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

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**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

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**Thank You**