, in accordance with international legal obligations they have assumed, to pay special attention both in times of peace and in times of armed conflict to the obligation, in the study, development, acquisition, or adoption of a new weapon or means or method of warfare, to determine whether its employment would be contrary to international humanitarian law, and, in that event, neither to adopt it for use by the armed forces nor to manufacture it for such purposes.

9. To invite the states parties to the Rome Statute to define in their criminal legislation, in addition to crimes that must be repressed by other international humanitarian law treaties, those set forth in the Statute, and to adopt all measures necessary to cooperate effectively with the International Criminal Court.

10. To invite member states to contribute to the quest for a solution to the problem of explosive remnants of war by means of a new instrument and to take part in the negotiations under way for that purpose at the United Nations.

11. To urge member states to consider adopting the appropriate measures, at the national level, to address the grave humanitarian consequences of the unregulated availability of arms, in keeping with the Programme of Action adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, July 9-20, 2001).

12. To request the General Secretariat to continue to organize, through the Secretariat for Legal Affairs and in coordination with the ICRC, governmental conferences to disseminate and reinforce the implementation of international humanitarian law and related inter-American conventions.

13. To instruct the Permanent Council, with support from the General Secretariat and in cooperation with the ICRC, to continue to organize special meetings on topical issues in the area of international humanitarian law.

14. To instruct the Permanent Council to present a report to the General Assembly at its thirty-fourth regular session on the implementation of this resolution.

ANNEX

STATEMENT BY THE DELEGATION OF THE UNITED STATES

The United States has long been concerned about the persistent violations of international humanitarian law and international human rights law throughout the world. We stand for justice and the promotion of the rule of law. The United States will continue to be a forceful advocate for the principle of accountability for war crimes, genocide and crimes against humanity, but we cannot support the seriously flawed International Criminal Court. Our position is that states are primarily responsible for ensuring justice in the international system. We believe that the best way to combat these serious offenses is to build and strengthen domestic judicial systems and political will and, in appropriate circumstances, work through the United Nations Security Council to establish ad hoc tribunals as in Yugoslavia and Rwanda. Our position is that international practice should promote domestic accountability. The United States has concluded that the International Criminal court does not advance these principles.

The United States has not ratified the Rome Treaty and has no intention of doing so. This is because we have strong objections to the International Criminal Court, which we believe is fundamentally flawed. The International Criminal Court undermines national sovereignty with its claim to jurisdiction over the nationals of states not party to the agreement. It has the potential to undermine the role of the United Nations Security Council in maintaining international peace and security. We also object to the Court because it is not subject to adequate checks and balances. We believe that an independent court with unchecked power is open to abuse and exploitation. Its structure lends itself to the great danger of politically-motivated prosecutions and decisions. The

inclusion of the still-undefined crime of aggression within the statute of the Court creates the potential for conflict with the United Nations Charter, which provides that the Security Council determines when an act of aggression has occurred.

The United States notes that in past decades several Member States have reached national consensus for addressing historic conflicts and controversies as part of their successful and peaceful transition from authoritarian rule to representative democracy. Indeed, some of those sovereign governments, in light of new events, evolved public opinion, or stronger democratic institutions, have decided on their own and at a time of their choosing to reopen past controversies. These experiences provide compelling support for the argument that Member States – particularly those with functioning democratic institutions and independent functioning judicial systems – should retain the sovereign discretion to decide as a result of democratic and legal processes whether to prosecute or to seek national reconciliation by other peaceful and effective means. The United States is concerned that the International Criminal Court has the potential to undermine the legitimate efforts of Member States to achieve national reconciliation and domestic accountability by democratic means.

Our policy on the ICC is consistent with the history of our policies on human rights, the rule of law and the validity of democratic institutions. For example, we have been a major proponent of the Special Court in Sierra Leone because it is grounded in sovereign consent, combines domestic and international participation in a manner that will generate a lasting benefit to the rule of law within Sierra Leone, and interfaces with the Truth and Reconciliation Commission to address accountability.

The United States has a unique role and responsibility to help preserve international peace and security. At any given time, U.S. forces are located in close to 100 nations around the world, for example, conducting peacekeeping and humanitarian operations and fighting inhumanity. We must ensure that our soldiers and government officials are not exposed to the prospect of politicized prosecutions and investigations. Our country is committed to a robust engagement in the world to defend freedom and defeat terror; we cannot permit the ICC to disrupt that vital mission.

In light of this position, the United States cannot in good faith join in the consensus on an OAS resolution that promotes the Court.

¹ The United States reserves on paragraphs 2.b and 9 of this resolution and requests that the text of its statement be placed on record. The text of the statement appears as an annex to this resolution.