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Statement

by

**H. E. Mr. Heinz Fischer
Federal President of the Republic of Austria**

at the

High-level Meeting on the Rule of Law

New York, 24 September 2012

Mr. President,
Mr. Secretary-General,
Excellencies,
Ladies and Gentlemen,

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, which equally apply to all Member States, is an essential precondition for lasting peace, security, economic development and social progress.

This high-level meeting provides an excellent opportunity to renew the commitment of all UN Member States to the rule of law at the national and international levels, both through the joint Declaration adopted today and their individual pledges. In order to keep the momentum we would suggest the convening of meetings of this kind at periodic intervals in the future.

Today I will focus my statement on the links between the rule of law and (1) sustainable economic development, (2) the protection of human rights, and (3) the maintenance of international peace and security.

Mr. President,

First, the rule of law and sustainable economic development go hand in hand and are mutually reinforcing. Our own history after the Second World War and the recent history of neighboring Eastern Europe give evidence of that.

At the MDG summit 2010, Member States reaffirmed that "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." The rule of law is a fundamental pillar for economic growth. The International Development Law Organization (IDLO) has been a pioneer in this field. Both small businesses and large corporations are more likely to thrive where laws are clearly defined, known to the public and applied neutrally.

Most importantly, the challenge of corruption must be addressed. Corruption is a true enemy to development. It shies away investors and adds to more inequalities in societies. At the side event jointly organized by Austria, Tunisia, Japan and Estonia during lunch time today we want to focus exactly on this aspect. The key to success is education and

training how to fight and prevent corrupt practices. The International Anti-Corruption Academy (IACA) in Austria provides anti-corruption education and professional training as well as technical assistance. The agreement on the establishment of IACA has more than thirty members and we invite other States to join.

Second, we are pleased to see that the Declaration adopted today prominently refers to the interdependence between the rule of law and the protection of human rights. We should thus intensify our efforts towards a universalization of international human rights treaties. Their effective implementation ensures access to justice, including for vulnerable groups, and the right to an effective remedy and reparations for victims.

The OHCHR, the Human Rights Council's Special Procedures and the Human Rights Treaty Bodies provide expertise, assist States in implementing their obligations and monitor the human rights situation worldwide. These tasks are indispensable for the realization of the rule of law in practice.

Freedom of expression, the right to receive and impart information, is essential in building democratic societies based on the rule of law. Journalists play a crucial role in this process. In order to respond to the worrying trend of increased attacks against journalists worldwide, Austria has placed the safety of journalists high on its human rights agenda. It is a priority for our membership in the Human Rights Council.

Third, regarding the rule of law and the maintenance of international peace and security, 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 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 cannot turn a blind eye to mass killings of innocent civilians, as we are currently witnessing in Syria. We must stop the atrocities and ensure that the perpetrators and those ordering the crimes are brought to justice. However, the referral of a situation by the UN Security Council to the International Criminal Court is only the starting point to justice. The ICC cannot fulfill its mandate without political and material support and cooperation by Member States, in particular with regard to arrest and surrender of

suspected perpetrators. All States must abide by their obligations to cooperate under the relevant Security Council resolutions.

We also believe that our efforts to promote the rule of law should focus more on prevention. While recent years have seen remarkable progress in combating impunity, we need to be better prepared to assist States in their reform efforts already prior to the outbreak of conflict.

Mr. President,

Today's high-level meeting must not be seen as a one-time event. The momentum should be maintained for follow-up and further action. We must improve coordination and coherence, both within the UN system and among Member States. We must consolidate the fragmented approach of rule of law assistance to avoid duplication and waste of resources.

We welcome the numerous pledges made today and are proud to announce that Austria has also made a number of pledges, which are annexed to the written statement. We must now step up our efforts to faithfully implement these promises. Austria stands ready to contribute actively to follow-up initiatives to this high-level meeting, including during Austria's upcoming chairmanship of the Council of Europe.

