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REPUBLIEK VAN SUID-AFRIKA

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## THE PRESIDENCY

No. 1776 5 December 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 36 of 2003: Anti-Personnel Mines Prohibition Act, 2003.**

## OFISI YAMOPRESIDENTE

No. 1776 5 December 2003

Mona ho tsebiswa ha MoPresidente a dumelletse molao ona o latelang, o phatlalatswang mona e le ha ho fanwa ka tlhakisetsa e akaretsang:—

**No. 36 wa 2003: Molao wa Kiletso ya Dibomo tse di Ripitlang Batho, 2003.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

*(English text signed by the President.)*  
*(Assented to 2 December 2003.)*

## ACT

**To enact the “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction” into law; to provide for the destruction of anti-personnel mines; to provide for domestic and international inspections; to provide for international cooperation; and to provide for matters connected therewith.**

### Preamble

**WHEREAS** anti-personnel mines—

- \* constitute a deadly scourge that kills and maims innocent and defenceless civilians during and after violent conflicts and inhibits socio-economic development and reconstruction;
- \* have had a destabilising effect on civilian populations in Africa and in the region of the Southern African Development Community in particular;

**AND WHEREAS—**

- \* citizens should live in a safe environment;
- \* the universal, comprehensive and immediate prohibition and destruction of anti-personnel mines is the only solution to rid the world of this scourge;
- \* the Republic has placed a moratorium on the export of all mines and has unilaterally destroyed all the Republic’s stockpiled anti-personnel mines, save for those retained for the purposes of developing and conducting training in mine-detection, mine-clearance, mine-deactivation or mine-destruction techniques;
- \* domestic as well as international assistance and cooperation are necessary to ensure the expeditious eradication of anti-personnel mines as well as the care, rehabilitation and social and economic reintegration of mine victims;
- \* the Republic has signed and ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, of 18 September 1997;
- \* the Convention requires States Parties to take appropriate legal measures to prevent and suppress the activities prohibited by the Convention;
- \* the Republic is committed to the implementation of international humanitarian law and international law on armed conflict,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

### ARRANGEMENT OF ACT

#### *Sections*

#### 1. Definitions

*(English text signed by the President.)  
(Assented to 2 December 2003.)*

# MOLAO

**Go fetolela “Tumalano mo Kiletsong ya Tiriso, Kokoanyo, Tlhagiso le Phetiso ya Dibomo tse di Ripitlang batho le mo Tshenyong ya tsona” go nna molao; go letla go senngwa ga dibomo tse di ripitlang batho; go letla tshekatsheko ya selegae le ya boditšhabatšhaba; go letla tirisanommogo ya boditšhabatšhaba; le go letla merero e e amanang natso.**

**LE MORORO** dibomo tse di ripitlang batho—

- \* di tlhama pogisego ya kgaolo e e kotsi e e bolayang le go golafatsa batho ba ba se nang molato, batho ba ba se nang go iphemela ka nako ya le morago ga dithulano tsa dintwa le go kgoreletsa tswelsetso ya ikonomi ya loago le kagoseswa;
- \* di nnile le dipheho tse di sa tsepamang mo ditšhabeng tsa selegae mo Aferika segolo le mo kgaolong ya Baagi ba Tswelsetso ya Aferika e e Borwa;

**LE MORORO—**

- \* baagi ba tshwanetse go tshela mo tikologong e e babalesegileng;
- \* kiletso e e gotlhe, e e ageletsang e e gaufi le tshenyong ya dibomo tse di ripitlang batho ke yona fela tharabololo go ntsha lefatshe mo pogisegong e;
- \* Repaboliki e beile morathoriamo mo thomelong ntle ya dibomo tsothe le go ka senya ka esi dibomo tse di ripitlang batho tsa Repaboliki tse di kokoantsweng tse di tsholetseng mabaka a go tswelsetsa le go diragatsa katiso mo temogong ya dibomo, kgololo ya dibomo, pusetso morago ya dibomo kgotsa dithekeniki tsa tshenyong ya dibomo;
- \* thuso ya selegae le ya boditšhabatšhaba le tirisanommogo di botlhokwa go netefatsa nyeletso ya bonako ya dibomo tse di ripitlang batho mmogo le tlhokomelo, tsosoloso le pusetso ya loago le ikonomi go batlhokofadiwa ba dibomo tse di ripitlang;
- \* Repaboliki e saenne le go amogela Tumalano ya Kiletso ya Tiriso, Kokoanyo, Tlhagiso le Phetisetso ya Dibomo tse di ripitlang batho le mo Tshenyong ya tsona ka di 18 Lwetse 1997;
- \* Tumalano e tlhoka Mekgatlo ya Dinaga go tsaya dikgato tsa semolao tse di maleba go thibela le go gatelela ditiro tse di ileditsweng ke Tumalano;
- \* Repaboliki e ineetse mo tiragatsong ya molao wa botho wa boditšhabatšhaba le molao wa boditšhabatšhaba wa tllhabano ka dibetsa,

**K**A GO RIALO GO LAOLETSWE ke Palamente ya Repaboliki ya Aferika Borwa, jaaka go latela:—

## THULAGANYO YA MOLAO

*Dikarolo*

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MOLAO WA KILETISO YA  
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LE PHETOLELO YA TUMALANO GO NNA MOLAO**

- 5 2. Maikaelelo a Molao  
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## SCHEDULE

### Definitions

- |    |   |    |
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| 1. | In this Act any word or expression to which a meaning has been assigned in the Convention bears the meaning so assigned thereto and, unless the context indicates otherwise—  | 15 |
|    | “ <b>agent</b> ” means a person employed on behalf of the Department of Defence or the South African Police Service to destroy anti-personnel mines or develop and conduct training in mine-detection, mine-clearance and mine-destruction techniques;  | 20 |
|    | “ <b>anti-personnel mine</b> ” includes any other mine or device which performs in a manner consistent with an anti-personnel mine as defined in the Convention;  |    |
|    | “ <b>component part</b> ” means any identifiable component designed or adapted to form part of an anti-personnel mine;  | 25 |
|    | “ <b>Convention</b> ” means the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, of 18 September 1997, which is set out in the Schedule and was signed by the Republic on 3 December 1997 and ratified by the Republic on 26 June 1998; |    |
|    | “ <b>customs official</b> ” means an officer as defined in section 1 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);  | 30 |
|    | “ <b>Department of Defence</b> ” means the Defence Secretariat and the South African National Defence Force referred to in section 5 of the Defence Act, 2002;  |    |
|    | “ <b>domestic inspector</b> ” means a person appointed as a domestic inspector by the Minister in terms of section 14;  | 35 |
|    | “ <b>employee of the Department of Defence</b> ” means a member of the South African National Defence Force employed in terms of the Defence Act, 2002, and an employee of the Department of Defence employed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);                                  |    |
|    | “ <b>export</b> ” means—  | 40 |
|    | (a) the entering into an agreement by a person in the Republic to supply another person outside the Republic with an anti-personnel mine, a component part or a plan, whether or not that is done in exchange for currency or any other commodity or benefit; or  |    |
|    | (b) the transfer of an anti-personnel mine, a component part or a plan from the Republic to any place outside the Republic, or causing an anti-personnel mine, a component part or a plan to be so transferred, whether or not that is done in exchange for currency or any other commodity or benefit;                 | 45 |
|    | “ <b>import</b> ” means to bring an anti-personnel mine, a component part or a plan into any part of the Republic or causing an anti-personnel mine, a component part or a  | 50 |

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## LENANEO

## Ditlhaloso

- 15 1. Mo Molaong o, lefoko lengwe le lengwe kgotsa tlhaloso e kwa go yona bokao bo neilweng mo Tumalanong di rwele bokao bo bo neilweng jalo kwa go tsona fela, kwa ntle ga fa diteng tiriso di supa se sengwe—
- 20 “**moemedi**” o kaya motho yo o thapilweng mo boemong ba Lefapha la Tshireletso kgotsa Tirelo ya Mapodisa ya Aferika Borwa go senya dibomo tse di ripitlang batho kgotsa go tswelletsa le go tsamaisa katiso mo temogong ya dibomo, kgololong ya dibomo le dithekeniki tsa tshenyoy ya dibomo;
- 25 “**dibomo tse di ripitlang batho**” di akaretsa dibomo dife kgotsa dife kgotsa tlamaganyo e e dirang ka mokgwa o o tsepaemeng ka dibomo tse ripitlang batho jaaka di tlhalositswe mo Tumalanong;
- “**karolo ya dirwe**” e kaya serwe sefe kgotsa sefe se se lemotshegang se se diretsweng kgotsa se siamiseditswe go bopa karolo ya dibomo tse di ripitlang batho;
- 30 “**Tumalano**” e kaya Tumalano mo Kiletsong ya Tiriso, kokoanya, Thagiso le Phetiso ya Dibomo tse di ripitlang batho le mo Tshenyong ya tsona, ya di 18 Lwetse 1997, e e thagisitsweng mo Lenaneong mme e saennwe ke Repaboliki ka di 3 Sedimonthole 1997 le go amogelwa ke Repaboliki ka di 26 Seetebosigo 1998;
- 35 “**motlhankedi wa makgetho**” o kaya motlhankedi jaaka a tlhalosiwa mo karolong 1 ya Molao wa Makgetho le Lekgetho la dithoto, 1964 (Molao No. 91 wa 1964);
- “**Lefapha la Tshireletso**” le kaya Bokwaledi ba Tshireletso le Sesole sa Tshireletso sa Bosetšhaba sa Aferika Borwa jaaka se bidiwa mo karolong 5 ya Molao wa Tshireletso, 2002;
- 40 “**motlhatlhabi wa selegae**” o kaya motho yo o tlhomilweng jaaka motlhatlhabi wa selegae ke Tona go ya ka karolo 14;
- “**mothapiwa wa Lefapha la Tshireletso**” o kaya leloko la Sesole sa Tshireletso sa Bosetšhaba sa Aferika Borwa le le thapilweng go ya ka Molao wa Tshireletso, 5 ya Molao wa Tshireletso, 2002, le mothapiwa wa Lefapha la Tshireletso yo o thapilweng go ya ka Molao wa Bodiredipuso, 1994 (Kgoeletso No. 103 ya 1994);
- 45 “**seromelwantle**” se kaya—
- (a) go tsona mo tumalanong ga motho mo Repaboliking go tlamela motho yo mongwe ka kwa ntle ga Repaboliki ka dibomo tse di ripitlang batho, ka karolwana ya karolo kgotsa leano, gore seo se dirwa kgotsa se sadirwe ka thefosano ya mokgwa wa madi kgotsa thotho efe kgotsa efe kgotsa tshiamelo; kgotsa
- 50 (b) phetiso ya dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano go tswa Repaboliking, go ya lefelong lengwe le lengwe ka kwa ntle ga Repaboliki, kgotsa go tlhola dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano go fetisiwa jalo, seo se dirwa kgotsa se sa dirwe ka thefosano ya mokgwa wa madi kgotsa thotho efe kgotsa efe kgotsa tshiamelo;
- 55 “**seromelwateng**” se kaya go tliša dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano mo karolong nngwe le nngwe ya Repaboliki kgotsa go tlhola dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano go fetisiwa jalo,

plan to be so brought in, whether or not that is done in exchange for currency or any other commodity or benefit;

“**information**” means any recorded information regardless of form or medium;

“**international inspector**” means a person appointed by the Secretary-General of the United Nations as an international inspector and who forms part of an international fact-finding mission to the Republic; 5

“**manufacture**” includes the design, development, production and assembly of an anti-personnel mine, a component part or plan;

“**Minister**” means the Minister of Defence;

“**organ of state**” means an organ of state as defined in section 239 of the Constitution; 10

“**party**” means any state that has signed and ratified, or acceded to, the Convention;

“**person**” has the meaning assigned to it in the Interpretation Act, 1957 (Act No. 33 of 1957), and, except in section 30, includes an organ of state; 15

“**place**”, in relation to an anti-personnel mine, means to use, locate, emplace or situate an anti-personnel mine in a manner that would or could cause an explosion by the presence, proximity or contact of a person;

“**plan**” means a plan or design of an anti-personnel mine or a component part;

“**police official**” means— 20

(a) a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);

(b) a person designated by the Minister of Safety and Security as a police official;

(c) a military police official; or

(d) any other member of the South African National Defence Force deployed in a joint operation in cooperation with the South African Police Service; 25

“**possess**” means to have an anti-personnel mine, a component part or a plan under one’s control in an area under one’s control;

“**premises**” includes any land, building or structure or any vehicle, vessel, aircraft or other means of conveyance; 30

“**procure**” means to obtain an anti-personnel mine, a component part or a plan through purchase, forfeiture, donation, cession, transfer or discovery;

“**this Act**” includes any regulation made under section 32;

“**transfer**” includes the—

(a) transfer of title to and control over an anti-personnel mine, a component part or a plan; 35

(b) selling, hiring, letting, lending, borrowing, donating, giving, purchasing, receiving or parting with or gaining possession of an anti-personnel mine, a component part or a plan; and

(c) transit of an anti-personnel mine, a component part or a plan into, out of or through the territory of the Republic by any means but does not involve the transfer of land containing emplaced anti-personnel mines. 40

## CHAPTER 1 OBJECTS AND APPLICATION OF ACT, AND ENACTMENT OF CONVENTION INTO LAW

45

### Objects of Act

2. The objects of the Act are—

(a) to enact the Convention into law as required by section 231(4) of the Constitution;



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seo se dirwa kgotsa se sa dirwe ka thefosano ya mokgwa wa madi kgotsa thotho efe kgotsa efe kgotsa tshiamelo;

**“tshedimose tso”** e kaya tshedimose tso nngwe le nngwe e e kwadilweng go sa kgathalesege sebopego kgotsa sediriswa;

5 **“motlhatlho bi wa boditšhabatšhaba”** o kaya motho yo o tlhomilweng ke Mokwaledikakaretso wa Ditšhabakopano jaaka motlhatlho bi wa boditšhabatšhaba le yo o bopang karolo ya barongwa ba boditšhabatšhaba ba go batlana le dintlha mo Repaboliking;

10 **“go dira”** go akaretsa thulaganyo, tsweletso, tlhagiso le kokoanyo ya dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano;

**“Tona”** o kaya Tona ya Tshireletso;

**“karolo ya naga”** e kaya karolo ya naga jaaka e tlhalosiwa mo karolong 239 ya Molaotheo;

15 **“mokatlho”** o kaya naga efe kgotsa efe e e saenneng le go tlhomamisa, kgotsa go dumalana le Tumulano;

**“motho”** o na le bokao bo bo beilweng mo go ena mo Molaong wa Thanolo, 1957 (Molao No. 33 wa 1957) le kwa ntle ga karolo 30, o tsenyeletsa karolo ya naga;

20 **“lefelolo”** malebana le dibomo tse di ripitlang batho, le kaya go dirisa, go baya, go tlhoma kgotsa go aga dibomo tse di ripitlang batho ka tsela e e ka tlholang kgotsa ya kgona go tlhola thunyo ka go nna teng, bogaufi kgotsa kgolagano ya motho;

**“leano”** le kaya leano kgotsa thulaganyo ya bomo e e ripitlang batho kgotsa karolwana ya karolo;

**“motlhankedi wa sepodisi”** o kaya—

25 (a) leloko la Tirelo ya Sepodisa sa Aferika Borwa jaaka se tlhalosiwa mo karolong 1 ya Molao wa Tirelo ya Sepodisi sa Aferika Borwa, 1995 (Molao No. 68 wa 1995);

(b) motho yo o tlhomilweng ke Tona ya Tshireletso le Pabalesego jaaka motlhankedi wa sepodisi;

(c) motlhankedi wa sepodisi sa sesole; kgotsa

30 (d) leloko lefe kgotsa lefe la Sesole sa Tshireletso sa Bosetšhaba sa Aferika Borwa le boloditswe ka tiro e e kopanetsweng ya tshwaragano le Tirelo ya Sepodisi sa Aferika Borwa.

