

Standing Committee on General Status and Operation of the Convention
Report on Experimentation Session on Article 9, National Implementation Measures
Thursday, June 23, 2011

The objective of the experimentation sessions undertaken by the Co-Chairs of three Standing Committees is understood to be an attempt to create a more inter-active atmosphere in order to assist in the implementation of the Convention. The Co-Chairs of the Standing Committee on General Status and Operation hosted a meeting on Thursday 23 June to discuss the issue of National Implementation Measures with the objective being to increase the numbers of States Parties that have either adopted appropriate domestic legislation or confirmed that existing legislation was adequate.

The specific aim of the session was to provide an opportunity for States Parties that have not yet met their Article 9 obligations to hear from other States Parties on the processes they followed. Seventeen States Parties, Human Rights Watch and the ICRC participated in the session.

Following introductory remarks, the session was opened by Mr. Len Blazeby, Legal Advisor with the ICRC Advisory Services on IHL. The ICRC presentation highlighted the requirement to meet the obligations of Article 9, the status of compliance, and laid out the basic elements of what required legislation must entail. A key message that States Parties should understand is that any legislation must enable States Parties to prosecute offences. If a State Party's legislation does not permit that, it would not be in compliance with the Article 9 obligation.

Mr. James O'Shea, Permanent Mission of Ireland to the United Nation in Geneva, presented Ireland's experiences with regard to meeting the Article 9 obligation. Of particular interest was the fact that Ireland passed a law in 1996 so that the Convention could be ratified immediately upon signature and that in 2008, in order to permit immediate ratification of the Convention on Cluster Munitions, the law was updated to include provisions for both Conventions.

Ms. Shiela Mweeba, Director of the Zambia Mine Action Centre presented Zambia's experiences in implementing national legislation. She highlighted the importance of establishing a national champion, in Zambia's case the Mine Action Centre, to guide the legislation through the national system.

Mr. Dragomir Zakov, Permanent Mission of Bulgaria to the United Nations in Geneva discussed Bulgaria's experience. Bulgaria, in contrast to Ireland and Zambia, identified that existing law with respect to explosives was sufficient to meet its Article 9 obligations. Mr. Zakov briefly covered the process by which that determination was made and the penal sanctions that the existing law prescribed.

In closing, the Co-Chairs highlighted the importance of examining processes and procedures that States Parties had taken to achieve Article 9 compliance in order to provide examples that States Parties in the process could use to advance their efforts. The meeting itself provided the opportunity for a good exchange of ideas and experiences and it is believed that at least one State Party that has not yet implemented Article 9, will be in a position to do as a consequence of the meeting.