In conclusion, our efforts to promote the rule of law do not serve an abstract goal, but the protection of the rights and interests of individuals. We will continue to give utmost priority to this subject.

Thank you.

Annex

Pledges made by Austria on the occasion of the high-level meeting on the rule of law at the national and international levels on 24 September 2012

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, which equally apply to all Member States, is an essential precondition for lasting peace, security, economic development and social progress.

Therefore, in addition to the joint pledges of the European Union and its Member States, Austria hereby pledges the following:

1. *Annually*: Voluntary financial contribution for projects of the Rule of Law Unit in the UN Secretariat.
2. *By the end of 2012 and by 2014 (joint pledge together with other like-minded States on targeted sanctions)*: Submission of suggestions to the UN Security Council on ways to strengthen the UN sanctions system by further improving fair and clear procedures, especially with regard to enhancing the scope and mandate of the Ombudsperson procedure.
3. *By the end of 2012*: Incorporation of the specific international crimes under the Rome Statute of the International Criminal Court, as well as the crimes of torture and enforced disappearance, into the Austrian Criminal Code (submission of the government bill to the Austrian parliament).
4. *In 2013*: Ratification of the "Kampala amendments" to the Rome Statute of the International Criminal Court regarding the crime of aggression and the war crimes pursuant to Article 8 of the Statute.
5. *Annually*: Voluntary financial contribution to international criminal courts and tribunals or residual mechanisms, including the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia.
6. *Annually (joint pledge together with Switzerland and others)*: Contribution to efforts made at the national, regional and international levels to promote truth, justice, reparation and guarantees of non-recurrence and in particular to lend their support to the work of the Special Rapporteur created by the Human Rights Council to deal with these questions.
7. *By the end of 2012*: Elaboration and start of pilot course of the first interdisciplinary Training Course on Protection of Civilians in Armed Conflict (PoC) for international experts and decision-makers of the armed forces, the police, nongovernmental/ civilian organisations, and the political/civilian administration involved in crisis management or peace support operations in order to promote the implementation of Security Council resolution 1894 (2009).
8. *Within the next 6 months*: Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

9. *By the end of 2013:* Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (CAHVIO).
10. *By the end of 2013:* Compilation and international dissemination of Austrian best practices concerning the protection of domestic workers employed by persons enjoying privileges and immunities.
11. *By 2013:* Development of best practices for the fight against corruption in the framework of the „EACT – European Anti-Corruption Training“-initiative.
12. *Annually:* Voluntary financial contribution to the International Anti-Corruption Academy (IACA), for its programmes for anti-corruption education and professional training as well as technical assistance.
13. *Annually:* Voluntary financial contribution to the UN Trust Fund to End Violence against Women.
14. *In 2013:* Cooperation with the UN Secretariat on the commemoration of the 20th anniversary of the 1993 World Conference on Human Rights in Vienna.
15. *Annually:* Continued implementation of existing National Actions Plans (NAPs) in the field of human rights, including women's rights, integration, human trafficking, rights of persons with disabilities, and consideration of the development of a general National Action Plan on Human Rights to complement existing NAPs.
16. *By the end of 2014:* Support for the development of national action plans of partner countries on the implementation of Security Council resolution 1325 (2000) on women, peace and security.
17. *By 2013:* Use of gender responsive budgeting practices when developing national budgets, including for justice and security sectors.
18. *Annually:* Continued financial contributions by the Austrian Development Cooperation (ADC) to selected projects and programmes with partner countries to support the rule of law, including e.g. for the promotion of justice and the rule of law in Uganda, supporting governance and the judiciary in Bhutan and ensuring effective law enforcement responses to violence against women and children in the SADC Region.
19. *Within the next three years:* Continuation of scholarships for students from developing countries for the study programmes of the Diplomatic Academy of Vienna, as well as the holding of Executive Training Programmes/Special Courses at the Diplomatic Academy for junior diplomats and other civil servants from developing countries, which include rule of law issues.