

THE RATIFICATION OF INTERNATIONAL AGREEMENTS
BILL, 2016
MEMORANDUM

The objects of this Bill are to provide for—

- (a) the ratification of international agreements and the domestication process;
and
- (b) matters connected with, or incidental to, the foregoing.

A. MWANSA,
Solicitor-General

**THE RATIFICATION OF INTERNATIONAL
AGREEMENTS BILL, 2016**

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. General responsibility over international agreements
4. Cabinet to consider Cabinet Memorandum
5. Motion for approval of proposal to ratify international agreement in National Assembly
6. Ratification of amendment to, or modification of, international agreement
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SCHEDULE

A BILL

ENTITLED

An Act to provide for the ratification of international agreements and the domestication process; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Ratification of International Agreements Act, 2016.

Short title

2. In this Act, unless the context otherwise requires—

Interpretation

5 “Attorney-General” means the person appointed as such under Article 177 of the Constitution;

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10 “bilateral agreement” means an agreement concluded between Zambia and any other State or between Zambia and an international organisation that does not require the ratification of the State;

15 “Cabinet” means the Cabinet provided for in Article 113 of the Constitution;

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20 “domestication” means giving legal effect to an international agreement or a part of an international agreement, through legislation or any other enforceable means;

“full powers” means a document designating a person to represent the State in negotiating, adopting or authenticating the text of an international agreement, expressing the consent of the State to be bound by the international agreement, or accomplishing any other act with respect to the international agreement;

“international agreement” means an agreement concluded between States, in written form, and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation, and includes a convention, treaty or 5 protocol, but excludes a bilateral agreement;

“international organisation” means an inter-governmental organisation;

“instrument of ratification” means a document signed by the President, the Minister responsible for foreign affairs or a 10 person with full powers to signify consent, by the State, to be bound by an international agreement;

“ratification” means the act by which the State signifies its consent to be bound by an international agreement, and includes acceptance, approval and accession where the 15 international agreement so provides; and

“Registry” means the Registry of International Agreements established pursuant to section *thirteen*; and

“reservation” means a unilateral statement, however phrased or named, made by the State when signing or ratifying an 20 international agreement whereby the State intends to exclude or modify the application of certain provisions of an international agreement to the State.

General
responsibility
over
international
agreements

3. (1) Where the question of ratification of an international agreement arises, the Minister responsible for the subject matter 25 of the international agreement shall, subject to subsection (2), consider whether it is in the best interests of the State to ratify the international agreement.

(2) The Minister referred to in subsection (1) shall, in determining whether it is in the best interests of the State to ratify 30 an international agreement, consider—

- (a) the object of the international agreement;
- (b) whether existing legislation adequately addresses the object of the international agreement;
- (c) the impact of implementing any measure specified in the 35 international agreement; and
- (d) any legislative measures that may be required to give effect to the international agreement.

(3) Where, in the opinion of the Minister, it is in the best interests of the State to ratify an international agreement, the Minister shall, in consultation with the Attorney-General, initiate the process of ratification by way of a Cabinet Memorandum to the Cabinet seeking approval in principle of a proposal to ratify the international agreement.

(4) The Cabinet Memorandum referred to in subsection (3) shall outline—

- 10 (a) the objectives and subject matter of the international agreement;
- (b) any constitutional implications including
 - (i) consistency of the international agreement with the Constitution; and
 - 15 (ii) legislation that may need to be amended or enacted;
- (c) the national interests which may be affected by the ratification of the international agreement;
- (d) obligations imposed on the State by the international agreement;
- 20 (e) requirements for implementation of the international agreement;
- (f) policy considerations;
- (g) financial implications;
- (h) ministerial responsibility;
- 25 (i) the date of signature of the international agreement by the State;
- (j) the date of entry into force of the international agreement;
- (k) the number of States that are party to the international agreement;
- 30 (l) where the international agreement sought to be ratified permits reservations, any recommendations on reservations, and declarations which have been made by the State or other States; and
- 35 (m) the proposed text of any reservations that should be entered when ratifying the international agreement in order to safeguard the interests of the State.

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