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SC - Debate on the protection of civilians in armed conflict

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

New York, 7 July 2010

Madam President, let me thank you for organising this debate and let me first thank 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, and I would like to say how greatly Austria has appreciated his action as the head of OCHA during these three and a half years. I remember quite a number of situations when this Council had some difficulties to agree on the best political response to a crisis, and when it was OCHA under the leadership of John Holmes to make a difference on the ground. We are very 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 also make the link to country specific situations where there is a protection concern. Austria associates herself with the statement to be delivered by the EU Delegation later in this debate.

In response to last year's report of the SG on the protection of civilians, the SC unanimously adopted resolution 1894 (2009). Eight months later, we are encouraged by the concrete progress made in its implementation. Let me particularly thank OCHA and DPKO for their consistent support of this process. Resolution 1894, the in-depth discussions within this year's C-34, the work of the Secretariat and many missions on the ground as well as the Independent Study on "Protection of Civilians in the context of UN Peacekeeping Operations" have contributed to a better understanding of protection of civilians among the various stakeholders. We are convinced that the next report of the SG will provide an important opportunity to take stock of the progress made as well as of remaining challenges in implementing resolution 1894. In order to reflect the recent developments, we also believe that a revised version of the Aide Memoire should soon be adopted.

We are closely following how the provisions of resolution 1894 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 missions' 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 as well as, whenever necessary, call for the prioritisation of protection tasks such as in the course of the recent UNOCI or MONUSCO mandate renewals. 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 conflict, in accordance with international humanitarian and human rights law.

We also welcome the UN's 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, and 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. Untimely drawdown or premature downscaling of peacekeeping missions can seriously endanger the stability and the 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 mandate renewal of MINURCAT. At the same time, we welcome the establishment of a joint working group comprising representatives of the UN Secretariat and the government of the host country who will jointly review the implementation of the protection benchmarks defined by this Council. This model can also help, from our point of view, to strengthen the ownership of the host country. If successful, it might be considered in the context of other missions in the future.

More systematic and comprehensive reporting on protection issues in the Secretary General's country-specific reports will

enhance the consistency of the Council's action regarding the protection of civilians. We are looking forward to receiving the guidance for peacekeeping and other relevant missions on the reporting on protection of civilians currently under development by the Secretariat.

The Secretary-General in his last report rightly listed the enhancement of the compliance with international humanitarian and human rights law as well as international criminal law both by state and non-state actors as a major persisting challenge. Perpetrators of serious violations against the civilian population still go largely unpunished. Allegations need to be thoroughly investigated and perpetrators need to be 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. Interaction of relevant UN bodies, the SRSG's for children and armed conflict and the SRSG for sexual violence in conflict with sanctions committees and their expert groups need to be enhanced. The recent briefing by SRSG Coomaraswamy to the DRC Sanctions Committee 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 particularly of women and children. 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 SG report. 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 Expert Group on the protection of civilians has significantly contributed to a more consistent approach of the Security Council when renewing protection mandates of peacekeeping operations. It is essential that the Group addresses all missions with a role in the protection of civilians.

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