

Security Council Open Debate on Protection of Civilians in Armed Conflict, 12th February, 2014, Security Council Chamber

Statement by Mr. Paet, Permanent Mission of Estonia to the United Nations

At the outset, let me congratulate Lithuania, the first Baltic State to serve on the Security Council, on having assumed the presidency of the Council.

The Secretary-General notes in his latest report (S/2013/689) that the current state of the protection of civilians leaves little room for optimism. Estonia strongly condemns all forms of violence against civilian populations and violations of international humanitarian and human rights law. We hear with great concern about children being killed and maimed in Syria and women being raped in the Central African Republic. The outbreak of armed conflict should be avoided to the extent possible by using all available measures.

The greatest responsibility to maintain stability and to find sustainable solutions guaranteeing the safety of civilians is in the hands of the State concerned. However, if the conflict is escalating despite all preventive efforts and there is a risk that the lives of civilians might be in danger, the international community, with the Security Council at the helm, must act.

In addition to systematically condemning the violations, the Council can also use targeted measures against those who commit the violations, mandate a commission of inquiry or even refer the situations to the International Criminal Court.

There are numerous examples that prove the crucial significance of United Nations peacekeeping missions as the first stabilizing force to reach a conflict area. United Nations peacekeepers have often played a central role in restoring peace and preventing tragic losses of human life.

Estonia continues to support United Nations peacekeeping efforts. That is evidenced by the fact that last year we raised our contribution to United Nations peacekeeping operations considerably, sending our military observers to the most complicated areas in the world. Under the auspices of the United Nations, Estonians are currently serving without any caveats in the United Nations Truce Supervision Organization and the United Nations Multidimensional Integrated Stabilization Mission in Mali. But the bulk of our peace-support troops are still deployed as part of the International Security Assistance Force mission in Afghanistan.

Maintaining peace and protecting civilians is the ultimate goal and requires a quick and determined reaction. That is why Estonia has decided to take part, with an infantry platoon, in a European Union-led peacekeeping mission in the Central African Republic. We remember the Rwandan genocide in 1994, when the international community reacted too late. Such situations should never happen again.

United Nations peacekeeping operations receive mandates from the Security Council. Therefore it is also the Security Council that bears responsibility for setting realistic margins for operations. A clear and precise assessment of the situation on the ground is a prerequisite for the sufficient allocation of resources and operational capabilities. The clarity of a mandate will have a direct impact on the success of the operation. Therefore, in order to strengthen the means to protect civilians, the Council should also remain involved in the implementation process.

Estonia is particularly concerned about the implications of armed conflicts for the most vulnerable groups. There is growing understanding that women and children are impacted uniquely and disproportionately by the effects of conflict and its aftermath. I should like to encourage the Council to include in the mandates of peacekeeping missions provisions on human rights monitoring, with special focus on the rights of children and women. We also urge the further and timely deployment of gender advisers, women's protection advisers and child protection advisers to peacekeeping missions. In addition, I should like to stress that the predeployment training must cover the subjects of sexual and gender-based violence and the protection of children. Bearing that in mind, I welcome

the Secretary General's "Rights up front" initiative to make the United Nations more accountable for its responsibilities. That is an awaited move forward in acknowledging the crucial need to respond as early as possible to human rights violations.

The protection of civilians is based on the principles of humanity, impartiality and neutrality. Estonia has focused its development cooperation, humanitarian assistance and human rights activities on supporting the countries in most need — Afghanistan, the Central African Republic, Mali, South Sudan and Somalia, to name a few.

Over the past couple of years, Estonia has supported efforts to alleviate the humanitarian situation of refugees from Syria with almost €1 million. Recently, Estonia has also provided €100,000 for the effort to relieve the situation of internally displaced people suffering violence in the Central African Republic. However, we are in a situation where humanitarian agencies and non-governmental organizations (NGOs) experience increasing difficulties in reaching the most vulnerable parts of society affected by conflict. With great disappointment, I have to admit that the humanitarian space is shrinking. The latest examples are Syria and the Central African Republic. Humanitarian organizations and NGOs often have to make compromises in order to get access to conflict areas. Those limitations function as alarming hindrances to humanitarian principles.

The Security Council needs to send a clear message to all parties in armed conflict and to remind them of their obligations. Violations of international humanitarian, human rights law and international criminal law must be condemned. All parties to an armed conflict must refrain from targeting civilians. They must also facilitate humanitarian operations and allow rapid and unimpeded passage of relief consignments, equipment and personnel to all affected populations. The protection of organizations and institutions providing humanitarian assistance, as well as humanitarian workers, assets and goods, must be ensured at all times. It is important to set up simplified, expedited mechanisms such as the registration of humanitarian organizations and project agreements, the exemption of humanitarian goods and workers from fees, duties and taxes, in-country movement of personnel and goods, and visas.

Parties to conflict must facilitate the provision of humanitarian assistance in the most effective ways, including, where appropriate, across lines and borders. I agree that it is important for national and international humanitarian actors to ensure a more coordinated approach to negotiating, securing and maintaining access. Estonia welcomes the initiative of Switzerland to produce legal and operational guidance and training materials on the matter.

Our goal must be to prevent conflicts, grave crimes and human rights violations. We must strive for a deterrence-centred approach; but, whenever it is clear that unacceptable war crimes and violations of human rights have taken place, we must act in a timely way and bring the persons responsible for the atrocities to justice. By ensuring that there are effective mechanisms for investigating and prosecuting crimes, we strengthen accountability and decrease the possibility that similar inhumane injustices will happen again.

National Governments have the primary responsibility to adopt and adjust their domestic legislation to ensure the prosecution of persons suspected of grave crimes. Building up strong and effective legislation is a prerequisite for protecting witnesses and victims — whose cooperative engagement in court proceedings is crucial. States must also ensure that their investigative and judicial infrastructure has the knowledge and capacity to prosecute atrocity crimes. Witness-protection programmes must be in place to ensure the safety of those brave enough to testify.

In addition to national mechanisms, the international criminal system must also be constantly strengthened. Especially significant is the role of the International Criminal Court (ICC), which has the power to deter further atrocities or prevent their escalation. But the ICC's jurisdiction is limited to the territory of States parties unless the Security Council is willing to refer the matter to the ICC.

In other words, the ICC can meet its full potential only when national Governments are determined to cooperate with the Court, but also only if the Security Council is willing to enforce that cooperation and to refer all appropriate situations consistently. Otherwise, civilians would be unequally protected in armed conflicts throughout the world.

To sum up, allow me to repeat the five crucial points for Estonia in today's debate. First, the protection of civilians must remain the central idea behind peacekeeping operations. Estonia remains determined to support peacekeeping efforts. Secondly, the mandates of peacekeeping operations must set achievable goals and should be adequately resourced. Thirdly, protecting civilians means protecting human rights, and vice versa. The Secretary-General's "Rights up front" initiative is a step in the right direction. Fourthly, violations of international humanitarian and human rights law must be condemned and the protection of humanitarian workers must be ensured at all times. Humanitarian assistance remains a crucial part of protecting civilians. Fifthly, former Estonian President Lennart Meri said once, "Crimes against humanity are crimes against humanity regardless of who commits them". Therefore, those who are responsible for genocide, crimes against humanity, war crimes and other serious violations of international criminal law must be brought to justice. That is possible only when national Governments adopt corresponding legislation, empower their domestic judicial systems, ensure the protection of witnesses and support and cooperate with the ICC. It is the responsibility of all States to put an end to atrocities and to impunity.