

Zimbabwe

## Anti-Personnel Mines (Prohibition) Act Chapter 11:19

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# Zimbabwe

## Anti-Personnel Mines (Prohibition) Act Chapter 11:19

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*[This is the version of this document at 31 December 2016 and includes any amendments published up to 31 December 2017.]*

*[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]*

**AN ACT to enable effect to be given within Zimbabwe to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, signed at Oslo, Norway, on the 18th September, 1997.**

### 1. Short title

This Act may be cited as the Anti-Personnel Mines (Prohibition) Act *[Chapter 11:19]*.

### 2. Interpretation

(1) In this Act-

“**anti-handling device**” means a device intended to protect a mine that is part of, linked to, attached to or placed under the mine, and that activates when an attempt is made to tamper with or otherwise intentionally disturb the mine;

“**anti-personnel mine**” means a mine that is designed, altered or intended to be exploded by the presence, proximity or contact of a person and that is capable of incapacitating, injuring or killing one or more persons;

*[definition of “anti-personnel mine” amended by section 18 of Act 14 of 2002]*

“**Convention**” means the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, signed at Oslo, Norway, on the 18th September, 1997, the text of which is set out in the Schedule;

“**Government representative**” means-

- (a) a person appointed by the Secretary of the Ministry for which the Minister is responsible; or
- (b) a police officer designated by the Commissioner of Police;

who accompanies or assists a member of a fact-finding mission in carrying out his duties;

“**member of a fact-finding mission**” means a member of a fact-finding mission established under Article 8 of the Convention;

“**mine**” means an explosive device designed, altered or intended to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;

“**Minister**” means the Minister of Defence or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**transfer**”, in relation to an anti-personnel mine, includes-

- (a) moving the mine into or out of Zimbabwe; and

- (b) transferring ownership or title to or over the mine;

but does not include transferring ownership or title of land in which a mine has been planted or emplaced.

- (2) Any expression to which a meaning has been assigned in the Convention shall bear the same meaning in this Act.

### 3. Application of Act to State

This Act shall bind the State.

### 4. Convention to have force of law in Zimbabwe

The Convention shall have the force of law in Zimbabwe.

### 5. Anti-personnel mines

- (1) Subject to subsection (2), any person who-

- (a) develops, manufactures, produces, acquires or possesses an anti-personnel mine; or
  - (b) transfers, directly or indirectly, an anti-personnel mine to another person; or
  - (c) places an anti-personnel mine under, on or near the ground or other surface area-
    - (i) intending to cause the mine to explode by the presence, proximity or contact of a person; or
    - (ii) in circumstances in which there is a reasonable possibility that the mine will explode by the presence, proximity or contact of a person;
- or
- (d) in any way, assists, encourages or induces another person to engage in any activity prohibited to a State party to the Convention;

shall be guilty of an offence and liable to a fine not exceeding level twelve or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

*[subsection (1) amended by section 4 of Act No. 22 of 2001]*

- (2) It shall be a defence to a charge of contravening paragraph (a), (b) or (c) of subsection (1) for the person charged to prove that-
    - (a) he acted in accordance with an authority under section seven, for the purpose of developing techniques in mine detection, mine clearance or mine destruction or for the purpose of training persons in those techniques; or
    - (b) he acted in the course of that person's duties as a member of the Defence Forces or the Police Force or as an employee or agent of the State, and for the purpose of-
      - (i) rendering the anti-personnel mine concerned harmless; or
      - (ii) any proceedings in terms of this Act or any other law;
- or
- (c) the anti-personnel mine concerned had been deactivated in the manner prescribed.

- (3) It shall be a defence to a charge of contravening paragraph (d) of subsection (1) for the person charged to prove that-
  - (a) he acted in the course of operations, exercises or other military activities with the armed forces of a State that is not a party to the Convention; and
  - (b) his conduct did not amount to active participation in any conduct referred to in paragraph (a), (b) or (c) of subsection (1).

