

**WORKSHOP ON THE ROLE OF THE CARIBBEAN COMMUNITY IN
PURSUING THE AIMS OF THE OTTAWA CONVENTION
Port of Spain, June 29-30, 2006**

**OVERVIEW OF THE MAIN ELEMENTS OF
NATIONAL IMPLEMENTING LEGISLATION**



CICR

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WHY IMPLEMENTING LEGISLATION ?

- **Explicit treaty obligation (art. 9)**
- **Give effect to the treaty domestically**
- **Ensure execution of the treaty (many aspects left to States)**
- **Avoid loopholes / safe havens**



IMPLEMENTING LEGISLATION

(1) interpretation of the act

(2) prohibitions and offences,

(3) destruction of APMs

(4) fact-finding missions

(5) information

- to enforce the act**
- for State reports to the UN Secretary General on**
 - (a) implementing measures,**
 - (b) APMs,**
 - (c) production facilities,**
 - (d) destruction of APMs**
 - (e) warnings to the population**
- to clarify compliance by a State Party**

(6) administration of the act



DEFINITION OF APM (art. 2)

... a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill...

QUID

- impact?
- parts?
- plans?
- launch mechanisms?
- all mines?



PROHIBITED CONDUCT (art. 1)

**USE, DEVELOP, PRODUCE, ACQUIRE,
STOCKPILE, RETAIN, TRANSFER**

+ ASSIST, ENCOURAGE, INDUCE

QUID

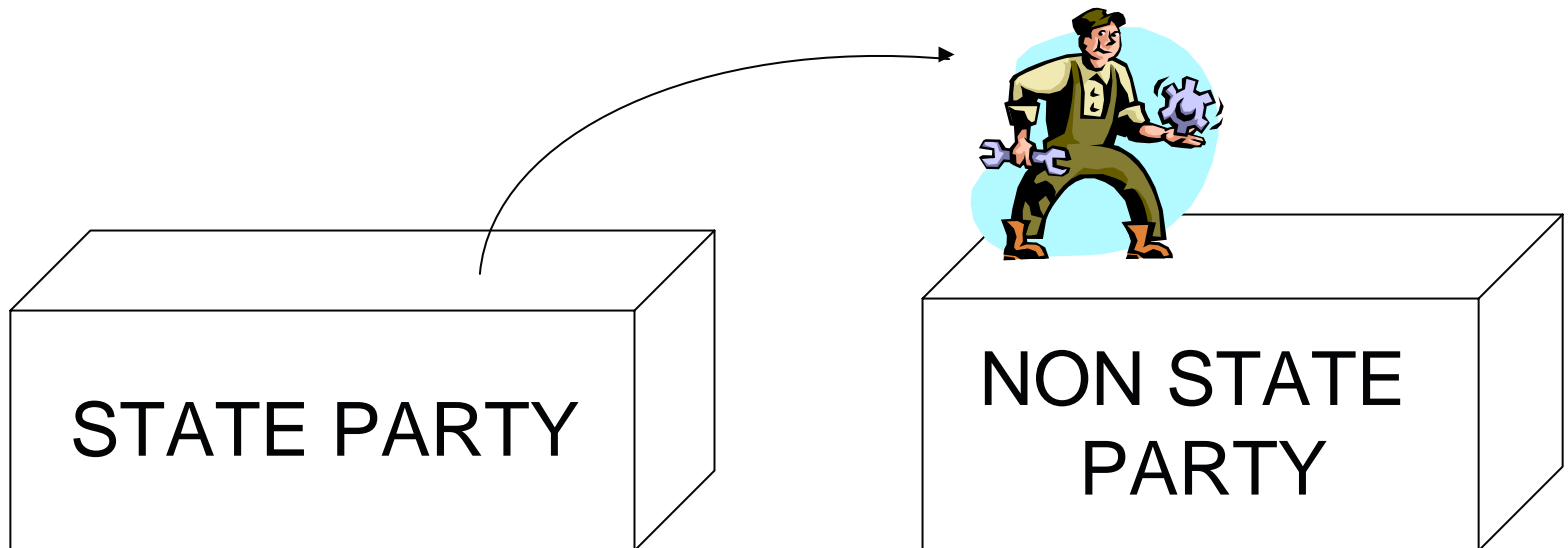
- **possess?**
- **placing?**
- **physically moving?**
- **abandoning?**
- **transit?**

- **joint operations?**



ENFORCEMENT (art. 9)

any activity prohibited "by persons or on territory under the jurisdiction or control" of a State Party



STOCKPILE DESTRUCTION (art. 4)

... destroy all stockpiled anti-personnel mines ...

**responsible authority
information on APM in country
powers over APM in country**

EXCEPTION (art. 3)

detection, clearance, destruction techniques



CLEARANCE (art. 5)

... ensure destruction in mined areas as soon as possible ...