35 **“go nna le sengwe”** go kaya go nna le dibomo tse di ripitlang batho karolwana ya karolo kgotsa leano ka fa tlase ga taolo ya mongwe mo lefelong ka fa tlase ga taolo ya mongwe;

**“mafelo”** a tsenyeletsa lefatshe lefe kgotsa lefe, moago kgotsa kagego kgotsa sepalangwa sefe kgotsa sefe, sekepe, sesuthalefaufau kgotsa mokgwa ofe kgotsa ofe wa go tsamaisa;

40 **“tshenko”** e kaya go bona dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano ka theko, tatlhegelo, kabo, kabo ya thoto, phetiso kgotsa thibololo;

**“Molao o”** o akaretsa molawana ofe kgotsa ofe o o dirilweng ka fa tlase ga karolo 32;

**“phetiso”** e akaretsa—

45 (a) phetiso ya setlhogo go ya go, le taolo mo dibomong tse di ripitlang batho; karolwana ya karolo kgotsa leano;

(b) go rekisa, go hira, go hirisa, go adimana, go adima, go aba, go neela, go rekisa, go amogela kgotsa go kgaogana le, kgotsa go bona go nna le dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano; le

50 (c) **“phetiso”** ya dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano ka mo teng, kwa ntle kgotsa go ralala naga ya Repaboliki ka mokgwa mongwe le mongwe mme go sa ame phetiso ya lefatshe le le tshotseng dibomo tse di ripitlang batho tse di beilweng.

## KGAOLO 1

55 MAIKAELELO LE TIRAGATSO YA MOLAO,  
LE TAOLELO YA TUMALANO MO MOLAONG

## Maikaelelo a Molao

## 2. Maikaelelo a Molao ke—

(a) go laolela Tumulano mo molaong jaaka go tlhokiwa ke karolo 231(4) ya Molaotheo;

- (b) to ensure that anything done in terms of this Act conforms to the obligations of the Republic in terms of the Convention;
- (c) to prohibit the use, stockpiling, production, development, acquisition and transfer of anti-personnel mines and to ensure the destruction thereof;
- (d) to provide for domestic and international inspections; and
- (e) to provide for international cooperation.

### Enactment of Convention into law

3. (1) Subject to this Act, the Convention has the force of law in the Republic.  
 (2) The Minister may from time to time by notice in the *Gazette* amend the Schedule to reflect any changes made to the Convention if those changes are binding on the Republic in terms of section 231 of the Constitution.

### Extraterritorial application of Act, and jurisdiction

4. (1) Any competent court, which includes a military court as defined in section 1 of the Military Discipline Supplementary Measures Act, 1999 (Act No. 16 of 1999), may try any—
- (a) South African citizen as contemplated in the South African Citizenship Act, 1995 (Act No. 88 of 1995);
  - (b) person who holds a permanent residence permit contemplated in section 25 of the Immigration Act, 2002 (Act No. 13 of 2002);
  - (c) juristic person incorporated or registered in the Republic; or
  - (d) person contemplated in section 3 of the Military Discipline Supplementary Measures Act, 1999 (Act No. 16 of 1999), whether or not such a person is a South African citizen or holds a permanent residence permit,
- for any offence in terms of this Act, notwithstanding the fact that the act or omission to which the charge relates was committed outside the Republic.
- (2) No prosecution may be instituted against any person contemplated in subsection (1) without the written consent of the National Director of Public Prosecutions.
- (3) Notwithstanding any law to the contrary, any magistrate's court has jurisdiction to impose any penalty provided for in terms of this Act.

## CHAPTER 2 PROHIBITION, OFFENCES AND PENALTIES

### Prohibition

5. Subject to section 7 or 8, no person may—
- (a) place, possess, procure, manufacture, stockpile, transfer, deal in, import or export an anti-personnel mine;
  - (b) possess, procure, manufacture, stockpile, transfer, deal in, import or export a component part; or
  - (c) possess, procure, manufacture, transfer, deal in, import or export a plan.

### Offences and penalties

6. (1) Any natural person who contravenes a provision of section 5 is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 25 years or to both a fine and such imprisonment.
- (2) Any juristic person which contravenes a provision of section 5 is guilty of an offence and liable on conviction to a fine not exceeding R1 million.
- (3) Any court convicting any person of an offence under this Act may, in addition to any other punishment imposed in respect of that offence, declare any weapon, vehicle, uniform, equipment or other property or object in respect of which the offence was committed or which was used for, in or in connection with the commission of the offence, to be forfeited to the State.

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- (b) go netefatsa gore sengwe le sengwe se se dirwang go ya ka Molao se tsamaisana le ditlamego tsa Repaboliki go ya ka Tumulano;
- (c) go iletsa tiriso, kokoanyo, tlhagiso, tswelsetso, pono le phetiso ya dibomo tse di ripitlang batho le go netefatsa tshenyo ya tsona;
- 5 (d) go tlamelela ditlathlho tsa selegae le tsa boditšhabatšhaba; le
- (e) go tlamelela tirisanommogo ya boditšhabatšhaba.

**Taolelo ya Tumulano mo molaong**

3. (1) Go ya ka Molao, Tumulano e na le thata ya molao mo Repaboliking.

- (2) Tona a ka nna a re nako le nako ka kitsiso mo Lekwalodikgang la Puso a tlhabolola  
10 lenaneo go bontsha diphetogo dife kgotsa dife tse di diretsweng Tumulano fa diphetogo tseo di tlama mo Repaboliking go ya ka karolo 231 ya Molaotheo.

**Molao wa tiragatso ya tlaleletsonaga, le taolo**

4. (1) Kgotlatshekelo efe kgotsa efe e e nang le bokgoni, e e akaretsang kgotlatshekelo ya sesole jaaka e tlhalosiwa mo karolong 1 ya Molao wa Ditheo tsa Tlaleletso ya  
15 Kgalemo ya Sesole, 1999 (Molao No. 16 wa 1999), e ka nna ya leka—

- (a) moagi wa Aferika Borwa jaaka a bonwa mo Molaong wa Baagi wa Aferika Borwa, 1995 (Molao No. 88 wa 1995);
- (b) motho yo o tshotseng tletla ya boago ba leruri bo bo bonwang mo karolong 25 ya Molao wa khudugelo, wa 2000 (Molao No. 13 wa 2000);
- 20 (c) motho wa molao yo o tsentsweng kgotsa a kwadisitsweng mo Repaboliking, kgotsa;
- (d) motho yo o akanngwang mo karolong 3 ya Molao wa Ditheo tsa Tlaleletso tsa Kgalemo ya Sesole, 1999 (Molao No. 16 wa 1999), motho yo e le kgotsa e se  
25 moagi wa Aferika Borwa; mo tlolomolaong efe kgotsa efe go ya ka Molao o, go sa tlogelwe lebaka la gore kgato kgotsa tlogelo e ponomolato e amanang nayo e ne ya dirwa ka kwa ntle ga Repaboliki.

(2) Ga go na tshakiso epe e e tla diragalang kgatlhanong le motho ofe kgotsa ofe yo o akanngwang mo karolwaneng l kwa ntle ga tumalano e e kwadilweng ya Mokaedi wa Setšhaba wa Bosekisi/Botšhotšhisi.

- 30 (3) Go sa tlogelwe molao ofe kgotsa ofe o o ganetsang, kgotlatshekelo ya magiseterata ofe kgotsa ofe e na le taolo go fetisa kotlhao efe kgotsa efe e etlamelelwang go ya ka dikaelo tsa Molao o.

**KGAOLO 2****KILETISO, DITLOLOMOLAO LE DIKOTLHAO****35 Kiletso**

5. Go ya ka karolo 7 kgotsa 8, ga go motho yo o ka—

- (a) bayang, ruang, bonang, dirang, kokoanyang, fetisang, dirang ka, go romelwa teng kgotsa go romelwa ntle dibomo tse di ripitlang batho;
- 40 (b) ruang, bonang, dirang, kokoanyang, fetisang, dirang ka, go romela teng kgotsa go romela ntle karolwana ya karolo; le
- (c) ruang, bonang, dirang, fetisang, dirang ka, go romela teng kgotsa go romela ntle leano.

**Ditlolomelao le dikotlhao**

6. (1) Motho mongwe le mongwe wa tlhologo yo o tloang tshiamelo ya karolo 5 o  
45 molato wa tlolomolao mme o tshwanelwa ke ponomolato ya tuediso kgotsa go ya kgolegelong lobaka lo lo sa feteng dingwaga tse 25 kgotsa tse pedi tuediso le kgolegelo e e jalo.

(2) Motho mongwe le mongwe wa molao yo o tloang tshiamelo ya karolo 5 o molato wa tlolomolao mme o tshwanelwa ke ponomolato ya tuediso e e sa feteng R1 milione.

- 50 (3) Kgotlatshekelo efe kgotsa efe e e bonang motho ofe kgotsa ofe tlolomolato ka fa tlase ga Molao o e ka re, mo tlaleletsong ya kotlhao efe kgotsa efe e e neetsweng malebana le tlolomolao eo go supa sebeta sefe kgotsa sefe, sepalangwa, yunifomo, sediriswa kgotsa thoto e nngwe kgotsa selo malebana le se tlolomolao e neng e se diretsweng kgotsa se e neng e se diriseditswe, kgotsa malebana le khomišene ya  
55 tlolomolao, go latlhegelwa kwa Nageng.

### CHAPTER 3 EXEMPTIONS

#### Minister may authorise possession of anti-personnel mines

7. (1) (a) The Minister may—

- (i) exempt any organ of state or any employee of such organ, any agent or any other person from a prohibition referred to in section 5; and 5
- (ii) authorise such organ, employee, agent or person to possess an anti-personnel mine, a component part or a plan,

for the purposes of developing and conducting training in mine-detection, mine-clearance or mine-destruction techniques or for its destruction. 10

(b) Any exemption contemplated in paragraph (a) must be in writing and must state the number of anti-personnel mines that may be possessed under the authorisation in question.

(2) (a) The total number of mines which may be exempted for possession in terms of subsection (1) may not exceed 5000. 15

(b) If the Minister authorises the possession of anti-personnel mines by an agent or any other person as contemplated in subsection (1), he or she must limit the number of mines which may be possessed in each case to the least number of mines necessary for the purpose of the authorisation in question.

(3) Any person who possesses an anti-personnel mine in terms of an authorisation contemplated in subsection (1) must keep such mine in accordance with the provisions of the Explosives Act, 2002. 20

#### Minister may authorise transfer of anti-personnel mines

8. Subject to any law regulating the transfer of arms, an anti-personnel mine, a component part or a plan which may be possessed in terms of section 7 may only be transferred to and from the Republic with the written authorisation of the Minister. 25

#### Customs officials

9. A customs official who seizes an anti-personnel mine, a component part or a plan in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), must hand such mine, component part or plan over to a police official within a reasonable time. 30

#### Public museums, military museums, public collectors and private collectors

10. (1) Subject to any condition prescribed by a regulation made under section 32, a public museum, military museum, public collector or private collector may possess an anti-personnel mine, component part or plan if—

- (a) the Minister authorises such possession; and 35
- (b) such mine or part is devoid of explosive material and explosive triggering devices.

(2) For the purposes of this section—

- (a) “**military museum**” means a military, regimental or veterans’ museum, or an exhibition or display of a historical nature for public or private display, that is accredited by the Department of Defence; 40
- (b) “**private collector**” means a person who collects firearms, is a member of an accredited collectors’ association and is not a public collector;
- (c) “**public collector**” means a person who collects firearms for display to the public and who is accredited as such in terms of the Firearms Control Act, 2000 (Act No. 60 of 2000); and 45
- (d) “**public museum**” means an institution defined as such in section 3(1) and (2) of the Cultural Institutions Act, 1998 (Act No. 119 of 1998).

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## KGAOLO 3

## DITHEBOLO

## Tona a ka nna a dumelela go nna le dibomo tse di ripitlang batho

7. (1) (a) Tona a ka nna a
- 5 (i) rebola mokgatlo ofe kgotsa ofe wa naga kgotsa mothapiwa ofe kgotsa ofe wa mokgatlo o o jalo, moemedi ofe kgotsa ofe kgotsa motho mongwe le mongwe go tswa kiletsong e e boletsweng mo karolong 5; le
- (ii) dumelela mokgatlo o o jalo, mothapiwa, moemedi kgotsa motho go nna le
- 10 dibomo tse di ripitlang batho karolwana ya karolo kgotsa leano, ka mabaka a go tswelata le go diragatsa katiso mo temogong ya dibomo, kgololong ya dibomo kgotsa dithekeniki tsa tshenyu ya dibomo kgotsa ya tshenyu ya tsona.
- (b) Thebolo efe kgotsa efe e e tshitshintsweng mo temaneng (a) e tshwanetse go kwalwa mme e tshwanetse go neela palo ya dibomo tse di ripitlang batho tse go ka nniwang le tsona ka fa tlase ga tumalano e e sekasekiwang.
- 15 (2) (a) Palo gotlhe ya dibomo tse di ka rebolwang go nniwa le tsona go ya ka karolotlaleletso (1) e se fete 5000.
- (b) Fa Tona a dumelela go nna le dibomo tse di ripitlang batho ka moemedi kgotsa motho ofe kgotsa ofe jaaka go tshitshintsweng mo karolotlaleletsong (1), o tshwanetse go fokotsa palo ya dibomo e go ka nniwang le yona mo lebakeng lengwe le lengwe go ya
- 20 bonnyane ba palo ya dibomo tse di mosola mo lebakeng la tumalano e e fa isong.
- (3) Motho ofe kgotsa ofe yo o nang le dibomo tse di ripitlang batho go ya ka tumalano e e tshitshintsweng mo karolotlaleletsong (1) o tshwanetse go tshwara bomo eo go ya ka ditshiamelo tsa Molao wa Dithunyi, 2002.

## Tona a ka nna a dumelela phetiso ya dibomo tse di ripitlang batho

- 25 8. Go ya ka molao ofe kgotsa ofe o o laolang phetiso ya dibetsa, dibomo tse di ripitlang batho, karolwana ya karolo kgotsa leano le le ka nniwang la tsholwa go ya ka karolo 7 le ka fetisiwa fela go ya le go tswa mo Repaboliki ka tumelelo e e kwadilweng ya Tona.

## Batlhankedi ba makgetho

- 30 9. Motlhankedi wa makgetho yo o tsayang bomo e e ripitlang batho, karolwana ya karolo kgotsa leano go ya ka Molao wa Makgetho le lekgetho la dithoto, 1964 (Molao No. 91 wa 1964), o tshwanetse go neelana ka bomo eo kwa montlhankeding wa sepodisi mo nakong e e utlwalang.

## Dimusiamo tsa setšhaba, dimusiamo tsa sesole, bakgobokanyi ba setšhaba le ba poraefete

- 35 10. (1) Go ya ka maemo afe a a tlhalositsweng ke molawana o o dirilweng ka fa tlase ga karolo 32, musiamo wa bosetšhaba, musiamo wa sesole, mokgobokanyi wa setšhaba kgotsa wa poraefete a ka nna le bomo e e ripitlang batho kgotsa karolo ya serwe kgotsa leano fa—
- 40 (a) Tona o dumelela thu e e jalo; le
- (b) bomo e e jalo kgotsa karolo e le lolea la matheriale wa dithunyi le didiriswa tse di kgotletseng dithunyi.
- (2) Ka maikemisetso a karolo e—
- 45 (a) “**musiamo wa sesole**” o kaya sesole, mophato kgotsa musiamo wa bagaka, kgotsa tshupetso kgotsa pontsho ya tlhologo ya hisitori, pontsho ya setšhaba kgotsa poraefete e e atlenegisitsweng ke Lefapha la Tshireletso;
- (b) “**mokgobokanyi wa poraefete**” o kaya motho yo o kgobokanyang ditlhobolo, ke leloko la mokgatlo wa bakgobokanyi o o atlenegisitsweng mme ga se mokgobokanyi wa setšhaba;
- 50 (c) “**mokgobokanyi wa setšhaba**” o kaya motho yo o kgobokanyang ditlhobolo go bontsha setšhaba le yo o atlenegisitsweng jalo go ya ka Molao wa Taolo ya Ditlhobolo, 2000 (Molao No. 60 wa 2000); le
- (d) “**musiamo wa setšhaba**” o kaya setheo se se tlhalositsweng jalo mo karolong 3(1) le (2) ya Molao wa Setso sa Ditheo, 1998 (Molao No. 119 wa 1998).

