

 **Permanent  
Mission  
of Austria**

to the United Nations  
in New York

**76<sup>th</sup> Session of the General Assembly**

**Sixth Committee**

**Agenda item 85: The rule of law at the national and international levels**

**Statement by H.E. Alexander Marschik**

**Permanent Representative**

**Permanent Mission of Austria to the United Nations**

**New York, 8 October 2021**

Madame Chair,

Austria fully aligns itself with the statement made by the EU and I add the following remarks in our national capacity:

Austria thanks the Secretary-General for his latest report on “Strengthening and coordinating United Nations rule of law activities”. This is an important issue. As coordinator of the Group of Friends of the Rule of Law – a Group consisting of over 50 members - Austria is pleased that the SG continues to give high priority on the promotion of rule and law and international law.

We often say that the world faces a trust crisis. States don’t trust each other and people don’t trust their government.

Rule of law helps to build and reinforce this trust. Internationally and nationally.

Especially in times of Covid, in times of uncertainty, states, Governments, public institutions need to be clear, predictable and accountable in their decision-making to ensure people have this trust. This is where the RoL helps.

In his latest report on the Rule of Law the Secretary-General reaffirmed the pivotal role of UN rule of law assistance when it comes to regaining trust in institutions. We welcome the support of the *Global Focal Point* on the rule of law with legal assistance in the context of the pandemic. Let’s be clear: justice for all has not yet materialized for everyone, especially not for women and girls.

In his Report “**Our Common Agenda**” the SG’s vision of a revitalized social contract between the individual, the community and the State also foresees a central role for the rule of law.

Building resilient and efficient institutions that can be trusted and supported by citizens is particularly linked to the fight against **corruption**, which was the focus of last year’s debate. Austria welcomes the Political Declaration adopted at the Special Session against Corruption in June and its focus on prevention by enhancing

anti-corruption training and education. With the UN Convention against Corruption we have a legally binding universal instrument at hand that – if fully and effectively implemented – can make our fight against corruption a success. Austria is honored to contribute to this effort also by hosting UNODC and the International Anti-Corruption Academy (IACA) in Vienna. The recent establishment of an IACA observer mission in New York will help coordinate our efforts here at the UN.

Mme Chair,

Austria strongly believes that a **rules-based international system** with clear and predictable norms is an essential condition for lasting peace, security, economic development and social progress. We support an international order based on the rule of law and international law with the UN at its core.

Recently we noticed that some colleagues have raised questions and concerns regarding the notion of a “rules-based order”. To avoid misunderstandings, we should make clear what we mean: For Austria this term refers to a system comprising international law, treaties, customary law as well as general principles of law as outlined in the Statute of the International Court of Justice (ICJ). A rules-based order requires the ratification and implementation of international agreements, including international human rights treaties, and the settlement of disputes by peaceful means, including the ICJ.

That is also why we call on all States to accept, without reservations, the compulsory jurisdiction of the ICJ.

Justice for all is not only an essential element but constitutes the basic objective of our rule of law efforts. Justice can not be achieved as long as impunity for the most serious crimes persists. **Accountability** for atrocity crimes is central to ensuring reconciliation and lasting peace. Austria therefore strongly supports the work of the International Criminal Court (ICC) as well as of other international accountability mechanisms such as the IIIM for Syria. Austria will continue to promote the universality of the Rome Statute. We also echo the Secretary

General's call for more efforts to realize justice for victims and survivors.

Austria would also like to take the opportunity to highlight the important role of the **International Law Commission** (ILC). Draft articles prepared by the ILC provide an excellent basis for the negotiation of multilateral treaties. It is important that states continue to ensure an appropriate follow-up to the ILC's work, for instance regarding the recent draft articles on the prevention and punishment of crimes against humanity.

*The work of the ILC is also often used by national and international courts even before it reaches the status of a binding multilateral treaty, especially where it is reflective of customary international law. Thus, it also contributes to ensuring legal certainty which is indispensable for the rule of law.* Due to the importance Austria attaches to the work of the ILC, we nominated the current Austrian member Prof. August Reinisch for re-election as a member of the ILC from 2023 onwards and hope to count on your valuable support.

In conclusion, I would like to stress that our efforts to promote the rule of law do not serve an abstract goal, but the protection of the rights and interests of individuals. Austria, also in its role as coordinator of the Group of Friends of the Rule of Law, will continue to give utmost priority to this subject.

Thank you.