

The Salzburg Statement on *The Critical Role of Lawyers in Safeguarding the Rule of Law*

The Rule of Law in March 2025

Respect for the Rule of Law is eroding in many places around the world. Increasingly, governments are attacking the state structures that are indispensable to the preservation of rights, domestic justice, and international peace & security.

In March 2025 the Salzburg Global Cutler Center for the Rule of Law in partnership with the International Bar Association convened the International Law Fellows Network in Salzburg, Austria, to address the evolving challenges faced by legal professionals in upholding the Rule of Law globally. We, the Fellows – early to mid-career practicing lawyers from diverse legal traditions and jurisdictions – collaborated to articulate a shared commitment to advancing justice and ensuring the integrity of the international Rule of Law. The following Statement reflects the collective insights, principles, and goals developed during this meeting, underscoring the indispensable role of lawyers in safeguarding the Rule of Law in an increasingly fraught global landscape.

While there are many nuanced definitions of the Rule of Law, we have adopted the definition put forward by UN Secretary-General Kofi Annan to frame this conversation: “The Rule of Law is 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 the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.” (*Then Secretary-General of the United Nations, Kofi Annan, 2004 S/2004/616*)

Most concerning are concerted efforts to undermine fundamental norms, such as the independence of the judiciary, respect for constitutional and human rights (inclusive of economic, social, cultural, civil, political, and labor rights), the separation of powers, and the value of truth, science, and expertise in policymaking. The individuals and organizations tasked with upholding and promoting the Rule of Law—judges & lawyers, law firms, journalists, and universities—are increasingly under threat.

Domestic backsliding, particularly in the countries that have long upheld the rule of law, has global consequences. Governments in powerful countries are undermining the very infrastructure of the international legal system. We are witnessing a breakdown of the liberal international order, a rise in unlawful use of force, expanded use of economic coercion, withdrawal from frameworks for essential international cooperation, and a turn toward corruption.

The Rule of Law safeguards a myriad of public goods and services that make our societies healthier, more secure, and more just. It also enables global cooperation in combating shared risks and transnational threats that require international collective action. The decline in the Rule of Law, therefore, threatens individuals, communities, and institutions everywhere.

The world is at a dangerous inflection point. If the continued degradation of the Rule of Law is not addressed, we face an uncertain future likely without the values, opportunities, and rights we hold dear. In this emerging lawless world, humankind will also lack the capacity both nationally and internationally to tackle the greatest global challenges facing us today, including those posed by climate change and the unprincipled use of artificial intelligence.

While the urgency of this threat to the rule of law is new and extreme, it has been around since law itself. It can be addressed and the present path reversed as it has been many times before, but action is needed today with unprecedented urgency.

The Rule of Law is Essential to Achieve:

- 1 **Equal access to justice**, including the independence of judiciaries, the freedom of judges and lawyers to pursue justice, and the fair resolution of disputes;
- 2 **Human rights**, including the promotion, protection, and defense of fundamental rights for all;
- 3 **Public health**, including responding to disease, preparedness for future pandemics, and defense of individual reproductive rights;
- 4 **Protection and preservation of the natural environment for current and future generations**, including biodiversity, climate resilience, and ocean health;
- 5 **Peace and security**, enabling the protection of communities from war and armed conflict;
- 6 **Economic development**, including facilitating secure, equitable, and resilient economies, which contribute to the financial security of individuals and communities; and
- 7 **Responsible use of technology**, including the safe and responsible governance of technologies and mitigating the risks associated with misinformation and disinformation.

The Foundational Value of the Rule of Law:

As lawyers, we hold several basic convictions that inform our human understandings and legal practice:

- The Rule of Law is the foundation for a life of freedom, without fear, where justice is accessible to all.
- The domestic Rule of Law is best protected in a system with separation of powers, where the law is certain and the product of an open, transparent, and inclusive participatory process.
- Justice, as a key tenant of the Rule of Law, is inextricably linked to universal human rights and clear norms and standards. This includes the provision of access to remedy by means of an independent and impartial arbiter and representation by a competent lawyer.
- Companies both benefit from and uphold the Rule of Law when operating in accordance with human rights and environmental standards.
- The Rule of Law contributes to states' internal and external peace and security and their economic well-being. It requires that states comply with their obligations under international law, including the prohibition on the use of force.



Find out more about the Salzburg Global session on "Safeguarding Democracy and the Rule of Law: The Crucial Role of Rising International Lawyers."

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A Call to Action and Recommendations

Upholding the Rule of Law is a whole-of-society endeavor. No one is above the law, and it is our shared responsibility to hold all those who would subvert or undermine the Rule of Law to account. Lawyers play a particularly fundamental role in the defense of the Rule of Law and have an ethical and professional duty to preserve it. We recognize the critical work of public institutions, legal organizations, and legal practitioners in countries around the world in making personal, professional, and policy decisions to uphold the rule of law and, in some cases, to set legal precedents to preserve it. Building on the foundations they have laid, **We call on:**

Public Institutions:

Executive branches, as the parts of government charged with faithfully implementing the law, to ensure that their actions, decisions, and policies comply with both domestic and international legal obligations including by:

- Ensuring that lawyers are duly consulted during policy-making and that legal advice is given due weight, particularly when human rights are implicated;
- Respecting the impartiality and independence of the judiciary and complying fully with court orders;
- Respecting legal rules and constraints, as created and imposed by legislatures and courts; and
- Engaging robustly and in good faith with international institutions and in relevant international processes.

