

Exploring New Capacities to Address the Threat of Atrocity Crimes

Welcoming Remarks

At the outset, let me congratulate the organizers of the conference on "Exploring New Capacities to Address the Threat of Atrocity Crimes." The subjects discussed here are of great importance.

Atrocity crimes, such as genocide, crimes against humanity, war crimes, raise a number of legal issues which we have to deal with in our daily work as legal advisers.

The conference comes at a critical point in time. Recent months have seen unprecedented events, particularly in North Africa and the Middle East.

We welcome that some countries have arranged for a peaceful transition and responded to the requests of their populations for **democracy, human rights and the rule of law**.

Change will not happen over night. Many countries will require assistance from the international community.

We see however also situations where governments are using **force against their own populations** amounting to atrocity crimes, in particular crimes against humanity.

This is in clear contradiction with the **responsibility to protect** which States have towards their population, a concept which was defined in the Outcome Document of the 2005 World Summit of the United Nations and which is supported by Austria. Your conference will deal with this issue.

In the application of the responsibility to protect, the **Security Council** has a crucial role to play. As regards pillar 3 of the responsibility to protect doctrine, some would even say exclusive.

In the context of the situation of **Libya**, the Council has taken decisive action through **resolutions 1970 and 1973**. In these resolutions, it referred explicitly to the responsibility of Libya to protect its own population. The Council referred the situation in Libya to the ICC and authorized member states to take all necessary means to protect civilians and civilian populated areas under threat of attack.

Also the General Assembly sent a clear signal by suspending Libya's membership in the Human Rights Council.

We welcome these actions against atrocity crimes. The ICC has already taken up its work and the Prosecutor has requested to issue arrest warrants against Muammar Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for crimes against humanity allegedly committed in Libya since February 2011. At the same time, military action is going on in Libya on the basis of Res. 1973 – but there are

also discussions whether all activities are really covered by the mandate of Res. 1973.

Main objective: Prevention of atrocity crimes

We need the **rule of law** implemented both at the national and international levels. This was also recognized at the 2005 World Summit.

The Security Council has given growing attention to the rule of law. Various peacekeeping missions have now rule of law mandates.

During **Austria's membership on the Security Council 2009-2010** we worked to integrate the rule of law in the daily work of the Council. The Council adopted important resolutions in various rule of law areas, including on the **protection of civilians, children in armed conflict and women, peace and security**. It also established an Ombudsperson for the listing and delisting of persons on the Al-Qaida and Taliban sanctions committee to improve due process.

But **more** can be done:

Ratification and implementation of relevant international agreements.

Fighting impunity for the commission of atrocity crimes, where the ICC plays an important role (States Parties should observe their obligation to cooperate and implement the principle of complementarity), and also through other accountability mechanisms at the local level, often described as transitional justice mechanisms, and by adjusting domestic criminal law to international standards..

International Anti Corruption Academy in Laxenburg.

Improve **coordination and coherence** of our rule of law activities, both among the relevant entities of the UN system - the Rule of Law Unit can play an important role here - , and among Member States.

In order to fight and prevent atrocity crimes it will be necessary to strengthen the capacity of the UN. In this context, you will have an interesting discussion on a proposal for a UN emergency peace service.

We wish you a fruitful discussion and are looking forward to the outcome of your conference.