**responsible authority
obligation to identify areas
powers to secure APM
mark areas
monitor areas
exclude access**

10 year deadline



INFORMATION GATHERING POWERS

administration of the act

annual reports (art. 7)

clarification about compliance (art. 8)



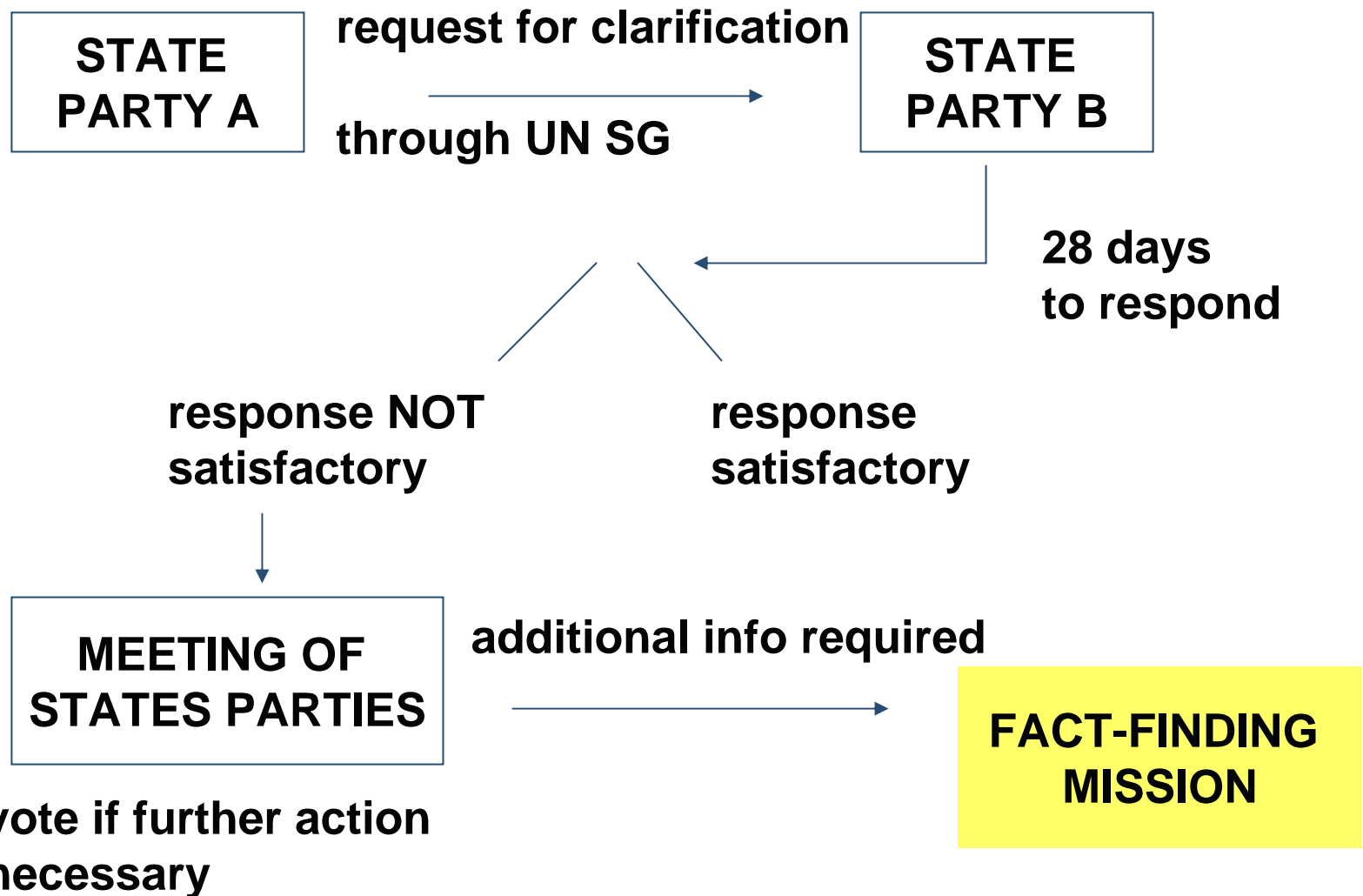
REPORTS (art. 7)

- the total number and the types of anti-personnel mines has stockpiled;
- the progress of its mine-destruction programs, including the total number and the types of mines destroyed;
- the total number and the types of mines kept for training purposes;
- the technical characteristics of each type of mine produced in the past;
- the location of all mined areas under its jurisdiction or control; information on the type, quantity and age of the mines laid there (to the extent known); and the measures taken to warn the civilian population;
- the national measures, such as legislation or administrative regulations, taken to prevent and suppress violations of the treaty.



Resolving doubts about compliance: enquiry process (art. 8)

suspicion of failure
to comply



Thank you very much!

Questions ?

Discussion ?

