Statement by Ambassador Wittig of Germany on Protection of Civilians in Armed Conflict in the Security Council

9 November 2011

Mr. President,

Let me begin by thanking Portugal for organizing this important debate. I welcome the presence of the President of Portugal at the opening of today`s debate.

I would like to thank the Secretary General for his briefing and the High Commissioner for Human Rights, Ms. Pillay, as well as ASG Catherine Bragg of OCHA and ICRC representative (Director for International Law and Cooperation) Philip Spoerri for their statements and for their strong commitment for the Protection of Civilians.

Germany aligns itself with the statement to be made by the European Union later in the debate.

Mr. President,

This year's developments in Libya, Cote d`Ivoire, Sudan, Somalia and Syria –to name but a few- have once again demonstrated the deadly effects of repression and armed conflict on civilians. The challenge that confronts the International Community – and in particular this Council- remains: How can we better prevent or stop violence against civilians?

Mr. President,

This is a question that is of course closely linked to the concept of the Responsibility to Protect. This Council has only recently reaffirmed that it is the responsibility of the authorities concerned to protect their own populations. Germany firmly supports this principle of the Responsibility to Protect, including the responsibility of the International Community, through this Council, to take appropriate action should the authorities concerned fail in their duty to protect civilians, and let me add: we should now not start to step back from, or compromise, our commitments that all of us have undertaken by endorsing the Principle of Responsibility to Protect.

Mr. President,

Notable progress has been made since our last debate on the Protection of Civilians in May of this year:

On a normative level, the Security Council, in July, adopted Resolution 1998. This resolution ensures that attacks against schools and hospitals are included in the SG`s annual report on Children and Armed Conflict.

On the implementation side, we welcome the new monitoring, analysis and reporting arrangement on conflict-related sexual violence requested under resolution 1960 (2010), which now is operational.

We also very much welcome the recent progress made by DPKO on the completion of new training modules on protection issues for peacekeeping personnel and we look forward to their roll-out in the near future. In this context, it is also of special importance to engage local communities, including women, especially in discussions on protection requirements by taking gender-sensitivities into account when planning and carrying out peacekeeping mandates.

MONUSCO's enhanced efforts to implement protection mechanisms such as the Joint Protection Teams, Community Liaison Assistants and Community Alert Networks contribute to a better response to community protection concerns. These mechanisms should be evaluated regarding their potential to serve as examples for other UN Peacekeeping Missions.

Mr. President,

These are positive developments. However, enormous challenges remain.

One of the major challenges is the question of accountability. How can we ensure accountability for violations of international law, both by individual perpetrators and by parties to a conflict?

Ending impunity for violations of international humanitarian and human rights law has to be part of any approach to sustainable peace, justice, truth and national reconciliation.

As outlined in the landmark resolution 1894, countries must first and foremost take measures at a national level in order to ensure accountability for such serious crimes, taking into consideration the full range of justice and reconciliation mechanisms, such as national criminal courts or truth and reconciliation commissions. Where this cannot be done at a national level, the international community has to step in.

The Security Council continues to play an important role in this regard, as illustrated by the referral of the situation in Libya to the International Criminal Court last February. It testifies to the determination of the international community to not let the commission of atrocities go unpunished. Germany fully supports the important complementary work of the International Criminal Court.

With the establishment of the International Residual Mechanism for Criminal Tribunals, the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have taken a significant step towards the completion of their mandate. Their jurisprudence has already set a precedent for international criminal justice. The Residual Mechanism will ensure that their respective legacies are maintained. It also sends a strong message of the Security Council against impunity.

Mr. President,

In resolution 1894, this Council considered the possibility of using the International Fact- Finding Commission established by Article 90 of the First Additional Protocol to the Geneva Conventions in order to gather information on alleged violations of applicable law relating to the protection of civilians. We would like to encourage this Council and other parties concerned to make use of the Commission in appropriate cases.

Mr. President,

To conclude, allow me to very briefly touch upon just a few situations that are of particular concern to us:

In Sudan, the humanitarian situation in South Kordofan and Blue Nile states remains alarming. The civilian population continues to suffer. Tens of thousands are displaced. Since humanitarian access continues to be denied, the Council does not even dispose of detailed information on the numbers of casualties, the displaced and those in need. We feel that the Council should urgently press for an end of the hostilities and request humanitarian access.

In the civil war that continues to devastate Somalia and that has recently seen an escalation in the fighting and increasing numbers of parties to the conflict, the Council must not loose sight of the situation of civilians. The civilian population bears - as in many modern armed conflicts - the brunt of the war. We continue to call on all actors to minimise civilian casualties.

And finally, looking at Syria, in the last Open Debate in May the Assistant Secretary-General for Human Rights voiced his appeal that in Syria, we must prevent the violent suppression of mass protests from developing into a civil war. This was six months ago – meanwhile the situation in Syria has deteriorated.

The Syrian regime is relying on repression. Unarmed civilians are continuously being killed, the High Commissioner for Human Rights Navi Pillay has just today repeated her deep concern about the situation. She has stated that the death toll in Syria now exceeds 3,500. As the German Foreign Minister yesterday reiterated, “we cannot allow President Assad to play for time”.

Germany welcomes the Arab League’s more robust approach and we urge the UN Security Council to send a strong message. The international community has to stand firm and united in calling for an end to the bloodshed in Syria.

Thank you, Mr President.