Who must implement Article 9?

"Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control."

Requirements

- Need to define certain terms:
  - 'anti-handling device'
  - 'anti-personnel mine'
  - 'Convention'
  - 'mine'
  - 'mined area'
  - 'transfer'
  - 'Minister'
  - 'occupier'
**Definition**

‘anti-personnel mine’
means - a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

**Definition**

includes any other mine or device which performs in a manner consistent with an anti-personnel mine as defined in the Convention

*Anti-personnel Mines Prohibition Act 2003 – South Africa*

**Requirements**

- **Prohibit**: use, development, production, acquisition, stockpiling, retention or transfer to anyone, directly or indirectly of AP mines
- **Prohibit**: also encouragement, assistance or inducement of these acts
- **Create**: appropriate penalty
- Consider extra-territorial application

**Requirements**

- **Individual criminal responsibility**
- **Exemptions**: for mine detection, clearance, destruction, deactivation.
  - conduct of criminal proceedings
- **Destroy**:
  - all stockpiled mines within 4 years
  - all emplaced mines within 10 years
Requirements
mark, monitor, protect against mined areas

Allow for visit by fact-finding mission
» give privileges and immunities
» search capability
» provide their transport, accomm. security
» allow to bring in equipment

Reporting

Information-Gathering Powers
» Article 7 or 8

Yearly report by 30 April
» national implementing measures
» total mines; stockpiled / in ground
» number of mines retained
» status destruction programmes
» measures to warn / protect civilians

Annual reporting:
implementing measures answers in Form A regarding national measures (especially legislation)

ICRC encourages States to ensure that Article 9 measures are included in Form A, not just mine action steps.
31 States Parties report considering existing laws to be sufficient to give effect to the Convention

- Algeria
- Andorra
- Argentina
- Bulgaria
- Central African Republic
- Denmark
- Estonia
- Ethiopia
- Greece
- Guinée-Bissau
- Holy See
- Kuwait
- Indonesia
- Lesotho
- Mexico
- Moldova
- Montenegro
- Namibia
- Netherlands
- Papua New Guinea
- Portugal
- Romania
- Samoa
- Slovakia
- Slovenia
- Tajikistan
- Tanzania
- The FYR Macedonia
- Tunisia
- Ukraine
- Venezuela

64 States Parties report having adopted legislation to implement the Convention (of 156)

- Albania
- Austria
- Azerbaijan
- Belarus
- Belgium
- Belize
- Bosnia and Herzegovina
- Brazil
- Burkina
- Faro
- Burundi
- Cambodia
- Chad
- Colombia
- Cook Islands
- Congo DR
- Costa Rica
- Croatia
- Cyprus
- Czech Republic
- Jordan
- Kiribati
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malaysia
- Mali
- Malta
- Mauritania
- Mauritius
- Monaco
- New Zealand
- Nicaragua
- Niger
- Norway
- Panama
- Paraguay
- Peru
- Saint Vincent & Grenadines
- Senegal
- Serbia
- Seychelles
- South Africa
- Spain
- Sweden
- Switzerland
- Timor-Leste
- Trinidad & Tobago
- Turkey
- United Kingdom
- Yemen
- Zambia
- Zimbabwe

22 States Parties report being in the process of adopting legislation to implement the Convention

- Bangladesh
- Bolivia
- Brunei
- Burundi
- Chile
- Congo
- Ecuador
- Jamaica
- Kenya
- Madagascar
- Malawi
- Mozambique
- Nigeria
- Palau
- Paraguay
- Philippines
- Rwanda
- Saint Lucia
- Senegal
- Sudan
- Suriname
- Swaziland
- Thailand
- Uganda
- Vanuatu

22 States Parties report being in the process of adopting legislation to implement the Convention

- Some since 2002
14 States for which **no progress** has been reported in implementation

<table>
<thead>
<tr>
<th>Afghanistan</th>
<th>Benin</th>
<th>Botswana</th>
<th>Botswana</th>
<th>Cameroon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Côte d'Ivoire</td>
<td>Gabon</td>
<td>Guinea</td>
<td>Haiti</td>
<td>Nauru</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Solomon Islands</td>
<td>Swaziland</td>
<td>Togo</td>
<td>Uruguay</td>
</tr>
</tbody>
</table>

25 States Parties for which information is as yet **unavailable or unclear**

<table>
<thead>
<tr>
<th>Angola</th>
<th>Antigua and Barbuda</th>
<th>Bahamas</th>
<th>Barbados</th>
<th>Bhutan</th>
<th>Cape Verde</th>
<th>Comoros</th>
<th>Dominica</th>
<th>Dominican Republic</th>
<th>Equatorial Guinea</th>
<th>Eritrea</th>
<th>Fiji</th>
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<th>Grenada</th>
<th>Guyana</th>
<th>Iraq</th>
<th>Liberia</th>
<th>Maldives</th>
<th>Niue</th>
<th>Qatar</th>
<th>Saint Kitts &amp; Nevis</th>
<th>San Marino</th>
<th>Sao Tome &amp; Principe</th>
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