



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON TRANSPORT, WORKS AND SUPPLY**

**ON THE**

**ACCESSION TO AND RATIFICATION OF THE 2010 CONVENTION ON THE  
SUPPRESSION OF UNLAWFUL ACTS RELATING TO INTERNATIONAL  
CIVIL AVIATION. CAB (26) 55**

**FOR THE**

**FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

*Published by the National Assembly of Zambia*

## FOREWORD

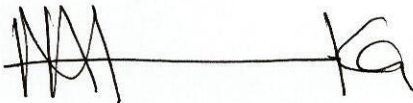
Honourable Madam Speaker, the Committee on Transport, Works and Supply has the honour to present its Report on the consideration of the Accession to and Ratification of the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation. Cab. (26) 55, for the Fifth Session of the Thirteenth National Assembly.

The functions of the Committee are set out under Standing Orders 206 (n) and 207 of the National Assembly of Zambia Standing Orders, 2024. Specifically, Standing Order 207 (f) provides that a Portfolio Committee shall consider international agreements, conventions and treaties in accordance with Article 63(2)(e) of the Constitution.

The Committee held four meetings to consider the Convention. In order to acquaint itself with the ramifications of the Convention, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is organised in three parts. Part I provides the background and summary of the provisions of the Protocol. Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to the stakeholders who tendered both written and oral submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the Convention. The Committee's appreciation is further extended to the Office of the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.

A handwritten signature consisting of stylized initials 'MM' followed by a horizontal line and the letters 'KA'.

Mr Mubika Mubika, MP  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

## **ACRONYM**

ICAO - International Civil Aviation Organisation

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## **1.0 MEMBERSHIP OF THE COMMITTEE**

The Committee consisted of Mr Mubika Mubika, MP (Chairperson); Mr Joel Chibuye, MP, (Vice Chairperson); Mr Bright Nundwe, MP; Mr Lloyd Lubozha, MP; Mr Emmanuel M Musonda, MP; Mr Mutotwe Kafwaya, MP; Mr Sunday Chanda, MP; Mr Francis Kapyanga, MP; Mr Bernard Kanengo, MP; and Mr Charles Mulenga, MP.

## **PART I**

### **2.0 BACKGROUND AND RELEVANCE OF THE CONVENTION**

The Convention on the Suppression of Unlawful Acts relating to the International Civil Aviation, known as the Montreal Convention, amends the 1971 Montreal Convention and the 1988 Airport Protocol. It is a multilateral treaty, which was adopted on 23<sup>rd</sup> September, 1971 in Montreal and entered into force on 26<sup>th</sup> January, 1973. The Protocol seeks to enhance civil aviation safety by deterring unlawful Acts. As of 2025, the Convention has 190- Member States. Zambia is yet to accede to and ratify the Convention.

### **3.0 OBJECTIVE OF THE CONVENTION**

The Convention aims at strengthening the international legal framework for civil aviation security by defining and criminalising modern threats, including the use of aircraft as weapons and the unlawful transport of hazardous materials. It promotes cooperation among States in the investigation, prosecution, and extradition of offenders to ensure accountability. The Convention also aims at enhancing global aviation security by protecting passengers, crew and the public, while modernising existing legal instruments and addressing gaps to respond effectively to evolving threats.

### **4.0 SALIENT PROVISIONS OF THE CONVENTION**

The salient provisions of the Convention are set out hereunder.

#### **Article 1: Expanded and Modernised Offences**

Article 1 of the Convention expands aviation-related offences to include modern threats such as cyber-attacks, the use of aircraft as weapons, and the transportation of hazardous materials. While Zambia's laws address traditional aviation offences and terrorism, they do not fully integrate these emerging threats within an aviation-specific framework. Therefore, ratification of the Convention will ensure a comprehensive and unified legal regime, which will address modern aviation security risks.

#### **Article 3: Severe Penalties**

Article 3 requires aviation offences to attract severe and deterrent penalties. Zambia's Civil Aviation Act prescribes relatively low penalties compared to the seriousness of such offences, creating inconsistency with harsher penalties under other laws like the Penal Code and Anti-Terrorism Act. In this regard, ratifying the Convention will necessitate harmonisation and strengthening of penalties to ensure that they are proportionate and effective.

#### **Articles 4 and 5: Scope of Application and Protection of Civil Aviation**

These Articles limit the Convention's application to civil aviation and exclude military, customs, and police aircraft, while preserving obligations under international law.

Zambia's legal framework reflects similar distinctions but lacks explicit alignment with the Convention's detailed provisions. Ratification of the Convention will enhance legal clarity and ensure a clear distinction between civil aviation offences and lawful military conduct.

#### **Article 8 and Article 10: Jurisdiction and Obligation to Prosecute or Extradite**

These Articles require States to establish jurisdiction over aviation offences and either prosecute or extradite offenders. While Zambia provides for jurisdiction and extradition under existing laws, gaps remain in covering all required scenarios. Ratification will, in this regard, strengthen the jurisdictional framework and prevent offenders from escaping justice.

