

Security Council Open Debate on The promotion and strengthening of the rule of law in the maintenance of international peace and security
19th of January 2012, Security Council Chamber

Statement by Mr.Sajdik, Austria to the United Nations

It is my honour to speak on behalf of the Human Security Network, an informal, cross-regional group of States comprising Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Panama, Slovenia, Switzerland, Thailand and Austria, and South Africa as an observer. At the outset, we want to thank the presidency for having organized today's open debate as well as the Secretary-General for his presentation, and we would like to express our support for the recommendations contained in his report.

We welcome the Security Council's important role in enhancing the rule of law, which is central to the people-centred, holistic approach to security advocated by the Human Security Network. Clear and foreseeable rules, respect for and adherence to those rules and an effective rules-based multilateral system to prevent and sanction violations are preconditions for lasting international peace and security. We encourage the Council to use the tools at its disposal to ensure respect for international law and to respond to grave violations in a systematic and consistent manner. While the primary responsibility for investigating and prosecuting international crimes lies with States, and domestic justice systems are the first resort in the pursuit of accountability, the international community, including the Council, undeniably has a key role in addressing such crimes and in ensuring accountability. Possible measures at the Council's disposal are diverse and include referrals of situations to the International Criminal Court, as with the unanimous adoption of resolution 1970 (2011) concerning Libya; the imposition of targeted measures; the establishment of accountability mechanisms; the mandating of commissions of inquiry; and, more generally, mandating support for the rule of law and the strengthening of justice and security institutions in peacekeeping operations. In that regard, let me also mention the great importance that the Human Security Network attaches to the role of the Council in the protection of women and children. We are pleased with the work undertaken by the Security Council in progressively strengthening the protection framework for children affected by armed conflict, as well as with its efforts to prevent and combat sexual violence. We would like to underline the importance of capacity-building for State institutions and transitional justice approaches that are victim-centred and gendersensitive in order to ensure that the rights of victims, in particular of women and children, are fully respected and their interests taken into account. We fully support the Secretary-General's recommendation for further attention by the Council to the rights of victims to reparations.

Of the four pillars of transitional justice, reparation is the one that most lacks concrete implementation. Over the past two decades, the Council has supported the development of national and international judicial mechanisms, the creation of truth commissions and the implementation of institutional reforms needed to prevent further violations of human rights and international humanitarian law. We encourage the Council also to give more attention to the question of reparation. Reparation programmes, as underlined in General Assembly resolution 60/147, on reparations, are not limited to monetary compensation but can also include symbolic measures, such as social services and psychological care, that can make an important contribution to the reconciliation of divided societies, as well as help to address the economic and social justice dimensions of the root causes of conflict. Last but not least, the Human Security Network would like to express its full support for the new Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, whose mandate was recently established by a consensual resolution of the Human Rights Council. That reflects a clear acknowledgement that accountability, along with truth-seeking processes, reparations and institutional reforms as a means of advancing human security, must be an integral part of the United Nations transitional justice efforts. We envision that the new Special Rapporteur will be able to contribute to a more comprehensive approach to justice and rule of law related issues, and hope that the Secretary-General will take into account, as appropriate, the work of relevant special procedures within the United Nations system in his next report presented to the Council on this issue.

Allow me now to address to Council in my national capacity. It goes without saying that Austria aligns itself with the statement to be made by the observer of the European Union. The recent events in the Arab world show the timeliness of discussing the rule of law and transitional justice. Accountability for serious

international crimes is a crucial aspect of that. Austria therefore calls for full cooperation by all States with international and hybrid tribunals established by the United Nations or with its support. Moreover, all States must abide by and implement the resolutions adopted by the Council under Chapter VII, in particular when urged to fully cooperate with the International Criminal Court, including with regard to the arrest and surrender of suspected perpetrators. Rule of law and transitional justice activities are now increasingly integrated into Security Council resolutions. For example, resolution 1894 (2009), on the protection of civilians, highlighted the importance of a comprehensive approach to transitional justice initiatives and acknowledged the important role of accountability mechanisms, as well as national reparation programmes for victims, in the protection of civilians in armed conflict. As emphasized in the Secretary-General's report to the Council on the rule of law and transitional justice in conflict and post-conflict societies, all rule of law programmes and transitional justice mechanisms have to be planned and implemented in a manner sensitive to the specific needs and rights of women and children. Evaluations of the specific impact of transitional justice measures on marginalized groups of society should be conducted on a more systematic basis. In view of the unique and disproportionate effects of conflict on women and children, we must enhance our efforts to ensure women's access to justice. We also need to provide for minimum standards for the participation of children in transitional justice mechanisms. For children who have been associated with armed groups, for example, the focus should be on non-judicial, restorative accountability mechanisms that take the child's interest into account, as well as on socio-economic reintegration. Furthermore, the report rightly highlights the need for the Security Council itself to adhere to basic rule of law principles to ensure the legitimacy of its actions. In that regard, Austria welcomes the substantial improvements of the procedures within the Al-Qaida sanctions regime, including the recent strengthening of the Office of the Ombudsperson, and encourages the Council to further broaden and enhance due process, including with regard to other sanctions regimes. Allow me to conclude by pointing to the highlevel meeting on the rule of law at the national and international levels, to be held in September. The meeting could, and should, provide the ideal opportunity for the launch of a new inclusive global dialogue forum that brings together all relevant stakeholders — national authorities, multilateral bodies, regional organizations, civil society and the private sector — and help to consolidate the currently fragmented approach to rule of law assistance. Finally, I would once again like to thank South Africa for convening today's meeting. We call on the Security Council to hold open debates on the rule of law on a regular basis in the future.