

Translated from Spanish

Republic of Chile

**Ministry of Foreign Affairs
Permanent Mission to the United Nations**

No. 122/10

The Permanent Mission of Chile to the United Nations presents its compliments to the Secretariat of the United Nations and wishes to refer to note LA/COD/2 dated 2 April 2010 from the Secretary-General concerning the status of Protocols Additional to the Geneva Conventions of 1949.

In that regard, this Mission attaches a report on the status of those protocols in Chile, and on measures taken at the national level to carry out the commitments made.

The Permanent Mission of Chile to the United Nations takes this opportunity to convey to the Office of Legal Affairs of the United Nations Secretariat the renewed assurances of its highest consideration.

New York, 29 June 2010

[Signed]

Permanent Mission of Chile to the United Nations

Codification Division
Office of Legal Affairs
United Nations Secretariat

Ministry of Foreign Affairs

Department of Legal Affairs

Status of the Protocols Additional to the Geneva Conventions and relating to the protection of victims of armed conflicts, and measures taken to strengthen the existing regime of international humanitarian law, pursuant to General Assembly resolution 61/30 of 4 December 2006

I. Situation in Chile regarding the Protocols Additional to the Geneva Conventions of 1949

Protocol Additional to the Geneva Conventions of 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (API 1977)	
Date of conclusion	12 December 1977
Date of deposit of the instrument of ratification	24 April 1991
Date of publication in the Official Gazette	28 October 1991

Protocol Additional to the Geneva Conventions of 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) (APII 1977)	
Date of conclusion	12 December 1977
Date of deposit of the instrument of ratification	24 April 1991
Date of publication in the Official Gazette	28 October 1991

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP CAC)	
Date of conclusion	16 May 2000
Date of deposit of the instrument of ratification	31 July 2003
Date of publication in the Official Gazette	17 December 2003

II. Measures taken to strengthen the existing regime of international humanitarian law

Chile reaffirms its undertaking with regard to compliance with the Geneva Conventions and their Additional Protocols. In that regard, it wishes to enumerate in this report the main activities undertaken at the national level to strengthen international humanitarian law.

1. Participation of Chile in treaties on international humanitarian law

Chile has ratified the great majority of international instruments on the subject, and has been incorporating into its domestic law the obligations arising from those instruments, a situation that has been recognized by the International Committee of the Red Cross (ICRC) and the international community.

2. The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its Protocols I and II

Chile became a party to the Convention in 2009, and is currently in the process of implementing it. For that purpose the National Commission on International

Humanitarian Law is coordinating with the relevant national bodies with a view to determining and defining the cultural property that will be subject to protection under the Convention.

3. Statute of the International Criminal Court of July 1998

Chile ratified the Statute of the International Criminal Court on 29 June 2009, the date on which it deposited the instrument of ratification with the United Nations Secretariat.

Chile's ratification of the Rome Statute is linked with the promulgation of the law that enumerates crimes against humanity, genocide and war crimes in our legislation, and this has involved the incorporation into domestic law of the penalties prescribed by the Rome Statute.

4. National Commission on Humanitarian Law

Established by Supreme Decree of the Ministry of Foreign Affairs No. 1.229 of 31 August 1994, this body is made up of representatives of the following ministries: foreign affairs, defence, education, health, justice and the interior.

The Commission is in constant contact with ICRC through the latter's representatives for Latin America.

It functions permanently and has the primary objective of that expressed in its founding decree, namely, to ensure the effective implementation of the 1949 Geneva Conventions and their Additional Protocols, and in general to promote all principles of humanitarian law.

In compliance with this mandate, the Commission carries out the following functions, among others:

- Monitors progress in the adoption of treaties on international humanitarian law;
- Serves as a consultative body in respect of the current situation and development of international humanitarian law;
- In compliance with that undertaking, drafts reports and responds to questions from various bodies regarding international humanitarian law;
- Evaluates the degree of conformity of national legislation with the principles of international humanitarian law, and studies the way in which to incorporate agreements signed by Chile on this subject into domestic legislation;
- Periodically convenes meetings of members of the armed forces to ascertain progress in the teaching of international humanitarian law within the branches of the military services.

5. Teaching and dissemination of international humanitarian law

This has always been a fundamental task of the National Commission on International Humanitarian Law, since the dissemination within society of the principles of international humanitarian law is of the utmost importance. That is why it is constantly examining ways to draw up study programmes and texts to disseminate the origins, principles, implications and current challenges of

international humanitarian law, in close collaboration with the Ministry of Education.

International humanitarian law is part of the training for careers in law, political science and journalism. It is also an integral part of study plans and basic training at the War Academies of the Armed Forces of Chile.

