

# **THE ANTI-PERSONNEL MINE BAN CONVENTION: ZAMBIA'S LEGAL IMPLEMENTATION**

A PRESENTATION BY  
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## Zambia's Process of APMBC Implementation

- Initial Push for Zambia to sign, ratify and domesticate the APMBC was from civil society & core group of States
  - Major push factors
    - Involvement (General and complete disarmament)
    - Public safety and security
- Signed 1997
- Ratified – 2001
- Domestication - 2003

Need for Specific Act on the Prohibition of Anti-  
Personnel Mines

- No existing legislation covering landmines – existing law (only explosive ordnance) Defence & Police Acts
- Need have specific law to deter breach of Convention
- To facilitate the establishment of a legal entity to implement the Convention

**Highlights of Act No. 16 of 2003**

- **Definitions: PART I**
  - Section 2. (a) & (b) (i) – (v) – describes what is considered to be an anti-personnel mine
- **Extra- Territorial Jurisdiction: PART III**
  - Section 9 – What act is prohibited and penalties thereof
  - Section 10 Jurisdiction of courts nos.1 – 3
    - Criminal whether or not committed in Zambia

### **Highlights of Act No. 16 of 2003 (continued)**

- **Fact Finding Missions – Part V**
  - Provided detailed provisions under this Section
    - Who accompanies mission?
    - What can be done?
    - powers of the director & the director of public prosecutions
- **Enforcement Provisions – Part IX**
  - Power of inspection and entry
  - Right of search
  - Power to arrest
  - Obstruction and immunity of an officer

### **Challenges in the Domestication Process**

1. Lack of a formal structure (MAC) to advocate for the process
2. Inadequate technical/legal expertise at national level
3. Defence not clear on the true implications of being a State Party

## *Possible Way Forward*

- ✓ Cooperation: Sub-regional, regional and global levels
  - Cooperation can be north-south, South –South (SADC) & Multilateral (UNMAS)
- ✓ Resources: Key to ensuring timely adherence
- ✓ Assistance: States in a position to provide assistance should actively collaborate with others that have challenges (financial, technical, legal, material)
- ✓ Advocacy

Thank You

