

**Security Council Open Debate on the Protection of Civilians in Armed Conflict**  
**25 June 2012, Security Council Chamber**

*Statement by Mr. Witig, Representative of Germany*

At the outset, I would like to thank the Secretary-General for his latest report on the protection of civilians (S/2012/376) and for his comprehensive briefing today. I also welcome the presence of Ms. Amos, Mr. Šimonović, and Mr. Spoerri and commend them for their invaluable work on the protection of civilians.

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

Civilians continue to be victims of death, injury, sexual violence and forcible displacement or are subjected to conflict-induced increases in disease, hunger and malnutrition. The violent and tragic events in Syria and ongoing developments in, for example, the Sudan, South Sudan, Mali and the Democratic Republic of the Congo remind us of that worrying fact every day.

How can we get better at protecting civilians in armed conflict? The Secretary-General has identified a number of challenges that need to be addressed, some of which I would like to touch upon.

First, there is a need to continue exploring ways to ensure that those responsible for violations of international humanitarian law are held accountable and that serious violations of international humanitarian law continue to carry not only a strong stigma but also consequences.

Encouraging progress has been made since our last debate (see S/PV.6640). The convictions of Charles Taylor by the Special Court for the Sierra Leone and of Thomas Lubanga by the International Criminal Court (ICC) are significant steps forward. Those judgments send a strong signal to the perpetrators of atrocities.

When national authorities fail to take the necessary steps to ensure accountability, the Council's role should be strengthened. We therefore welcome the Secretary-General's proposal to create a checklist to guide the Council's engagement with the ICC when it considers the possibility of referrals.

Secondly, we share the view of the International Committee of the Red Cross (ICRC) that attacks against health care and other interference with it remains an underrecognized humanitarian issue. It deserves increased attention, including that of the Security Council. The recent decision by the World Health Assembly to mandate the World Health Organization to collect and report data on attacks on health care, and the Council's resolution 1998 (2011), are encouraging developments. They ensure that perpetrators of acts against hospitals and schools and related personnel will be listed in the Secretary-General's annual report on children and armed conflict. We support the Secretary-General's view that the Council must assume a more proactive approach to preventing and responding to such incidents.

Thirdly, a central question is the application of the rule of distinction in today's military operations. Experiences in recent conflicts beg the question of how the principle of distinction is implemented in practice, in particular when conducting warfare within densely populated areas. The devastating humanitarian impact of explosive weapons in densely populated areas is a major concern in this regard. We agree with the ICRC that explosive weapons with a wide-impact area should be avoided in densely populated areas. We welcome initiatives to address this issue in a more systematic and proactive way, including possible stronger engagement of the Security Council in this regard.

We share the Secretary-General's view that there is a need for greater and more systematic engagement with non-State armed groups on compliance with international humanitarian law, while bearing in mind that engagement does not constitute political recognition of these groups. In the context of the Council's engagement on children and armed conflict, the conclusion of action plans with non-State armed groups by the United Nations to end the recruitment and use of children in armed conflict is a good example on how such engagement can successfully lead to improved compliance with international humanitarian law by non-State actors.

Fourthly, continued widespread sexual violence against women and children, as well as men, demands our attention. The pursuit of justice and accountability for such crimes remains of utmost importance. We commend the continued efforts of the Secretariat and United Nations missions on the ground to assist national and local authorities in creating more

protective environments by supporting the establishment of effective rule of law and security institutions and the building of local and national civilian capacity in this regard. Germany continues to actively support such initiatives.

I now come to my fifth and final point. The absence of international standards for the trade in conventional arms has obvious negative consequences for civilians. These arms are all too often used to commit serious human rights violations on a massive scale. The international community must act now to improve control of these weapons and use the dual opportunity presented by the upcoming negotiations on the arms trade treaty and the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. Germany strongly supports a strong, robust and effective arms trade treaty that is comprehensive in scope and legally binding.

In closing, I would like to briefly mention a few country situations that are of great concern to us. We remain very concerned about the humanitarian situation in Southern Kordofan and Blue Nile states of the Sudan. The situation continues to deteriorate, and people starve to death every day. Hundreds of refugees arrive every day in neighbouring South Sudan. We urge the Government in Khartoum and the Sudan People's Liberation Army-North to accept the tripartite proposal of the United Nations, the African Union and the League of Arab States, which provides for humanitarian access and the presence of humanitarian relief workers.

In the eastern Democratic Republic of the Congo, we are worried and appalled by the high numbers of civilians killed and displaced by increased attacks by armed groups using the security void left by the Congolese armed forces. In this context, the sharp increase in the recruitment of children by armed groups and mutineers is of particular concern to us. Given the persisting violence in the region, the protection of civilians needs to remain the top priority of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

Lastly, the appalling violence in Syria may be the most blatant failure these days of a Government's responsibility to protect its own people. Not only does Damascus fail to protect the Syrian people, as the commission of inquiry established by the Human Rights Council has reported, but the Syrian authorities have for months now committed systematic and gross human rights violations. We are particularly appalled and disgusted by recent reports of the use by the Syrian army of children as human shields. Opposition forces also commit abuses, which we condemn. They too must protect human rights, including those of children.