## 6. Destruction of anti-personnel mines

- (1) Every person who possesses an anti-personnel mine the possession of which is prohibited by section five shall without delay deliver it, for destruction, to such person as may be ordered by the Minister.
- (2) Subject to section seven, the Minister shall ensure the destruction of all anti-personnel mines stockpiled by the Government or delivered under subsection (1) for destruction.

## 7. Authorisation by Minister

The Minister may authorise anti-personnel mines to be placed, acquired, possessed or transferred by any person for the development of, and training in, mine detection, mine clearance or mine destruction techniques, but the number of such mines shall not exceed the minimum number absolutely necessary for those purposes.

## 8. Request for information

- (1) Any person who possesses information or documents relevant to the administration or enforcement of this Act, or information that Zimbabwe is required by the Convention to report to the Secretary-General of the United Nations, shall provide such information or document to the Minister, within a reasonable time after being requested to provide it.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

*[subsection (2) amended by section 4 of Act [No. 22 of 2001](#)]*

## 9. Inspections

- (1) Subject to this section, a member of a fact-finding mission shall, for purposes of enforcing the Convention, have power at all reasonable times to enter and inspect any place in Zimbabwe that has or may have the capacity to develop, produce or stockpile anti-personnel mines in a manner consistent with the Convention.
- (2) Subsection (1) shall not be construed as authorising a member of a fact-finding mission or any other person to enter or search any premises without the consent of the owner or occupier of the premises unless there are reasonable grounds for believing that such entry or search is necessary for the prevention, investigation or detection of an offence under this Act.
- (3) In order to facilitate inspections, a member of a fact-finding mission may be accompanied by a Government representative and may direct any person who is in control of the place being inspected to-
  - (a) provide the member with access to any area, container or thing in the place; and
  - (b) permit the member to examine anything in the place; and

- (c) permit the member to make copies of any information contained in the records, files, papers or electronic information systems kept or used in relation to the place and to remove the copies from the place; and
  - (d) permit the member to interview any person in the place; and
  - (e) permit the member to take samples for analysis of anything in the place and permit the member to remove the samples for analysis outside the place.
- (4) The Minister shall cause every member of a fact-finding mission and every Government representative and other person authorised to accompany the member, to be issued with a certificate, badge or other form of identity identifying the member, representative or person by name and indicating his status and authority to conduct inspections.
- (5) Every member of a fact-finding mission and every Government representative and other person authorised to accompany the member shall, whilst on duty, carry the certificate, badge or other form of identity, as the case may be, issued to them in terms of subsection (4) and shall produce it upon the request of any owner or occupier of the place being inspected.
- (6) The Minister may, by notice in writing, issue directions to any person for the purpose of facilitating an inspection under the Convention.
- (7) Any person who without reasonable cause-
- (a) delays or obstructs a member of a fact-finding mission in the exercise of the member's functions under this Act; or
  - (b) fails without reasonable excuse to give information which he is duly required under this section to give; or
  - (c) fails to comply with any direction given to him in terms of subsection (6);
- shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

*[subsection (7) amended by section 4 of Act [No. 22 of 2001](#)]*

## 10. Regulations

- (1) The Minister may by regulation provide for all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be provided for in order to carry out or give effect to this Act and the Convention.
- (2) Regulations in terms of subsection (1) may provide for-
- (a) conditions under which anti-personnel mines may be produced, used, acquired or possessed for the purposes set out in section seven;
  - (b) procedures to be followed by Government representatives in exercising their functions under this Act.
- (3) Regulations in terms of subsection (1) may provide penalties for any contravention thereof, but no such penalty shall exceed level six or imprisonment for a period of one year or both such fine and such imprisonment.

