Agenda item 28, on the “Report of the Security Council”.
General Assembly, November 21, 2014

Statement by H.E. Mr. Margus Kolga
Permanent Representative of the Republic of Estonia to the United Nations

Mister President, Excellencies, Ladies and Gentlemen,

At the outset, allow me to thank the Rwandan Mission for preparing the Annual Report of the Security Council and the Australian Mission for its presentation. I would also like to thank the President of the General Assembly for the initiative to convene this timely debate on the Annual Report of the Security Council. Already the fact that this discussion is being held at the General Assembly is vital for enhancing transparency and for inclusion of wider UN membership in the issues discussed by the Council. I would also like to thank the president for holding this debate separately from item 119, relating to the “Question of equitable representation on and increase in the membership of the Security Council and related matters”, allowing member states to better contribute to each one of these items. Estonia as a member of the ACT Group aligns itself with the statement delivered by Costa Rica.

Mister President,

Estonia firmly believes that the enhancement of the transparency in the actions of the Security Council as well as its interaction with non-Council members and bodies is paramount in building greater trust in the institution which holds the primary responsibility for the maintenance of international peace and security. The protection of human life is the greatest responsibility and priority we as the international community have been given, and carrying out this mandate by the Security Council should be clear and understandable to us all. To fulfill this goal we urge that the Council should normally meet in public, and detailed records shall be kept and published, even in the case of closed meetings. Furthermore, the wider membership’s involvement should be a continuous process from the very beginning until the implementation of the decision as this
would allow greater stakeholders' input in the decision-making processes thus contributing to the work of the Security Council.

Mister President,

The Annual Report summarizes past activities conducted by the Council and provides us non-members with an overview of the Council's priority areas during the reporting period. Estonia sees today's debate as an opportunity not to just evaluate or discuss the report as such but as a broader opportunity to outline issues which we consider as an important part of the Council's work. Bearing this in mind, I would like to take this opportunity to focus on the issue of the follow-up to Security Council referrals to the International Criminal Court, and with this regard I would like to make the following remarks. The Council and the ICC are first and foremost connected through the common concern for crimes that "threaten the peace, security and well-being of the world". The Court is available to its States Parties and to the Council, which has the power to refer cases to the Court that would otherwise not fall under its jurisdiction. Whenever there is evidence that atrocity crimes are being committed with impunity the Council should refer the situation to the Court. The Council should, however, do so in a way that fully empowers the Court to fulfill its mandate and support the Court in its investigations and prosecutions to ensure accountability.

The Council must take measures to ensure that no doubt is left as to the support that the Council and the UN gives the Court in the delivery of its mandate. The reports from the Office of the Prosecutor on the basis of resolutions 1593 (2005) and 1970 (2011) must result in the Council's reaffirmation of its responsibility to support the Court and recognition to the Court's work. The follow-up measures must be implemented with resolve and determination to ensure that the decisions of the Court, including the warrants of arrest issued, are executed. Furthermore it must be recalled that referrals by the Council are necessary given the limited jurisdiction of the Court in absence of ratification.

Mister President,

Several attempts of adopting resolutions on effective international response for ensuring accountability for perpetrators of atrocity crimes have been blocked by permanent members of
the Security Council. Far too often history has shown us how the distinct privilege of the veto, or even just the threat of using it, has been abused leaving the Security Council paralyzed and passive on the sideline in situations where it is most needed. In the UN Charter the Permanent Members of the Security Council were given a great power, but also a great responsibility to use it in a responsible manner. Today we know that inaction is the biggest challenge to maintaining and restoring peace ensuring that the Council’s legitimacy and credibility quickly fades. We therefore gladly welcome and support the French proposal on establishing a code of conduct on voluntary restraint on the use of veto in cases involving atrocity crimes and firmly believe that taking such a step would help the Security Council to live up to its mandate. Also convening Horizon Scanning briefings and Arria-formula meetings would raise the preventive impact of the Council’s work.

Mister President,

Considering the future topics on the agenda of the Security Council I would like to take this opportunity to highlight here the issue of the appointment of the next Secretary-General of the United Nations in 2016. We would like to reiterate the calls for more transparency and involvement of the General Assembly in this appointment process since the Secretary-General represents the whole UN membership. The transparency of this process requires widening the scope of consultations beyond the permanent members and considering the views of all interested member states.

Mister President,

In conclusion, allow me to reiterate that in our view efforts aiming at transparency should be made more consistent and also more attention should be paid to providing feedback from the Council to both non-Council Member States and the ICC, be it in the form of holding open meetings or answering letters addressed to the Council. It is only through such feedback that we, the international community, can better assess how to best contribute to the legitimacy and effectiveness of the Security Council.

I thank you for your attention!