Legislatures, as the most directly representative parts of the State, to take seriously their representative roles, their function as a check on abuse, and their responsibility to enact laws that establish fair and just legal systems, including by:

- Conducting oversight over the executive and judicial branches, as appropriate in their respective constitutional systems, and addressing any inappropriate exercises of power, including through the scrutiny of draft legislation; and
- Enacting laws in the interests of their constituents that safeguard the independence of the judiciary, including through allocating sufficient resources to the judiciary and protecting, as appropriate in their respective constitutional system, the power of judicial review.

Courts, as the impartial and independent arbiters of legal disputes, on both the domestic and international planes, to resist improper political influence, affirm human rights, and exercise their functions as a legal check against abuse of power by political actors, including by:

- Upholding the rule of law, even in the face of pressure, threats, and intimidation;
- Enhancing transparency in the legal process, for example by ensuring public access to judicial decisions and oral arguments;
- Exercising appropriate scrutiny and independent review of political actors' uses of emergency powers;
- Strengthening judicial integrity by upholding the highest ethical standards, including through the establishment of clear and effective mechanisms that promote transparency and accountability in judicial conduct.
- Enhancing fairness and impartiality in judicial systems by supporting independent reviews of judicial practices and fostering accessible, transparent procedures that ensure equity and public trust.





Law firms, as resourced and influential institutions in the legal system, to use their resources and capacities to uphold the Rule of Law and stand in solidarity with members of the legal profession who come under unjust political attack for supporting the Rule of Law, including by:

- Incorporating the defense of the Rule of Law into their firm culture and, where appropriate, legal work;
- Taking on clients and matters free from political pressure;
- Maintaining pro bono practices that advance the interests of those with less voice and opportunity and in the interests of civil society partners, local and global communities, and the principles integral to the Rule of Law itself;
- Issuing public statements expressly affirming their commitment to the Rule of Law, to providing services to clients in need of representation; and
- Refusing, individually and collectively, to capitulate to demands that are unlawful and/or would degrade the Rule of Law and standing in solidarity with other law firms facing pressure and adverse action, including by refraining from actively recruiting their clients and talent.

Civil society organizations, as a diverse community including both front-line defenders of human rights and those most in need of legal defense, to bridge political, ideological, and substantive divides through unified advocacy when confronted with threats to Rule of Law, including by:

- Litigating strategically, where appropriate, cases on behalf of individuals and institutions whose basic rights are threatened through violations of the Rule of Law;
- Conducting rigorous monitoring of legislative, executive, and judicial actions to ensure conformity with the rule of law and call attention to violations where they occur;
- Advocating for reforms by supporting legislation that expands human rights and embeds the Rule of Law in domestic systems;
- Educating the public on threats to the rule of law and strategies to uphold it; and
- Providing legal support to individuals targeted based on their ethnicity, religion, politics, speech, or work in support of human rights.

International institutions, as cooperative platforms for promoting international peace and security and multilateral engagement, to uphold, protect, and promote the foundational principles of international law, including by:

- Expressly identifying and challenging violations of international law by states and individuals;
- Advancing the purposes and principles of the Charter of the United Nations, including the preservation of international peace and security, the facilitation of international cooperation, and promoting and ensuring respect for human rights;
- Protecting the independence and integrity of independent judges, prosecutors, and appointed experts, including the integrity of their investigations; and
- Maintaining and expanding opportunities for individuals, civil society organizations, and Member States to seek access to justice including through adjudicative or monitoring bodies, as appropriate.

Legal Organizations:

Bar associations, as the collective voice of the legal profession, to speak with integrity as the voice of their members in preserving order while advancing justice, including by:

- Issuing public statements identifying and affirming shared values;
- Developing ethical codes, standards, and practices to reinforce the importance of legal representation for marginalized individuals and groups; and
- Supporting lawyers, law firms, and legal institutions in times of threat or peril.

Legal Practitioners:

Lawyers, as members of society educated in the law and committed to its defense, to use their legal skills in the defense of the rule of law, including by:

- Litigating zealously and effectively in ways that defend, preserve, and protect both the Rule of Law and the interests of clients we serve;
- Raising public awareness of the importance of the rule of law; and
- Encouraging opposition to policies that would degrade due process, equality under the law, and other central rule-of-law principles.

Government lawyers, as those with the weighty responsibility of holding coercive legal authority, to use that power to protect the public welfare, while respecting individual rights, including by:

- Using power and authority consistent with the rule of law and in ways that truly serve the common good;
- Advising other officials who in turn hold great power and authority, with legally astute, frank advice, including on the legitimacy, legality, and morality of criminal charges, regulatory actions, and policy decisions, and not simply on the availability of a merely arguable legal position;
- Challenging policies, investigations, or prosecutions that are unethical, or in violation of domestic or international law; and
- Remaining in the government service only as long as can be justified as consistent with or in defense of the Rule of Law.

Private practitioners, as those entrusted with the duty to serve their clients' interests and uphold public trust and confidence in the legal system, to resist, individually and collectively, threats to the rule of law,

- Refusing to engage in actions that compromise the independence of the judiciary;
- Utilizing lawful means to challenge unjust or unlawful decisions; and
- Holding their firms accountable—acting in solidarity with colleagues—to promote ethical business practices that uphold the Rule of Law.

Call to Action

In the ashes of the Second World War and the ruin of the pre-war international order, the first Salzburg Seminar (now Salzburg Global) convened and contributed to the construction of the post-war rules-based system. Eight decades later, through collective action, we believe that the Rule of Law must be defended and strengthened as a bedrock of a just, prosperous, and sustainable global order. Lawyers have a unique obligation and opportunity to do so, now and always.

This Statement reflects a consensus among Salzburg Global Fellows who attended the Salzburg Global session on "Safeguarding Democracy and the Rule of Law: The Crucial Role of Rising International Lawyers" in March 2025.

The views expressed here are those of the individual Fellows and should not be taken to represent those of any organizations with which they are affiliated.



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