

Security Council Open Debate on Rule of Law
Tuesday, 29th June 2010, Security Council Chamber (GA-TSC-01)

Statement by Ambassador Mayr-Harting, Permanent Representative of Austria to the United Nations

Let me thank you, Madam President, for organizing this debate and the Secretary-General for his statement here today and for the strong commitment he has always shown in the interest of this very important subject.

I would also like to thank Under-Secretary-General John Holmes for his briefing here today. I would like to say how greatly Austria has appreciated his action at the head of the Office for the Coordination of Humanitarian Affairs (OCHA) during these past three and a half years. I remember quite a number of situations when the Council had some difficulty agreeing on the best political response to a crisis, and when it was OCHA under the leadership of John Holmes that was the first to make a difference on the ground. We are grateful for that as well.

Let me also thank High Commissioner Pillay for her statement. I think it is very important that she has the chance to speak to us in this context and to make the link to specific country situations where there is a protection concern.

Austria associates itself with the statement to be delivered by the European Union delegation later in this debate.

In response to last year's report of the Secretary-General on the protection of civilians (S/2009/277), the Security Council unanimously adopted resolution 1894 (2009). Eight months later, we are encouraged by the progress made in its implementation. Let me particularly thank OCHA and the Department of Peacekeeping Operations for their consistent support of this process. Resolution 1894 (2009), the in-depth discussion within this year's Special Committee on Peacekeeping Operations, the work of the Secretariat and many missions on the ground, as well as the independent study on the protection of civilians in the context of United Nations peacekeeping operations, have contributed to a better understanding of protection of civilians amongst the various stakeholders.

We are convinced that the next report of the Secretary-General will provide an important opportunity to take stock of the progress made and of remaining challenges in implementing resolution 1894 (2009). In order to reflect the recent developments, we also believe that a revised version of the aide-memoire (see S/PRST/2009/1, annex) should soon be adopted.

We are closely following how the provisions of resolution 1894 (2009) on the role of peacekeeping missions in the protection of civilians are being translated into the everyday work of the Secretariat and the Council and taken into account in the renewal of peacekeeping mission mandates. The further development and implementation of the operational concept, mission-wide protection strategies and training modules are well under way. Austria will continue to promote the use of these tools and, whenever necessary, call for the prioritization of protection tasks, such as in the course of the recent renewals of the mandates of the United Nations Operation in Côte d'Ivoire and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

We welcome the fact that protection mandates increasingly include all activities aimed at ensuring the safety and physical integrity of civilian populations, securing humanitarian access and ensuring full respect for the rights of individuals by all parties to a conflict in accordance with international humanitarian and human rights law. We also welcome United Nations efforts to promote and protect human rights in situations of armed conflict, as well as the inclusion of human rights components in peacekeeping and other relevant missions. The High Commissioner has just very clearly shown the link between human rights and protection concerns.

The ultimate goal of any peacekeeping mission with a protection mandate must be to help restore an environment in which the host State is able to fully exercise its primary responsibility to protect its own population. The untimely drawdown or premature downscaling of peacekeeping missions can seriously endanger the stability and safety of the

civilian population. Mandate adjustments or the drawdown of missions therefore also need to be conditioned upon the fulfilment of benchmarks relating to the protection of civilians.

It is no secret that my country would have preferred a stronger protection of civilians component in the latest renewal of the mandate of the United Nations Mission in the Central African Republic and Chad. At the same time, we welcome the establishment of a joint working group comprising representatives of the Secretariat and the Government of the host country, who will jointly review implementation of the protection benchmarks defined by the Council. This model can also help, from our point of view, to strengthen ownership by the host country. If successful, it might be considered in the context of other missions in the future.

The Secretary-General, in his most recent report (S/2009/277), rightly listed the enhancement of compliance with international humanitarian and human rights law, as well as international criminal law, by State and non-State actors alike as a major persistent challenge. And he said so again here today.

Perpetrators of serious violations against the civilian population still go largely unpunished. Allegations need to be thoroughly investigated and perpetrators brought to account, not only through prosecution, but also through the vetting of armed and security forces. We believe that the Council must ensure respect for its resolutions and be prepared to take vigorous measures against perpetrators, including through the establishment of commissions of inquiry, referrals to the International Criminal Court and the imposition of targeted measures.

Let me also underline the important role of national reparation programmes for victims and institutional reforms. In addition, provisions pertaining to violations against the civilian population should consistently be included in the listing criteria of relevant sanctions committees.

The interaction between the relevant United Nations bodies and the **Special Representatives of the Secretary-General for Children and Armed Conflict and on Sexual Violence in Conflict**, on the one hand, and sanctions committees and their expert groups, on the other, needs to be enhanced. The recent briefing by Special Representative Coomaraswamy to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo was an important development. This, from our point of view, should become a standing practice.

The past two years have seen important developments in strengthening the protection of women and children in particular. We also hope that the particular protection needs of persons with disabilities and older persons, together with examples of best practices, will be addressed in the upcoming report of the Secretary-General. Concerning damages caused to the civilian population, we also follow with interest the emerging practice of making amends even if those damages do not stem from unlawful conduct. We finally note with satisfaction that the Security Council expert group on the protection of civilians has significantly contributed to a more consistent approach of the Security Council when renewing the protection mandates of peacekeeping operations. It is essential that the group address all missions with a role in the protection of civilians.

Let me end by saying that the improvements achieved so far in the United Nations are also serving as an example for efforts by the European Union in this field. Together with its European Union partners, Austria is working to improve implementation of the protection of civilians in missions and operations run by the European Union.