

**Ninth Meeting of the States Parties to the
Convention on the Prohibition of Anti-Personnel Mines,
Geneva, 24 - 28 November 2008**

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

Thursday 28 November 2008

Thank you Mr. President

The Nairobi action plan contains four specific commitments aimed at ensuring implementation of this fundamental Convention obligation (Actions#59-62). The ICRC is encouraged that since the last meeting of States Parties, and Burundi, the Cook Islands, Jordan and Mauritania have adopted new domestic law and some States have begun the process of developing implementing legislation, in particular Kiribati, Palau and Vanuatu, the ICRC commends them for their efforts.

We note however, with concern, that still too few States Parties - 89 - report having adopted legislation or have stated, either through Article 7 reports or elsewhere, that they consider their existing legislation to be sufficient. On the information available, a further thirty nine States have reported that they are in the process of adopting legislation, though thirty of these have been reporting this for four years or more, and only 6 of these have mentioned article 9 measures in their Article 7 reports for the year 2007. Of perhaps even greater concern is the fact in the case of thirty three States, there is either no information on their Article 9 obligations or that information is unclear. Notably therefore much is left to be done for many States to fulfil their obligations under Article 9 of the Convention.

In order to ensure full respect for the obligations under this Article of the Convention, it is crucial that such measures be taken and that all States that have not done so ensure that their domestic law is capable, at a minimum, of preventing and suppressing any activity prohibited by the Convention. National legislation should also include provisions to facilitate the implementation of mine action, as well as the operationalisation of the compliance mechanisms envisaged by Article 8 of the Convention.

It is important to note that Article 9 requires **each and every State Party** - regardless of whether or not it is affected by anti-personnel mines - to prevent and suppress 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 is and has been providing assistance for the development of national implementing legislation to States Parties. Legal advisers of the ICRC's Advisory Service stand ready to assist more States in developing national legislation. As is known, the ICRC developed a number of tools to assist States in the development of their national implementing legislation, including a model law for States of the common law legal tradition.

The ICRC has produced a table categorising States Parties according to their implementation status and has produced a detailed table with information on individual States. The ICRC welcomes any further information, which States may have to update and complete our information. The ICRC also has available an easy-to-use checklist of minimum requirements to fulfil Article 9 obligations, and which can be used by all States Parties to ensure that their legislation conforms with Article 9 including those States that may consider their existing law as sufficient.

We encourage all States Parties to make use of the checklist to ensure their legislation meets the Article 9 requirements. We also urge States Parties to provide updates on their implementation efforts, especially those who are in the process of adopting legislation.