**Military activities**

**11.** (1) The Department of Defence may participate in operations, exercises or other military activities with the armed forces of a state that is not a party to the Convention as long as such—

- (a) operations, exercises or activities are not in contravention of the Convention; 5
- and
- (b) participation does not amount to assistance in any activity prohibited by the Convention.

(2) If such contravention occurs, the Minister must order the termination of any further involvement in the operation, exercise or activity in question, unless the state in question takes immediate steps to rectify the situation giving rise to the contravention. 10

(3) A military force of another state visiting the Republic in terms of an international obligation or an agreement between that state and the Republic and the members of such force are bound by this Act.

**CHAPTER 4**

15

**DESTRUCTION AND CLEARANCE OF ANTI-PERSONNEL MINES****Surrender of anti-personnel mines and forfeiture to State**

**12.** (1) Unless exempted by the Minister as contemplated in section 7, any person in possession of an anti-personnel mine, a component part or a plan immediately before this Act took effect, must, within six months from the date on which this Act took effect, notify a police official designated by the Minister of Safety and Security of such possession. 20

(2) In the event of any military operational deployment outside the Republic, any person in possession of an anti-personnel mine, a component part or a plan must notify a military police official or any other person designated by the Chief of the South African National Defence Force for this purpose. 25

(3) The police official, military police official or other person, as the case may be, must register the notification in the manner prescribed by a regulation made under section 32 and must arrange for the collection of the mine, component part or plan without delay. 30

(4) All anti-personnel mines, component parts and plans collected in terms of this section are forfeited to the State.

**Destruction of anti-personnel mines held in Republic**

**13.** (1) Subject to section 7, the Minister must ensure the destruction of all stockpiled and emplaced anti-personnel mines in the Republic within the time-frames set out in the Convention. 35

(2) The destruction of anti-personnel mines may only be undertaken by a competent authority appointed by the Department of Defence or the South African Police Service, an agent or any other organ of state authorised to do so by a competent authority appointed by the Department of Defence or the South African Police Service. 40

(3) Any destruction of an anti-personnel mine must be carried out in compliance with any applicable environmental and occupational health and safety legislation.

**CHAPTER 5****DOMESTIC INSPECTIONS****Appointment of domestic inspector**

45

**14.** (1) The Minister may, in writing, appoint a competent person as a domestic inspector to—

- (a) investigate and enforce compliance with this Act; or
- (b) assist an international inspector investigating any alleged non-compliance with the Convention. 50

(2) (a) Subject to section 15, a domestic inspector is appointed until the completion of a specific task.

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**Ditiro tsa sesole**

11. (1) Lefapha la Tshireletso le ka tsaya karolo mo ditiragatsong, dikatisong kgotsa ditirong tse dingwe tsa sesole le matsholo a a itlamileng a naga a e seng mokgatlho wa Tumulano fa fela—

- 5 (a) ditiragatso, dikatiso kgotsa ditiro di se kgatllhanong le Tumulano; le  
(b) botsayakarolo bo sa lekane le thuso mo tiragatsong epe e e ilediwang ke Tumulano.

(2) Fa kgatako e e jalo e tlhagelela, Tona o tshwanetse go laolela khutliso ya kamego efe e e tswelelang e e mo tiragatsong, kgotsa tiro e e leng teng ntle le fa puso e e amegang e tsaya dikgato tsa ka bonako go bakanya maemo a a bakang tshitiso.

10 (3) Matsholo a sesole a naga e nngwe a a etetseng Repaboliki go ya ka tlamego ya boditshabatshaba kgotsa tumalano magareng ga naga le Repaboliki le maloko a matsholo a a jalo a tlamiwa ke Molao o.

**KGAOLO 4**15 **TSHENYO LE TLOSO YA DIBOMO TSE DI RIPITLANG BATHO****Go busediwa ga dibomo tse di ripitlang batho le tatlhegelo ya Naga**

12. (1) Fa e se thebolo ya Tona jaaka e tshitshintse mo karolong 7, motho ofe yo o nang le dibomo tse di ripitlang batho, karolo ya sethwe kgotsa leano ka bonako pele Molao o o diragadiwa, o tshwanetse, mo dikgweding tse thataro go tloga letlha le Molao o o dirilweng, go itsisiwe motlhankedi wa sepodisi yo o tlhomilweng ke Tona ya Pabalesego le Tshireletso ka thuo e e jalo.

(2) Mo tiragalong ya tshutiso ya tiragatso ya sesole efe ka kwa ntle ga Repaboliki, motho ofe yo o nang le bomo e e ripitlang batho, karolo ya sethwe kgotsa leano o tshwanetse go itsise motlhankedi wa sepodisi sa sesole kgotsa motho ofe yo o tlhomilweng ke Tlhogo ya Matsholo a Tshireletso a Bosetshaba a Aferika Borwa mo lebakeng le.

(3) Motlhankedi wa sepodisi, motlhankedi wa sepodisi sa sesole kgotsa motho yo mongwe, jaaka go ka bo go ntse, o tshwanetse go kwadisa kitsiso ka mokgwa o o tlhalositsweng ke molawana o o dirilweng ka fa tlase ga karolo 32 mme o tshwanetse go rulaganya go tsewa ga bomo, karolo ya sethwe kgotsa leano kwa ntle ga tiego.

(4) Dibomo tse di ripitlang batho tsotlhe, karolo ya sethwe kgotsa leano tse di tserweng go ya ka karolo e di lathegetswe kwa Nageng.

**Tshenyo ya dibomo tse di ripitlang batho tse di tshwerweng mo Repaboliking**

13. (1) Go ya ka karolo 7, Tona o tshwanetse go netefatsa tshenyo ya dibomo tse di ripitlang batho tsotlhe tse di kokoantsweng le go beiwa mo Repaboliking.

(2) Tshenyo ya dibomo tse di ripitlang batho e ka tsewa fela ke bothati bo bo nonofileng bo bo tlhomilweng ke Lefapha la Tshireletso kgotsa Tirelo ya Sepodisi sa Aferika Borwa, kemedi kgotsa sethwe sengwe le sengwe sa naga se se dumeletsweng go dira jalo ke bothati bo bo nonofileng bo bo tlhomilweng ke Lefapha la Tshireletso kgotsa Tirelo ya Sepodisi sa Aferika Borwa.

(3) Tshenyo efe ya dibomo tse di ripitlang batho e tshwanetse go dirwa go tsamaelana le tikologo efe e e maleba le boitekanelo ba tshupetsokgono ya ditiro le molao wa pabalesego.

**KGAOLO 5**45 **DITLHATLHOBO TSA SELEGAE****Tlomo ya motlhatlhoi wa selegae**

14. (1) Tona a ka nna, ka go kwala, a tlhoma motho yo o nonofileng jaaka motlhatlhoi wa selegae go—

- 50 (a) batlisisa le go diragatsa tsamaelano le Molao o, kgotsa  
(b) thusa motlhatlhoi wa boditshabatshaba yo o batlisisang go sa tsamaisaneng  
(c) le Tumulano go go belaelwang.

(2) (a) Go ya ka karolo 15, motlhatlhoi wa selegae o tlhomiwa go fitlha pheletsong ya tiro e e totobetseng.

(b) The Minister must set out the mandate of the domestic inspector in his or her letter of appointment.

(3) The Minister must issue to every domestic inspector a certificate of appointment identifying the domestic inspector by name, indicating the inspector's status and authority to conduct inspections and setting out any conditions imposed on him or her in terms of section 15. 5

(4) A domestic inspector must comply with the written instructions of the Minister in performing his or her functions.

(5) A domestic inspector who is not in the full-time service of the State must be paid such remuneration and allowances as the Minister may, with the approval of the Minister of Finance, determine. 10

#### Conditions imposed on domestic inspector

15. (1) The Minister may impose any condition on a domestic inspector regarding the performance of his or her functions, which conditions may relate to the protection—

- (a) of sensitive equipment, information or areas; 15
- (b) of any constitutional right; and
- (c) and safety of the domestic inspector.

(2) A condition imposed under subsection (1) may require a domestic inspector not to exercise a specified power while on specified premises.

(3) Domestic inspectors must adhere to international mine action standards endorsed by the United Nations Mine Action Service, and any safety standard or procedure contemplated in the Explosives Act, 2002. 20

#### Termination of appointment of domestic inspector

16. The Minister may, after giving a domestic inspector an opportunity to make representations and considering such representations, for good reason terminate the appointment of such a domestic inspector. 25

#### Entry and search of premises with warrant

17. (1) A domestic inspector accompanied by a police official may, on the authority of a warrant issued in terms of subsection (5) and subject to section 18, enter any premises specified in the warrant, including a private dwelling, and— 30

- (a) inspect, photograph, copy, test and examine any document, record, object or material, or cause it to be inspected, photographed, copied, tested and examined;
- (b) seize any document, record, object or material if he or she has reason to suspect that it might be used as evidence in a criminal trial; and 35
- (c) examine any activity, operation or process carried out on the premises.

(2) A domestic inspector who removes anything from the premises being searched must—

- (a) issue a receipt for it to the owner or person in control of the premises; and
- (b) unless it is an item prohibited in terms of this Act, return it as soon as practicable after achieving the purpose for which it was removed. 40

(3) Upon the request of a domestic inspector acting in terms of a warrant issued in terms of subsection (5), the occupant and any other person present on the premises must—

- (a) make available or accessible or deliver to the inspector any document, record, object or material which pertains to an investigation contemplated in subsection (1) and which is in the possession or under the control of the occupant or other person; 45
- (b) furnish such information as he or she has with regard to the matter under investigation; and 50
- (c) render such reasonable assistance as the inspector may require to perform his or her functions efficiently in terms of this Act.

(4) Before questioning any person at the premises in question, the domestic inspector



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(b) Tona o tshwanetse go tlhagisa taolelo ya wa selegae mo tlhomong ya motlhatlhabi gagwe.

(3) Tona o tshwanetse go neela motlhatlhabi mongwe le mongwe wa selegae setefekeiti sa tlhomo se se bontshang motlhatlhabi wa selegae ka leina, se bontsha maemo a motlhatlhabi le bothati go tsamaisa ditlathlhabo le go baya maemo afe a a bewang godimo ga gagwe go ya ka karolo 15.

(4) Motlhatlhabi wa selegae o tshwanetse go tsamaisana le ditaelo tse di kwadilweng tsa Tona mo go direng ditiro tsa gagwe.

(5) Motlhatlhabi wa selegae yo o seng mo tirelong ya leruri ya Naga o tshwanetse go duelwa dituelo le ditetlo jaaka Tona, ka thebolo ya Tona ya Matlotlo a ka laola.

**Maemo a a beilweng mo motlhatlhobing wa selegae**

15 15. (1) Tona a ka nna a baya maemo afe mo motlhatlhobing wa selegae malebana le tiragatso ya ditiro tsa gagwe, maemo afe a a ka amanang le tshireletso—

(a) ya sediriswa se se masisi, tshedimosetso kgotsa dikarolo;

(b) ya tshwanelo efe ya Molaotheo; le

(c) polokese go ya motlhatlhabi wa selegae.

(2) Maemo a a beilweng ka fa tlase ga karotlaleletso (1) a ka nna a tlhoka motlhatlhabi wa selegae e seng go diragatsa maatla a a totobaditsweng fa o le mo lefelong le le tlhalositsweng.

20 (3) Batlhatlhabi ba selegae ba tshwanetse go kgomarela maemo a boditshabatshaba a tiro ya dibomo a a kannweng ke Tirelo ya dibomo ya Ditshabakopano, le maemo afe a polokese go kgotsa tsamaisa a a bonwana mo Molaong wa Dithunyi, 2002.

**Khutliso ya tlhomo ya motlhatlhabi wa selegae**

25 16. Tona a ka nna a, morago ga go neela motlhatlhabi wa selegae tshono go dira dikemedi le go sekaseka dikemedi tseo, ka mabaka a a siameng a khutlisa tlhomo ya motlhatlhabi yoo wa selegae.

**Tseno le phuruphutso ya mafelo a thebolelo**

30 17. (1) Motlhatlhabi wa selegae a patilwe ke motlhankedi wa sepodisi a ka nna a, mo bothating ba thebolelo e e ntshitsweng go ya ka karotlaleletso (5) le go ya ka karolo 18, a tsene mo lefelong lefe le le tlhalositsweng mo thebolelong, go tsenyeletsa bonno ba poraefete, le—

(a) go tlhatlhaba, tshwantsha, kopisa, leka le go tlhatlhaba lokwalo lofe kgotsa lofe, rekota, selo kgotsa matheriale, kgotsa go dira gore e tlhatlhabiwe, tshwantshiwe, kopisiwe, lekiwe le go tlhatlhabiwa;

35 (b) go gapa lokwalo lofe kgotsa lofe, rekoto, selo kgotsa matheriale fa a na le lebaka go belaela gore e ka dirisiwa jaaka bopaki mo tekong ya bosenyi; le

(c) go tlhatlhaba tiro nngwe le nngwe, tiragatso kgotsa tirego e e diragalang mo lefelong.

40 (2) Motlhatlhabi wa selegae yo o tlosang sengwe go tswa mo lefelong le le phuruphudiwang o tshwanetse—

(a) go neela rasiti ya teng kwa go mong kgotsa motho yo o laolang mafelo; le

(b) fa e le selo se se ileditsweng go ya ka Molao o, e busetse ka bonako jo bo kgonegang morago ga go fitlhelela lebaka la se e neng e se tloseditswe.

45 (3) Mo kopong ya motlhatlhabi wa selegae yo o dirang go ya ka thebolelo e e ntshitsweng go ya ka karotlaleletso (5), monni le motho ofe kgotsa ofe yo o leng teng mo lefelong o tshwanetse go—

(a) dira go nna teng kgotsa go fitlhelela kgotsa go gorosa kwa motlhatlhobing lokwalo lofe kgotsa lofe, rekoto, selo kgotsa matheriale o e leng karolo ya patlisiso e e tshitsweng mo karotlaleletsong (1) le e e tshotsweng kgotsa e le ka fa tlase ga taolo ya monni kgotsa motho yo mongwe;

50 (b) neelana ka tshedimosetso eo jaaka a e tshotse malebana le morero o o batlisisiwa; le

(c) neela thuso e e kgonegang jaaka motlhatlhabi a ka kopa go diragatsa ditiro tsa gagwe ka bokgoni go ya ka Molao o.

55 (4) Pele go bodiwa motho ofe kgotsa ofe kwa mafelong a a kaiwang, motlhatlhabi wa selegae kgotsa motlhankedi wa sepodisi o tshwanetse go gakolola motho yoo ka

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or police official must advise that person of his or her right to be assisted at the time by an advocate or attorney, and allow that person to exercise that right.

(5) A warrant contemplated in subsection (1) may be issued by a judge or a magistrate who has jurisdiction—

- (a) in relation to premises on or from which there is reason to believe that a contravention of this Act has been or is being committed; and
- (b) if it appears from information on oath or affirmation that there are reasonable grounds to believe that there is evidence available in or upon such premises of a contravention of this Act.

(6) The warrant may impose restrictions on the powers of the domestic inspector. 10

(7) A warrant issued in terms of this section—

- (a) remains in force until—
  - (i) it is executed;
  - (ii) it is cancelled by the person who issued it or, if such person is not available, by any person with like authority; 15
  - (iii) the expiry of one month from the day of its issue; or
  - (iv) the purpose for the issuing of the warrant has lapsed, whichever occurs first; and
- (b) must be executed by day unless the person who issues the warrant authorises the execution thereof by night. 20

(8) Any anti-personnel mine, component part or plan seized or preserved for evidence in criminal proceedings must be held, handled and disposed of in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and the Explosives Act, 2002.

**Identification prior to entry, and resistance against entry**

18. (1) A domestic inspector or police official who has obtained a warrant in terms of section 17(5) must immediately before entering the premises in question— 25

- (a) audibly announce that he or she is authorised to enter the premises and demand admission to the premises; and
- (b) notify the person in control of the premises of the purpose of the entry, unless there are reasonable grounds to believe that such announcement or notification might defeat the purpose of the search. 30

(2) The domestic inspector must—

- (a) hand to the person in control of the premises a copy of the warrant or, if such person is not present, affix such a copy to a prominent place on the premises; and 35
- (b) on request of the person in charge of such premises, show his or her certificate of appointment to that person.