#### **Article 11 and Article 12: Fair Treatment and Extraditable Offences**

These Articles provide for fair treatment of offenders and classify aviation offences as extraditable. Zambia already provides strong constitutional and legal protections for fair trial and extradition procedures. Therefore, Ratification of the Convention will reinforce these protections while improving international cooperation.

#### **Articles 16, 17 and 18: Prevention, Cooperation and Information Sharing**

These Articles emphasise prevention, international cooperation, and information sharing in addressing aviation offences. Zambia has relevant provisions in its aviation and anti-terrorism laws, but ratification will strengthen and formalise these efforts within the aviation sector, ensuring a more coordinated and proactive approach.

## **PART II**

### **5.0 SUMMARY OF STAKEHOLDERS' SUBMISSIONS**

Stakeholders submitted that the Accession to and Ratification of the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation. Cab (25) 55 was necessary to protect aircrafts from emerging threats. However, in doing so, they made comments outlined below.

#### **i) Expanded and Modernised Offences**

Stakeholders informed the Committee that while Zambia's laws addressed traditional aviation offences and terrorism, they did not fully integrate emerging threats within an aviation-specific framework. They were of the view that ratifying the Convention would ensure a comprehensive and unified legal regime addressing modern aviation security risks.

#### **ii) Severe Penalties**

The Committee was informed that Zambia's Civil Aviation Act prescribed relatively low penalties compared to the seriousness of such offences, creating inconsistency with harsher penalties under other laws like the Penal Code and Anti-Terrorism Act. Therefore, ratifying the Convention would necessitate harmonisation and strengthening of penalties to ensure they were proportionate and effective.

#### **iii) Scope of Application and Protection of Civil Aviation**

Stakeholders informed the Committee that Articles 4 and 5 of the Convention reflected similar distinctions with Zambia's legal framework but lacked explicit alignment with the

Convention's detailed provisions. They thus stated that the ratification would enhance legal clarity and ensure a clear distinction between civil aviation offences and lawful military conduct.

**iv) Jurisdiction and Obligation to Prosecute or Extradite**

Stakeholders intimated that while Zambia provided for jurisdiction and extradition under existing laws, gaps remained in covering all required scenarios. Ratification would, therefore, strengthen the jurisdictional framework and prevent offenders from escaping justice.

**v) Fair Treatment and Extraditable Offences**

The Committee was informed that Zambia already provided strong constitutional and legal protections for fair trial and extradition procedures. In this regard, ratification of the Convention would reinforce these protections while improving international cooperation.

**PART III**

**6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

The Committee supports the proposal to ratify the Convention. In doing so, it makes the observations and recommendations set out below.

**i) Inadequate Penalties for Aviation Offences**

The Committee observes that Zambia's Civil Aviation Act prescribes relatively low penalties for aviation-related offences, which are not commensurate with the gravity of such crimes. This creates inconsistencies when compared to the more severe penalties provided under the Penal Code and the Anti-Terrorism Act, thereby weakening the overall deterrent effect of the legal framework.

In this regard, the Committee recommends that Zambia should ratify the Convention and amend *the Civil Aviation Act, No. 5 of 2016* to harmonise and strengthen penalties for aviation offences, ensuring they were proportionate, consistent, and sufficiently deterrent to address the seriousness of such crimes.

**ii) Inadequate Coverage of Emerging Aviation Offences**

The Committee observes that while Zambia's legal framework addresses traditional aviation offences and terrorism, it does not fully integrate emerging threats.

The Committee, therefore, recommends that Zambia should ratify the Convention to ensure the incorporation of expanded and modernised offences into domestic law, thereby establishing a comprehensive and unified legal framework for addressing evolving threats to civil aviation.

**7.0 CONCLUSION**

The Committee is in support of the ratification of the Convention as it will strengthen and harmonise domestic laws, enhance international cooperation, and ensure a comprehensive, modern and effective legal framework for safeguarding civil aviation against unlawful acts.

We have the honour, Madam Speaker, to be the Committee on Transport, Works and Supply mandated to consider the Accession to and Ratification of the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation. Cab (26) 55

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Mr Mubika Mubika, MP  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

## **APPENDIX I - List of National Assembly Officials**

Mr Stephen Chiwota, Director (FC)  
Mr Geoffrey Zulu, Deputy Director (FC)  
Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)  
Mrs Rachel Mumba- Mhongo, Committee Clerk  
Mrs Vivian M Banda, Administrative Assistant  
Mr Daniel Lupiya, Senior Committee Assistant  
Mr Muyembi Kantumoya, Committee Assistant  
Ms Taona Chabinga, Committee Assistant  
Ms Dorothy Kapanji Daka, Intern

## **APPENDIX II - List of Witnesses**

Ministry of Justice

Ministry of Transport and Logistics

Civil Aviation Authority

Zambia Law Development Commission