

## Presentation to APLC intersessional meeting, June 2011



## Ireland's legislation implementing the APLC

## Ireland and the APLC

- ▶ Ireland ratified the Anti-Personnel Mine Ban Convention in 1997;
- ▶ Ireland was in a position to sign and ratify the APM Convention immediately because we had already made legislative provision prohibiting the possession, manufacture, sale, import and transport of anti-personnel mines. This was done in 1996, in advance of the conclusion of the Ottawa Process. It was done by means of a Government decree made under the authority of primary legislation enacted in 1875.



## Legislation

- ▶ In 2008, when legislation was being prepared to implement the Convention on Cluster Munitions, the Government took the opportunity also to make much more detailed provision – in primary legislation – for the Anti–Personnel Mine Ban Convention in what subsequently became the Cluster Munitions and Anti–Personnel Mines Act 2008.



- ▶ Legislation drafted and passed in approximately 4 months;
- ▶ Closely reflects provisions of the APLC.
- ▶ Wide consultation – including National IHL Committee and ICRC



**The main provisions of the Act relating to anti-personnel mines are the following:**

- ▶ **Section 2** – Definitions and key terms
- ▶ **Section 8** – Allows for creation of a list of States Parties to the Anti-Personnel Mine Ban Convention by decree.



**Section 9**

- Offences in accordance with Article 9 of AP Mine Ban Convention – use, development, production, acquisition, possession, retention or transfer of an anti-personnel mine is an offence
- Assistance, encouragement and inducement are also offences
- Extends the scope of the Act beyond the territory of the State to include persons under its jurisdiction e.g. members of the Defence Forces



## Section 10

- ▶ Exceptions as provided for in Convention (e.g. retention or acquisition of a limited number of anti-personnel mines for development of and training in mine detection, mine clearance or mine destruction techniques).



- ▶ **Section 17** – Penalties –Maximum penalty for conviction on indictment is ten years imprisonment or a fine of €1,000,000, or both.
- ▶ **Section 18** – Bodies corporate can also be charged with offences under the Act
- ▶ **Section 19** – Forfeiture provisions
- ▶ **Schedule 2** – Full text of the Anti-Personnel Mine Ban Convention.



## Investments:

- ▶ Innovation in Irish law
- ▶ Sections 11–14 provide that the investment of public moneys in any company that produces cluster munitions or anti-personnel mines is prohibited.
- ▶ Duty on investors of public moneys to avoid investments (whether direct or indirect) in companies involved in the manufacture of prohibited munitions (including anti-personnel landmines) or components of such munitions.



## Finally...

- ▶ The debates on this legislation in both Houses of the Irish Parliament (Oireachtas) was marked by cross-party consensus, reflecting Ireland's tradition of activism in the development of international humanitarian law and the promotion of disarmament.
- ▶ Cluster Munitions and Anti-Personnel Mines Act 2008  
<http://www.oireachtas.ie/documents/bills28/acts/2008/a2008.pdf>

