

**Tenth Meeting of the States Parties to the  
Convention on the Prohibition of Anti-Personnel Mines  
Geneva, 29 November – 3 December 2010**

**ICRC Statement on on Preventing and Suppressing Prohibited Activities  
(Article 9 of the Convention)**

Thank you Mr President

At the Second Review Conference of the Mine Ban Treaty, the States Parties recorded that while there has been some progress since the Nairobi Summit in implementing Article 9, over 40 percent of the States Parties have not yet reported that they have legislation in place to give effect to the Convention.

Unfortunately, since the Review Conference there has been no progress in the number of States that have adopted legislation - or that have stated, either through Article 7 reports or elsewhere, that they consider their existing legislation to be sufficient. The number of States in these two categories remains at 94.

A further 23 States have reported that they are in the process of adopting legislation. 12 of these States have been reporting this state of play for 5 years or more. Only 5 of these 23 States have mentioned article 9 measures in their Article 7 reports submitted this year.

Of equal concern is the fact a further 39 States, have reported no progress on implementation, have provided no information on their Article 9 obligations, or have provided information that is unclear.

The ICRC welcomes the proposal by Belgium to improve the number and quality of Article 7 reporting as this will help allow more accurate reporting of States' implementing obligations.

In order to ensure full respect for the obligations under this Article of the Convention, it is crucial that legislation be adopted by **each and every State Party**, regardless of whether or not they are affected by or have stockpiles of anti-personnel mines. They are obliged to ensure that domestic law is capable, at a minimum, of providing penal sanctions for activity prohibited by the Convention. Without adequate domestic legislation, States are not in a position to prosecute offenders for violations of the Convention. The rationale for this requirement is to ensure that the norm prohibiting anti-personnel mines is enforceable everywhere, and is therefore truly universal. The examples of prosecutions given by Algeria last June are concrete examples of how crucial it is to have legislation.

We urge those States that have reported being in the process of adopting legislation to finalise their work and those that have not initiated a legislative process to do so as a priority.

In addition to the measures on repression of violations, national legislation should also include provisions to facilitate the implementation of mine action, and the operationalisation of the compliance mechanisms envisaged by Article 8 of the Convention.

The ICRC continues to provide assistance for the development of national implementing legislation to States Parties. Legal advisers of the ICRC's Advisory Service both here in Geneva and in 10 of our delegations around the world, stand ready to assist more States in developing national legislation. The ICRC has developed a number of tools to assist States in the development of their national implementing legislation, including a model law.

A table has been distributed, produced by the ICRC, categorising States Parties according to their implementation status and a more detailed table with information on individual States is available at the back of the room. These are based on reports by States and this national legislation is reflected on the ICRC database on national implementation. The ICRC welcomes any further information, which States may have to update and complete our information and encourages States to approach us if they require assistance with implementing measures.