(3) A domestic inspector or police officer contemplated in subsection (1) may overcome resistance to the entry and search by using such force as is reasonably required, including the breaking of a door or window of the premises. 40

(4) Before using force, the police officer or domestic inspector must audibly demand admission and must announce the purpose of the entry, unless there are reasonable grounds to believe that doing so might defeat the purpose of the search.

**Entry and search of premises without warrant**

19. A domestic inspector, accompanied by a police official, may enter and search any premises and seize or remove any anti-personnel mine, component part or plan without a warrant if— 45

- (a) a person who is competent to do so consents to such entry, search, seizure or removal; or
- (b) immediate entry to the premises is required— 50
  - (i) to ensure the safety of any person; or
  - (ii) to prevent serious damage to property or to the environment, and there are reasonable grounds to believe that a warrant would be issued in terms of section 17(5) and that the delay caused by obtaining a warrant would defeat the object of the warrant. 55

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tshwanelo ya gagwe go thusiwa ka nako eo ke mmueledi, le go letlelela motho yoo go diragatsa tshwanelo eo.

(5) Thebolelo e e tshitshintsweng mo karotlaleletsong (1) e ka nna ya rebolwa ke moathodi kgotsa magiseterata yo o nang le taolo—

- 5 (a) mo kamanong le lefelo mo kgotsa go tswa kwa go nang le lebaka go dumela gore tloamolao ya Molao o e dirilwe kgotsa e a dirwa; le
- (b) fa go lebega go tswa tshedimosetsong mo maikanong kgotsa tiisetso gore go na le mabaka a a utlwalang go dumela gore go na le bopaki bo bo leng teng mo kgotsa ka mafelo a a jalo a a tlotlang Molao o.
- 10 (6) Thebolelo e ka nna ya baya dithibeledi mo maatleng a motlhatlhoi wa selegae.
- (7) Thebolelo e e rebotseng go ya ka karolo e—
- (a) e sala go nna mo tirisong go fitlha —
- (i) e diragadiwa;
- (ii) e phimolwa ke motho yo o e rebotseng kgotsa, fa motho yoo a se teng, ke
- 15 (iii) go feta ga kgwedi e le nngwe go tloga letsatsing la thebolo; kgotsa
- (iv) lebaka la go ntsha thebolelo le fetile; sefe kgotsa sefe se se tlhagelelang pele; le
- (b) e tshwanetse go diragadiwa motshegare kwa ntle ga fa motho yo o ntshang thebolelo a dumelela tiragatso eo bosigo.
- 20

(8) Dibomo dingwe le dingwe tse di ripitlang batho, karolwana ya karolo kgotsa leano di thopilwe kgotsa di boloketswe go dirisiwa jaaka bopaki mo ditshekong tsa bosenyi di tshwanetse go tshwarwa, go lebelelwa le go latlhiwa go ya ka Molao wa Tsamaiso ya Bosenyi 1977 (Molao No. 51 wa 1977), le Molao wa Dithunyi, 2002 (Molao No. 26 wa

25 1956).

**Temogo pele ga tseno, le kiletso kgatlhanong le tseno**

18. (1) Motlhatlhoi wa selegae kgotsa motlhankedi wa sepodisi yo o boneng thebolelo go ya ka karolo 17(5) o tshwanetse ka bonako pele ga go tsena mo lefelong le le kaiwang—

- 30 (a) a itsise go utlwalang gore o dumeletswe go tsena lefelo le go batla tumelelo go tsena mo lefelong; le
- (b) go itsise motho yo o laolang lefelo lebaka la go tsena; fa e se fa go na le mabaka a a utlwalang go dumela gore kgoeletso eo kgotsa kitsiso e ka fenyha lebaka la phuruphutso.
- 35 (2) Motlhatlhoi wa selegae o tshwanetse—
- (a) go neela motho yo o laolang lefelo khophi ya thebolelo kgotsa, fa motho yoo a se teng, kgomaretsa khophi e kwa lefelong le le itsegeng mo lefelong; le
- (b) mo kopong ya motho yo o laolang lefelo leo, a bontshe setefeketi sa gagwe sa tlhomo kwa mothong yoo.
- 40 (3) Motlhatlhoi wa selegae kgotsa motlhankedi wa sepodisi yo o tshitshintsweng mo karotlaleletsong (1) a ka nna a fenyha twantsho ya go tsena le phuruphutso ka go dirisa maatla ao jaaka go tlhokega, go tsenyeletsa go thubiwa ga lebati kgotsa letlhabaphefo la lefelo.
- (4) Pele o dirisa maatla, motlhankedi wa sepodisi, kgotsa motlhatlhoi wa selegae o
- 45 tshwanetse a batle mo go utlwalang tumelelo mme a itsise lebaka la go tsena, fa e se fa go na le mabaka a a utlwalang a go dumela gore go dira jalo go ka fenyha lebaka la phuruphutso.

**Tseno le phuruphutso ya lefelo kwa ntle ga thebolelo**

19. Motlhatlhoi wa selegae, a felegeditswe ke motlhankedi wa sepodisi, a ka tsena

50 le go phuruphutsa lefelo lefe le go tsaya kgotsa go tlosa dibomo tse di ripitlang batho dife kgotsa dife karolwana ya karolo kgotsa leano kwa ntle ga thebolelo fa—

- (a) e le gore motho yo o nang le bokgoni ba go dira jalo o dumela mo go tseneng goo, phuruphutso, tseo le tloso; kgotsa
- (b) tseno ya ka bonako kwa lefelong e a tlhokega—
- 55 (i) go netefatsa pabalesego ya motho ofe kgotsa ofe; kgotsa
- (ii) go thibela tshenyoo e e masisi go thoto kgotsa mo tikologong, le gore go na le mabaka a a utlwalang a go dumela gore thebolelo e tla ntshiwa go ya ka karolo 17(5) le gore tiego e e tlisitweng ke go bona thebolelo e tla fenyha maikaelelo a thebolelo.

**Offences and penalties in respect of search of premises**

20. (1) A person is guilty of an offence if he or she wilfully obstructs, or knowingly makes a false statement to, a police official or domestic inspector during a search under a warrant obtained in terms of section 17(5).

(2) Any person convicted of an offence contemplated in subsection (1) is liable to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment. 5

**CHAPTER 6  
INTERNATIONAL INSPECTIONS**

**International fact-finding missions to Republic 10**

21. (1) An international fact-finding mission, authorised and mandated by the parties and appointed by the Secretary-General of the United Nations, may in accordance with Article 8 of the Convention enter and stay in the Republic to investigate any matter concerning the Republic's alleged non-compliance with the Convention.

(2) The Minister— 15

(a) must take the necessary administrative measures to receive, transport and accommodate the mission;

(b) is responsible for ensuring the security of the mission to the maximum extent possible while in the Republic;

(c) must make all efforts to ensure that the mission is given the opportunity to speak with all relevant persons who may be able to provide information relating to the compliance matter in question; and 20

(d) must grant the mission access to all areas and installations under the control of the Republic where facts relevant to the compliance matter could be expected to be collected. 25

(3) The Minister must instruct a domestic inspector to accompany and assist an international inspector.

(4) An international inspector, when accompanied by a domestic inspector and a police official, has all the rights contemplated in sections 17, 18 and 19.

(5) The costs of any international fact-finding mission are to be borne by the parties. 30

(6) Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), the Minister may authorise the reimbursement of any person who is not part of the international fact-finding mission in respect of any expenditure legitimately incurred by that person in connection with such mission.

**Certificate as international inspector 35**

22. The Minister must issue to every member of an international fact-finding mission in South Africa a certificate that—

(a) identifies the international inspector by name and indicates the inspector's status and authority to conduct a fact-finding mission in South Africa;

(b) states that the international inspector enjoys the privileges and immunities contemplated in section 24(1); and 40

(c) sets out any condition contemplated in section 23.

**Conditions imposed on international inspector**

23. (1) The Minister may impose any condition on an international inspector regarding the performance of his or her functions, which conditions may relate to the protection— 45

(a) of sensitive equipment, information or areas;

(b) of any constitutional right; and

(c) and safety of the international inspector.

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**Titlolomolao le dikotlhao malebana le phuruphutso ya lefelo**

20. (1) Motho o molato ka tlolomolao fa a kgoreletsa ka maikaelelo kgotsa, a dira seteitemente se se fosagetseng ntle a itse, kwa motlhankeding wa sepodisi kgotsa motlathlobing wa selegae ka nako ya phuruphutso ka fa tlase ga thebolelo e e bonwang go ya ka karolo 17 (5).

(2) Motho ofe kgotsa ofe yo o tshwerweng ka tlolomolao e e tshitshintsweng mo karotlaleletsong (1) o tshwanelwa ke tuediso kgotsa kgolegelo ya nako e e sa feteng ngwaga, kgotsa go tsoo pedi tuediso le kgolegelo.

**KGAOLO 6****10 DITLHATLHOBO TSA BODITSHABATSHABA****Borongwa ba boditshabatshaba ba go batlana le dintlha mo Repaboliking**

21. (1) Borongwa ba boditshabatshaba ba go batlana le dintlha, bo bo dumeletsweng le go laolelwa ke mekgatlho le go tlhomiwa ke Mokwaledi Kakaretso wa Ditshabakapano, o ka re go ya ka Athikele 8 ya Tumalano jwa tsena le go nna mo Repaboliking go batlisisa morero ofe kgotsa ofe malebana le go sa tsamaisaneng go go kaiwang ga Repaboliki le Tumalano.

(2) Tona—

- (a) o tshwanetse go tsaya dikgato tse di tlhokegang tsa tsamaiso go amogela, go tsamaisa le go naya borongwa bonno;
- 20 (b) o rwele maikarabelo a go netefatsa pabalesego ya borongwa go fitlha fa go lekaneng fa bo le mo Repaboliking;
- (c) o tshwanetse go dira matsapa otlhe go netefatsa gore borongwa bo nwa tshono go bua le batho botlhe ba ba maleba ba ba ka kgonang go tlamela tshedimosetso e e amanang le tsamaisano ya morero o o fa isong; le
- 25 (d) o tshwanetse go abela borongwa phitlhelelo kwa mafelong otlhe le ditlhommo ka fa tlase ga taolo ya Repaboliki koo mabaka a a maleba mo tsamaisanong ya morero o o ka solofelwang go tsewa.

(3) Tona o tshwanetse go laolela motlathlobi wa selegae go felegetsa le go thusa motlathlobi wa boditshabatshaba.

30 (4) Motlathlobi wa boditshabatshaba, fa a felegeditswe ke motlathlobi wa selegae le motlhankedi wa sepodisi, o na le ditshwanelo tsohle tse di boletsweng mo dikarolong 17, 18 le 19.

(5) Ditshenyegelo tsa borongwa bofe kgotsa bofe ba boditshabatshaba ba go batlana le dintlha di tshwanetse go belegwa ke mekgatlho.

35 (6) Go ikaegilwe ka Molao wa Setshaba wa Botsamaisi ba Matlotlo wa 1999 (Molao No. 1 wa 1999), Tona a ka dumelela tuelo ya motho mongwe le mongwe yo e seng karolo ya borongwa ba boditshabatshaba ba go batlana le dintlha malebana le ditshenyegelo dife le dife tsa semolao tse di bonweng ke motho yoo malebana le borongwa boo.

**40 Setefekeiti jaaka motlathlobi wa boditshabatshaba**

22. Tona o tshwanetse go ntshetsa leloko lengwe le lengwe la borongwa ba boditshabatshaba ba go batlana le dintlha mo Aferika Borwa setefikeiti se se—

- 45 (a) supang motlathlobi wa boditshabatshaba ka leina le go bontsha maemo a motlathlobi le thata go tsamaisa borongwa ba go batlana le dintlha mo Aferika Borwa;
- (b) tlhalosang gore motlathlobi wa boditshabatshaba o itumelela ditshwanelo le ditshoutiso tse di tshitshintsweng mo karolong 24 (1); le go
- (c) baya maemo afe kgotsa afe a a tshitshintsweng mo karolong 23.

**Maemo a a beilweng mo motlathlobing wa boditshabatshaba**

50 23. (1) Tona a ka nna a baya maemo afe kgotsa afe mo motlathlobing wa boditshabatshaba malebana le tiragatso ya ditiro tsa gagwe, maemo afe a a ka amanang le tshireletsego—

- (a) ya didirisiwa tse di masisi, tshedimosetso kgotsa mafelo;
- (b) ya tshwanelo efe kgotsa efe ya molaotheo; le
- 55 (c) pabalesego ya motlathlobi wa boditshabatshaba.

(2) A condition imposed under subsection (1) may require an international inspector not to exercise a specified power while on specified premises.

(3) In the event of the Minister imposing any condition on an international inspector, the Minister must make every reasonable effort to demonstrate through alternative means the Republic's compliance with the Convention. 5

(4) International inspectors must adhere to international mine action standards endorsed by the United Nations Mine Action Service, and any safety standard or procedure contemplated in the Explosives Act, 2002.

#### **Immunities and privileges of international inspectors**

**24.** (1) An international inspector enjoys the privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations set out in Schedule 3 to the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001). 10

(2) (a) An international inspector may import any equipment necessary to perform his or her functions in respect of a fact-finding mission into the Republic, and may export the equipment from the Republic at the end of the mission. 15

(b) The import and export of equipment contemplated in paragraph (a) is free from any tax or duty.

### **CHAPTER 7 INTERNATIONAL COOPERATION**

#### **International cooperation** 20

**25.** (1) Any international cooperation or assistance rendered or received by the Republic under Article 6 of the Convention must take place in terms of a formal agreement.

(2) The agreement must specify—

- (a) the nature and conditions of the cooperation or assistance; 25
- (b) the obligations of all parties to the agreement, including financial obligations;
- (c) any diplomatic privileges and immunities to be enjoyed by any person; and
- (d) procedures for the settlement of disputes.

(3) The agreement may provide for—

- (a) the exchange of equipment, material and scientific and technological information concerning the implementation of the Convention; 30
- (b) humanitarian assistance, including—
  - (i) assistance for mine-clearance;
  - (ii) victim assistance; and
  - (iii) mine-awareness programmes and mine-risk education; 35
- (c) the care, rehabilitation and social and economic reintegration of mine victims; and
- (d) assistance as contemplated in paragraph 4 of Article 6 of the Convention.

#### **Authorisation to take part in international fact-finding mission outside Republic**

**26.** (1) The Minister may, in consultation with a competent Minister where necessary, appoint and authorise in writing any qualified South African expert to be a member of an international fact-finding mission to another country. 40

(2) Any person so appointed and authorised must, for the purposes of the fact-finding mission, perform his or her functions in terms of the directives and instructions of a body or entity authorised by the parties. 45

(3) Throughout the fact-finding mission the person is accountable to the body or entity authorised by the parties and he or she must report to it during such mission.

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(2) Maemo a a beilweng ka fa tlase ga karotlaleletso (1) a ka tlhoka motlhatlhabi wa boditšhabatšhaba gore a se diragatse dithata tse di tlhalositsweng fa a le mo lefelong le le tlhalositsweng.

(3) Mo tiragalong ya Tona a baya maemo afe kgotsa afe mo motlhatlhobing wa boditšhabatšhaba, Tona o tshwanetse go dira matsapa otlhe a a utlwalang go bontsha ka bokao ba thefosano go tsamaelana ga Repaboliki le Tumulano.

(4) Batlhatlhabi ba boditšhabatšhaba ba tshwanetse go kgomarela maemo a boditšhabatšhaba a tiro ya dibomo a a kannwena ke tirelo ya Dibomo ya Ditšhaba kopano le maemo afe a polokesego kgotsa tsamaiso a a bonwang mo Molaong wa Dithunyi, 2002.

**Ditshoutiso le ditshwanelo tsa batlhatlhabi ba boditšhabatšhaba**

24. (1) Motlhatlhabi wa boditšhabatšhaba o itumelela ditshwanelo le ditshoutiso ka fa tlase ga Athikele VI ya Tumulano mo Ditshwanelong le ditshoutisong tsa Ditšhabakopano tse di kwadilweng mo Lenaneong 3 go ya Molaong, 2001 (Molao No. 37 wa 2001) wa Ditshoutiso le Ditshwanelo tsa boDipolomate.

