

**PERMANENT MISSION OF  
GERMANY  
TO THE UNITED NATIONS**



-- Check against delivery --

**Statement by Ambassador Dr. Hanns Schumacher  
on "The Situation in Bosnia and Herzegovina"  
given in the Security Council on 10 July 2002**

Mr. President,

Germany fully supports the position of the European Union as presented by the Danish Presidency. We will therefore restrict ourselves to some additional elements that we deem of particular importance.

Germany has considered itself a major driving force in the creation of an International Criminal Court from the very beginning. One of the major lessons that we have learned from the past is that impunity for genocide, crimes against humanity and war crimes must not be allowed to stand.

The Security Council has been asked to invoke Chapter VII of the UN Charter beyond the extension of the UNMIBH mandate to obtain immunity for peace mission personnel.

Chapter VII of the UN Charter requires the existence of a threat to the peace, breach of the peace, or an act of aggression - none of which in our view are present here. The Security Council would be running the risk of undermining its own authority and credibility.

It is the strong belief of Germany that - beyond the case-by-case possibilities clearly contained in Art. 16 of the ICC Statute - the Security Council would do itself and the world community a disservice if it passed a resolution under Chapter VII of the UN Charter to, in effect, amend an important treaty ratified by 76 States.

We commend peace mission personnel, both collectively and individually, for their admirable performance under conditions, which more often than not are difficult and dangerous. It is only a theoretical possibility that they would commit crimes falling under the jurisdiction of the ICC. To assert the necessity to exclude this merely theoretical possibility in our view is tantamount to compromising both the Roman Statute and the integrity of mission personnel.

We urge the members of the Security Council to find a solution on a case-by-case basis which safeguards the integrity of the United Nations Security Council with its primary responsibility for the maintenance of international peace and security as international peace missions and the international treaty regimes.

Thank you, Mr. President