



ICRC

Meetings of the Standing Committees of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, 27-31 May 2013

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

Mr. Co-Chair,

The International Committee of the Red Cross is grateful to be given the floor to address the prevention and suppression of prohibited activities pursuant to Article 9 of the Convention.

As State Parties to this Convention are aware, the ICRC provides assistance for the development of national implementing legislation to States Parties of all treaties of International Humanitarian Law. Legal advisers of the ICRC's Advisory Service both in Geneva and in 12 Regional positions around the world, supported by a network of national lawyers, stand ready to assist more States in developing national legislation.

The ICRC has created a number of tools to assist States in the development of their national implementing legislation, including a model law. We also work closely with National International Humanitarian Law Committees or similar inter-ministerial advisory bodies, which have been established by Governments in 103 countries worldwide. Moreover, the ICRC organises a number of local and regional events during which Article 9 issues and progress are tabled and discussed.

Only last week, the ICRC co-hosted a Regional IHL Seminar with the Government of Kenya, bringing together governmental representatives from Tanzania, Uganda, South Sudan, Ethiopia, Djibouti, Kenya, Somalia and the African Union to report on and discuss the status of implementation of International Humanitarian Law treaties, including the present Convention and the Cluster Munitions Convention. A similar event is scheduled to be held in South Africa in mid-June 2013 for countries in Southern Africa.

There has undeniably been much progress since the entry into force of the Mine Ban Convention by many States Parties to give effect to their obligations under Article 9. Indeed, as we know, nearly 60% have either taken new national implementation measures, or have reported that existing laws suffice to meet their obligations.

Yet there is a growing concern that little tangible progress has been made by many of the remaining 40% of States to bring their national laws into conformity with the Convention. Except for recent developments in Afghanistan, which were mentioned today, the rate of national implementation seems to have entered a period of stagnation. This, despite Action #59 of the Cartagena Plan of Action, where it was agreed that, as a matter of urgency, States Parties that had yet to do so, were to develop, and adopt the necessary laws and regulations and other administrative measures in accordance with Article 9.

The ICRC is fully aware that the drafting, parliamentary vetting and adoption of any new laws are exercises that can be fraught with frustrations, capacity constraints and delays. However, in order to ensure full respect for the obligations under Article 9 of the Convention, national laws must be adopted by each and every State Party, regardless of whether or not they are affected by or have stockpiles of anti-personnel mines. Indeed, without an adequate domestic legal framework, States are notably not in a position to prosecute offenders, including non-state actors, operating under their jurisdiction or control, for violations of the Convention.

In less than a year from now, on 1 March 2014, we will mark the 15th Year of the entry into force of the Convention. Only a few months after that anniversary and the States Parties will be in Maputo for the Third Review Conference. This will be a time to reflect on fulfilment of the States Parties' commitments made in Cartagena in 2009, including the commitment to put in place comprehensive legal frameworks in conformity with Convention obligations.

The ICRC would encourage greater peer-to-peer synergies, as well as more regional interactions and initiatives in a bid to bring greater momentum to Article 9 efforts, and for States Parties to develop innovative means and processes to increase substantially the percentage of States with adequate legislation.

For its part, the ICRC remains available to provide States with assistance and advice on implementing measures.

Thank you.