(2) (a) Motlhatlhabi wa boditšhabatšhaba a ka nna a romela teng sedirisiwa sefe se se tlhokegang go diragatsa ditiro tsa gagwe malebana le borongwa ba go batlana le dintlha mo Repaboliking, mme a ka romela ntle sedirisiwa go tswa Repaboliking kwa bofelong ba borongwa.

(b) Thomelo teng le thomelo ntle ya sedirisiwa e e tshitshinngwang mo temaneng (a) e gololosegile mo lekgethong lefe kgotsa lefe kgotsa tiro.

**KGAOLO 7**

**TIRISANOMMOGO YA BODITSHABATSHABA**

**Tirisanommogo ya boditšhabatšhaba**

25. (1) Tirisanommogo ya boditšhabatšhaba efe kgotsa efe kgotsa thuso e e neilweng kgotsa e amogetswe ke Repaboliki ka fa tlase ga Athikele 6 ya Tumulano e tshwanetse go diragala go ya ka maemo a tumalano ya molao.

(2) Tumulano e tshwanetse go tlhalosa—

(a) mokgwa le maemo a tirisanommogo kgotsa thuso;

(b) ditlamego tsa mekgatlho yotlhe kwa tumalanong, go tsenyelediwa le ditlamego tsa ditšhelete;

(c) ditshwanelo tsa bodipolomate dife kgotsa dife le ditshoutiso tse di ka itumelelwang ke motho ofe kgotsa ofe; le

(d) ditsamaiso tsa tshiamiso ya dikganetsano.

(3) Tumulano e e ka tlamelela—

(a) kananyo ya sedirisiwa, matheriale le tshedimose tso ya saense le thekenoloji malebana le tiragatso ya Tumulano;

(b) thuso ya setho, go tsenyelediwa—

(i) thuso ya go tloswa ga dibomo;

(ii) thuso ya motswasetlhabelo; le

(iii) mananeo a tlhokomediso le thuto ya dibomo;

(c) tlhokomelo, tsosoloso kopanyo gape ya loago le ikonomi ya batswasetlhabelo ba dibomo; le

(d) thuso jaaka e tshitshintswe mo temaneng 4 ya Athikele 6 ya Tumulano.

26. (1) Tona a ka nna, ka puisano le Tona e e nonofileng fa go tlhokegang, a tlhoma le go fa thata ka go kwala moitseanape yo o rutegileng wa Aferika Borwa ofe kgotsa ofe go nna leloko la borongwa ba boditšhabatšhaba la go batlana le dintlha kwa nageng e nngwe.

(2) Motho ofe kgotsa ofe yo o tlhomilweng le go newa thata o tshwanetse go, ka mabaka a borongwa a go batlana le dintlha, a dire ditiro tsa gagwe go ya ka bokaedi le ditaello tsa mekgatlho kgotsa bonosi bo bo dumeletsweng ke mekgatlho.

(3) Mo nakong yotlhe ya maikaelelo a go batlana le dintlha motho o ikarabelela kwa mekgatlhong kgotsa kwa bonosing bo bo dumeletsweng ke mekgatlho mme o tshwanetse go bega kwa mekgatlong oo ka nako ya maikaelelo ao.

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(4) (a) The person must be employed in terms of an agreement signed by the Minister, or his or her duly authorised representative, and a duly authorised representative of the body or entity.

(b) The agreement must at least state—

- (a) the conditions of employment; 5
- (b) the financial obligations of all parties to the agreement;
- (c) the privileges and immunities of the person concerned; and
- (d) the manner of settlement of disputes.

## CHAPTER 8 INFORMATION AND RECORDS 10

### Reporting

27. (1) The Minister must—

- (a) gather, record and disseminate information in compliance with the Convention and must report on the Republic's compliance with the Convention— 15
  - (i) through the Minister of Foreign Affairs, to the Secretary-General of the United Nations; and
  - (ii) to Parliament within two weeks after the Minister has made the report contemplated in subparagraph (i);
- (b) monitor the Republic's compliance with the Convention; and
- (c) keep a record of all exemptions granted in terms of section 7 and a record of 20 all anti-personnel mines destroyed in terms of this Act.

(2) The report contemplated in subsection (1)(a) must include—

- (a) the annual reports required under Article 7 of the Convention; and
- (b) the information required under the Convention regarding mine-clearance, including lists of experts, expert agencies and national points of contact for the 25 United Nations database on mine-clearance.

### Power to gather information

28. (1) The Minister may gather information from any person if the information is necessary for—

- (a) the administration and enforcement of this Act; and 30
- (b) compliance with the Convention.

(2) The Minister may, by written notice served on any person, require that person to provide such information as may be necessary within the period and in the manner and form specified in the notice.

### Record of anti-personnel mines in possession or destroyed 35

29. Any person contemplated in section 7(1), 10(1) or 13(2) must maintain a written record in the prescribed format of all anti-personnel mines, component parts and plans in his or her possession or destroyed by him or her.

### Offences and penalties in respect of provision of information

30. (1) A person is guilty of an offence if he or she— 40

- (a) without reasonable excuse, fails to comply with a notice contemplated in section 28(2);
- (b) intentionally or recklessly provides false information in relation to such notice; or
- (c) fails to maintain a record as contemplated in section 29. 45

(2) Any person convicted of an offence contemplated in subsection (1) is liable to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.



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(4) (a) Motho o tshwanetse go thapiwa go ya ka tumalano e e saenilweng ke Tona, kgotsa moemedi wa gagwe yo o dumeletsweng, le kemedi e e dumeletsweng ya mokgatlho kgotsa bonosi.

(b) Tumalano e tshwanetse bonnyane e tlhalose—

- 5 (a) maemo a thapo;  
(b) ditlamorago tsa matlotlo a mekgatlho yotlhe mo tumalanong;  
(c) ditshwanelo le ditshoutiso tsa motho yo o amegang; le  
(d) mokgwa wa tshiamiso ya dikganetsano.

**KGAOLO 8**

10

**TSHEDIMOSETSO LE DIREKOTO**

**Go begela**

27. (1) Tona o tshwanetse—

- 15 (a) go kgobokanya, go kwala le go gasa tshedimosetso go tsamaelana le Tumalano mme o tshwanetse go bega ka tsamaisano ya Repaboliki le Tumalano—  
(i) ka Tona ya Merero ya Boditšhaba, kwa Mokwaleding Kakaretso wa Ditšhabakopano;  
(ii) kwa Palamenteng mo bekeng tse pedi morago ga Tona a se na go dira pego e e tshitshintsweng mo temanakarolong (1);  
20 (b) go tlhokomela tsamaelano ya Repaboliki le Tumalano; le  
(c) go tshola rekoto ya dithebolelo tsofhe tse di abilweng go ya ka karolo 7 le rekoto ya dibomo tsofhe tse di ripitlang batho tse di sentsweng go ya ka Molao o.

25 (2) Pegelo e e tshitshintsweng mo karotlaleletsong (1)(a) e tshwanetse go tsenyeletsa—

- (a) dipegelo tsa ngwaga tse di tlhokegang ka fa tlase ga Athikele 7 ya Tumalano; le  
(b) tshedimosetso e e tlhokegang ka fa tlase ga Tumalano malebana le tshiamiso  
30 ya bomo, go tsenyelediwa manane a bomaitseanape, dikemedi tsa boitseanape le dintlha tsa kgolagano tsa bosetšhaba tsa tshedimosetso ya Ditšhabakopano mo tshiamisong ya bomo.

**Dithata tsa go kgobokanya tshedimosetso**

28. (1) Tona a ka nna a kgobokanya tshedimosetso go tswa mothong ofe kgotsa ofe fa tshedimosetso e tlhokega mo—

- 35 (a) tsamaisong le tiisetso ya Molao o; le  
(b) tsamaelano le Tumalano.

(2) Tona a ka nna a, ka kitsiso e e kwadilweng e e neilweng motho ofe kgotsa ofe, a tlhoka motho yoo go tlamela tshedimosetso eo jaaka go ka tlhokega mo lobakeng le ka mokgwa le sebopego se se tlhalositsweng mo kitsisong.

40 **Pegelo ya dibomo tse di ripitlang batho tse di tshotsweng kgotsa di sentse**

29. Motho ofe kgotsa ofe yo o tshitshintsweng mo karolong 7 (1), 10(1) kgotsa 13 (2) o tshwanetse go tshola rekoto e e kwadilweng mo sebopegong se se tlhalositsweng sa dibomo tsofhe tse di ripitlang batho, dikarolwana tsa karolo le maano a a mo go ena kgotsa a sentse ke ena.

45 **Ditlolomolao le dikotlhaio malebana le tlamelo ya tshedimosetso**

30. (1) Motho o molato wa tlolomolao fa a—

- (a) kwa ntle ga maitato a a utlwalang, a tlholega go tsamaisana le kitsiso e e tshitshintsweng mo karolong 28(2);  
(b) tlamela tshedimosetso e e fosagetseng malebana le kitsiso ka maikaelelo  
50 kgotsa ka bosutilha; kgotsa  
(c) a tlholega go tshola rekoto jaaka go tshitshintse mo karolong 29.

(2) Motho ofe kgotsa ofe yo o tshwerweng ka tlolomolao e e tshitshintsweng mo karotlaleletsong (1) o tshwannwa ke tuediso kgotsa kgolegelo ya lobaka lo lo sa feteng ngwaga kgotsa tsoo pedi tuediso le kgolegelo.

## CHAPTER 9 GENERAL PROVISIONS

### Guidelines for training

31. The Minister must ensure that—
- (a) general guidelines are issued in respect of the training of any official performing a function in terms of this Act or the Convention; and
  - (b) military instructions and operating procedures relevant to the Convention and this Act are issued, and that members of the South African National Defence Force receive training commensurate with their duties to comply with this Act.

### Regulations

32. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—
- (a) anything that may or must be prescribed in terms of this Act; and
  - (b) any administrative or procedural matter which it is necessary to prescribe in order to give effect to the provisions of this Act.
- (2) The Minister must cause a copy of regulations made under this section to be tabled in Parliament as soon as possible after publication thereof.

### Delegation of power and assignment of duty

33. (1) The Minister may delegate any power, in whole or in part, conferred upon him or her by this Act, except the power to make regulations in terms of section 32, and assign any duty, in whole or in part, imposed upon him or her in terms of this Act, to—
- (a) the Secretary for Defence;
  - (b) the Chief of the South African National Defence Force; or
  - (c) an employee of the Department of Defence holding a position or rank of at least Director, Brigadier-General or Rear Admiral (Junior Grade).
- (2) A delegation or an assignment in terms of subsection (1)—
- (a) must be in writing;
  - (b) is subject to such terms and conditions as the Minister may impose; and
  - (c) does not divest the Minister of the responsibility concerning the exercise of the power or the performance of the duty in question.

### Short title and commencement

34. This Act is called the Anti-Personnel Mines Prohibition Act, 2003, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

## SCHEDULE

### Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 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,

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**KGAOLO 9****DITLAMELO KA KAKARETISO****Dikaelo tsa go katisa**

31. Tona o tshwanetse go netefatsa gore—

- 5 (a) dikaelo tsa kakaretso di a rebolwa malebana le go katisiwa ga motlhankedi ofe kgotsa ofe yo o diragatsang tiro go ya ka Molao o kgotsa Tumulano; le  
(b) Ditaelo tsa sesole le ditsamaiso tsa tiriso tse di malebana le Tumulano le Molao o di neetswe, le gore maloko a Matsholo a Tshireletso a Bosetšhaba a Aferika Borwa a bone katiso e e tshwannang ditiro tsa bona o dumalana le  
10 Molao o.

**Melawana**

32. (1) Tona a ka, ka kitsiso mo Lekwalodikgang la Puso, a dira melawana malebana le—

- 15 (a) sengwe le sengwe se se ka, kgotsa se se tshwanetseng go ya ka Molao o; le  
(b) tsamaiso efe kgotsa mokgwa wa tsamaiso o o tihokegang go thalosa gore o tsenye tirisong mo ditlamelong tsa Molao o.

(2) Tona o tshwanetse go bona gore khopi ya melawana e e dirilweng mo tlase ga karolo e, e sekasekiwa kwa Palamenteng ka bonako bo bo kgonegang morago ga go phasaladiwa.

**20 Kemedi ya dithata le kabo ya tiro**

33. (1) Tona a ka aba dithata dingwe le dingwe, ka botlalo kgotsa ka karolo, tse di beilweng mo go ena ke Molao o, kwa ntle ga dithata go dira melawana go ya ka karolo 32, le go aba tiro, ka botlalo kgotsa ka karolo, e e beilweng mo go ena go ya ka Molao o, go—

- 25 (a) Mokwaledi wa Tshireletso;  
(b) Mogolo wa Matsholotshireletso a Bosetšhaba a Aferika Borwa; kgotsa  
(c) mothapiwa wa Lefapha la Tshireletso yo o tshwereng maemo a bonnye Mokaedi, Mobergadiri wa Kakaretso kgotsa Moatemerale wa Morago (Kereiti e Nnye).  
30 (2) Kemedi kgotsa tiro go ya ka karolotlaleletso (1)—  
(a) e tshwanetse go bo e kwadilwe;  
(b) e ya go ya ka dikaelo le maemo jaaka Tona a ka laola; e bile  
(c) ga e amoge Tona maikarabelo malebana le tiragatso ya dithata kgotsa tiragatso ya tiro e e fa isong.

**35 Setlhogo se se khutshwane le tshimologo**

34. Molao o o bidiwa Molao wa Kiletso ya Dibomo tse di Ripitlang batho, 2003, mme o simolola ka letlha le le tsepamisitsweng ke Moporesidente ka kgoeletso mo Lekwalodikgang la Puso.

**MAMETLELELO**

40 Tumulano mo Kiletsong ya Tiriso, Kokoanyo, Tlhagiso le Phetiso ya Dibomo tse di Ripitlang batho le ka Tshenyoy tsona, 18 Lwetse 1997

**KETAPELE**

Mekgatlho ya Dinaga,

45 E ikaeletse go fedisa tshotlego le dikgobalo tse di bakiwang ke dibomo tse di ripitlang batho, tse di bolayang kgotsa di gobatsa makgolokgolo a batho beke le beke, segolo baagi ba ba se nang molato ba ka se iphemele bogolo bana, go kgoreletsa tswelletso le kagoleswa ya ikonomi, go iletsa pusetso gae ya bafaladi le batho ba ba ka fa gare ba ba se nang magae, le go nna le ditlamorago tse di tsitsibanyang dingwaga morago ga phuduso,

**Act No. 36, 2003 ANTI-PERSONNEL MINES PROHIBITION ACT, 2003**

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, 5

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, 10

Welcoming also United Nations General Assembly Resolution 51/45 S 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, 15

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, 20

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 organisations around the world, 25

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 organisations, 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, 30 35

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, 40

Have agreed as follows:

### **Article 1**

#### **General obligations**

1. Each State Party undertakes never under any circumstances: 45
  - (a) To use anti-personnel mines;

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Go dumelwa gore go a tlhokega go dira bojotlhe jwa bona go aba ka tsela e e nonofileng ee golaganang go lebagana le kgwetlho ya go tlosa dibomo tse di ripitlang batho tse di beilweng go ralala lefatshe, le go tlhomamisa tshenyo ya tsona,

5 Eletsang go dira bojotlhe jwa bona mo go tlameleng thuso ya tlhokomelo le tsosoloso, go tsenyelediwa le kopanyo gape ya loago le ikonomi ya batswasetlhabelo ba bomo,

Go lemoga gore kganelo e e feleletseng ya dibomo tse di ripitlang batho e tla nna kelo e e botlhokwa ya go aga go itshepa,

10 Go amogela tseo ya Phorothokholo ya Dikiletso kgotsa Ditekanyetso mo Tirisong ya Dibomo, Dirai tsa Bobi le Ditlamaganyo tse Dingwe, jaaka di tlhabolotswe ka di 3 Motsheganong 1996, di tlhabolotswe mo Tumalanong ya Dikaletso kgotsa Ditekanyetso mo Tirisong ya Dibetsa tse di Rileng tsa Tlwaelo Tse di Ka Tsewang go nna Kotsi go Feta kgotsa go Nna le Ditlamorago tse di Gotlhe, le go goeletsa kano ya e sale gale ya Phorothokholo e ka Dinaga tsotlhe tse di iseng di dire jalo,

