

SC Open Debate on the Protection of Civilians - Ambassador Mayr-Harting

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

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Mr. President,

At the outset, let me thank you, Sir, for organizing this very important debate and Under-Secretary-General Holmes for his important and impressive presentation. It was impressive, if I may say so, in its general thrust and important in particular in what you said about ongoing conflict situations, such as that in Gaza and southern Israel. Austria associates itself with the statement to be delivered by the representative of the Czech Republic on behalf of the European Union later in this meeting. I should like to make a number of specific points.

First of all, we have seen an increasing focus on efforts to integrate protection concerns into peacekeeping mandates, increased efforts to fight impunity at the national and international levels, as well as the acceptance of the **responsibility to protect**. Those are developments in our debate that we welcome.

The Secretary-General has rightly stated that the protection of civilians in armed conflict must remain an absolute priority. He called for more systematic attention to protection concerns in the daily deliberations of the Council. Austria therefore welcomes the revised aide-memoire on the protection of civilians in armed conflict and would like to commend the Office for the Coordination of Humanitarian Affairs for its excellent work, which represents a comprehensive tool of real practical relevance to the work of the Council.

We further welcome the establishment of a Security Council expert group on the protection of civilians, which should permit the Council to receive detailed information from humanitarian, human rights and other experts. In a lessons-learned process, it should also enable the Council to address specific protection concerns in the establishment or renewal of peacekeeping mandates.

The Security Council should further contribute to strengthening the rule of law and international law by supporting criminal justice mechanisms. Where necessary, the Council should consider appropriate measures to encourage or compel prosecution of those responsible for international crimes, including referrals to the International Criminal Court or other appropriate accountability mechanisms. This is particularly true for sexual and gender-based violence or serious violations of child rights. In this area an accountability mechanism similar to the one on recruitment and use of child soldiers under resolution 1612 (2005) should be considered. The Council has to send a clear message to all parties to armed conflicts reminding them of their obligations and condemning violations of international humanitarian and human rights law.

With regard to the ongoing conflict in and around Gaza, Austria calls upon all parties to fully abide by their obligations under international humanitarian law. This includes the obligation by parties to an armed conflict to refrain from targeting civilians, to facilitate humanitarian operations and to allow rapid and unimpeded passage of relief consignments, equipment and

personnel. One point that should be underlined particularly these days is that the protection of organizations and institutions providing humanitarian assistance, as well as humanitarian workers, must be ensured at all times. We agree with the Under-Secretary-General that the incidents that have occurred should be investigated, and we are happy that the Secretary-General has made this one of the messages of his current trip to the region.

We are also deeply concerned about conflict situations such as those in the eastern part of the Democratic Republic of the Congo and Darfur, in particular the deliberate targeting of civilians, including through the use of sexual and gender-based violence as a tactic of war aimed at destroying and dehumanizing entire communities.

Austria strongly supports the strengthening of protection mandates in peacekeeping operations. We are aware of the challenges of peacekeeping operations in implementing ambitious mandates on the ground. We thank the Under-Secretary-General for his analysis as to the challenges in this regard.

Important progress has already been made, as demonstrated, for example, by the new mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in resolution 1856 (2008), which makes the protection of civilians the key priority for the Mission. The United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union military operation in Chad and the Central African Republic (EUFOR) may serve as a good example of peace operations in support of humanitarian activities. In that context, Austria attaches great importance to the Secretary-Generals upcoming report on protection of civilians. Austria is also pleased to support the study commissioned by the Department of Peacekeeping Operations and OCHA, which will serve as a basis for that review. At next weeks Security Council debate on peacekeeping operations we will have a chance to discuss this issue in a broader context.

We also strongly agree with the Under-Secretary-Generals positive assessment of the Convention on Cluster Munitions, signed by 95 States in December 2008. We join in his appeal to all States to sign and ratify that Convention as soon as possible. (...)

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