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."
Minimum requirement of 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."

National legislation must:

- Define as crimes and provide penal sanctions for all activities prohibited by Article 1(a), (b) and (c) (use, develop, produce, otherwise acquire, stockpile, retain or transfer – see also assist, encourage, induce)
  - i.e. hold all individuals (military and civilian) accountable for violations of the Convention
  - Not only in times of armed conflict
- Apply definitions consistent with those of Article 2
- Recognize the exceptions permitted under Article 3, as required
Article 9 Measures:

- **Who?** – Each State Party must
- **What?** Take all appropriate measures
  - Legal, administrative and other measures
  - Including penal sanctions
- **Why?** to prevent and suppress any activity prohibited by the Convention
- **Where?** Undertaken by persons or on territory under its jurisdiction or control

ICRC Proposed checklist

- In order to guide States in the preparation of their Annual Article 7 reports:
  - The ICRC has distributed a checklist
  - No need to complete this checklist and return it
  - Please review the answers in Form A regarding national measures (especially legislation)
- ICRC encourages States to ensure that Article 9 measures are included in Form A, *not justmine action* steps.
This checklist includes two parts: Firstly, legislative measures required by Article 9

<table>
<thead>
<tr>
<th></th>
<th>Does your legislation prohibit and provide punishment for these violations? (Art. 9)*</th>
<th>Is there a prohibition for assisting, encouraging and inducing these violations? (Art. 1 c and Art. 9)*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use (Art. 1 a)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Acquisition (Art. 1 b)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stockpiling (Art. 1 b)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Retention (Art. 1 b)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transfer</strong>, including the physical movement of AP mines into or from national territory, and the transfer of title to and control over the mines (Art. 1 b, and Art. 2(4))</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Development (Art. 1 b)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Production (Art. 1 b)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

And, secondly:

- **2. Other appropriate legal, administrative and other measures**
  - a) How would a fact finding mission (Art. 8) be facilitated: under what law, regulation, or other measure?
  - b) Is destruction of AP mines (Art. 4 and 5) provided for by law, regulation or by other measure?
  - c) Is there legislation, regulation or other measure to assist the Ministry or Department responsible for annual Article 7 reports, for example by requiring all persons, including other government officials, to provide the necessary information?
Other appropriate national implementation measures (cont’d):

- For States Parties with **stockpiles**:
  - measures to facilitate stockpile destruction (Article 4)

- For **mine-affected** States Parties:
  - measures to facilitate implementation of Article 5 (i.e. mine clearance and other mine action) see GICHD Guide to Developing Mine Action Legislation

When implementing the Convention, each State may choose from:

1. Special legislation;
2. Amendment to existing legislation; or
3. Combination of 1 and 2
52 States Parties report having **adopted legislation** to implement the Convention (of 150)

* = countries are new in this category

Albania
Australia
Austria
Belarus
Belgium
Belize
Bosnia and Herzegovina
Brazil
Burkina Faso
Cambodia
China
*Chad
Colombia
Costa Rica

Croatia
Cyprus
Czech
Republic
El Salvador
Estonia
France
Germany
Guatemala
Honduras
Hungary
Iceland
Italy
Japan
Liechtenstein

Luxembourg
Malaysia
Mali
Malta
Mauritius
Monaco
New Zealand
Nicaragua
Niger
Norway
Saint Vincent and the Grenadines
*Senegal
Seychelles

South Africa
Spain
Sweden
Switzerland
Trinidad & Tobago
Turkey
United Kingdom
Yemen
Zambia
Zimbabwe

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

* = countries are new in this category

Afghanistan
Argentina
Bangladesh
Benin
*Bolivia
Botswana
*Brunei
Cameroon

Chile
D.R. Congo
R. Congo
Côte d’Ivoire
Djibouti
Guinea
Jamaica
*Jordan
Kenya
*Madagascar

Malawi
Mauritania
Mozambique
Nigeria
Panama
Paraguay
*Peru
Philippines
Rwanda

*Saint Lucia

Serbia
Suriname
Swaziland
Thailand
Togo
Uganda
Uruguay
### 25 States Parties report considering existing laws to be sufficient to give effect to the Convention

* = countries are new in this category

<table>
<thead>
<tr>
<th>Country</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>Mexico</td>
</tr>
<tr>
<td>Andorra</td>
<td>Moldova</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>Papua New Guinea</td>
</tr>
<tr>
<td>Denmark</td>
<td>Portugal</td>
</tr>
<tr>
<td><em>Greece</em></td>
<td>Romania</td>
</tr>
<tr>
<td>Guinée-Bissau</td>
<td>Samoa</td>
</tr>
<tr>
<td>Holy See</td>
<td>Slovakia</td>
</tr>
<tr>
<td>Ireland</td>
<td>Slovenia</td>
</tr>
<tr>
<td>Kiribati</td>
<td>Tajikistan</td>
</tr>
<tr>
<td>Lesotho</td>
<td>Tanzania</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Tunisia</td>
</tr>
<tr>
<td>FYR Macedonia</td>
<td></td>
</tr>
</tbody>
</table>

### 5 States Parties report assessing whether to adopt legislation

Namibia, Nauru, Sierra Leone, Solomon Islands, Timor-Leste
31 States Parties for which information is as yet unavailable or unclear
* = countries are new in this category

<table>
<thead>
<tr>
<th>Angola</th>
<th>Ethiopia</th>
<th>Qatar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antigua and Barbuda</td>
<td>Fiji</td>
<td>Saint Kitts &amp; Nevis</td>
</tr>
<tr>
<td>Bahamas</td>
<td>Gabon</td>
<td>San Marino</td>
</tr>
<tr>
<td>Barbados</td>
<td>Gambia</td>
<td>Sao Tome &amp; Principe</td>
</tr>
<tr>
<td>*Bhutan</td>
<td>Ghana</td>
<td>Sudan</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>Grenada</td>
<td>Turkmenistan</td>
</tr>
<tr>
<td>Comoros</td>
<td>Guyana</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Dominica</td>
<td>Latvia</td>
<td>Vanuatu</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>Liberia</td>
<td>Venezuela</td>
</tr>
<tr>
<td>Equatorial Guinea</td>
<td>Maldives</td>
<td></td>
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<tr>
<td>Eritrea</td>
<td>Niue</td>
<td></td>
</tr>
</tbody>
</table>

4 New Member States that have not yet reported

- Indonesia
- Cook Islands
- Haiti
- Montenegro
Changes between 2005 and 2007, number of States Parties in the following categories:

<table>
<thead>
<tr>
<th>Category</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation adopted</td>
<td>43</td>
<td>48</td>
<td>52</td>
</tr>
<tr>
<td>Considering whether to adopt legislation</td>
<td>6</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>State considers its existing legislation is adequate</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Legislation is in process</td>
<td>36</td>
<td>32</td>
<td>36</td>
</tr>
<tr>
<td>Unclear or not reported</td>
<td>34</td>
<td>34</td>
<td>31</td>
</tr>
<tr>
<td>New States parties that have not yet reported</td>
<td>6</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>144</td>
<td>150</td>
<td>153</td>
</tr>
</tbody>
</table>

Tools for implementing Art. 9:

- ICRC – ICBL – Gov. of Belgium *Information Kit on the Development of National legislation to implement the Ottawa Convention* (English, French, Spanish, Russian)
- ICRC *Model Legislation for Common Law States* (English)
- ICRC Table of Article 9 National Implementation Measures, and the ICRC Article 9 Checklist (May 2006)
- ICRC’s Advisory Service assists States in developing implementing legislation