15 Go amogela gape Tshwetso ya Kopano Kakaretso ya Ditšhabakopano 51/45 ya di 10 Sedimonthole 1996 e e rotloetsang Dinaga tsotlhe go tswelletska ka maatla tumalano ya semolao e e bofang e e nonofileng ya boditšhabatšhaba go thibela tiriso, kokoanyo, tlhagiso le phetiso ya dibomoserai tse di ripitlang batho,

20 Go amogela gape go ya pele dikgato tse di tserweng mo dingwageng tse di fetileng, bobedi ka bongwe kgotsa bontsi, go ikaeletswe kiletso, tekanyetso, kgotsa kemiso ya tiriso, kokoanyo, tlhagiso le phetiso ya dibomo tse di ripitlang batho,

25 Go gatelela seabe sa segakolodi sa setšhaba mo go tswelletseng ditheo tsa botho jaaka di itemogelwa ke pitso ya kiletso e e feletseng ya dibomo tse di ripitlang batho le go lemoga matsapa go fitlha bokhutlong a a tserweng ke Mokgatlho wa Sefapano se Sehibidu sa Boditšhabatšhaba le Mokgatlho o Mohibidu wa Sekasekele, Matsholo a Boditšhabatšhaba a go Iletska Dibomoserai le mekgatlho e mengwe e e seng ya mmuso e le mmalwa go dikologa lefatshe,

30 Go gakologelwa Tlhomamiso ya Ottawa ya di 5 Diphilane 1996 le Tlhomamiso ya Brussels ya di 27 Seetebosigo 1997 e e gwetlhang baagi ba boditšhaba go rerisana tumalano e e bofang ya boditšhabatšhaba le semolao e e iletsang tiriso, kokoanyo, tlhagiso le phetiso ya dibomo tse di ripitlang batho,

35 Go gatelela keletso ya go gogela tatelano ya Dinaga tsotlhe kwa Tumalanong e, le go ikaelela go dira ka natla go ya kgodisong ya bogotlhe ba yona mo mabakeng otlhe a a maleba gareng ga tse dingwe, Ditšhabakopano, Khonferense ya Kamogodibetsa, mekgatlho ya kgaolo, le ditlhophana, le go thadisa dikhonferense tsa Tumalano mo Dikiletso kgotsa Ditekanyetsong mo Tirisong ya Dibetsa tse di Rileng tsa Tlwaelo Tse di ka Tsewang go nna Kotsi go Feta kgotsa go Nna le Ditlamorago tse di Gotlhe,

40 Go ipaya ga bona mo theong ya molao wa botho wa boditšhabatšhaba wa gore tshwanelo ya mekgatlho kwa thulanong e e tlhometseng go tlhopha mekgwa kgotsa ditsela tsa ntwaga e e tshaele, mo theong e e iletsang thapo mo ditlulanong tse di tlhometseng tsa dibetsa, diporojeke le dimatheriala le mekgwa ya dintwa tsa mothale go baka kgobalo e ntsintsi kgotsa tshotlego e e sa tlhokegeng le mo theong ya gore pharologano e tshwanetse go dirwa magareng ga baagi le balwantshi,

Go dumalanwe jaana:

### Athikele 1

#### 45 Maikarabelo ka kakaretso

1. Mokgatlho mongwe le mongwe wa Naga ga o nke o ikana ka fa tlase ga mabaka ape:

(a) Go dirisa dibomo tse di ripitlang batho;

- (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. 5

## 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. 10
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. 15
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. 20
5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines. 25

## 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. 30
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. 35

## 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. 40

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- (b) Go tswelsetsa, go tlhagisa, go bona ka tsela nngwe, go kokoanya, go tshola kgotsa go fetsetsa go mang kgotsa mang, ka tlhamalalo kgotsa e se ka tlhamalalo, dibomo tse di ripitlang batho;
- (c) Go thusa, go rotloetsa kgotsa go sokasoka, ka tsela efe, mang kgotsa mang yo o amegang mo tironng efe e e ileditsweng kwa Lekokong la Naga ka fa tlase ga Tumulano.
2. Mokgatlho mongwe le mongwe wa Naga o ikana go senya kgotsa go netefatsa tshenyo ya dibomo tsotlhe tse di ripitlang batho go ya ka ditshiamelo tsa Tumulano.

**Athikele 2**

10

**Ditlhaloso**

1. 'Dibomo tse di ripitlang batho' di kaya dibomo tse di diretsweng go thunya ka go nna teng, bogaufi kgotsa kgoagano ya motho mme seo se tla tlhokisa maatlafatso, go gobatsa kgotsa go bolaya motho a le mongwe kgotsa go feta. Dibomo tse di diretsweng go ripitliwa ke go nna teng, bogautshwane kgotsa kgoagano le koloi go na le motho, e e tlametsweng ka didirisiwa tse di lwantsang tsholo, ga di tsewe jaaka dibomo tse di ripitlang batho ka ntlha ya go tlamelwa go le kalo.
2. 'Dibomo' di kaya dibetsa tse di diretsweng go bewa ka fa tlase, mo godimo kgotsa gaufi le lefatshe 'kgotsa bodilo bo bongwe, le go thuntshiwa ka go nna teng, bogautshwane le kamano ya motho kgotsa sepalangwa'.
3. 'Sedirisiwa sa twantsa tshwaro' se kaya sedirisiwa se se ikaeletsweng go sireletsa dibomo tse e leng karolo ya, se golagane le, se tshwaragantswe le kgotsa se beilwe ka fa tlase ga bomo le se se rotloetsegang fa maiteko a dirwa go tshwenyana le kgotsa ka tsela nngwe ka maikaelelo go tshwenya bomo.
4. 'Phetiso' e ama, mo tlaleletsong kwa motsamaong wa sebele wa dibomo tse di ripitlang batho go ya kgotsa go tswa nageng ya bosetshaba, phetiso ya setlhogo go le taolo mo dibomong, mme e sa ame phetiso ya naga e e tshotseng dibomo tse di ripitlang batho tsa lefelo.
5. 'Lefelo la dibomo' le kaya lefelo le le kotsi ka ntlha ya go nna teng kgotsa go nna teng go go belaelwang ga dibomo.

30

**Athikele 3****Diphapogo**

1. Go sa tlhokomologwe di pateletso tsa kakaretso ka fa tlase ga Athikele 1, go tshola kgotsa phetiso ya palo ya dibomo tse di ripitlang batho mo go tlhabololeng le go katiseng talelo ya dibomo, kgoagano ya dibomo, kgotsa dithekeniki tsa tshenyo ya dibomo di dumeletse. Boleng ba dibomo tseo ga bo ne bo feta palo ya minimamo e e tlhokegang gotlhelele mo mabakeng a a boletsweng fa godimo.
2. Phetiso ya dibomo tse di ripitlang batho ka mabaka a tshenyo e dumeletse.

**Athikele 4****Tshenyo ya dibomo tse di kokoantsweng**

- 40 Kwa ntle ga jaaka go tlametswe mo Athikeleng 3, Mokgatlho mongwe le mongwe wa Naga o ikana go senya le go netefatsa tshenyo ya dibomo tsotlhe tse di kokoantsweng tse di ripitlang batho tse e nang natso, kgotsa tse di ka fa tlase ga taolelo kgotsa taolo, ka bonako bo bo kgonegang mme e seng morago ga dingwaga tse nne morago ga tseno go ya matsholong a Tumulano e ya Mokgatlho wa Naga.

45

**Athikele 5****Tshenyo ya dibomo mo mafelong a a nang natso**

1. Mokgatlho mongwe le mongwe wa Naga o ikana go senya kgotsa go netefatsa tshenyo ya dibomo tsotlhe tse di ripitlang batho mo mafelong a a nang natso ka fa tlase ga taolelo le taolo ya yona, ka bonako bo bo kgonegang fela e seng morago ga dingwaga di le lesome morago ga tseno mo tirisong ya Tumulano ya Mokgatlho wa Naga.

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 organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, 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 organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis, or by contributing to the United



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2. Mokgatlho mongwe le mongwe wa Naga o tla dira matsapa otlhe go lemoga mafelo otlhe ka fa tlase ga taolelo kgotsa taelo ya ona e mo go yona dibomo tse di ripitlang batho di itsegeng kgotsa di belaelwang go sutisiwa mme di tla netefatsa ka bonako bo bo kgonegang gore dibomo tsotlhe tse di ripitlang batho mo mafelong a dibomo ka fa tlase ga taolelo le taolo di tshwailwe go ya ka pherimetara, di tlhokometswe le go sirelediwa ka go agelelwa kgotsa mekgwa e mengwe, go netefatsa kgapelontle e e nonofileng ya baagi, go fitlha dibomo tsotlhe tse di ripitlang batho tse di tshotsweng foo di sentse. Go tshwaiwa go tla nna bogolo go ya ka maemo a a tlhomilweng mo Phorothokholong kgotsa ka Dikiletso kgotsa Ditekanyetso mo Tirisong ya Dibomo, Dirai tsa Bobi le 10 Didirisiwa tse Dingwe, jaaka go tlabolotswe ka di 3 Motsheganong 1996, e e tlabolotsweng mo Tumalanong ka Dikiletso kgotsa Ditekanyetso mo Tirisong ya Dibetsa Dingwe tsa Tlwaelo Tse di ka Tsewang go Nna Kotsi go Feta kgotsa go Nna le Ditlamorago tse di sa Tlhaoleng.

3. Fa Mokgatlho wa Naga o dumela gore ga o ne o kgona go senya kgotsa go netefatsa tshenyo ya dibomo tsotlhe tse di ripitlang batho tse go buiwang ka tsona mo temaneng 1 mo nakong eo, o ka isa kopo kwa Kopanong ya Mekgatlho ya Dinaga kwa Khonferenseng ya Thadiso go bona katoloso ya letlha la bofelo la go feleletsa tshenyo, ya dibomo tseo tse di ripitlang batho, ka lobaka la dingwaga tse di fitlheng lesome.

4. Kopo nngwe le nngwe e tla tshola:

- (a) Lobaka lwa katoloso e e tshitshintsweng;
- (b) Tlhaloso e e tletseng ya mabaka a katoloso e e tshitshintsweng, go tsenyeletsa:
- (i) Paakanyo le maemo a tiro e e dirwang ka fa tlase ga mananeo a bosetšhaba a go fedisa dibomo;
- (ii) Ditsela tsa ditšhelete le botegeniki tse di leng teng kwa Mokgatlhong wa Naga tsa go Senya dibomo tsotlhe tse di ripitlang batho; le
- (iii) Mabaka a a thibelang bokgoni ba Mokgatlho wa Naga go senya dibomo tsotlhe tse di ripitlang batho mo mafelong a a nang le dibomo;
- (c) Bokao ba katoloso ba setho, loago, ikononi le tikologo; le
- (d) Tshedimisetso efe e e maleba le kopo ya katoloso e e tshitshintsweng.

5. Kopano ya Mekgatlho ya Dinaga kgotsa Khonferense ya Thadiso e tla re go lebelela mabaka a a tshotsweng mo temaneng 4, ya tlhathoba kopo mme e swetse ka bontsi ba diboutu tsa Mekgatlho ya Dinaga tse di leng teng le go bouta gore a o ka aba kopo ya katoloso ya lobaka.

6. Katoloso eo e ka ntšhafadiwa ka go dira kopo e ntshwa go ya ka ditemana 3.4 le 5 tsa Athikele e. Mo go kopeng katoloso ya nako e e tswelelang Mokgatlho wa Naga o tla tliša tshedimisetso ya tlaleletso e e maleba ka se se dirilweng mo lobakeng lwa katoloso e e fetileng go latela Athikele e.

## Athikele 6

### Tirisanommogo le thuso ya boditšhabatšhaba

1. Mo go diragatseng maikaelelo a ona ka fa tlase ga Tumulano Mokgatlho mongwe le mongwe wa Naga o na le tshwanelo go batla le go amogela thuso, fa go kgonegang, go tswa Mekgatlhong ya dinaga tse dingwe go fitlha fa go kgonegang.

2. Mokgatlho mongwe le mongwe wa Naga o ikana go tsamaisa mme o tla nna le tshwanelo go tsaya karolo mo thefosanong e e tletseng e e kgonegang ya sedirisiwa, matheriale le tshedimisetso ya saense le thekenoloji malebana le tiragatso ya Tumulano e. Mekgatlho ya Dinaga ga e ne e gatelela ditekanyetso tse di sa tlhokegeng mo tshiamelong ya sedirisiwa sa kgololo ya bomo le tshedimisetso e e amanang le thekenoloji mo mabakeng a setho.

3. Mokgatlho mongwe le mongwe wa Naga o o mo maemong go dira jalo o tla tlamela thuso ya tlhokomelo le tsosoloso, le kopanyo ya loago le ikononi, tsa batlhokofadiwa ba dibomo le mananeo a tlhokomediso ya dibomo. Thuso e e jalo e ka tlamelwa, gareng ga tse dingwe, ka tsela ya Ditšhabakopano, boditšhabatšhaba, kgaolo kgotsa mekgatlho ya bosetšhaba kgotsa ditheo, Komiti ya Boditšhabatšhaba ya Sefapano se Sehibidu, Sefapano se Sehibidu sa boditšhaba le mekgatlho ya Sekele e Khibidu le Tshwaragano ya Boditšhaba, mekgatlho e e seng ya mmuso, kgotsa mo theong ya matlhakore a mabedi.

4. Mokgatlho mongwe le mongwe wa Naga o o mo maemong a go dira jalo o tla tlamela thuso ya kgololo ya dibomo le ditiro tse di amanang. Thuso e e jalo e ka tlamelwa, gareng ga tse dingwe, ka tsela ya Ditšhabakopano, boditšhabatšhaba kgotsa mekgatlho ya dikgaolo kgotsa ditheo, mekgatlho e e seng ya mmuso kgotsa ditheo,

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. 5

7. States Parties may request the United Nations, regional organisations, 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: 10

- (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; 15
- (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. 20

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. 25

## 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: 30

- (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; 35
- (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 authorised by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3; 40
- (e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities; 45
- (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 50

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kgotsa mo theong ya matlhakore a mabedi, kgotsa ka go abela Letlole la Ditšhabakopano la Boithaopo la Thuso mo Tlosong ya Dibomo, kgotsa matlole a kgaolo a mangwe a a dirang ka dibomo.

5. Mokgatlho mongwe le mongwe wa Naga o le mo maemong a go dira jalo o tla tlamela thuso go senya kokoanyo ya dibomo tse di ripitlang batho.

6. Mokgatlho mongwe le mongwe wa Naga o ikana go tlamela tshedimosetso kwa sefalaneng sa tloso ya bomo e e tlhomilweng ka tsela ya Ditšhabakopano, segolo tshedimosetso e e malebana le mekgwa e e farologaneng le dithekenoloji tsa kgololo ya dibomo, le manane a baitseanape, kemedi ya baitseanape kgotsa dintlha tsa boditšhaba tsa kgolagano mo kgololong ya dibomo.

7. Mekgatlho ya Dinaga e ka kopa Ditšhabakopano, mekgatlho ya kgaolo, Mekgatlho ya Dinaga tse dingwe kgotsa kopano ya mebuso e mangwe e e nonofileng kgotsa lephatha le e seng la mmuso go thusa bothati ba teng mo go atoloseng lenaneo la bosetšhaba la tloso ya dibomo go tlhomamisa, gareng ga tse dingwe:

- (a) Bogolo le boalo ba bothata ba dibomo tse di ripitlang batho;
- (b) Metswedi ya ditšhelete, thekenoloji le metswedithuso ya setho e e tlhokegang go diragatsa lenaneo;
- (c) Palo ya dingwaga tse di lekanyeditsweng tse di tlhokegang go senya dibomo tsotlhe tse di ripitlang batho mo mafelong a a nang le dibomo ka fa tlase ga taolelo kgotsa taolo ya Mokgatlho wa Naga o o amegang;
- (d) Ditiro tsa tlhokomediso ya bomo go fokotsa ditiragalo tsa dikgobalo kgotsa dintsho tse di amanang le dibomo;
- (e) Thuso go batswasetlhabelo ba dibomo;
- (f) Kamano magareng ga Mmuso wa Mokgatlho wa Naga o o amegang le mmuso, kopano ya mebuso e e maleba, kgotsa dikarogano tse e seng tsa mmuso tse di tla dirang mo tiragatsong ya lenaneo.

