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**70th Session of the General Assembly  
Sixth Committee**

**Agenda Item 85: Rule of law at the national and international levels**

**Statement by Austria**

**New York, 14 October 2015**

Austria fully aligns itself with the statement made by the European Union.

International law and the rule of law are the foundations of the international system. Austria strongly believes that a rules-based international system with clear and predictable rules is an essential precondition for lasting peace, security, economic development and social progress. We call upon all Member States to actively promote an international order based on the **rule of law and international law**, with the United Nations at its core. This includes ratification and implementation of relevant international agreements, including international human rights treaties, and the settlement of disputes by peaceful means, including the International Court of Justice.

**Accountability** and the fight against impunity for violations of international human rights and humanitarian law are crucial. We must stop mass atrocities and ensure that the perpetrators are brought to justice, including through international criminal justice mechanisms. Austria is a strong supporter of the ICC and has ratified the so called Kampala amendments to the Statute of the ICC. We have already incorporated genocide, crimes against humanity and war crimes into our national criminal code and the new amendment incorporating the crime of aggression will enter into force on 1 January 2016. However, the ICC cannot fulfill its mandate without political and material support and cooperation by Member States. All States must abide by their obligations to cooperate under the relevant Security Council resolutions and fully implement the ICC's arrest warrants.

Austria has actively and consistently supported the rule of law at the national and international levels in the context of the United Nations. We have contributed to discussions on the rule of law in the 6<sup>th</sup> Committee and beyond, inter alia by offering **informal briefings** together with Mexico and Liechtenstein and of course the Rule of Law Unit and the members of the Rule of Law Coordination and Resource Group. All 5 briefings this year were met with considerable interest and served the purpose of highlighting to the concrete rule of law work done by the UN System, including at country level. We stand ready to continue this practice to advance exchange of information and views on the rule of law. We highly commend the work of the Rule of Law Coordination and Resource Group, which includes over 20 UN entities, and the Global Focal Point in promoting system-wide coherence and strongly support the work of the **Rule of Law Unit**.

Austria welcomes the **Secretary-General's Report on strengthening and coordinating United Nations rule of law activities** this year, including its Annex, which very usefully highlights the many cross-cutting areas where the rule of law is relevant, both at the national and international levels, ranging from Protection and Prevention to Anti-Corruption and access to justice. We believe that the fight against corruption is an essential precondition for strengthening the rule of law, and invite all States and international organizations to cooperate with the International Anti-Corruption Academy in this endeavour.

Mr. Chair,

Turning to the subtopic of this year's debate "**The role of multilateral treaty processes in advancing the rule of law**" I would like to thank ASG Mathias and of course the Chief of the Treaty Section for their briefing on the subtopic, a useful way

to revitalize our debate on the substantive issue we are dealing with under the subtopic in this particular session.

Austria is very proud of the tradition of elaborating and negotiating multilateral treaties in Vienna and I would like to reiterate our strong support for multilateral treaties as the foundation of an international order based on the rule of law. In this regard, Austria attaches particular importance to the work of the **International Law Commission**, and especially its practice of inviting the **views of States** during the ongoing consideration of topics and elaboration of draft articles or guidelines. In our view, it would be beneficial for States to take advantage of this opportunity more actively, and to offer their views during the drafting of future multilateral instruments – especially given the complexity of multilateral treaty-making processes - in order to ensure broad support leading to eventual adoption and wide ratification of new multilateral treaties.

As far as monitoring implementation and compliance with multilateral treaties are concerned, Austria strongly supports the work of the **human rights treaty bodies**, including their practice of elaborating general comments. We attach crucial importance to these and similar mechanisms, which enable States to ensure full implementation and compliance with multilateral treaties. In this regard, also the **Universal Periodic Review** in the framework of the UN Human Rights Council plays an important role, and we believe that it is essential that all States continue to cooperate with this mechanism. Austria is devoting a lot of time and energy to the preparation of its second UPR hearing, which will take place on 9 November 2015 in Geneva. Our delegation will be led by the Austrian Minister of Justice, which is a sign of the importance we attach to this review process.

Austria also supports mechanisms to **review reservations to multilateral treaties**, for example the European Observatory of Reservations to International Treaties and the reservations dialogue within the framework of the Council of Europe, which promotes reconsideration or withdrawal of reservations. Such a mechanism may be useful also in the context of the United Nations, since the complexity of reservations and of mechanisms monitoring the compliance with multilateral treaties merit particular consideration.

I would also like to express Austria's strong support for the excellent work of the **UN Treaty Section**, including the organization of the annual treaty event, which Austria again participated in this year – notably to withdraw reservations to the Convention on the Rights of the Child. We recognize that certain regulations as well as publications in treaty law and practice could benefit from update and review, since they do not fully take into account the use of new technologies and recent practice. Austria also commends the work of the UN Secretariat, including the UNCITRAL Secretariat and the UN Office on Drugs and Crime in Vienna in the area of training and capacity building.

Mr. Chair,

The Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, adopted on 24 September 2012, emphasizes the importance of continuing the consideration and promotion of the rule of law in all its aspects. Furthermore, the General Assembly decided to pursue its work to **develop further the linkages between the rule of law and the three main**

**pillars of the United Nations:** human rights, development and peace and security. Austria continues to support further consideration of this topic and looks forward to the events announced by the President of the General Assembly during the 70<sup>th</sup> session. In addition, Austria looks forward to sharing lessons learnt in the implementation of the **voluntary pledges** made on the occasion of the high-level meeting and encourages further pledging regarding the rule of law at the national and international levels.

Good governance and the rule of law at national and international levels are essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger. Therefore, Austria strongly advocated for the rule of law throughout the negotiations on the **Agenda 2030**, which we adopted in September. Austria believes that the rule of law continues to be a crucial element when it comes to the implementation of the goals we have set for ourselves and for measuring our success in reaching them.

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.