

Anti-personnel Mines: Implementing the Convention



Who must implement Article 9 ?

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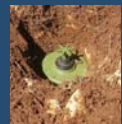
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Requirements

▶ Need to define certain terms:

- ▶ 'anti-handling device'
- ▶ 'anti-personnel mine'
- ▶ 'Convention'
- ▶ 'mine'
- ▶ 'mined area'
- ▶ 'transfer'
- ▶ 'Minister'
- ▶ 'occupier'



Definition

'anti-personnel mine'

means - a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.



Definition

includes any other mine or device which performs in a manner consistent with an anti-personnel mine as defined in the Convention

Anti-personnel Mines Prohibition Act 2003 – South Africa



Requirements

- ▶ **Prohibit:** use, development, production, acquisition, stockpiling, retention or transfer to anyone, directly or indirectly of AP mines
- ▶ **Prohibit:** also encouragement, assistance or inducement of these acts
- ▶ **Create:** appropriate penalty
- ▶ Consider **extra-territorial** application



Requirements

- ▶ Individual criminal responsibility
- ▶ **Exemptions:** for mine detection, clearance, destruction, deactivation.
- conduct of criminal proceedings
- ▶ **Destroy:**
 - » all stockpiled mines within 4 years
 - ▶ all emplaced mines within 10 years



Requirements

mark, monitor, protect against mined areas

Allow for visit by fact-finding mission

- » give privileges and immunities
- » search capability
- » provide their transport, accomm. security
- » allow to bring in equipment



Reporting

- ▶ Information-Gathering Powers
 - » Article 7 or 8
- ▶ Yearly report by 30 April
 - » national implementing measures
 - » total mines; stockpiled / in ground
 - » number of mines retained
 - » status destruction programmes
 - » measures to warn / protect civilians



Annual reporting:

implementing measures answers in **Form A** regarding national measures (especially legislation)

ICRC encourages States to ensure that Article 9 measures are included in Form A, *not just mine action* steps.

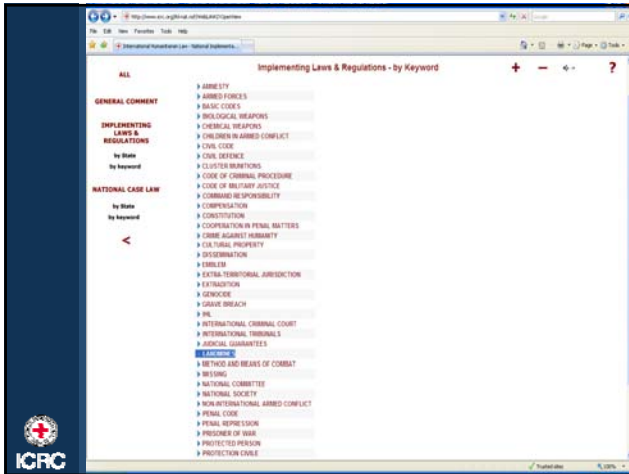


The screenshot shows a web browser displaying the ICRC Resource Centre page. The page title is "National implementation of IHL: model laws". The main content area contains a sub-heading "20-25-2010 Legal Facts Sheet" and a paragraph: "With a view to facilitating implementation of the rules of international humanitarian law at the national level, the ICRC's Advisory Service on International Humanitarian Law prepares model laws and offers advice on drafting legislation." Below this, there are several bullet points under the heading "Laws and regulations adopted by States to implement International Humanitarian Law are available in the 2010 - National implementation database":

- **Anti-personnel mines**
Model of legislation for common law States to implement the 1980 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.
- **Biological and Toxin Weapons**
Model Law on Biological and Toxin Weapons Control.
- **Cluster munitions**
Model Law Convention on Cluster Munitions, Legislation for Common Law States on the 2008 Convention on Cluster Munitions.
- **Landmines**
Model Law on the removal, national legislation on the use and protection of the activities of the Red Cross, Red Crescent and Red Crystal.
- **Geneva Conventions and Additional Protocols**
Model Law - Geneva Conventions (Consolidation) Act, Legislation for Common Law States on the 1949 Geneva Conventions and their 1977 and 2005 Additional Protocols.
Model Law on Conventions on the Geneva Conventions, Legislation on the Geneva Conventions and their 1977 and 2005 Additional Protocols of 1977.

On the right side of the page, there are sections for "RELATED SERVICES" and "RELATED FILES".





64 States Parties report having adopted legislation to implement the Convention (of 156)

Albania	Congo DR	Jordan	Peru
Australia	Costa Rica	Kiribati	Saint Vincent & Grenadines
Austria	Croatia	Latvia	Senegal
Belarus	Cyprus	Liechtenstein	Serbia
Belgium	Czech Republic	Lithuania	Seychelles
Belize	Djibouti	Luxembourg	South Africa
Bosnia and Herzegovina	El Salvador	Malaysia	Spain
Brazil	France	Mali	Sweden
Burkina Faso	Germany	Malta	Switzerland
Burundi	Guatemala	Mauritania	Timor-Leste
Cambodia	Honduras	Mauritius	Trinidad & Tobago
Canada	Hungary	Monaco	Turkey
Chad	Iceland	New Zealand	United Kingdom
Colombia	Ireland	Nicaragua	Yemen
Cook Islands	Italy	Niger	Zambia
	Japan	Norway	Zimbabwe
		Panama	

31 States Parties report considering existing laws to be sufficient to give effect to the Convention

Algeria	Holy See	Portugal
Andorra	Kuwait	Romania
Argentina	Indonesia	Samoa
Bulgaria	Lesotho	Slovakia
Central African Republic	Mexico	Slovenia
Denmark	Moldova	Tajikistan
Estonia	Montenegro	Tanzania
Ethiopia	Namibia	The FYR Macedonia
Greece	Netherlands	Tunisia
Guinée-Bissau	Papua New Guinea	Ukraine
		Venezuela

22 States Parties report being in the process of adopting legislation to implement the Convention

Some since 2002

Bangladesh	Ecuador	Nigeria	Sudan
Bolivia	Jamaica	Palau	Suriname
Brunei	Kenya	Paraguay	Swaziland
Burundi	Madagascar	Philippines	Thailand
Chile	Malawi	Rwanda	Uganda
Congo	Mozambique	Saint Lucia	Vanuatu

14 States for which **no progress** has been reported in implementation

Afghanistan	Côte d'Ivoire	Sierra Leone
Benin	Gabon	Solomon Islands
Botswana	Guinea	Swaziland
Cameroon	Haiti	Togo
	Nauru	Uruguay



25 States Parties for which information is as yet **unavailable or unclear**

Angola	Equatorial Guinea	Maldives
Antigua and Barbuda	Eritrea	Niue
Bahamas	Fiji	Qatar
Barbados	Gambia	Saint Kitts & Nevis
Bhutan	Ghana	San Marino
Cape Verde	Grenada	Sao Tome & Principe
Comoros	Guyana	Turkmenistan
Dominica	Iraq	
Dominican Republic	Liberia	