*[subsection (3) amended by section 4 of Act [No. 22 of 2001](#)]*

## Schedule (Section 2)

### **Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, signed at Oslo, Norway, on the 18th September, 1997**

#### **Preamble**

The States Parties,

Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and co-ordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

Recognising that a total ban of anti-personnel mines would also be an important confidence-building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognising the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasising the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalisation in all relevant fora including, *inter alia*, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous

injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

### **Article 1 – General obligations**

1. Each State Party undertakes never under any circumstances:
  - (a) to use anti-personnel mines;
  - (b) to develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
  - (c) to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

### **Article 2 – Definitions**

1. “Anti-personnel mine” means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
2. “Mine” means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. “Anti-handling device” means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. “Transfer” involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. “Mined area” means an area which is dangerous due to the presence or suspected presence of mines.

### **Article 3 – Exceptions**

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

### **Article 4 – Destruction of stockpiled anti-personnel mines**

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

## Article 5 – Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.
2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.
4. Each request shall contain:
  - (a) the duration of the proposed extension;
  - (b) a detailed explanation of the reasons for the proposed extension, including:
    - (i) the preparation and status of work conducted under national demining programs;
    - (ii) the financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
    - (iii) circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
  - (c) the humanitarian, social, economic, and environmental implications of the extension; and
  - (d) any other information relevant to the request for the proposed extension.
5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

## Article 6 – International co-operation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.
2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.
4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, *inter alia*, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.
6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, *inter alia*:
  - (a) the extent and scope of the anti-personnel mine problem;
  - (b) the financial, technological and human resources that are required for the implementation of the program;
  - (c) the estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
  - (d) mine awareness activities to reduce the incidence of mine-related injuries or deaths;
  - (e) assistance to mine victims;
  - (f) the relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.
8. Each State Party giving and receiving assistance under the provisions of this Article shall co-operate with a view to ensuring the full and prompt implementation of agreed assistance programs.

### **Article 7 – Transparency measures**

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:
  - (a) the national implementation measures referred to in Article 9;
  - (b) the total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
  - (c) to the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
  - (d) the types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine

- destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
- (e) the status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
  - (f) the status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
  - (g) the types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
  - (h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and
  - (i) the measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.
2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
  3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

### **Article 8 – Facilitation and clarification of compliance**

1. The States Parties agree to consult and co-operate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of co-operation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the

- States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.
6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.
  7. All States Parties shall co-operate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfilment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.
  8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.
  9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.
  10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.
  11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.
  12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilise in the course of its fact-finding mission.
  13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.
  14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:
    - (a) the protection of sensitive equipment, information and areas;

- (b) the protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
- (c) the physical protection and safety of the members of the fact-finding mission.

In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.

15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.
16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.
17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.
18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.
19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of co-operative measures referred to in Article 6.
20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

### **Article 9 – National implementation measures**

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

### **Article 10 – Settlement of disputes**

1. The States Parties shall consult and co-operate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

### **Article 11 – Meetings of the State Parties**

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
  - (a) the operation and status of this Convention;

- (b) matters arising from the reports submitted under the provisions of this Convention;
  - (c) international co-operation and assistance in accordance with Article 6;
  - (d) the development of technologies to clear anti-personnel mines;
  - (e) submissions of States Parties under Article 8; and
  - (f) decisions relating to submissions of States Parties as provided for in Article 5.
2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
  3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.
  4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

### **Article 12 – Review Conferences**

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
  - (a) To review the operation and status of this Convention;
  - (b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
  - (c) To take decisions on submissions of States Parties as provided for in Article 5; and
  - (d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.
3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

### **Article 13 – Amendments**

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.

3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### **Article 14 – Costs**

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

#### **Article 15 – Signature**

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

#### **Article 16 – Ratification, acceptance, approval or accession**

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

#### **Article 17 – Entry into force**

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

#### **Article 18 – Provisional application**

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

### **Article 19 – Reservations**

The Articles of this Convention shall not be subject to reservations.

### **Article 20 – Duration and withdrawal**

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

### **Article 21 – Depositary**

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

### **Article 22 – Authentic texts**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.