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

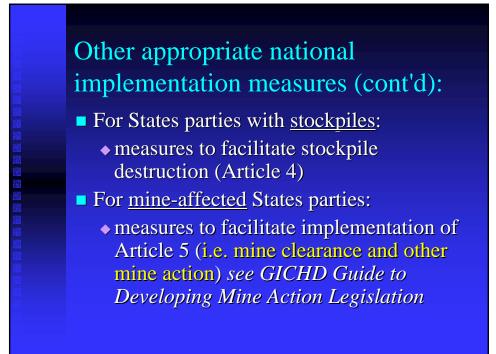
" Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control. "



- Define as crimes and provide penal sanctions for <u>all</u> activities prohibited by Article 1
 - i.e. hold all <u>individuals</u> (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 <u>all</u> States Parties:
 - measures to facilitate informationgathering 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)



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

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

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

Albania	
Argentina	
Bangladesh	
Benin	
Bosnia Herzegovin	a
Botswana	
Cameroon	
Chad	
Chile	
D.R. Congo	
R. Congo	
Djibouti	
El Salvador	
Jamaica	
Kenya	

Malawi Mauritania Mozambique Niger Panama Paraguay Peru **Philippines** Senegal *Seychelles Suriname Swaziland Thailand Togo Uganda Yemen

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

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

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