

Security Council Open Debate on The promotion and strengthening of the rule of law in the maintenance of international peace and security
19th of January 2012, Security Council Chamber

Statement by Mr. Intelmann, Estonia to the United Nations

First of all, let me congratulate South Africa upon its assumption of the presidency this month and thank it for organizing today's debate. Estonia aligns itself with the statement made by the observer of the European Union (EU). We welcome the increased focus that the United Nations is placing on the rule of law and justice through discussions here in the Security Council, in the General Assembly and through the concrete activities that the United Nations system is undertaking. In the light of recent profound political changes in many parts of the world, and of new threats to international peace, it is even more important that the rule of law remain on the agenda of the United Nations.

My statement today is mainly about the International Criminal Court (ICC). The relationship between the Court and the United Nations is of crucial importance in many ways. The year 2012 marks the tenth anniversary of the Court. By now, the institution has an established reputation and a respected role in the international arena. In 1998, States agreed to create a permanent International Criminal Court as the court of last resort to end impunity for the most heinous international crimes. They also agreed to assume, on a national basis, primary responsibility for bringing perpetrators of such crimes to justice. At present, 120 States are parties to the Rome Statute. The campaign for the universality of the Statute is ongoing; it is supported by the States parties, regional actors and the United Nations. As efforts towards achieving the universal ratification of the Rome Statute continue, the need to work on strengthening national jurisdictions to be able to prosecute crimes under the Rome Statute is becoming more and more acute. The Court and States parties are carrying out important activities in support of countries in need. It is clear, however, that, if we want to succeed, the ability to prosecute international crimes must become an integral part of the broader rule of law activities of all major development actors. The United Nations system is well placed to play a major role in that endeavour. Our joint efforts to provide assistance for developing national capacities to cope with crimes under the Rome Statute would strengthen national justice systems as a whole. I am very glad to say that there is an ongoing dialogue between the Court, the Assembly of States Parties and the United Nations concerning that issue. While combating impunity, the ultimate goal is preventing the commission of crimes in the first place. The ability of the Court to fulfil its functions also depends on the ability and resolve of States parties and other States to offer their cooperation. There are still a number of outstanding arrest warrants. States parties are constantly working through their Bureau and their President to ensure full cooperation with the Court, especially in the crucial area of the execution of arrest warrants. The Security Council has referred two cases to the ICC, and in these cases, too, arrest warrants are outstanding. Recently, two findings of non-cooperation were referred to the Security Council by the Court. Continuing international focus on cooperation with the International Criminal Court and international tribunals is of the utmost importance if the quest to end impunity is to be credible and successful. The face of those suffering from atrocious international crimes is very often that of the most vulnerable — women and children. Addressing the plight of victims through broader community programmes, including education, is one of the activities the Court has undertaken. These activities, funded by voluntary contributions, target affected communities and help in healing, while making a contribution to a deeper change in society by helping them regain their dignity and rebuild their communities. Here again, interaction with the United Nations system is of great value. Resolution 1325 (2000) and other Council resolutions on women, peace and security and on children in armed conflict should remain high on the agenda of the United Nations. We are concerned by continued reporting about mass rapes as a method of war and the very low numbers of perpetrators who have been brought to justice. The only way to remedy this situation is to ensure that all national jurisdictions are able to investigate and prosecute the worst crimes under international law. Considering that the Council has recognized that conflict-related sexual violence is a legitimate threat to international peace and security, we hope that it will remain actively engaged with the matter. It is important to maintain focus on gender equality and the empowerment of women in broader rule of law activities. I hope that the high-level meeting on the rule of law to be held by the General Assembly in September will provide new impetus to these discussions.

In conclusion, I would like to say that Estonia is firmly committed to the international order based on international law, including human rights law and the rule of law. Estonia has become an international

donor and the rule of law enjoys a prominent place in our development cooperation strategy. Estonia has created a stable and fruitful basis for cooperation with many of our partner countries by sharing our recent experience of social, political and economical reforms. That is why we support and highly value EU cooperation in the field of rule of law with its eastern neighbours in the framework of the Eastern Partnership. We are also actively involved in several EU civilian crisismanagement operations with a focus on the rule of law.