

AUSTRIA



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General Debate

Statement by

Konrad G. Bühler

Federal Ministry for European and International Affairs

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Madam President,

Austria fully aligns itself with the statement made by Poland on behalf of the European Union. In addition, we would like to offer the following remarks:

At the outset, my delegation would like to congratulate you, Madam President, the two Vice-Presidents and the other members of the Bureau on your election. We are confident that you will most skilfully guide the Assembly in its work. We also congratulate the newly-elected judges.

Austria welcomes the election of the new Chief Prosecutor, Ms. Fatou Bensouda, as consensus candidate. Having served as Deputy Prosecutor she can build on her unique experience and ensure both continuity and change in the work of the OTP. We will continue our full support and cooperation with her office. My delegation is particularly pleased to see two women holding the important posts of ASP-President and Chief Prosecutor.

We would also like to take this opportunity to express our deep gratitude to your predecessor, Ambassador Christian Wenaweser. Without his leadership many important achievements, among them the successful conclusion of the Kampala Review Conference, would not have been possible. We also thank Chief Prosecutor Moreno Ocampo for his dedicated service to the ICC.

Madam President,

Next year will mark the 10th anniversary of the entry into force of the Rome Statute. We can look back at remarkable achievements:

First, the International Criminal Court is now generally recognized as a key instrument in combatting impunity, preventing future crimes and promoting an international order based on the rule of law. The Court has been fully operational for several years and is dealing with an increasing number of cases. Its expanding docket, which includes Heads of State and other high-ranking accused, sends a strong signal that justice applies to all, without any distinction based on official capacity or rank.

This is a commendable development. The strengthening of the rule of law, fight against impunity, protection of civilians and promotion of international humanitarian law, including the protection of journalists, which guided Austria's membership in the UN Security Council, continue to be priorities of our current membership in the Human Rights Council.

In particular, in view of the brutal attacks against the Libyan civilian population in spring of this year, we greatly appreciate the unanimous adoption by the Security Council of resolution 1970 (2011) and referral of the situation in Libya to the Court. We believe that other situations would warrant the same decisive action by the Security Council.

Second, the ICC is well underway on its path towards universality. Almost two thirds of the UN membership have become parties to the Rome Statute. A few days ago, Vanuatu has deposited its instrument of ratification and will become the 120th State Party. We also warmly welcome all other new members, including Grenada, Tunisia, the Philippines, the Maldives and Cape Verde, and hope that other States will follow suit in the near future.

Third, the consensus reached at the Kampala Review Conference in June 2010 on the crime of aggression and other amendments of the Rome Statute was a landmark achievement in the evolution of the Court, which – together with the stocktaking exercise and pledges – demonstrated the strong commitment of all States Parties towards the Rome Statute.

Madam President,

Looking now at the road ahead, we can see many challenges which require our immediate and proactive response:

In order to achieve the goal of universality of the Rome Statute, the Court must win the trust of all peoples and governments worldwide. Member States and the Court must address the – in our view unwarranted – perception by some that the focus of the Court's activities is one-sided. We stress the importance of protecting the independence and integrity of the Court and the Prosecutor, in order to allow them to implement their mandate in an impartial manner, free from political interference.

In this context, we must make the "voices of the victims" heard, as former UN Secretary-General Kofi Annan stressed at the Kampala Conference. The ICC was not established as a bureaucratic institution to promote abstract principles and ideals, but to provide justice, including possible reparations, to the victims, who have suffered from the most horrendous crimes. We continue to encourage States Parties to implement those provisions of the Rome Statute relevant to victims, including victims' reparation, through their national legislation or other appropriate measures.

Cooperation with the Court remains the key challenge for the future. We must reinforce our efforts to ensure full cooperation with the Court in accordance with the obligations under the Rome Statute and Security Council resolutions 1593 (2005) and 1970 (2011), including the implementation of arrest warrants and other requests by the Court. In this context, Austria welcomes the report of the Bureau on potential Assembly procedures relating to non-cooperation and supports their adoption annexed to the omnibus resolution.

Madam President,

With respect to the Kampala amendments, we should continue our efforts to expand the Court's jurisdictional reach. On the part of Austria, together with our German-speaking neighbours, we are in the process of finalizing a joint German translation of the Kampala amendments, which will enable us to proceed with our ratification process. Moreover, in order to fully comply with the principle of complementarity, we are currently finalizing a draft government bill on the explicit incorporation of specific international crimes in the Austrian Criminal Code which correspond to the relevant provisions in the Rome Statute. Finally, in accordance with our pledges in Kampala, we are also working with the Court with a view to arranging for cooperation on witness protection.

Regarding other proposals for amendments of the Statute, my delegation stands ready to continue discussions in the framework of the Working Group on Amendments under the able guidance of Switzerland. We stress the need that all proposals should have the potential for consensual adoption.

Finally, while we are aware of the increasing workload generated by new situations and referrals, in the light of the current dire economic and financial conditions resulting in extraordinary budgetary restrictions of many States Parties, we urge the Court to continue the kind of budgetary discipline it exercised in the past. Our gratitude also extends to the Committee on Budget and Finance for its efforts to ensure the efficient use of financial resources.

Austria once again stresses the important role of NGOs in strengthening the Court in fulfilling its important task. In particular, I wish to thank the Coalition for the International Criminal Court for its valuable input.

In closing, Madam President, I would once again like to emphasize Austria's continuing and unwavering commitment to support the International Criminal Court in its fight against impunity and its role in promoting respect for international humanitarian law, human rights and the rule of law.

Thank you, Madam President.