



Permanent Representation  
of the Federal Republic of Germany  
to the Conference on Disarmament in Geneva

**Fourth Review Conference of the High Contracting Parties 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  
Geneva, 14 - 25 November 2011**

**Statement**

**Delegation of Germany**

**Main Committee I, 16 November 2011**

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Mr. Chairman,

At the outset, let me congratulate you on your appointment to guide our discussion in Main Committee I and assure you and your team of the full support of the German delegation in your work.

Mr. Chairman,

Germany remains firmly committed to preserving and developing the CCW. In order to keep up the momentum of this dynamic instrument, it is of utmost importance not only to ensure compliance, but also to thoroughly explore all options to further enhance its ability to effectively ensure the protection of the civilian population. As outlined by Germany and a number of other delegations during our general exchange of views, there are two types of weapons that deserve closer examination with a view to future work in the framework of the Convention: Mines other than anti-personnel mines (MOTAPM) and munitions containing white phosphorus. As a contribution to our discussion of these topics, Germany has prepared a non-paper which is available in the room. Let

me outline our suggested approach to these issues in the framework of this Review Conference.

Mr. Chairman,

Protocol III only regulates incendiary weapons whose primary effect is to cause fire. Munitions containing white phosphorous are not primarily designed as incendiary weapons. There is undoubted legitimate military utility in using munitions for obscuring, marking and illuminating. However, where munitions containing white phosphorous are misused offensively, their employment may very well have effects similar to those of an incendiary weapon as defined in Protocol III.

Let me therefore reiterate that Germany would welcome an exchange between experts on the possible misuse of white phosphorous as a weapon, for instance by devoting some time of an experts' meeting to presentations on the subject with a view to developing recommendations for the further treatment of this topic.

Mr. Chairman,

Five years ago, to our regret the Third Review Conference was not in the position to adopt a new protocol on MOTAPM. Since then, Germany has consistently urged High Contracting Parties to resume negotiations aiming at the establishment of an additional legally binding instrument that adequately regulates the use of MOTAPM, including provisions on their detectability, active life and transfer. We continue to appreciate the creative solution adopted by High Contracting Parties in 2006, which was to discuss further feasible precautions that may be taken to protect civilians from the effects of mines other than anti-personnel mines and to build on the valuable work of governmental experts over five years. However, at this stage we cannot but admit our collective failure to translate this noble aim into any concrete action. This situation is deplorable, since the humanitarian problem persists.

Let me at this point briefly outline how Germany evaluates the humanitarian damage caused by MOTAPM: We believe that the humanitarian impact of mines other than anti-personnel mines should not only be measured by the number of people they kill or injure. A very significant impact of MOTAPM lies in the fact that they block access to populations in need, thus locking them in poverty and denying them external assistance. It is this effect of blocking access to vulnerable populations which, in our view, constitutes the core humanitarian problem caused by MOTAPM.

It is for this reason that we cannot afford to remain inactive. As noted by UN Secretary-General Ban Ki Moon in his message and a number of delegations during this meeting, further progress is required. Let me be clear: For Germany, like for many others, a legally binding protocol on MOTAPM remains the most adequate response to the problem. However, pending consensus on the resumption of negotiations to that aim, we suggest to consider other creative options to work towards much needed concrete progress.

Mr. Chairman,

Some States maintain the view that existing provisions of the CCW and of international humanitarian law (IHL) are sufficient to adequately address the problems related to the irresponsible use of MOTAPM. While we remain to be convinced that this holds indeed true, it would be all the more relevant then to focus our attention on the application and implementation of existing IHL with regard to MOTAPM. The CCW provides an excellent framework to address the unacceptable humanitarian impact of weapons in a cooperative spirit, including through, but not limited to the establishment of new legal standards. It is our shared interest to make best use of this potential.

Mr. Chairman,

Germany therefore suggests to mandate experts to address the issue of MOTAPM in 2012. We look forward to working constructively with all delegations in order to identify the most suitable format and wording of a mandate which we intend to submit for consideration in Main Committee I shortly.

I thank you.