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LUDWIG BOLTZMANN INSTITUTE
Fundamental and Human Rights

Rule of Law as Key to International Peace and Security

Workshop

'…from the smallest village to the global stage, the rule of law is all that stands between peace and stability and a brutal struggle for power and resources.'[1]

Date: 28–29 January 2026

Location: Permanent Mission of Austria to the United Nations, New York, 633 Third Avenue, 18th Floor

Workshop-Outline

For decades after 1945, the international community has shown a growing optimism about international legal cooperation and a willingness to enter into treaty obligations. The UN Charter has been recognised as the fundamental basis of international relations and the constitution of the international community of States. More recently, international treaties have been concluded in formerly unregulated areas such as organised crime, corruption, cultural heritage, trafficking in human beings and the environment. States placed their trust in international organisations as the guardians of security and protection of every human being. It was a phase during which existing regional intergovernmental organisations continued to consolidate their legal framework and expand their activities, and new organisations were born.

The foundation of this development was the rule of law, defined by former UN Secretary-General Kofi Annan as a 'principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of

[1] The Secretary-General's remarks to the Security Council on the Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security: The Rule of Law Among Nations, 12 January 2023

the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency'.[2]

However, this positive attitude towards hard law has eroded in recent years, as consent between States to enact adopt new treaties has become more difficult to achieve. States turning away from multilateralism as well as blatant breaches even of the most fundamental legal norms are evidence of an increasing erosion of the international security architecture and the undermining of respect for the rule of law.

Indeed, the UN-Secretary General identifies in his New Vision for the Rule of Law 'a global decline in the rule of law'[3]. Driven by the understanding that the rule of law is the foundation of multilateral cooperation and the basis for peace, the UN Secretary-General reaffirms in his New Vision the 'centrality of the rule of law in all [UN] activities' and the commitment to mainstream this vision in all of the UN's work. This New Vision also supports the achievement of Sustainable Development Goal 16.3, which calls for 'promoting the rule of law at the national and international levels and ensuring equal access to justice for all'.

In theory, the rule of law therefore appears to be supported by all members of the international community, irrespective of their political, cultural, religious or social background as well as remaining political and theoretical divergences in other questions. This was most recently reflected in UN General Assembly Resolution 80/167 on the rule of law at the national and international levels, adopted without a vote, in which the UN organ representing all Member States reaffirmed, inter alia, its 'solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States'.[4]

However, the constant violation even of core principles of the UN Charter – often paired with the failure of the UN Security Council to react upon those violations – undermines the trust in the international legal order and puts the UN as a whole, and particularly the rule of law, in an existential crisis. When States ignore international norms or question their normative character, the multilateral system risks losing a key instrument for fostering stability and reliability, which are also cornerstones of peace and security.

The purpose of this workshop is to discuss and examine current threats and challenges to the international rule of law. Although this topic is frequently addressed by both State representatives and academics and has thus long been the subject of research and discussion, these perspectives

[2] UN Doc. S/2004/616 (2004) para 6.
[3] UN Secretary General, New Vision of the Secretary-General for the Rule of Law (2023).
[4] UNGA Resolution, 'The rule of law at the national and international levels', UN Doc A/RES/80/167 (15 December 2025).

are rarely brought together. The aim is therefore to bring these two communities together in a two-day workshop to explore this issue from an interdisciplinary perspective and to facilitate fruitful and diverse discussions between representatives of States, the UN and academia. The outcome of the workshop will be summarised and made available to contribute to further discussions.

Programme

Wednesday, 28 January 2026

WELCOMING REMARKS 14.30–14.45

H.E. Mr. Gregor W. Kössler
Permanent Representative of the Republic of Austria to the United Nations in New York

Prof. Michael Lysander Fremuth
Ludwig Boltzmann Institute of Fundamental and Human Rights, University of Vienna

KEYNOTE I 14.45–15.00

Elinor Hammarskjöld
Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

SESSION I 15.00–16.15

The International Rule of Law, Democracy and Human Rights

The international rule of law manifests itself in various dimensions on the international sphere, such as the establishment and promotion of international norms and standards, the codification of customary international law or the creation and support of international courts and accountability mechanisms, such as the International Criminal Court. Closely linked to the promotion of the rule of law, or at least interacting with it, are the concepts of human rights and democracy. Indeed, these three terms are regularly perceived as belonging together. However, their exact relationship to one another is not reflected upon. This is probably also due to the high degree of internal complexity of the terms, on whose precise content (in particular the relative meaning of the different components of the definition) no consensus exists. Does the rule of law require democracy? Such an understanding cannot be deduced (solely) from the UN Charter. However, international law recognises a rule in favour of democratic development. The same holds true for the relationship between the rule of law and human rights. It is also debatable whether the peace-building function attributed to the rule of law can only be effective in conjunction with democracy and human rights (*Democratic Peace Theory*). Lastly, the horizontal dimension of the international rule of law and its impact on the national rule of law needs to be examined more closely. Recent case law of the International Criminal Court has shown that the international rule of law is not identical in scope and content to national understandings of the rule of law.

