

**Meetings of the Standing Committees to the
Convention on the Prohibition of Anti-Personnel Mines,
Geneva, 21 - 25 June 2010**

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

Friday 25 June 2010

Thank you Madam Co-Chair,

At the Second Review Conference of the Mine Ban Treaty, held from 29 November - 4 December 2009 in Cartagena, Colombia, the States Parties recorded that while there has been some progress since the Nairobi Summit in implementing Article 9, over 40 percent of the States Parties have not yet reported that they have legislation in place to give effect to the Convention. Ten years after entry into force of the Convention 40 percent non compliance with this core obligation is far too high.

Unfortunately, since the 2nd Review Conference there has been no progress in the number of States that have reported having adopted legislation or have stated, either through Article 7 reports or elsewhere, that they consider their existing legislation to be sufficient. The number of States in these two categories remains at 94.

On the information available, 23 States have reported that they are in the process of adopting legislation, though 18 of these have been reporting this for four years or more, and only 5 of these have mentioned article 9 measures in their Article 7 reports for the year 2009. Of perhaps greater concern is the fact that in the case of 39 States, there is either no progress reported on implementation, no information on their Article 9 obligations, or that information is unclear. Notably therefore, much is left to be done for many States to fulfil this core obligations under the Convention.

The lead up to the 2nd Review Conference failed to result in adopted implementing legislation, however a number of States have draft laws which are yet to be adopted. We encourage those States that have reported being in the process of adopting legislation to finalise their work and hopefully have legislation in place by the next Meeting of States Parties. It is of course also important to keep encouraging other States that have made no progress or for which we have no information, to initiate the process, or to at the very least provide information on their status before that meeting.

In order to ensure full respect for the obligations under this Article of the Convention, it is crucial that such measures be taken and that *all* States that have not done so ensure that their domestic law is capable, at a minimum, of preventing and suppressing any activity prohibited by 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 or has stockpiles of 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. National legislation should also include provisions to facilitate the

implementation of mine action, as well as the operationalisation of the compliance mechanisms envisaged by Article 8 of the Convention.

The ICRC continues to provide assistance for the development of national implementing legislation to States Parties. Legal advisers of the ICRC's Advisory Service stand ready to assist more States 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 model law.

The ICRC has produced a table categorising States Parties according to their implementation status and has produced a detailed table with information on individual States. This information is based on reports by States and this national legislation is reflected on the ICRC database on national implementation. The ICRC welcomes any further information, which States may have to update and complete our information.

We encourage States Parties to provide updates on their implementation efforts, especially those who are in the process of adopting legislation.