



**Statement by the Republic of Malawi on National Implementation Measures  
under Article 9 of the Convention on the Prohibition of the Use, Stockpiling,  
Production and Transfer of Anti-Personnel Mines and their Destruction  
At the Meetings of Standing Committees  
Geneva, 21 – 25 June 2010**

*(Delivered by Lt Col (Dr.) Dan Kuwali, Deputy Director of Legal Services,  
Malawi Defence Force)*

**Madame President,**

As you are well aware, the Republic of Malawi signed the Ottawa Convention on 4 December 1998, and ratified the Convention on 13 August 1999. You will also recall that Malawi presented a formal declaration of completion of implementation of Article 5 of the Ottawa Convention at the Ninth Meeting of State Parties in November 2008. Nonetheless, the Republic of Malawi continues to comply with the letter and spirit of the Ottawa Convention. Pursuant to the provision of Article 9 of the Ottawa Convention, Malawi has drafted a Land Mine Prohibition Bill.

By and large, the rationale of the Land Mine Prohibition law in Malawi is to enact the “Ottawa Convention” into law in Malawi in order to provide for the destruction of anti-personnel mines; to provide for domestic and international inspections; to provide for international cooperation; and implementation of several other obligations of the Ottawa Convention.

In the phase first, a consultant was engaged to draft the initial Bill with the support of the UNDP. The second phase was a consultative stage where the Bill was fine-tuned by experts from the Ministry of National Defence including the Malawi Defence Force, Ministry of Justice and Ministry of Foreign Affairs in Malawi. The Bill has since been forwarded to the Legal Affairs Committee of Parliament to be tabled in the next sitting of Parliament.

**Distinguished delegates,**

The drafting of the Land Mine Prohibition Act in Malawi has been made easy because of the Model Law provided by the ICRC as well as existing legislation from other State Parties. Although Malawi does not intend to reinvent the wheel, there are several progressive provisions in the Land Mine Prohibition law in Malawi. For example, the Bill provides for risk education and victim assistance by relevant ministries. It also accords jurisdiction to civil courts as well as Courts Martial to deal with contraventions by natural persons as well as bodies corporate; further, it provides for extra-territorial application in that any court in Malawi including Magistrate Courts will have jurisdiction to impose any penalty in respect of conduct of citizens of Malawi and bodies corporate incorporated under the laws of Malawi.

In a nutshell, the Bill is consistent with the definitions under Article 2 of the Ottawa Convention; it includes all acts prohibited by Article 1 of the Convention as well as assistance, encouragement or inducement with respect to these prohibited acts. As usual, mention is made of the exceptions in Article 3 of the Ottawa Convention regarding retention and transfer, including authorized entities. The Bill provides an elaborate framework of information gathering powers vis-à-vis Article 7 of the Convention. More importantly, it also provides for all the necessary means to facilitate fact-finding missions in Article 8 of the Ottawa Convention.

**Madame President,**

As stated earlier, the purpose of the Land Mine Prohibition law in Malawi is to give effect to the Ottawa Convention in Malawi to ensure that there are no land mines under its jurisdiction or control. In closing, Madame President, Malawi is grateful for the financial and technical support from UNDP, ICRC, the Norwegian People's Aid as well as Mr Kerry Brinkert, Director of ISU. Malawi continues to support efforts towards our common goal of a mine free world. It is for this reasons Malawi supports the proposal by Zambia for the creation of Standing Committee on Resources in order to synergise resource mobilization efforts to ensure effective implementation of obligations under the Ottawa Convention.

Thank you, Mr President.