

Observations by Austria

Strengthening and promoting the international treaty framework

The role of technology in shaping treaty-making practice

February 2025

In response to the request by the Office of Legal Affairs of the United Nations of 18 January 2024 to submit information on practice regarding “the role of technology in shaping treaty-making practice”, Austria would like to offer the following remarks:

A practice that has existed for some time and is regularly resorted to by Austria with regard to bilateral treaties is that instead of formally initialling the text of the treaty at the end of negotiations, the authentic and definitive text is subsequently put into a PDF document and mutually confirmed as final by email. This allows each negotiating party to check for formal errors and consensually correct such, if necessary, after the in person negotiations have been concluded.

The COVID-19 pandemic made it necessary to conduct bilateral treaty negotiations via video conference, for which improved technical equipment was made available. For reasons of efficiency, expert discussions and occasionally treaty negotiations, at least partly, continue to be conducted via video conference until now. The advantage is that in an interconnected world where cooperation with geographically more distant states is becoming more and more relevant, one is able to conclude bilateral treaties with such states more easily and quickly. This also leads to increased international treaty relationships overall. However, Austrian experience has shown that negotiations via video conferencing also have their limits. It is useful for preparing in person negotiations (what we call “expert discussions” which usually take place before a formal mandate to start negotiations is requested) or regarding topics on which there is already extensive agreement between the parties and the negotiations are only a matter of determining technical details. Regarding complicated issues or when more divergences exist at the beginning of the negotiations, this technology reaches its limits. Personal negotiations continue to be the preferred way of treaty-making. The same holds true for multilateral treaty negotiations.

Austrian law does not allow for electronic signature of treaties or the electronic transmission of bilateral treaties instead of the exchange of physical copies.

All treaties concluded by Austria are published online in the Legal Information System of the Republic of Austria (RIS, <https://www.ris.bka.gv.at>), which is publicly available. Bilateral treaties are published in all their authentic languages. Furthermore, there is a list on the website of the Austrian Ministry for European and International Affairs of all bilateral treaties concluded by Austria sorted by state, which links to the RIS, and an overview of those multilateral treaties for which Austria serves as the depositary. All this increases the availability of treaties also for other states, who can easily access the texts and thereby draw from Austrian practice for their own treaty-making.