8. Mokgatlho mongwe le mongwe wa Naga o o nayang le go amogela thuso ka fa tlase ga ditshiamelo tsa Athikele o tla dirisana ka pono ya go netefatsa tiragatso e e tletseng e e bonako ya mananeo a thuso a a dumalanweng.

### 30 Athikele 7

#### Dikgato tse di se nang bofitlha

1. Mokgatlho mongwe le mongwe wa Naga o tla begela Mokwaledikakaretso wa Ditšhabakopano ka bonako jo bo kgonegang, mme mo tiragalong efe kgotsa efe eseng morago ga malatsi a le 180 morago ga tseno mo tirisong ya Tumalano e ya Mokgatlho oo wa Naga ka:

- (a) Tiragatso ya dikelo tsa bosetšhaba tse di bolelwang mo Athikeleng 9;
- (b) Palogotlhe ya dibomo tse di ripitlang batho tse di kokoantsweng kgotsa tse e nang natso, ka fa tlase ga taolelo kgotsa taolo, go akaretsa mefuta ya tsona, bokalo le, fa go kgonega palo e ntsi ya mofuta mongwe le mongwe wa dibomo tse di kokoantsweng;
- (c) Go fitlha fa go kgonegang, lefelo la mafelo otlhe a dibomo a a tshotseng, kgotsa a belaelwa go tshola, dibomo tse di ripitlang batho ka fa tlase ga taolelo kgotsa taolo, go akaretsa dintlha tse dintsi jaaka go kgonega malebana le mofuta le bokalo ba mofuta ofe kgotsa ofe wa dibomo tse di ripitlang batho mo lefelong lengwe le lengwe la dibomo fa di ne di tloswa;
- (d) Mefuta, bokalo le, fa go kgonega, dipalo tse dintsi tsa dibomo tsotlhe tse di ripitlang batho e e tshotsweng kgotsa e fetiseditswe tlhabololo le katiso mo temogong ya dibomo, kgololo ya dibomo kgotsa dithekeniki tsa tshenyoy ya dibomo phetiso ka mabaka a tshenyoy, mmogo le ditheo tse di dumeletsweng ke Mokgatlho wa Naga go tshola kgotsa go fetisa dibomo tse di ripitlang batho, go ya ka Athikele 3;
- (e) Maemo a mananeo mo phetolelong kgotsa go ntsha mo tirisong dibebofatsi tsa tlhagiso ya dibomo tse di ripitlang batho;
- (f) Maemo a mananeo a tshenyoy ya dibomo tse di ripitlang batho go ya ka Athikele 4 le 5, go tsenyelediwa dintlha tsa mekgwa e e tla dirisiwang mo tshenyong, peo ya mafelo otlhe a tshenyoy le maemo a pabalesego le tikologo a a amegang go lebelelwa;
- (g) Mefuta le bokalo ba dibomo tsotlhe tse di ripitlang batho tse di sentsweng morago ga tseno mo tirisong ya Tumalano e ya Mokgatlho wa Naga, go akaretsa tlhaloso ya bokalo jwa mofuta mongwe le mongwe wa dibomo tse di

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

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- ripitlang batho, go ya ka Athikele 4 le 5, ka go latelana, go bapa le, fa go kgonega, bontsi ba dipalo tsa mofuta mongwe le mongwe wa dibomo tse di ripitlang batho mo lebakeng la tshenyo go ya ka Athikele 4;
- 5 (h) Diponagalo tsa bothekeniki tsa mofuta mongwe le mongwe wa dibomo tse di ripitlang batho tse di tlhagisiwang, go fitlha fa go itsegeng, le tseo tse jaanong e leng tsa kgotsa di tshotswe ke Mokgatlho wa Naga, o neela, fa go kgonegang, ditlhophha tse di jalo tsa tshedimose tso jaaka go ka bebofatsa temogo le kgololo ya dibomo tse di ripitlang batho, bonnye tshedimose tso e, e tla akaretsa ditekanyo, go kopanya, diteng tsa dithunyi, diteng tsa tshipi, ditshwantsho tsa mebala le tshedimose tso e nngwe e e ka bebofatsang tloso ya dibomo; le
- 10 (i) Dikgato tse di tserweng go tlamela kgalemo ya ka bonako e e nonofileng kwa setšhabeng malebana le mafelo otlhe a a tshwailweng ka fa tlase ga temana 2 ya Athikele 5.
- 15 2. Tshedimose tso e e tlametsweng go ya ka Athikele e e tla tlalelediwa ke Mekgatlho ya Dinaga ka ngwaga, go akaretsa khalentara ya bofelo ya ngwaga, le go begela Mokwaledikakaretso wa Ditšhabakopano e seng morago ga di 30 Moranang ngwaga mongwe le mongwe.
- 20 3. Mokwaledikakaretso wa Ditšhabakopano o tla fetisetsa dipegelo tsotlhe tseo a di amogetseng kwa Mekgatlhong ya Dinaga.

**Athikele 8****Bebofatso le tlhaloso ya tsamaelano**

1. Mekgatlho ya Dinaga e dumela go buisana le go dirisana malebana le tiragatso ya ditshiamelo tsa Tumulano e, e le go dira mmogo ka mowa wa tirisano mmogo go bebofatsa tsamaelano ka Mekgatlho ya Dinaga ka ditlamego tsa yona ka fa tlase ga Tumulano e.
- 25 2. Fa Mokgatlho wa Naga o le mongwe kgotsa go feta o eletsa go tlhalosa le go batla go rarabolola dipotso tse di amanang le tsamaelano le ditshiamelo tsa Tumulano e ka Mokgatlho wa Naga o mongwe, o ka tlisa, ka Mokwaledikakaretso wa Ditšhabakopano, Kopo ya Tlhaloso ya morero oo kwa Mekgatlhong wa Naga. Kopo e e jalo e tla felegediwa ke tshedimose tso e e maleba. Mekgatlho mongwe le mongwe wa Naga o tla emela kgakala le Dikopo tsa Tlhaloso tse di sa itsiweng, tlhokomelo e tsewe go thibela tshotlako. Mekgatlho wa Naga o o amogelang Kopo ya Tlhaloso o tla tlamela, ka Mokwaledikakaretso wa Ditšhabakopano, mo malatsing a le 28 kwa Mekgatlhong wa Naga o o kopang tshedimose tso yotlhe e e ka thusang mo go tlhaloseng morero o.
- 35 3. Fa Mokgatlho wa Naga o o kopang o sa amogele karabo ka Mokwaledikakaretso wa Ditšhabakopano mo lobakeng lwa nako, kgotsa o bona karabo kwa Kopong ya Tlhaloso e sa kgotsofatse, o ka nna wa tlisa morero ka Mokwaledikakaretso wa Ditšhabakopano go ya Kopanong e e latelang ya Mekgatlho ya Dinaga. Mokwaledikakaretso wa Ditšhabakopano o tla tsamaisa lokwalo, le felegeditswe ke tshedimose tso yotlhe e e maleba e e tsamaelang le Kopo ya Tlhaloso, go ya Mekgatlhong yotlhe ya Dinaga. Tshedimose tso yotlhe e e jalo e tla neelwa Mokgatlho wa Naga o o kopiwang o o tla nngang le tshwanelo go araba.
- 40 4. Go ikaegilwe ka go tsena ga kopano efe ya Mekgatlho ya Dinaga, mongwe le mongwe wa Mekgatlho ya Dinaga o o amegang o ka kopa Mokwaledikakaretso wa Ditšhabakopano go diragatsa diofisi tsa gagwe go bebofatsa tlhaloso e e kopilweng.
5. Mekgatlho wa Naga o o kopang o ka tshitshinya ka Mokwaledikakaretso wa Ditšhabakopano go tsena ga Kopano e e Kgethegileng ya Mekgatlho ya Dinaga go sekaseka morero. Mokwaledikakaretso wa Ditšhabakopano o tla tlhaeletsana tshitshinyo e le tshedimose tso yotlhe e e tlisitsweng ke Mekgatlho ya Dinaga tse di maleba, kwa Mekgatlhong yotlhe ya Dinaga ka kopo gore ba bontshe gore a ba rata Kopano e e Kgethegileng ya Mekgatlho ya Dinaga, ka lebaka la go sekaseka morero. Mo tiragalong e e leng gore mo malatsing a le 14 go tloga letlheng la tlhaeletsano e e jalo, bogolo nngwe tharong ya Mekgatlho ya Dinaga e rata Kopano e e Kgethegileng, Mokwaledikakaretso wa Ditšhabakopano o tla bitsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga mo malatsing a le 14 a a latelang. Khoramo ya Kopano e e tla nna le bontsi ba Mekgatlho ya Dinaga.
- 55 6. Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga, jaaka go ka nna, e tla tlhomamisa santlha gore a go sekasekwe morero go ya pele, go lebeletswe tshedimose tso yotlhe e e tlisitsweng ke Mekgatlho ya Dinaga e e
- 60

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 authorised in accordance with paragraph 8. 5

8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorise 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 authorise 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. 10 15

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. 20

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. 25 30

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. 35

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. 40

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: 45

- (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 50

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amegang. Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga e tla dira matsapa otlhe go fitlhelela tshwetso e ka tumalano. Fa e le gore le ka matsapa otlhe go fitlha foo ga go tumalano e e fitlheletsweng, go tla tsewa tshwetso ka bontsi ba Mekgatlho ya Dinaga e e leng teng e e boutang.

- 5 7. Mekgatlho ya Dinaga yotlhe e tla dirisana ka botlalo le Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga mo go fitlheleleng thadiso ya yona ya morero, go tsenyelediwa maikaelelo afe a go batlana le dintlha a a dumeletsweng go ya ka temana 8.
8. Fa tthaloso e e tswelelang e tlhokega, Kopano ya Mekgatlho ya Dinaga kgotsa  
10 Kopano e e Kgethegileng ya Mekgatlho ya Dinaga e tla dumelela borongwa ba go batlana le dintlha le go swetsa ka taolelo ya yona ka bontsi ba Mekgatlho ya Dinaga e e leng teng e bile e bouta. Ka nako nngwe le nngwe Mokgatlho wa Naga o o kopiwang o ka nna wa laetsa borongwa ba go batlana le dintlha kwa nageng ya ona. Borongwa bo bo jalo bo tla diragala kwa ntle ga tshwetso ya Kopano ya Mekgatlho ya Dinaga kgotsa  
15 Kopano e e Kgethegileng ya Mekgatlho ya Dinaga go dumelela borongwa boo. Borongwa, bo bo tshotseng bomaitseanape ba ba ka nnanag 9, ba tlhomilwe le go rebolwa go ya ka ditemana 9 le 10, bo ka kgobokanya tshedimosetso, go na foo kgotsa mo mafelong a mangwe a a amanang ka tlhamalalo le morero wa tsamaiso e e akanngwang ka fa tlase ga taolelo kgotsa taolo ya Mokgatlho wa Naga o o kopiwang.
- 20 9. Mokwaledikakaretso wa Ditšhabakopano o tla siamisa le go tlaleletsa lenane la maina, ditšhaba le data e nngwe e e maleba ya bomaitseanape ba ba rutegileng ba ba tlamelwang ke Mekgatlho ya Dinaga le go tllaeletsana seno kwa Mekgatlhong ya Dinaga. Moitseanape mongwe le mongwe yo o tsentsweng mo lenaneng le o tla tsewa jaaka yo o tlhomilweng mo borongweng botlhe ba go batlana le dintlha kwa ntle ga fa  
25 Mokgatlho wa Naga o bolela go sa dumeleng ga ona ka go kwala. Mo tiragalong ya go sa dumele, moitseanape ga a ne a tsaya karolo mo borongweng ba go batlana le dintlha mo nageng kgotsa lefelo lefe kgotsa lefe ka fa tlase ga taolelo kgotsa taolo ya Mokgatlho wa Naga o o ganetsang, fa go sa dumele go ne go builwe pele ga tlhomo ya moitseanape wa maikaelelo a a jalo.
- 30 10. Mo go amogeleng kopo go tswa Kopanong ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga, Mokwaledikakaretso wa Ditšhabakopano o tla re morago ga ditherisano le Mokgatlho wa Naga o o kopilweng, a tlhoma maloko a borongwa go tsenyelediwa moeteledipele wa teng. Baditšhaba ba Mekgatlho ya Dinaga ba ba kopang borongwa ba go batlana le dintlha kgotsa ka tlhamalalo e  
35 amilweng ke tsona ga ba ne ba tlhomiwa mo borongweng. Maloko a borongwa ba go batlana le dintlha a tla itumelela ditshwanelo le ditshoutiso ka fa tlase ga Athikele VI ya Tumalano mo Ditshwanelong le Ditshoutisong tsa Ditšhabakopano, e e tserweng ka di 13 Tlhakole 1946.
11. Mo godimo bonnye ga kitsiso ya diura tse 72, maloko a borongwa ba go batlana  
40 le dintlha a tla goroga mo nageng ya Mokgatlho wa Naga o o kopilweng kwa tshonong ya e sa le gale. Mokgatlho wa Naga o o kopilweng o tla tsaya dikaelo tsa tsamaiso tse di tlhokegang go amogela, go palamisa, le go neela bonno borongwa, mme o tla rwala maikarabelo a go netefatsa pabalesego ya borongwa e e tletseng fa ba le mo nageng ka fa tlase ga taolo.
- 45 12. Kwa ntle ga kgobeletso kwa boipusong ba Mokgatlho wa Naga o o kopilweng, borongwa ba go batlana le dintlha bo ka tlisa mo nageng ya Mokgatlho wa Naga o o kopilweng sedirisiwa se se tlhokegang se se tla dirisiwang fela go kgobokanya tshedimosetso mo morerong wa tsamaelano e e akanngwang. Pele ga kgorogo ya ona, borongwa bo tla gakolola Mokgatlho wa Naga o o kopilweng ka sedirisiwa se o  
50 ikaeletseng go se dirisa mo tseleng ya ona ya borongwa ba go batlana le dintlha.
13. Mokgatlho wa Naga o o kopilweng o tla tsaya matsapa otlhe go netefatsa gore borongwa ba go batlana le dintlha bo nawa tshono go bua le batho botlhe ba ba maleba ba gongwe ba ka kgonang go tlamela tshedimosetso e e amanang le morero wa tsamaelano o o akanngwang.
- 55 14. Mokgatlho wa Naga o o kopilweng o tla naya phitlhelelo kwa borongweng ba go batlana le dintlha go ya mafelong otlhe le go tsenya ka fa tlase ga taolo ya ona koo dintlha tse di maleba le morero wa tsamaelano o ka solofelwang go tsewa. Seno se tla ikaega ka dithulaganyo dingwe le dingwe tse Mokgatlho wa Naga o o kopilweng o di bonang di tlhokega ka:
- 60 (a) Tshireletso ya sedirisiwa se se masisi, tshedimosetso le mafela;  
(b) Tshireletso ya ditlamego dingwe le dingwe tsa molaotheo tsa Mokgatlho wa Naga o o kopilweng o ka nnang natso malebana le ditshwanelo tsa kgono, diphuruphutso le dikgapo, kgotsa ditshwanelo dingwe tsa molaotheo; kgotsa

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(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. 5

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. 10

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. 15

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 25

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. 30

### **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. 40

3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance. 45



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- (c) Tshireletso le pabalesego ya mmele ya maloko a borongwa ba go batlana le dintlha. Mo lebakeng la gore Mokgatlho wa Naga o o kopilweng o dira dithulaganyo tseo, o tla dira matsapa a a utlwalang go bontsha ka mekgwa ya thefosano tsamaelano ya ona le Tumulano e.
- 5 15. Borongwa ba go batlana le dintlha bo ka nna mo nageng ya Mokgatlho wa Naga o o amegang e seng go feta malatsi a le 14, mme kwa lefelong lengwe le lengwe le rileng e seng go feta malatsi a le 7, fa e se go dumalanwe ka tsela e nngwe.
16. Tshedimosetso yotlhe e e tlametsweng mo sephiring mme e sa amane le diteng tsa borongwa ba go batlana le dintlha bo tla tsholwa mo theong ya sephiri.
- 10 17. Borongwa ba go batlana le dintlha bo tla begela, ka Mokwaledikakaretso wa Ditšhabakopano, kwa Kopanong ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga dipoelo tsa diphithlelelo tsa bona.
18. Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga e tla sekaseka tshedimosetso yotlhe e e maleba, go tsenyelediwa pegelo e e
- 15 18. Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga e tla sekaseka tshedimosetso yotlhe e e maleba, go tsenyelediwa pegelo e e tlišitsweng ke borongwa ba go batlana le dintlha, mme e ka kopa Mokgatlho wa Naga o o kopilweng go tsaya dikgato go lebelela morero o o tsamaelang mo lobakeng lwa nako lo lo tlišalositsweng. Mokgatlho wa Naga o o kopilweng o tla bega ka dikgato tsotlhe tse di tserweng mo karabong ya kopo e.
19. Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho
- 20 ya Dinaga e ka tshitshinya kwa Mekgatlhong ya Dinaga ditsela tse di amegang le ditsela go tšwelela go tlišalosa kgotsa go rarabolola morero o o sekasekiwang, go akaretswa tšhimololo ya ditsamaiso tse di maleba go dumalana le molao wa boditšhabatšhaba. Mo mabakeng a foo morero o o fa isong o o tšhomamisiwang go nna go ya ka mabaka ka kwa ntle ga taolo ya Mokgatlho wa Naga o o kopilweng, Kopano ya Mekgatlho ya
- 25 Dinaga kgotsa Kopanong e e Kgethegileng ya Mekgatlho ya Dinaga e ka atlenegisa dikelo tse di maleba, go akaretswa tiriso ya dikgato tsa tirisanommogo e e boletsweng mo Athikeleng 6.
20. Kopano ya Mekgatlho ya Dinaga kgotsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga e tla tsaya matsapa go fithelela ditshwetso tsa yona tse di boletsweng mo
- 30 ditemaneng 18 le 19 ka tumalano, e seng jalo ka pedi tharong ya bontsi ba Mekgatlho ya Dinaga tse di leng teng tse di boutang.

