

**1997 Convention on the
Prohibition of Anti-Personnel Mines
and on their Destruction**

Ratification Kit

STATE ADHERENCE TO AND IMPLEMENTATION OF THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

The humanitarian crisis created by anti-personnel mines requires, as part of the international response, the widest possible adherence to and implementation of the Convention on the Prohibition of Anti-personnel Mines. This paper describes the procedures which most States need to follow in order to ratify or accede to this treaty and to implement its provisions. It was prepared after consultations with the Treaty Section of the UN Office of Legal Affairs in New York.

1. SIGNATURE

The Convention was opened for signature on 3 December 1997 in Ottawa and remained open until its entry into force on 1 March 1999. States which signed the treaty during that period must not take any action that would undermine its object and purpose (*see Article 18, Vienna Convention on the Law of Treaties, 1969*). States which did not sign the treaty during that period can no longer do so. They may, however, accede to it directly (see below).

2. RATIFICATION OR ACCESSION

A State which has signed the Convention must formally declare its consent to be bound by it in accordance with its national procedures for adherence to international agreements. This generally requires domestic action (ratification, acceptance or approval, depending on national practice) by the country's parliament.

Non-signatory States may also become bound by the Convention, without signing it, through a one-step procedure known as accession. Similar to the process described above, accession usually also requires action by the national parliament.

Once the formal decision to be bound has been taken in accordance with national procedures, the State must deposit an instrument of ratification, acceptance, approval or accession with the UN Secretary-General, the treaty's depositary (contact: Treaty Section, Office of Legal Affairs, United Nations, New York, NY 10017). The filing of this instrument is the action which gives international legal force to the State's commitments under the Convention. It also creates treaty relations, including rights and obligations, with respect to other parties.

The Convention becomes binding upon a State six months after the latter has deposited its instrument of ratification (acceptance, approval or accession) with the UN Secretary-General. In order to reinforce the basic norms laid down in the Convention, Article 18 invites States upon ratification (acceptance, approval or accession) to declare that they intend provisionally to apply its general obligations (contained in Article 1, para. 1) pending its entry into force. The ICRC encourages States to make such a declaration.

3. NATIONAL IMPLEMENTATION

The Convention (Article 9) requires that States take appropriate legal, administrative and other measures to prevent and punish any prohibited activity (a) by persons under its jurisdiction or control and (b) on territory under its jurisdiction or control. Such measures include the imposition of penal sanctions for such activity.

Depending on national law or procedures, specific criminal legislation to impose legal sanctions may be needed. The ICRC Legal Division is available to provide guidance on such legislation.

Administrative measures, including changes in military doctrine and operating procedures and the notification of organizations involved in the development, production and transfer of arms may also be needed to ensure that violations do not occur.

Beyond the prevention and punishment of violations, States need to consider a range of positive measures to ensure implementation of the Convention. These may include:

- a. Development and implementation of plans for the destruction of stockpiled anti-personnel mines.
- b. Development and implementation of plans for mine clearance.
- c. Development and implementation of plans for mine-awareness and victim-assistance programmes.
- d. Development and implementation of assistance programmes for a, b and c above in support of other States Parties (Article 6).
- e. Preparation and submission to the depositary of annual reports on implementation and other confidence-building measures (Article 7). The first of these is required 180 days after entry into force of the Convention for the State Party concerned.

4. MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

Model instruments to be filed with the depositary are attached hereto. Also attached is a model declaration regarding provisional application, which the ICRC encourages States to consider submitting to the depositary at the time of ratification (acceptance, approval or accession).

The Legal Division of the ICRC is available to provide any further information or clarification required.

MODEL A

For States Signatories

MODEL INSTRUMENT OF RATIFICATION [ACCEPTANCE OR APPROVAL] OF THE CONVENTION ON THE PROHIBITION OF ANTI-PERSONNEL MINES

WHEREAS the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction was adopted at Oslo on 18 September 1997 and opened for signature at Ottawa on 3 December 1997,

WHEREAS the said Convention has been signed on behalf of the Government of _____ on _____,

NOW THEREFORE I, _____ [*name and title of the head of State, head of Government or minister of foreign affairs*], declare that the Government of _____, having considered the above-mentioned Convention, ratifies [accepts, approves] the same Convention and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of [ratification, acceptance, approval] at _____ on _____.

[signature] + [seal]

MODEL B

For non-signatory States

MODEL INSTRUMENT OF ACCESSION TO THE CONVENTION ON THE PROHIBITION OF ANTI-PERSONNEL MINES

WHEREAS the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction was adopted at Oslo on 18 September 1997,

NOW THEREFORE I, _____ *[name and title of the head of State, head of Government or minister of foreign affairs]*, declare that the Government of _____, having considered the above-mentioned Convention, accedes to the same Convention and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession at _____ on _____.

[signature] + [seal]

MODEL C

For both signatory and non-signatory States

MODEL DECLARATION OF INTENT TO APPLY THE CONVENTION PROVISIONALLY

Optional Declaration

I _____ *[name and title of the head of State, head of Government or minister of foreign affairs]* declare herewith that the Government of _____ will provisionally apply paragraph 1 of Article 1 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, pending its entry into force.

[signature] + [seal]

This declaration may be submitted to the depositary at the same time as the instrument of ratification or accession to the said Convention.

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