

ICRC Statement on Preventing and Suppressing Prohibited Activities (Article 9) 11 MSP to the Mine Ban Convention

Friday, 2 December 2011

At the Second Review Conference of the Mine Ban Treaty two years ago, 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 had not yet reported having legislation in place to give effect to the Convention in their national legal framework.

Unfortunately, since that Review Conference there has been little 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 now stands at 95, leaving 63 States (still 40 percent) that have yet to fulfil this obligation.

Twenty-two States have reported that they are **in the process of adopting** legislation. The fact that the overwhelming majority of these States have been in the same position for 5 years or more should be of concern to all of us. Only 2 of these 22 States submitted an Article 7 report for the year 2010 and only one reported specifically on the state of national implementing legislation. It is worth noting that **draft legislation** exists in a number of those States that report being in the process of incorporating their obligations into domestic law. These drafts must be adopted by their Parliaments as a matter of urgency.

Of equal concern is the fact that a further **41** States have reported **no progress** on implementation, have provided **no information** on their Article 9 obligations, or have provided information that is **unclear**. Of these 41 states, only **3** submitted an Article 7 report for the year 2010.

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. The rationale for this requirement is to ensure that the norm prohibiting anti-personnel mines is enforceable everywhere, and is therefore truly universal.

The ICRC continues to provide technical assistance for the development of national implementing legislation to States Parties. The ICRC has developed a number of tools, including a model law, to assist States in their efforts.

We have brought here today two tables setting out our 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.