Moderator:

Guénaël Mettraux
Judge at the Kosovo Specialist Chambers

Inputs by:

Bo-Mi Choi
Harvard University

Prof. Michael Lysander Fremuth
Ludwig Boltzmann Institute of Fundamental and Human Rights, University of Vienna

H.E. Mr. Enrique A. Manalo
Permanent Representative of the Republic of the Philippines to the United Nations in New York

BREAK **16.15–16.45**

SESSION II **16.45–18.00**

Double Standards and the International Rule of Law

The recently adopted UN Pact for the Future includes the promotion of the international rule of law as one of its cornerstones. One obstacle to the promotion of the international rule of law is the recent increase in accusations by States and civil society of double standards in the application of the international rule of law. Both the intended establishment of an *ad hoc* tribunal to prosecute Russia's war of aggression against Ukraine as well as the arrest warrant issued by the International Criminal Court against Israeli Prime Minister Netanyahu have been accompanied by accusations of double standards. It is intriguing to observe that even States that have long been considered strong supporters of the international rule of law are showing a tendency to retreat from it in the face of existing conflicts. Similarly, long-standing State alliances seem to be disintegrating in favour of new ones, united by a common claim to be victims of unequal application of the law. This session is therefore devoted to assessing how (perceived) double standards intersect and affect the promotion of the international rule of law. Are they necessarily part of the DNA of a horizontal legal order or an expression wilfully created inequalities? This session shall further serve as a forum for both State representatives and academics do discuss how to overcome such allegations, for example by harmonizing the jurisdiction of the International Criminal Court over the crime of aggression.

Moderator:

H.E. Mr. Christian Wenaweser
Permanent Representative of the Principality of Liechtenstein to the United Nations in New York

Inputs by:

Prof. Julie Fraser
Utrecht University

H.E. Ms. Ilana Victorya Seid
Permanent Representative of the Republic of Palau to the United Nations in New York

Prof. Jennifer Trahan
New York University

RECEPTION **18.00–20.00**

KEYNOTE II 09.00–09.30

Prof. Gregory Shaffer
Scott K. Ginsburg Professor of International Law, Georgetown University

SESSION III 09.30–10.45

The Individual and the International Rule of Law

An essential component of the national rule of law is access to justice and effective remedies for individuals. At the international level, State responsibility is seen as an emanation of the international rule of law. The holders of rights arising from international responsibility are typically States, even in cases where an international primary right has been recognised for an individual. Thus, with some exceptions, such as international criminal law, the principle of the mediation of the individual by the state of origin prevails within the framework of the international rule of law. However, as the International Criminal Tribunal for the former Yugoslavia has observed, 'there is a strong tendency to provide compensation not only to States but also to individuals on the basis of State responsibility'. And indeed, the ILC's own commentary to Article 33(2) of the ILC Articles on State Responsibility is not excluding the possibility that an internationally wrongful act may involve legal consequences in the relations between the State responsible for that act and persons or entities other than States. Therefore, this session will address the debate on whether general international law allows for individual secondary rights of individuals arising from State responsibility, and if so, under what conditions secondary claims of individuals would be triggered. The consequences of this question are far-reaching, for example with regard to international humanitarian law: the obligation to pay compensation for violations of the provisions of IHL constitutes compensation between States, who may arrange for a structured process for compensation of individuals, such as a claims commission or arbitral body. If the individual was recognised as the holder of a secondary claim to compensation under IHL, this could lead to an 'individualisation' of the financial compensation of armed conflicts.

Moderator:

Maja Dobnikar
Directorate for International Law and Protection of Interests of the Slovenian Ministry of Foreign and European Affairs

Inputs by:

H.E. Ms. Cecilia Adout Majok Adeng
Permanent Representative of the Republic of South Sudan to the United Nations in New York

Prof. Chiara Giorgetti
University of Richmond

Prof. Charles C. Jalloh
Member of the International Law Commission, University of Miami

BREAK 10.45–11.15

SESSION IV 11.15–12.30

The Guardians of the International Rule of Law

A 'global decline' of the rule of law is seen in the context of the profound difficulties of key actors, such as the UN Security Council, in addressing global rule of law challenges. The inaction of these actors is usually taken as evidence of the urgent need for institutional reform. The impasse in UN reform has been summed up by the UN Secretary-General with the words 'it's reform or rupture. The world has changed. Our institutions have not.' True as this statement is, it obscures the efforts of other international and regional actors to promote the international rule of law, such as the Moscow Mechanism established by the OSCE or, more broadly, the increasing activities of the International Criminal Court. The last session is therefore dedicated to the institutional perspective of the international rule of law, i.e. its actors, with a special focus on regional organisations. Regional organisations play an increasingly important role in strengthening and upholding the rule of law, not only at the national level, but also at the international level. This contribution can take different forms depending on the regional context. In this regard, the panel will also address the interaction between regional organisations and the UN. One example is UN Security Council Resolution 2719, which creates the possibility of UN funding for African Union-led peace operations. Yet the session will also consider the implications of the current shift away from multilateralism and its impact on the rule of law.

Moderator:

Philip Bittner
Acting Legal Adviser of the Austrian Federal Ministry for European and International Affairs

Inputs by:

Prof. Vasilka Sancin
Judge at the European Court of Human Rights, University of Ljubljana

H.E. Ms. Maritza Chan Valverde
Permanent Representative of the Republic of Costa Rica to the United Nations in New York

Prof. Stephan Wittich
University of Vienna

CLOSING REMARKS 12.30-12.45