

**Seventh Meeting of the States Parties to the  
Convention on the Prohibition of Anti-Personnel Mines  
Geneva, 18-22 September 2006**

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

**Thursday 21 September 2006**

Thank you Madame President,

The Nairobi Action Plan contains four specific commitments aimed at ensuring implementation of this fundamental Convention obligation (Actions #59-62). The International Committee of the Red Cross (ICRC) is encouraged that since the Review Conference, a number of States Parties have adopted legislation in accordance with Article 9, and others have begun the process of developing implementing legislation. We would like to congratulate Albania, Chad, Croatia, Senegal and Peru for having adopted legislation since the last Meeting of the States Parties.

However, we note with concern that still too few States Parties – 77 States or just over one half of the States Parties to the Convention – report having adopted legislation or have stated through Article 7 reports (or elsewhere) that they consider their existing laws to be sufficient. This leaves half of the States Parties who have yet to incorporate the Convention's obligations into their domestic law, notably through penal sanctions.

In order to ensure full respect for the Convention, it is crucial that such measures be taken and that all States that have not yet done so ensure that their legislation is capable, at a minimum, of preventing and suppressing any activity prohibited by the Convention. National legislation should also include provisions to facilitate the implementation of mine action, as well as provisions to facilitate the operationalization of the compliance mechanisms envisaged by Article 8 of the Convention.

It is important to note that Article 9 requires each and every State Party -- regardless of whether or not it is affected by anti-personnel mines -- to prevent and suppress violations of the Convention. The rationale for this requirement is to ensure that the norm prohibiting anti-personnel mines is enforceable everywhere, and is therefore truly universal.

The ICRC has since the Review Conference been providing assistance for the development of national implementing legislation to some 20 States Parties. Legal advisers of the ICRC's Advisory Service stand ready to assist more States Parties in developing national legislation. As is known, the ICRC has developed a number of tools to assist States in the development of their national implementing legislation, including a legislation kit, available in English, French, Spanish and Russian, as well as model legislation for States of the common law legal tradition.

Finally Madame President, earlier this year at the May intersessionals, we presented an easy to use checklist of minimum requirements to fulfil Article 9 obligations, and which can be used by all States Parties to ensure that their legislation conforms with Article 9, including those States Parties that may consider that their existing legislation is sufficient. This checklist has been again made available this week to delegations.

The test that comes out of the checklist is a simple one. Can the State prosecute for the 7 actions prohibited by Article 1(a) and (b) of the Convention, and can they prosecute persons who assist, encourage and induce these prohibitions (Article 1(c))?

We encourage all States Parties (and this includes, in addition to States that are in the process of developing their implementing legislation, States that have adopted legislation and States that consider their existing laws to be sufficient) to make use of the checklist to ensure that their legislation meets the requirements of Article 9.

Thank you.