

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

**Sixth Committee**

**Agenda item 84: The rule of law at the national and international levels**

**Statement by Austria as coordinator of the Group of Friends of the Rule of  
Law**

**delivered by**

**H.E. Alexander Marschik, Permanent Representative of Austria to the United  
Nations**

**New York, 6 October 2022**

Mr. Chair,

I am speaking on behalf of the following members of the Group of Friends of the Rule of Law Argentina, Austria, Bahamas, Belgium, Burkina Faso, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, European Union, Finland, France, Germany, Guatemala, Iceland, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Mexico, Moldova, Mongolia, Mozambique, Netherlands, Panama, Papua New Guinea, Paraguay, Republic of the Congo, Romania, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Timor-Leste, Uganda, United Kingdom and Uruguay.

We thank the Secretary-General for his latest report on “Strengthening and coordinating United Nations rule of law activities”. We would like to recall that this year we celebrate the 10<sup>th</sup> anniversary of the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels. We reaffirm our commitment to the Declaration, adopted by consensus, and which content and pertinence remains as relevant and topical as ever. We welcome the SG’s continued prioritization of the promotion of the rule of law and international law. In this context we very much look forward to the presentation of the new vision of the rule of law as announced by the SG in his Report “Our Common Agenda”.

The global coronavirus disease (**COVID-19**) affected the relationship between States but also the trust of people in governments and international organizations. In this respect the greater difficulties that women and girls face in access to justice is especially problematic in the light of an increase in gender-based violence, including conflict-related sexual violence, during the pandemic.

Especially in times of crisis and uncertainty, public institutions need to be predictable, reliable and accountable in their decision-making to give people confidence. The rule of law can help by providing consistent and equal application of laws and clear procedures. Predictable governance builds trust and legal certainty among citizens; it is a prerequisite for fairness.

More of these parameters of the rule of law could have been useful regarding measures to prevent the spread of COVID-19 – an important lesson learned for future pandemics. We are convinced that strengthening the rule of law is vital for strong, healthy and resilient societies. We therefore welcome the SG's offer to support states in renewing their social contract with their citizens in this respect through assistance programs.

Mr. Chair,

In this year's debate the Group of Friends once more wants to reaffirm the fundamental importance of the rule of law for the maintenance of international peace and security. A rules-based international system with norms that are adhered to is an essential condition for lasting peace and security. All member states of the UN signed up for an international order based on the rule of law and international law with the **UN Charter** and its principles at its core.

By agreeing to the UN Charter, all UN Member States shall fulfill in good faith the obligations assumed by them and settle their disputes by peaceful means. Action in contravention of the UN Charter is unacceptable and must have consequences. This is of utmost importance not least regarding the core provisions of the Charter, such as the obligation not to use force, or threaten the use of force, against the territorial integrity or political independence of another State (Art. 2(4) of the Charter). The actions of the Russian Federation against Ukraine over the past 7 months have thus also been condemned as a violation of the UN Charter in GA Resolution ES-11/1 adopted on 2<sup>nd</sup> March 2022. We expect next year's report on the rule of law to reflect this case and its consequences. The members of this group endeavor to support new instruments and procedures to better deter violations of international law and encourage full compliance.

Mr. Chair,

Our security depends on all states complying with rules which consist of international law such as the UN Charter, treaties, customary law as well as general principles of law as outlined in the Statute of the

**International Court of Justice (ICJ).** These rules contribute to the settlement of disputes by peaceful means, including through the ICJ by complying with its judgements and orders. That is also why we call on all States to consider accepting, without reservations, the compulsory jurisdiction of the ICJ.

Holding individuals responsible for their actions, holding them accountable for violating the law is a basic principle of the rule of law. No legal background is needed to understand that this is an important part of fairness – a fairness we call justice. This justice is impossible as long as there are ways to allow impunity for the most serious crimes under international law (the crime of aggression, genocide, war crimes and crimes against humanity). Individuals and vulnerable groups must be protected from these most serious crimes and perpetrators must be held **accountable**. Without accountability there can be no reconciliation. There can be no lasting peace. No peace of mind for victims.

Our commitment to international law and the rule of law also includes enabling and encouraging the continuous development of international law. The **International Law Commission (ILC)** plays an important role in this regard. Appropriate follow-up of states in the framework of the 6<sup>th</sup> Committee to draft articles prepared by the ILC needs to be ensured. The work of the ILC – including reflection on already existing customary international law or preparation of legal solutions for pressing international topics – contributes to ensuring legal certainty. We hope the 6<sup>th</sup> Committee will be able to further support the development and codification of international law in this regard.

Dear colleagues,

Rules that are internationally respected, enforced and upheld make the world more predictable, safe and stable. We want our world to be ruled by the law, not by the mighty. The Group of Friends of the Rule of Law reaffirms the commitments all UN Member States made in the declaration on the rule of law 10 years ago and will continue to work

towards this objective. We invite all other partners to join our efforts in this regard.

Thank you.