

**ICRC Statement**  
**Article 9: The development and adoption of legislative,  
administrative and other measures**

**Standing Committee on the General Status and Operation of the Convention**

**25 May 2012**

Each and every State Party must have domestic measures to ensure full respect for the obligations under Article 9 of the Convention. Without such measures, States are not in a position to prosecute offenders for violations of the Convention, which in turn undermines the universality of the norm prohibiting anti-personnel mines.

At the Second Review Conference of the Mine Ban Treaty in 2009, the States Parties recorded that over 40% of the States Parties had not yet reported having legislation in place to give effect to the Convention in their national legal framework.

Since that Review Conference, the only development to the ICRC's knowledge has been in the **Democratic Republic of the Congo**, which adopted legislation to implement the Convention on 9 July 2011. We commend the DRC for this achievement. However, on our calculations, **60 States Parties** (not including the three new States Parties that do not yet have reporting obligations) have not yet reported having legislation to implement article 9.

The ICRC understands that in **20 States Parties**, **draft implementing legislation** is still awaiting adoption. In some of these cases, draft legislation has been pending for up to a decade and would therefore seem to no longer be on the legislative agenda. We strongly encourage all States in this category to ensure the adoption of these drafts by their Parliaments in the near future, so that by the Third Review Conference all twenty states in this group will have implementing legislation in force.

In addition to these 20 States Parties with draft legislation pending, a further **40 States** have reported **no progress** on implementation, have provided **no information** on their Article 9 obligations, or have provided information that is **unclear**. There is a very strong link between the States in this category and Article 7, since the vast majority of them have not submitted an Article 7 report for a number of years. Perhaps, therefore, there have been developments of which we are unaware, because the State has not reported them. This underscores the importance of States Parties submitting their Article 7 reports and including all relevant information in them.

We have distributed today a table setting out the ICRC's understanding of the status of implementing legislation in all States Parties. Please do not hesitate to contact us, and especially our Regional Legal Advisors, if there is updated information to include or if we have misunderstood any point.