Mr President,

On behalf of the German delegation let me congratulate you on your election as President of the Fourth Review Conference of the CCW. I wish to express my delegation's appreciation and gratitude for your excellent preparatory work. I assure you of the full support of my delegation.

For Germany, the CCW is a landmark treaty inasmuch as its architecture has proven responsive to the emerging trend of converging international humanitarian law towards arms-related-if not indeed disarmament-provisions. As a framework agreement with special protocols it offers a modern and flexible way to respond to new developments in weapons technologies in order to uphold and further develop the noble humanitarian causes it so well embodies in its preamble, while at the same time refining the scope of justifiable military necessity as recognized in international humanitarian law.
Germany has consented to be bound by all Protocols of the CCW and submits its reports regularly. It has also shouldered responsibilities in relation to various Protocols, such as the Presidency of Amended Protocol II this year and the role of a Coordinator in Protocol V.

It is against the background of this commitment to the CCW that we will make detailed proposals in the next days for an old and also a new topic to be pursued in the year before us. To sum them up very briefly at this point:

- Firstly, we believe the Fourth Review Conference should mandate experts to once again take up the issue of Mines other than Anti-Personnel Mines (MOTAPM). We feel encouraged by the message of the Secretary General of the United Nations to the Fourth Review Conference in which he mentioned the field of anti-vehicle mines as one where the United Nations would highly value further progress. We feel also encouraged in this by quite a number of statements yesterday which went into the same direction.

- Secondly, we also believe it appropriate to begin to study and examine the possible mis-use of white phosphorous as a weapon, for instance by devoting one day of an experts' meeting to presentations on the subject and in light of this possibly the development of recommendations for the further treatment of this topic.

Mr. President,

Germany fully supports your efforts to further strengthen compliance and to take forward the universalization of the Convention and its Protocols. The Review and Food for Thought Papers prepared by the Implementation Support Unit provide relevant guidance for our discussions during the following two weeks in this regard. We furthermore appreciate the review of the work of the Sponsorship Programme submitted by the Steering Committee, which paves the way for further assessment.

I should also like to say that Germany is grateful to Canada for its non-paper presented during the GGE in August making the case for taking a critical look at the formal and informal schedule of the CCW meetings. We, too, consider it important to devote more attention to ensuring that the valuable time and resources which are spent for these meetings, be it formal or informal ones, are indeed spent in an efficient goal-oriented way and on subjects where real progress appears at least within reach.
Mr. President,

The issue of cluster munitions has been a key topic on the CCW agenda for many years. I wish to thank the Chairman of the GGE, Gary Domingo, for his procedural report on the work done in the GGE and the Draft Protocol on cluster munitions dated 26 August. The Chairman and his entire team have devoted excellent and arduous work to a very challenging task indeed, which is to try to bring the main producer and user states as close as possible to the standards of the Convention on Cluster Munitions.

We have gone a long way in these negotiations. There have been improvements in the course of the various drafts submitted. For example, the deletion of a deferral period for transfers for prohibited cluster munitions is certainly an improvement, even if it stays behind Germany's comprehensive proposal for transfers submitted during earlier GGE sessions, which, as you, Mr. President, and colleagues will recall, foresaw a total ban on transfers.

However, the draft protocol submitted to the Review Conference after the last GGE meeting on 26 August still does not meet our concerns. Let me also reiterate that we recognize the proposal for an alternative protocol put forward by Austria, Mexico and Norway at the last GGE as an important contribution, and that we would like to see more of its elements reflected in the final text.

We look forward to intense negotiations in the next two weeks in the hope and expectation that it will be possible to considerably improve the draft before us on a number of key points which I will briefly highlight in the following.

But before I come to that, Mr. President, let me assure you once again of Germany's full support for reaching a comprehensive protocol for the prohibition and restriction of cluster munitions in the framework of the CCW. We are convinced, as the Ambassadors of Austria, Mexico and Norway expressed in their letter of June 28th, that despite many outstanding issues a consensus on a meaningful outcome can still be found. Germany, together with EU partners, continues to stand ready to work for such a compromise.

For us it is of utmost importance that the protocol not only in its wording but also in its spirit is compatible with the Convention on Cluster Munitions. We believe a CCW Protocol on cluster munitions must represent an intermediary step towards comprehensive prohibitions in the future. This view is shared by many states parties to the CCM. We wish this to be reflected not only in Article 1 para 3 but also in clear commitments to a complete ban of the most harmful
cluster munitions, which are those without any safeguard mechanism. We wish this to be reflected furthermore in a clear commitment in a meaningful endeavor clause which would set out a roadmap to achieve comprehensive prohibitions in line with the CCM standards.

As already pointed out in our statement in the August GGE session, given the outstanding authority of the International Committee of the Red Cross in the field of International Humanitarian Law, we urge delegations to look very carefully at what the ICRC has to say on the issues before us.

Germany continues to support the ICRC's objectives. In particular, Germany shares the assessment that improvements are needed from a humanitarian point of view. As we pointed out in previous statements, and this still holds true, the fundamental humanitarian problem of cluster munitions lies in their indiscriminate effect.

To achieve the necessary improvements, we therefore reiterate with a sense of urgency our proposal to address this problem, *inter alia* by limiting the maximum number of sub-munitions for all cluster munitions.

Mr. President,

A protocol on cluster munitions in the CCW framework must achieve two fundamental objectives: Firstly, it must address the humanitarian impact of cluster munitions as our mandate clearly stipulates. The draft contains important stipulations on clearance and victim assistance, which is good, but which should be further strengthened. And secondly, while delegations were aware all along that a future protocol on cluster munitions in the framework of the CCW would differ from certain provisions of the Convention on Cluster Munitions, the nature of the CCW protocol must be such that it can be regarded as an intermediary step towards a full prohibition of cluster munitions and their use in the future.

Mr. President,

We will make more specific remarks on a number of pertinent issues in this regard in the opening meeting of Main Committee II. Let me say here in conclusion only this: We are confident that with the necessary political will it is possible to resolve remaining differences. I can assure you that Germany is willing to do its share to reach an outcome acceptable to all.

Thank you.