6. Fourth emblem of the Red Cross

In the light of Chile's ratification on 6 July 2009 of Protocol III Additional to the Geneva Conventions, and relating to the adoption of an additional distinctive emblem (red diamond), the dissemination of this new distinctive sign constitutes a highly relevant task. Thus, it is hoped to incorporate it into study programmes and texts of the Ministry of Education, at both school and university levels, to give informational talks and to carry out other dissemination activities, for which the National Commission on International Humanitarian Law has gathered substantial material.

7. National Information Office

One item on the agenda of the National Commission on International Humanitarian Law in recent years has been the creation of a National Information Office, as laid down in section V of the Third Geneva Convention relative to the Treatment of Prisoners of War.

This item has been fully discussed and studied by the Commission, and in that connection the views of the Ministry of National Defence were requested, and there was a consensus to the effect that such an office should not be established permanently; rather, it should take conceptual form, i.e. in time of peace its legal existence as an institution should have been defined but it should be set up physically only in the event of armed conflict. It now remains to be determined in what agency it would be based. To that end, reports have been prepared on experiences of other countries in setting up this type of office, as have reports by national agencies.

8. The Missing: a project on preventing the disappearance of persons and on systems of reparation

Its purpose is to take the measures needed to avert and prevent the disappearance of persons in the event of armed conflict and to provide assistance and information to their families.

The institutions involved in this matter, to which the questionnaire prepared by ICRC (Questionnaire on follow-up to the Twenty-eighth International Conference of the Red Cross and Red Crescent) was sent, transmitted their reports to the Commission, and these served as the basis for a report which is in the final stages of revision.

Annex

Situation of Chile with regard to the principal treaties on international humanitarian law

<i>Protection of victims in armed conflicts</i>		
<i>Treaty or convention</i>	<i>Date of ratification</i>	<i>Date of publication</i>
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Convention I)	12 October 1950	17 April 1951
Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Convention II)	12 October 1950	17 and 18 April 1951
Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (Convention III)	12 October 1950	18 and 19 April 1951
Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (Convention IV)	12 October 1950	19 and 20 April 1951
Protocol Additional to the Geneva Conventions of 1949, and relating to the protection of victims of international armed conflicts, of 8 June 1977 (API 1977)	24 April 1991	28 October 1991
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) (APII 1977)	24 April 1991	28 October 1991
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP CAC)	31 August 2003	17 December 2003
Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III)	6 July 2009	6 January 2010

Protection of cultural property in the event of armed conflict

<i>Treaty or convention</i>	<i>Date of ratification</i>	<i>Date of publication</i>
Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954 (HCCP)	11 September 2008	5 January 2009
First Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (HCCP Protocol I)	11 September 2008	5 January 2009
Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict (HCCP Protocol II)	11 September 2008	5 January 2009

Environment

<i>Treaty or convention</i>	<i>Date of ratification</i>	<i>Date of publication</i>
Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, adopted by the General Assembly on 10 December 1976 (ENMOD)	Accession: 26 April 1994	29 August 1994

Arms

<i>Treaty or convention</i>	<i>Date of ratification</i>	<i>Date of publication</i>
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972	22 April 1980	7 July 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, and the Protocols on non-detectable fragments (Protocol I), on prohibitions or restrictions on the use of mines, booby-traps and other devices, as amended (Protocol II), on prohibitions or restrictions on the use of incendiary weapons (Protocol III) and on blinding laser weapons. (The four Protocols were adopted jointly with the Convention.) (CCW PI, PII and PIII)	15 October 2003	13 September 2004
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and its annexes, of 3 September 1992	12 July 1996	11 March 1997

<i>Arms</i>		
<i>Treaty or convention</i>	<i>Date of ratification</i>	<i>Date of publication</i>
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (OTTAWA)	10 September 2001	9 March 2002
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, and its Protocols I, II and III, of 10 October 1980	27 September 2007	31 December 2007
Protocol on Explosive Remnants of War (Protocol V to the Convention on Certain Conventional Weapons)	18 August 2009	24 February 2010
Convention on Cluster Munitions (text adopted at the Dublin Diplomatic Conference in 2008)	Adopted by the Congress in May 2010	
<i>International criminal law</i>		
<i>Treaty or convention</i>	<i>Date of ratification</i>	<i>Date of publication</i>
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, of 26 November 1968 (CSL WC&CAH)	Chile is not a party. The Convention is currently in the Senate, in its first constitutional procedure. (Committee on Foreign Affairs)	
International Convention for the Protection of All Persons from Enforced Disappearance, of 20 December 2006	8 December 2009	
Rome Statute of the International Criminal Court	29 June 2009	1 August 2009

Translator's note: Some of the dates given in the original text for the conclusion or ratification of the conventions and protocols do not correspond to those given in the United Nations Treaty Series. They have been left as in the original.