

Article 9 legislation

Geneva, June 2005

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. "

National legislation must:

- Define as crimes and provide penal sanctions for all activities prohibited by Article 1(a), (b) and (c) (use, develop, produce, otherwise acquire, stockpile, retain or transfer – see also assist, encourage, induce)
 - ◆ 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

43 States Parties report having adopted legislation to implement the Convention (of 144)

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

36 States Parties report being in the process of adopting legislation to implement the Convention

Afghanistan	Chile	Malawi	Serbia & Montenegro
Albania	D.R. Congo	Mauritania	Suriname
Argentina	R. Congo	Mozambique	Swaziland
Bangladesh	Côte d'Ivoire	Nigeria	Thailand
Benin	Croatia	Panama	Togo
Bosnia & Herzegovina	Djibouti	Paraguay	Uganda
Botswana	Guinea	Peru	Uruguay
Cameroon	Jamaica	Philippines	Yemen
Chad	Kenya	Rwanda	
		Senegal	

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

Algeria	Mexico
Andorra	Moldova
Bulgaria	Netherlands
Central African Republic	Papua New Guinea
Croatia	Portugal
Denmark	Romania
Guinée-Bissau	Samoa
Holy See	Slovakia
Ireland	Slovenia
Jordan	Tajikistan
Kiribati	Tanzania
Lesotho	Tunisia
Lithuania	
FYR Macedonia	

6 States Parties report assessing whether to adopt legislation

Cyprus
Namibia
Nauru
Sierra Leone
Solomon Islands
Timor-Leste

33 Parties for which information is as yet unavailable or unclear

Angola	Ethiopia	Qatar
Antigua and Barbuda	Fiji	Saint Kitts & Nevis
Bahamas	Gabon	Saint Lucia
Barbados	Gambia	Saint Vincent and the Grenadines
Bolivia	Ghana	San Marino
Burundi	Greece	Sao Tome & Principe
Cape Verde	Grenada	Sudan
Dominica	Guyana	Turkmenistan
Dominican Republic	Liberia	Venezuela
Ecuador	Madagascar	
Ecuatorial Guinea	Maldives	
Eritrea	Niue	

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