

Article 9 legislation

Geneva 25/06/2004

Article 9 National Implementation Measures

" Each State Party shall 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. "

Minimum requirement of Article 9 :

" Each State Party shall 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. "

Who must implement Article 9 ?

" **Each State Party** shall 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. "

Jurisdiction

" Each State Party shall 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 must:

- Define as crimes and provide penal sanctions for all activities prohibited by Article 1
 - ◆ i.e. hold all individuals (military and civilian) accountable for violations of the Convention
- Apply definitions consistent with those of Article 2
- Recognize the exceptions permitted under Article 3, as required

Other appropriate national implementation measures include:

- For all States Parties:
 - ◆ measures to facilitate information-gathering for Article 7 reports
 - ◆ measures to facilitate fact-finding missions under Article 8
 - ◆ other measures to ensure respect for the Convention (e.g. **harmonizing military doctrine with the Convention**)

Other appropriate national implementation measures (cont'd):

- For States parties with stockpiles:
 - ◆ measures to facilitate stockpile destruction (Article 4)
- For mine-affected States parties:
 - ◆ measures to facilitate implementation of Article 5 (i.e. **mine clearance and other mine action**) *see GICHD Guide to Developing Mine Action Legislation*

Each State may choose the form of its legislation:

1. Special legislation;
2. Amendment to existing legislation; or
3. Combination of 1 and 2

37 States Parties having adopted legislation to implement the Convention

Australia	Czech Republic	Japan	Nicaragua
Austria	France	Liechtenstein	Norway
Belgium	Germany	Luxembourg	South Africa
Belize	Guatemala	Malaysia	Spain
Brazil	Honduras	Mali	Sweden
Burkina Faso	Hungary	Malta	Switzerland
Cambodia	Iceland	Monaco	Trinidad & Tobago
Canada	Italy	Mauritius	United Kingdom
Colombia		New Zealand	Zambia
Costa Rica			Zimbabwe

31 States Parties in the process of adopting legislation to implement the Convention

<i>Albania</i>	<i>Malawi</i>
<i>Argentina</i>	<i>Mauritania</i>
<i>Bangladesh</i>	<i>Mozambique</i>
<i>Benin</i>	<i>Niger</i>
<i>Bosnia Herzegovina</i>	<i>Panama</i>
<i>Botswana</i>	<i>Paraguay</i>
<i>Cameroon</i>	<i>Peru</i>
<i>Chad</i>	<i>Philippines</i>
<i>Chile</i>	<i>Senegal</i>
<i>D.R. Congo</i>	<i>*Seychelles</i>
<i>R. Congo</i>	<i>Suriname</i>
<i>Djibouti</i>	<i>Swaziland</i>
<i>El Salvador</i>	<i>Thailand</i>
<i>Jamaica</i>	<i>Togo</i>
<i>Kenya</i>	<i>Uganda</i>
	<i>Yemen</i>

18 States Parties considering existing laws to be sufficient to give effect to the Convention

Bulgaria	Portugal
Croatia	Romania
Denmark	Samoa
Guinée-Bissau	Slovakia
Holy See	Slovenia
Ireland	Tajikistan
Lesotho	Tanzania
FYR Macedonia	Tunisia
Mexico	
Netherlands	

Tools for implementing Art. 9:

- ICRC – ICBL – Gov. of Belgium *Information Kit on the Development of National legislation to implement the Ottawa Convention* (English, French, Spanish, Russian)
- ICRC *Model Legislation for Common Law States* (English)
- ICRC Table of Article 9 National Implementation Measures
- ICRC's Advisory Service assists States in developing implementing legislation