Article 9 legislation

Geneva, June 2005

Article 9
National Implementation Measures

" 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."

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."
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
- Apply definitions consistent with those of Article 2
- Recognize the exceptions permitted under Article 3, as required

Other appropriate national implementation measures include:

- For all States Parties:
  - measures to facilitate information-gathering for Article 7 reports
  - measures to facilitate fact-finding missions under Article 8
  - other measures to ensure respect for the Convention (e.g. harmonizing military doctrine with the Convention)
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

Each State may choose the form of its legislation:

1. Special legislation;
2. Amendment to existing legislation; or
3. Combination of 1 and 2
### 43 States Parties report having adopted legislation to implement the Convention (of 144)

<table>
<thead>
<tr>
<th>Australia</th>
<th>Austria</th>
<th>Belarus</th>
<th>Belgium</th>
<th>Belize</th>
<th>Brazil</th>
<th>Burkina Faso</th>
<th>Cambodia</th>
<th>Canada</th>
<th>Colombia</th>
<th>Costa Rica</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech Republic</td>
<td>El Salvador</td>
<td>Estonia</td>
<td>France</td>
<td>Germany</td>
<td>Guatemala</td>
<td>Honduras</td>
<td>Hungary</td>
<td>Iceland</td>
<td>Italy</td>
<td>Japan</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Malaysia</td>
<td>Mali</td>
<td>Malta</td>
<td>Monaco</td>
<td>Mauritius</td>
<td>New Zealand</td>
<td>Nicaragua</td>
<td>Niger</td>
<td>Norway</td>
<td>Seychelles</td>
</tr>
<tr>
<td>South Africa</td>
<td>Spain</td>
<td>Sweden</td>
<td>Switzerland</td>
<td>Trinidad &amp; Tobago</td>
<td>Turkey</td>
<td>United Kingdom</td>
<td>Zambia</td>
<td>Zimbabwe</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Afghanistan</th>
<th>Albania</th>
<th>Argentina</th>
<th>Bangladesh</th>
<th>Benin</th>
<th>Bosnia &amp; Herzegovina</th>
<th>Botswana</th>
<th>Cameroon</th>
<th>Chad</th>
<th>Chile</th>
<th>D.R. Congo</th>
<th>R. Congo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Côte d’Ivoire</td>
<td>Croatia</td>
<td>Djibouti</td>
<td>Guinea</td>
<td>Jamaica</td>
<td>Kenya</td>
<td>Malawi</td>
<td>Mauritania</td>
<td>Mozambique</td>
<td>Nigeria</td>
<td>Panama</td>
<td>Paraguay</td>
</tr>
<tr>
<td>Serbia &amp; Montenegro</td>
<td>Suriname</td>
<td>Swaziland</td>
<td>Thailand</td>
<td>Togo</td>
<td>Uganda</td>
<td>Uruguay</td>
<td>Yemen</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
26 States Parties report considering existing laws to be sufficient to give effect to the Convention

- Algeria
- Andorra
- Bulgaria
- Central African Republic
- Croatia
- Denmark
- Guinée-Bissau
- Holy See
- Ireland
- Jordan
- Kiribati
- Lesotho
- Lithuania
- FYR Macedonia
- Mexico
- Moldova
- Netherlands
- Papua New Guinea
- Portugal
- Romania
- Samoa
- Slovakia
- Slovenia
- Tajikistan
- Tanzania
- Tunisia

6 States Parties report assessing whether to adopt legislation

- Cyprus
- Namibia
- Nauru
- Sierra Leone
- Solomon Islands
- Timor-Leste
33 Parties for which information is as yet unavailable or unclear

<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>Saint Lucia</td>
</tr>
<tr>
<td>Barbados</td>
<td>Gambia</td>
<td>Saint Vincent and the Grenadines</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Ghana</td>
<td>Sao Tome &amp; Principe</td>
</tr>
<tr>
<td>Burundi</td>
<td>Greece</td>
<td>Sudan</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>Grenada</td>
<td>Turkmenistan</td>
</tr>
<tr>
<td>Dominica</td>
<td>Guyana</td>
<td>Venezuela</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>Liberia</td>
<td></td>
</tr>
<tr>
<td>Ecuador</td>
<td>Madagascar</td>
<td></td>
</tr>
<tr>
<td>Ecuatorial Guinea</td>
<td>Maldives</td>
<td></td>
</tr>
<tr>
<td>Eritrea</td>
<td>Niue</td>
<td></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
- ICRC’s Advisory Service assists States in developing implementing legislation