

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/10

19 May 2008
Original: ENGLISH

DUBLIN 19 – 30 MAY 2008

Proposal by Japan for the amendment of Article 1

1. Each State Party undertakes never under any circumstances to:
 - (a) Use cluster munitions;
 - (b) Develop, produce, otherwise acquire, stockpile, ~~retain~~, **own, possess** or transfer to anyone, directly or indirectly, cluster munitions; or
 - (c) Assist, encourage or induce anyone to ~~engage in any activity prohibited to a State Party under this Convention~~ develop, produce or otherwise acquire cluster munitions.

2. Any State Party may declare at the time of the deposit of its instruments of ratification, acceptance, approval or accession that, while implementing paragraph 1 of this Article, it will continue to use, only when strictly necessary, cluster munitions for a limited period of time not exceeding [x] years from the entry into force of this Convention for that State Party.

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2. In the event that a State Party determines that it cannot immediately comply with paragraph 1 (a) of this Article, it may declare at the time of the deposit of its instruments of ratification, acceptance, approval or accession that it will defer compliance with paragraph 1 (a) of this Article for a period not to exceed [X] years from the entry into force of this Convention for that State Party. During this period, a State Party may use cluster munitions only when strictly necessary.

3. This Convention does not apply to “mines” as defined by 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.