

Text of Draft Law

Art 1. The Convention on Cluster Munitions, which opened for signature in Oslo, 3 December 2008, is approved

Art 2. It is prohibited for all persons or businesses and or corporal entities, with the terms of Articles 1 and 2 of the Convention, to develop, produce, assemble prefabricated pieces of cluster munitions into complete weapons, to alter, repair, acquire, sell, use, possess, transport, transfer, stockpile or conserve cluster munitions or explosive submunitions.

Art 3. It is prohibited for all persons, or businesses or corporal entities, to knowingly¹ finance cluster munitions or explosive submunitions.

Art 4. Those that knowingly commit one of the infractions of the aforementioned provisions of articles 2 or 3 will be punished with imprisonment of between 5 and 10 years and a fine of 25,000 to 1,000,000 Euros, or one of these punishments only. Cluster munitions or submunitions seized will be confiscated and destroyed at the expense of the condemned person.

Commentary on the Articles

Art 1 – This is the usual approbation text of a Convention

Art 2 – this article enumerates the general prohibitions contained in the Convention. These prohibitions apply to Luxembourgish nationals, even if acts are committed in a country other than the Grand Duchy of Luxembourg.

Art 3 – The prohibitions against knowingly financing adds to the prohibitions in Article 2. It is a specificity that is not part of the general interdictions present in the Convention, but the Luxembourg wish to add it in order to reinforce the implementation of the Convention on a national level.

Art 4. – This article describes the sanctions the offender will be liable for in regard to this law. The penal dispositions foreseen in this article are copied on those planned by the legislator in case of violation of the disposal of law approving the Convention on the prohibition to develop, produce, stockpile and use chemical weapons and on their destruction.

¹ Could also be translated as “intentionally” – this wording implies a legal notion of intentionality..., or “with full knowledge of the fact”