

**ICRC Checklist
Article 9 National Measures
Ottawa Convention on the Prohibition of Anti-personnel Mines**

Article 9 requires each State Party to the Convention to:

"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 should therefore include penal sanctions to prevent and punish each of the activities prohibited to a State Party listed in Article 1 of the Convention.

The following is a checklist aimed at assisting each State Party in determining whether its legislation is sufficient to implement Article 9.

1. Legislative measures required by Article 9

Does your legislation prohibit and impose penal sanctions for each of the following? Please consider which law (and article thereof) prohibit and punish these violations.

	Does your legislation prohibit and provide punishment for these violations? (Art. 9)*	Is there a prohibition for assisting, encouraging and inducing these violations? (Art. 1 c and Art. 9)*
Use (Art. 1 a)		
Acquisition (Art. 1 b)		
Stockpiling (Art. 1 b)		
Retention (Art. 1 b)		
Transfer , 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))		
Development (Art. 1 b)		
Production (Art. 1 b)		

*Note that prosecutions must be possible in all circumstances whether or not the act takes place in armed conflict

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?

For further information, please contact the ICRC Advisory Service on IHL in Geneva, tel. +41 22 734 6001, or email to advisoryservice.gva@icrc.org.