**Athikele 9****Dikgato tsa tiragatso tsa bosetšhaba**

- Mokgatlho mongwe le mongwe wa Naga o tla tsaya dikgato tsotlhe tse di maleba tsa
- 35 semolao, tsamaiso le dikgato dingwe, go akarediwa tuediso ya kotlhao ya tumalano, go thibela le go gatelela tiro e nngwe le e nngwe e e ilediwang ke Mokgatlho wa Naga ka fa tlase ga Tumulano e e e dirwang ke batho kgotsa mo nageng ka fa tlase ga taolelo kgotsa taolo ya teng.

**Athikele 10****40 Tshiamiso ya dipharologano**

1. Mekgatlho ya Dinaga e tla buisana le go dirisana go siamisa dipharologano dingwe le dingwe tse di ka tsogang malebana le tiragatso kgotsa thanolo ya Tumulano e. Mokgatlho mongwe le mongwe wa Naga o ka tliša ngangisano nngwe le nngwe e e jalo pele ga Kopano ya Mekgatlho ya Dinaga.
- 45 2. Kopano ya Mekgatlho ya Dinaga e ka nna le seabe mo tshiamisong ya ngangisano ka mokgwa ofe o o bonwang o le maleba, go akarediwa go neelana ka diofisi tse di siameng, go biletsa Mekgatlho ya Dinaga kwa ngangisanong go simolola ka tsamaiso ya tumalano ya tšhopho ya bona le go atlanegisa tekanyetso ya nako ya tsamaiso nngwe le nngwe e e dumalanetsweng.
- 50 3. Athikele e e kwa ntle ga kgobelelo mo ditshiamelong tsa Tumulano e bebofetseng mo tsamaisong le tlišalosing ya tsamaelano.

## Article 11

### Meetings of the States 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; 5
  - (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 10
  - (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. 15
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 organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure. 20

## 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. 25 30
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; 35 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 organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure. 40

## 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. 45 50

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**Athikele 11****Dikopano tsa Mekgatlho ya Dinaga**

1. Mekgatlho ya Dinaga e tla kopana kgabetsa gore go sekasekiwe morero ofe kgotsa ofe malebana le tiriso kgotsa tiragatso ya Tumalano e, go akarediwa:
- 5 (a) Tiro le maemo a Tumalano e;  
(b) Merero e e tswang mo dipegeleng tse di tlisitsweng ka fa tlase ga ditshiamelo tsa Tumalano e;
- (c) Tirisanommogo le thuso ya boditšhabatšhaba go ya ka Athikele 6;  
(d) Tlhabololo ya dithekenoloji go tlosa dibomo tse di ritpitlang batho;
- 10 (e) Dithomelo tsa Mekgatlho ya Dinaga ka fa tlase ga Athikele 8; le  
(f) Ditshwetso tse di amanang le dithomelo tsa Mekgatlho ya Dinaga jaaka go tlameletswe mo Athikeleng 5.
2. Kopano ya Ntsha ya Mekgatlho ya Dinaga e tla bidiwa ke Mokwaledikakaretso wa Ditšhabakopano mo ngwageng o le mongwe morago ga tseno mo tirisong ya Tumalano
- 15 e. Dikopano tse di latelang di tla bidiwa ke Mokwaledikakaretso wa Ditšhabakopano ka ngwaga go fitlha Khonferense ya ntsha ya Thadiso.
3. Ka fa tlase ga maemo a a beilweng mo Athikeleng 8, Mokwaledikakaretso wa Ditšhabakopano o tla bitsa Kopano e e Kgethegileng ya Mekgatlho ya Dinaga.
4. Dinaga tse e seng mekgatlho ya Tumalanong e, mmogo le Ditšhabakopano,
- 20 mekgatlho e mengwe e e maleba ya boditšhabatšhaba kgotsa ditheo, mekgatlho ya dikgaolo, Komiti ya Boditšhabatšhaba ya Sefapano se Sehibidu le mekgatlho e mengwe e e maleba e e seng ya mmuso di ka lalediwa go tsenela dikopano tse jaaka babogedi go ya ka Melao e e dumalanetsweng ya Tsamaiso.

**Athikele 12****Khonferense ya Thadiso**

- 25
1. Khonferense ya Thadiso e tla bidiwa ke Mokwaledikakaretso wa Ditšhabakopano dingwaga tse tlhano morago ga tseno mo tirisong ya Tumalano e. Dikhonferense tse dingwe tsa Thadiso di tla bidiwa ke Mokwaledikakaretso wa Ditšhabakopano fa go tlhokiwa ke o le mongwe kgotsa go feta wa Mekgatlho ya Dinaga, fa fela boikhutso
- 30 magareng ga Dikhonferense tsa Thadiso di ka se nne ka lebaka lepe kwa tlase ga dingwaga tse tlhano. Mekgatlho yotlhe ya Dinaga mo Tumalanong e e tla lalediwa kwa Khonferenseng nngwe le nngwe ya Thadiso.
2. Maikaelelo a Khonferense ya Thadiso e tla nna:
- (a) Go thadisa tiro le maemo a Tumalano e;
- 35 (b) Go sekaseka tlhokego ya le boikhutso magareng ga Dikopano tse dingwe tsa Mekgatlho ya Dinaga e e boletsweng mo temaneng ya 2 ya Athikele 11;
- (c) Go tsaya ditshwetso ka dithomelo tsa Mekgatlho ya Dinaga jaaka e tlameletswe mo Athikeleng 5; le
- (d) Go tsaya, fa go tlhokega, mo pegeleng ya yona ya bokhutlo e e amanang le
- 40 tiragatso ya Tumalano e.
3. Dinaga tse e seng mekgatlho kwa Tumalanong e, mmogo le Ditšhabakopano, mekgatlho e mengwe e e maleba ya boditšhabatšhaba kgotsa ditheo, mekgatlho ya dikgaolo, Komiti ya Boditšhabatšhaba ya Sefapano se Sehibidu le mekgatlho e mengwe e e maleba e e seng ya mmuso di ka lalediwa go tsenela Khonferense ya Thadiso nngwe
- 45 le nngwe jaaka babogedi go ya ka Melao e e dumalanetsweng ya Tsamaiso.

**Athikele 13****Ditlhabololo**

1. Ka nako nngwe le nngwe morago ga tseno mo tiragatsong ya Tumalano e, Mekgatlho mongwe le mongwe wa Naga o ka tshitshinya ditlhabololo go Tumalanong
- 50 e. Tshitshinyo efe kgotsa efe ya tlhabololo e tla tlhalediwa kwa Motlhokomeding, yo o tla e tsamaisang kwa Mekgatlhong yotlhe ya Dinaga mme o tla batlana le ditshwaelo tsa yona mo go reng a Khonferense ya Tlhabololo e tshwanetse go bidiwa go sekaseka tshitshinyo. Fa bontsi ba Mekgatlho ya Dinaga e itsise Motlhokomedi e seng morago ga malatsi a le 30 morago ga tsamaiso ya teng gore e tshegetsatsheke ya tshitshinyo,

2. States not parties to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure. 5

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. 10

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. 15

#### 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. 20

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

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##### 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. 30

#### 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. 35

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. 40

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. 45

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Motlhokomedi o tla bitsa Khonferense ya Tlhabololo e kwa go yona Mekgatlho yotlhe ya Dinaga e tla lalediwang.

2. Dinaga tse e seng mekgatlho ya Tumalano e, mmogo le Ditšhabakopano, mekgatlho e mengwe e e maleba ya boditšhabatšhaba kgotsa ditheo, mekgatlho ya dikgaolo, Komiti ya Boditšhabatšhaba ya Sefapano se Sehibidu le mekgatlho e mengwe e e maleba e e seng ya mmuso e ka lalediwa go tsenela Khonferense nngwe le nngwe ya Tlhabololo jaaka babogedi go ya ka Melawana e e dumalanetsweng ya Tsamaiso.

3. Khonferense ya Tlhabololo e tla tshwarwa ka bonako go latela Kopano ya Mekgatlho ya Dinaga kgotsa Khonferense ya Thadiso fa e se fa bontsi ba Mekgatlho ya Dinaga di kopa gore e tshwarwe e sale gale.

4. Tlhabololo nngwe le nngwe mo Tumalanong e e tla tsewa ke bontsi ba pedi tharong ya Mekgatlho ya Dinaga tse di leng teng le go bouta kwa Khonferenseng ya Tlhabololo. Motlhokomedi o tla tshaeletsana tlhabololo efe kgotsa efe e e tserweng kwa Mekgatlhong ya Dinaga.

5. Tlhabololo mo Tumalanong e e tla tsena mo tirisong mo Mekgatlhong yotlhe ya Dinaga mo Tumalanong e tse di e amogetseng, mo peeletsong le Motlhokomedi wa didirisiwa tsa kamogelo ka bontsi ba Mekgatlho ya Dinaga. Morago ga foo e tla tsena mo tirisong Mokgatlho wa Naga ofe kgotsa ofe o o setseng ka letlha la peeletso ya sedirisiwa sa teng sa kamogelo.

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**Athikele 14****Ditshenyegelo**

1. Ditshenyegelo tsa Dikopano tsa Mekgatlho ya Dinaga, Dikopano tse di Kgethegileng tsa Mekgatlho ya Dinaga, Dikhonferense tsa Thadiso le Dikhonferense tsa Tlhabololo di tla rwalwa ke Mekgatlho ya Dinaga le Dinaga tse e seng karolo ya Tumalanong e mme di tsa karolo mo go yona, go ya ka sekale sa tekanyetso sa Ditšhabakopano se se lekanyeditsweng sentle.

2. Ditshenyegelo tse di bonweng ke Mokwaledikakaretso wa Ditšhabakopano ka fa tlase ga Athikele 7 le 8 le ditshenyegelo dingwe le dingwe tsa borongwa ba go batlana le dintlha di tla rwalwa ke Mekgatlho ya Dinaga go ya ka sekale sa tekanyetso sa Ditšhabakopano se se lekanyeditsweng sentle.

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**Athikele 15****Tshaeno**

Tumalano e, e e dirilweng kwa Oslo, Norway ka di 18 Lwetse 1997, e tla bulelwa go saenwa ke Dinaga tsotlhe go tloga ka la 3 Sedimonthole 1997 kwa Ottawa, Canada, le kwa Ntlokogolo ya Ditšhabakopano kwa New York go tloga di 5 Sedimonthole 1997 go fitlha e tsennngwa tirisong.

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**Athikele 16****Tlhomamiso, kamogelo, thebolo le phitlhelelo**

1. Tumalano e ikaegile ka tlhomamiso, kamogelo le thebolo ya Ditshaeno.

2. E tla siamela go fitlhelwa ke Naga efe kgotsa efe e e sa saenang Tumalano.

3. Didirisiwa tsa tlhomamiso, kamogelo, thebolo le phitlhelelo di tla neelwa Motlhokomedi.

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**Athikele 17****Go tsena mo tirisong**

1. Tumalano e e tla tsena mo tirisong ka letsatsi la ntlha la kgwedi ya borataro morago ga kgwedi e mo go yona sedirisiwa sa bo 40 sa tlhomamiso, kamogelo, thebolo kgotsa phitlhelelo se e neetsweng.

2. Go Naga nngwe le nngwe e e neelang sedirisiwa sa yona sa tlhomamiso, kamogelo, thebolo le phitlhelelo, Tumalano e e tla tsennngwa tirisong ka letsatsi la ntlha la kgwedi ya borataro morago ga letlha le mo go lona Naga e beileng sedirisiwa sa yona sa tlhomamiso, kamogelo, thebolo kgotsa phitlhelelo.

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**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. 5

**Article 19****Reservations**

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

**Article 20****Duration and withdrawal** 10

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. 15
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 20  
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 25  
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 30  
Secretary-General of the United Nations.

**Athikele 18****Kopo ya nakwana**

Naga nngwe le nngwe ka nako ya tlhomamiso, kamogelo, thebolo kgotsa phitlhelelo ya yona, e bue gore e tla dirisa temana 1 ya Athikele 1 ya Tumalano e nakwana e 5 ikaegileng ka go tsena ga yona mo tirisong.

**Athikele 19****Dipeeletso**

Diathikele tsa Tumalano e ga di ne di ikaega ka dipeeletso.

**Athikele 20**10 **Paka le ikogelomorago**

1. Tumalano e e tla nna ya paka e e sa lekanyediwang.
2. Mokgatlho mongwe le mongwe wa Naga, mo tiragatsong ya boikemelo ya boditšhaba jwa one, o na le tshwanelo go ikogela morago go tswa mo Tumalanong e. O tla neela kitsiso ya go ikogelamorago kwa Mekgathong yotlhe ya Dinaga, kwa 15 Motlhokomeding le kwa Lekgotleng la Tshireletso ya Ditšhabakopano. Seditšhaba sa go nna jalo sa ikogelomorago se tla akaretsa tlhaloso e e tletseng ya mabaka a a rotloetsang ikogelomorago e.
3. Ikgogelomorago e e tla diragala fela dikgwedi tse thataro morago ga kamogelo ya sedirisiwa sa kgogelomorago ke Motlhokomedi. Le gale, kwa go khutleng ga dikgwedi 20 tse thataro, Mokgatlho wa Naga, o o ikogelang morago o amegile ka kgotlhang ya dibetsa, ikogelomorago ga e ne e diragala pele ga go khutla ga kgotlhang ya dibetsa.
4. Ikgogelomorago ya Mokgatlho wa Naga go tswa Tumalanong e, ga e ne ka tsela epe e ama tiro ya Dinaga go tswela go diragatsa maikaelelo a a akantsweng ka fa tlase ga melawana epe e e maleba ya molao wa boditšhabatšhaba.

25 **Athikele 21****Motlhokomedi**

Mokwaledikakaretso wa Ditšhabakopano o tlhomiwa fano jaaka Motlhokomedi wa Tumalano e.

**Athikele 22**30 **Ditemana tsa nnete**

Tshimologo ya Tumalano e, e ditemana tsa yona tsa Searabia, Setšhaena, Seesimane, Sefora, Serašia le Sepenise e leng tsa nnete, e tla neelwa Mokwaledikakaretso wa Ditšhabakopano.

