



**Statement of H.E. Mr. Margus Kolga, Permanent Representative of Estonia to the UN
at the UN Security Council open debate “Protection of civilians in armed conflict”
February 12, 2013**

Mr. President,

First of all, allow me to thank the Secretary General as well as the other distinguished speakers for their interventions. Estonia welcomes this timely debate on the protection of civilians in armed conflicts and thanks the presidency of the Republic of Korea for its comprehensive Concept Paper. Estonia fully aligns itself with the statement delivered by the European Union.

Let me concentrate today mainly on the two important issues raised in the Concept Paper, i.e. compliance of international humanitarian law and human rights law to protect civilians and accountability.

Mr. President,

Despite strong international normative framework and steps taken by the Security Council described in the Concept Paper, the civilians, particularly women and children, still constitute the majority of the victims in the conflicts. Estonia agrees that the achievements in the normative level must now be translated into deeds.

We acknowledge that the primary responsibility to protect its people lies with the State. International humanitarian law and human rights laws must be obeyed not only by national authorities but by all parties involved. Unfortunately too often the parties to armed conflicts fail to comply with their obligations resulting in devastating loss of human lives.

Estonia is particularly concerned about the implications of an armed conflict to the most vulnerable groups. There is a growing understanding that women and children are impacted uniquely and disproportionately by the effects of conflict and its aftermath. Due to the changing nature of conflict, children are often killed and injured in the course of military operations, including in cross-fire, aerial bombardment and shelling. Another utmost worrisome trend is the rise in suicide attacks, and the use of children to carry them out, that lead to the death or serious injuries of children.

We are deeply concerned that according to the latest Secretary General’s report on women and peace and security, sexual violence and the threat of sexual violence continues to be employed as a tactic of conflict across a range of contexts. Although sexual and gender-based violence is a gross human rights violation, in a lot of areas there still is a culture of silence and denial in this regard. To change it takes time and much of effort by all parties: UN, NGO-s and most importantly by local leaders and national authorities.

In the light of the aforementioned concerns I would like to commend the invaluable work of SRSGs on sexual violence in conflict Ms Zainab Bangura and children and armed conflict Ms Leila Zerrougui. Their work and commitment can in no way be underestimated.

Mr. President,

In his last report S/2012/376 on Protection of Civilians Secretary General pointed out the devastating consequences non-compliance with the international humanitarian law and human rights law has also on healthcare and education. Estonia strongly condemns the violence against health workers. Talking more concretely about education, according to the UNICEF's recent assessment in Syria 21% of schools were not serving as learning environment because they were either damaged or destroyed or used as shelters. Where schools are still open, parents have been reluctant to send younger children and girls to school due to insecurity. Estonia therefore commends the decision of the Council in resolution 1998 (2011), based on which in 2012 the scope of grave violations for which parties to conflict were listed in the Secretary General's reports on children and armed conflict, was extended to include recurrent attacks on hospitals and schools as well as recurrent attacks or threats of attacks against protected persons in relation to schools or hospitals.

Estonia has focused its development cooperation as well as its humanitarian assistance and human rights activities on supporting the most vulnerable groups, including continuity of education for children in conflict areas, for instance in Afghanistan, South-Sudan, Mali and Gaza. I am pleased to inform you that just recently in Kuwait Conference Estonia pledged 300 000 euros to support Syrian refugees in neighboring countries, part from this pledge will be donated to UNICEF to support continuation of children's education.

Mr. President,

We believe, the international community can do more in enforcing compliance with international humanitarian law and human rights law both on national and international level. The Secretary General's report S/2012/376 contained very relevant recommendations in that regard. The increased use of accountability mechanisms is one of the most important tools to strengthen compliance with international law by all parties to the conflict.

Despite of the growing proportion of civilian casualties, individuals responsible for war crimes and other atrocities are rarely being held accountable. Peace is often presented as a precondition for justice: but there can be no lasting peace without justice and there is no justice without accountability. Estonia recognizes the critical role the Security Council can play in ensuring and promoting accountability and encourages the Council to consistently promote individual accountability for international crimes.

Two recent resolutions on the protection of civilians in armed conflict adopted by the Council underline the essential relationship between the protection of civilians and ending impunity for the most serious crimes. Estonia strongly commends the mandate given to the African-led International Support Mission in Mali (AFISMA) to support national and international efforts, including the work of the International Criminal Court, to bring perpetrators of serious human rights abuses and violations of international humanitarian law to justice. This is a clear acknowledgement that justice must form an integral part of the solution of the crisis in Mali.

Serious violations of international human rights and humanitarian law, allegedly crimes against humanity and war crimes, have been committed in Syria. Those responsible for these crimes must be held accountable. Many actors have underlined the need for accountability, which requires strong commitment from the international community. Security Council can take action to make this a reality. We commend the consistency of the UN High Commissioner for Human Rights, Ms Navi Pillay, who has been amongst the early proponents of a Council referral of the situation in Syria to the International Criminal Court. Ms Pillay's call for a referral was joined by 58 countries when they co-signed the petition initiated by Switzerland that was sent to the Security Council on 14 January 2013 requesting it to refer the situation in Syria to the ICC. Estonia would like to₂

reiterate its support for the initiative and remind that expressions of support, as well as, associations with it are highly welcome. Independent fact-finding is an important tool in the fight against impunity. Invaluable work of the Commission of Inquiry, collecting and preserving evidence and keeping track of the violations, is necessary to make sure that alleged perpetrators of violation do not go unpunished. Results of its work shall shock our conscience and encourage action. In the upcoming Human Rights Council session Estonia will support the extension of the mandate of the Commission of Inquiry in Syria.

Estonia acknowledges the important role of peacekeepers in protecting civilians. There are a growing number of missions where the protection of civilians is an integral part of their mandate. Peacekeepers are also the first to observe and promote the compliance with international law and human rights law by all parties. Mandating peacekeeping missions to protect civilians is among the most important Council's actions to enhance protection of civilians on the ground. Estonia would encourage the Security Council to take even stronger leadership in guiding the international response in cases the civilian population is in danger.

In conclusion, I would express my sincere hope that today's debate will contribute to enhanced compliance with international humanitarian law and human rights law, including ending impunity for international crimes.

I thank you, Mr. President.