



ICRC

**13th Meeting of States Parties to the Anti-Personnel Mine Ban Convention,
Geneva, Switzerland, 2-5 December 2013**

**ICRC Statement on Preventing and Suppressing Prohibited Activities
(Article 9 of the Convention), 5 December 2013**

Mr. President,

As was underscored in my colleague's statement on compliance, the adoption of national legislation to implement the key obligations of the Convention must remain a priority.

Since the entry into force of the Convention nearly 15 years ago, the majority of States (over 60%) (i) have taken positive action to put in place the necessary national implementation measures, or (ii) have reported that existing laws suffice to meet their obligations. This is a commendable achievement in itself.

There remains just under 40% of States Parties yet to take the required domestic measures to implement fully the Convention. Of these, around 1/3 have reported that they are in the process of adopting legislation. We acknowledge in particular the recent efforts of Afghanistan in this regard. We are also aware of renewed attention being given to this work in Rwanda and Uganda.

The link between national legislation and compliance concerns is clear. We note South Sudan's commitment to ensure that if antipersonnel mine use is confirmed in that country, those concerned will face justice. However, we understand that South Sudan is among the States Parties that have not yet incorporated the Convention's prohibitions into its national laws. I would therefore like to reiterate the offer of the ICRC delegation in Juba to assist South Sudan in the development of such legislation.

We note that the position of many States said to be developing legislation has remained unchanged for a number of years. There may be any number of reasons for which these States have not been able to advance with their legislative processes and see drafts adopted into laws. The ICRC therefore believes that new energy and innovative thinking is required to somehow overcome this inertia, to ensure that the Convention can be effectively enforced by all States Parties.

The challenge may be that much greater as States are being called upon to bring to bear their legislative obligations under myriad other weapons treaties, including the Convention on Cluster Munitions, the Conventional Weapons Convention and the newly adopted Arms Trade Treaty. Given the already overloaded legislative agendas of many States Parties, it should come as no surprise then that a Government's choice to work on one treaty can impact on its ability to focus on others, despite the undeniable humanitarian worth to be attached to all these instruments.

One way of overcoming this challenge, could be for those States Parties to both this Convention as well as the Cluster Munitions Convention, to consider joint legislation, similar to Ireland's *Cluster Munitions and Anti-Personnel Mines Act 2008*. We note this is

also the approach adopted by Afghanistan. Such an approach could alleviate the work of legislators and their draftspersons, and help overcome the domestication deadlock affecting both instruments.

For its part, the ICRC will continue to encourage greater regional synergies, and more effective peer to peer exchanges. Regional events co-hosted by the ICRC and held under the auspices of the Organisation of American States, the Commonwealth and ECOWAS, have shown the benefits of bringing together States from similar legal traditions or with shared regional concerns.

The ICRC stands ready to continue helping States in developing their national implementing legislation. We will further work with National International Humanitarian Law Committees or similar inter-ministerial advisory bodies, which have been established by Governments in 104 countries worldwide. If possible and where invited to do so, the ICRC can provide hands on technical and drafting advice to governments and national IHL committees, similar to the legal drafting workshop organised by the ICRC with the Liberian National IHL Committee in August 2013.

Finally, we will continue to refine the various tools we have created to assist States in the development of their national implementing legislation, including a model law, factsheets and an updated national IHL implementation database.

As always, the ICRC remains available to provide States with assistance and advice on implementing measures.