

CHECKLIST

DOMESTIC MEASURES TO IMPLEMENT THE ANTI- PERSONNEL MINE BAN CONVENTION

The Convention contains various measures and mechanisms for promoting its implementation and ensuring compliance with its provisions. Some of these may necessitate the adoption of States Parties of domestic legislation and administrative regulations. This may involve the adoption of criminal legislation, including the imposition of penal sanctions, to ensure respect for the Convention's provisions within their territory and by persons under their jurisdiction or control. It may also require issuing administrative instructions to the armed forces and introducing changes in military doctrine, policies and training.

This checklist provides guidance for States on the legal/regulatory/administrative framework necessary to ensure implementation of the Convention, as well as good practices.

The [Model Law](#) of the International Committee of the Red Cross (ICRC) provides a substantive guide to drafting legislative provisions; the checklist contains numerous references to it.

ARTICLE 9 IMPLEMENTATION

1. PROHIBITED CONDUCT

- Does your legal framework prohibit your nationals or other persons on territory within your jurisdiction or under your control from undertaking, in connection with anti-personnel mines, any of the following activities?
 - Using
 - Developing or producing
 - Acquiring
 - Possessing, retaining or stockpiling
 - Transferring
 - Assisting, encouraging or inducing, in any way, anyone to engage in any of the activities listed above.

(Model Law, Section 3)

2. OFFENCES AND PENALTIES

- Does your legal framework provide for the following?
 - An offence (criminal/administrative), in connection with anti-personnel mines, to:
 - Use
 - Develop
 - Produce
 - Acquire

- Stockpile
 - Retain
 - Transfer
- A subsidiary offence to assist, encourage or induce, in any way, anyone to engage in any of the activities listed above.

(Model Law, Section 4)

This can be done through a new piece of legislation ([Model Law here](#)) or by amending existing legislation (e.g. the penal code or firearms legislation; examples can be found in the ICRC's [National Implementation Database](#)).

3. DEFINITIONS

- Does your legal framework incorporate the definitions provided in Article 2 of the Convention, or are the definitions cross-referenced in the relevant offences?

(Model Law, Section 2)

4. EXCEPTIONS

- Does your legal framework provide an exception to the offences for retaining or transferring anti-personnel mines for permitted purposes (Article 3)?
- Does your legal framework ensure that the persons assigned to handle anti-personnel mines are duly authorized?

(Model Law, Section 6)

5. DESTRUCTION OF MINES

- Does your legal/regulatory/administrative framework require the destruction of all stockpiled anti-personnel mines other than those retained by your State or transferred to it for permitted purposes (Articles 3 and 4)?
- Does your legal/regulatory/administrative framework establish how your State will ensure the clearance of all anti-personnel mines in mined areas within its jurisdiction or under its control, and how it will seek extensions when necessary (Article 5)?
- Does your legal/regulatory/administrative framework provide for marking and monitoring of mined areas and for measures to protect civilians pending clearance (Article 5)?

(Model Law, Sections 7–10)

OTHER MEASURES TO FACILITATE IMPLEMENTATION

6. ARTICLE 7 REPORT

- Does your legal/regulatory/administrative framework give a national agency the task of collecting information and preparing this report?

7. DESIGNATED AUTHORITY

- Have you considered creating a national coordinating body to oversee activities such as those listed below?
 - Clearance (humanitarian demining)
 - Stockpile destruction
 - Drafting and implementation of standards for mine action
 - Victim assistance
 - Mine-risk education and reduction

This body may be a centre for mine action or mine coordination, or some other national agency. It must have terms of reference and a budget, for which legal/regulatory/administrative arrangements must be made.

8. FACILITATION OF FACT-FINDING MISSION

- Does your legal/regulatory/administrative framework establish the necessary legal and administrative measures to receive fact-finding missions authorized under Article 8, transport and accommodate them, grant them immunities and privileges, and ensure their security?




(Model Law, Sections 11–19)

9. VICTIM ASSISTANCE

- To the extent possible (and taking into account its obligations under other relevant treaties to which it is party), does your State develop, implement and enforce laws, regulations and other measures to provide for medical care, physical rehabilitation and psychological support for mine victims, and for their social and economic inclusion?

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

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