



Mission of Estonia
to the United Nations

Republic of Estonia

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Agenda item 82: "The rule of law at the national and international level"

Statement by Mr. Gert Auväärt, legal adviser

10 October 2014, New York

Estonia aligns itself with the statement delivered earlier by the EU.

In addition I would like to make the following remarks:

Estonia welcomes the report of the Secretary-General of 24 July 2014 on Strengthening and coordinating United Nations rule of law activities and its addendum, which illustrate the progress towards unity and agreement on fundamental values, and identify the intrinsic linkages stemming from the rule of law.

We appreciate the concrete steps taken by the United Nations in ensuring and supporting a broader promotion and implementation of the rule of law on both the international and the national level. A greater network of international treaties is being encouraged and in particular conflict and post-conflict States are assisted in re-building capacities with the help of the United Nations to improve the effectiveness of and access to justice for all.

We further welcome the General Assembly's focus on the subtopic "Sharing States' national practices in strengthening the rule of law through access to justice". Sharing such information and approaches on implementing and strengthening the rule of law on a national level can provide valuable inspiration for both developing and developed countries.

The rule of law is a core principle of governance that ensures justice and fairness in which all persons including the State itself are accountable to laws that are equally enforced and independently adjudicated. Adherence to the rule of law at home makes it more probable that we also follow the principle in our interactions abroad. At the international level, the rule of law accords predictability and legitimacy to the actions of States forming a fundamental framework for the conduct of relations between us.

Estonia firmly believes that loyalty to the rule of law on both the national and international levels should be considered not only a fertile foundation, but first and foremost a prerequisite, for the flourishing of our fundamental values as articulated in the three pillars of the United Nations Charter as peace and security, development and human rights . These values cannot be achieved without the promotion of the rule of law, and rule of law cannot thrive without the protection of these values. As such they are mutually reinforcing.

On peace and security the rule of law provides the foundation for effective conflict prevention and peacekeeping, conflict resolution and peace-building. Adhering to the rule of law and delivering justice fosters public trust in national government institutions, which is essential for developing a safer environment for us to live in. At the same time the preventative nature of strong and consistent rule of law institutions will lead to a reduction of the risk of further conflicts.

A strong adherence to rule of law encourages sustainable development, as progress is best guaranteed by good governance, transparency of decision-making processes and low corruption. Effective and accountable institutions are powerful enablers for sustainable development and in building such institutions, modern digital technology provides a valuable assistance. On a practical level Estonia has developed an e-governance system that increases transparency and helps eliminate corruption, and we have offered it to all countries that share these goals, and we continue to do so.

Estonia therefore reiterates our call for the inclusion of rule of law, justice, equality and equity, good governance and democracy in the post-2015 development framework.

The rule of law provides a tool to improve the fundamental human right of access to justice, which is inherently linked to the promotion of a culture of accountability over impunity. Estonia firmly supports the International Criminal Court and its important work and quest of ending impunity. Universality of international laws and adherence by all to the same principles are essential in improving the world in which we live. We therefore welcome the report's recognition of the court's important role and the emphasis on the necessity of cooperation. Estonia calls upon all countries that have not yet done so to join the Rome Statute system and we likewise urge States Parties to join in the ratification of the Kampala amendments. Countries – whether they have joined the Rome Statute or not – must set an example of non-aggression, self-restraint, and respect for the rule of law.

At the same time, Estonia recognises the need for balance between rule of law on the national and international level. The responsibility of providing accountability is first and foremost a task on the domestic level. It is therefore essential that States build national capacities to investigate and prosecute serious international crimes. Development of national capacity should include a comprehensive legislative framework to ensure investigation and prosecution of crimes, incorporation of Rome Statute crimes into domestic criminal codes and ensuring robust witness protection programs so that those who are brave enough to come forward are safe enough to do so. Estonia firmly believes that commitment to fighting impunity at all levels is the only way to deter those who might commit future crimes.

Estonia believes in a world ruled by law, as this is the cornerstone of progress in our fundamental values and the only viable road for our aspirations of a better world to truly flourish. We therefore call upon member states and the international community as a whole to continue its efforts in promoting and strengthening the rule of law, and to consider it a long-term investment.

Thank you for your attention!