



Syrian refugees at the Syria/Jordan border, about to be transported to Zaatari Refugee Camp. Anastasia Taylor-Lind/ Oxfam.

ON THE HOME STRETCH

Why Australia must use its final months on the UN Security Council to advance the rights and safety of civilians

SUMMARY

After 26 years of absence from the Security Council, on 1 January 2013 Australia took up its role as an elected member of the world's most powerful peace and security body. Australia has clocked up a number of significant achievements on the UN Security Council since that time: from pushing the Council towards unified action to address the denial of humanitarian access in Syria; to making women's rights more central to efforts to achieve peace and security in Afghanistan; to successfully negotiating the first ever Security Council resolution on small arms and light weapons. Australia has also regularly pushed the Security Council to consider ways to better protect the rights and safety of civilians caught up in conflict around the world – particularly through UN peace operations. These efforts are commendable and deserve recognition.

In spite of all these important achievements in New York, the past fourteen months have seen a dramatic deterioration of peace and security in many countries – including Syria, Sudan, South Sudan and the Central African Republic. These situations demonstrate that decisive action to protect civilians in armed conflict is still too often impeded by political dynamics between Council members.

Another fundamental challenge is transforming words into action. There remains a wide gap between the Security Council's agreements and adopted language on the protection of civilians and women, peace and security, and the ability and willingness of Security Council members to hold themselves and others accountable to these agreements on the ground. This implementation gap is a deep impediment to international peace and security and one which Australia must attempt to tackle before its Council term is up.

Australia now has just eight months left on the Security Council. To leave a positive and lasting impact on people caught up in crises, Australia should focus its efforts on contributing to closing the implementation gap in a discrete number of areas:

- In relation to key thematic agendas where Australia has expertise and capacity – particularly the protection of civilians and addressing the proliferation of small arms and light weapons.
- In specific country situations where Australia has influence – particularly Syria and Afghanistan.

Australia should support efforts to strengthen the transparency of Security Council processes and improve monitoring of implementation of Security Council decisions, including through better engagement with civil society actors from countries affected by conflict. Australia must also think beyond December 2014 to how it will build on the significant investment it has made towards international peace and security and the lessons it has learned during its time on the Security Council.

INTRODUCTION

Since joining the UN Security Council on 1 January 2013 Australia has had to respond to a number of serious crisis situations: from dramatic escalations of violence in Syria, Mali, the Democratic Republic of Congo, Sudan and South Sudan to new crises in the Central African Republic and Ukraine as well as continuing conflict in Afghanistan and elsewhere.

During this period the Security Council has passed more than 60 resolutions and 27 Presidential Statements, established four new UN Missions,¹ changed or extended the mandates of 13 UN missions² and authorised or re-authorised five regional and multinational missions.³ Australia has coordinated all matters relating to Afghanistan, chaired three Sanctions Committees and in September 2013 was the Council's President.⁴ After a 26-year hiatus from the Security Council, just following this agenda has been a considerable task.

When Australia was elected onto the Security Council in October 2012, Oxfam Australia released a report entitled *Off the Bench: How Australia can make a difference on the UN Security Council for people caught up in conflict*.⁵ The report argued that given the breadth of the Security Council's agenda, the pace of its deliberations and the concentration of power in the hands of the five Permanent Members, Australia would need a clear focus to make a lasting difference on the Council. The report recommended that Australia focus on a strategy of addressing two key issues that it was already well equipped to tackle:

1. **Ensuring better protection of civilians in armed conflict** – by improving the consistency of Security Council action in the face of threats against civilians and enhancing the effectiveness and accountability of UN-led and authorised peace operations.
2. **Addressing the impacts of conventional arms proliferation on peace and security** – by upholding and further developing norms through the Security Council that prevent conventional arms proliferation and its impact on civilians.

The report advanced a gender-sensitive approach to tackling these issues, in accordance with the women, peace and security resolutions Australia has actively supported and co-sponsored.⁶

This briefing paper offers an initial analysis of how Australia has used its position on the Security Council thus far to address these critical peace and security issues, with a particular focus on two key country situations: Syria and Afghanistan. The paper also provides recommendations for how Australia can use its final months on the Council to leave a positive and lasting impact on people caught up in crisis. This paper draws on Oxfam's experience in conflict-affected countries around the world, and is the result of Oxfam's commitment to monitor Australia's performance on the Security Council.⁷

1 BETTER CIVILIAN PROTECTION

In recognition of the fact that civilians bear the brunt of armed conflict around the world today, Australia has been a strong champion for the protection of civilians across the breadth of the Security Council's program of work. This has been a natural area of focus, given Australia's long-standing support of peacekeeping, the protection of civilians in armed conflict and related norms, such as the Responsibility to Protect.

PROTECTION AND PEACEKEEPING

Australia has a long history of pushing for peacekeeping missions to more effectively protect civilians, including through its role on the UN Special Committee on Peacekeeping Operations – often referred to as the “C34” – which was established by the UN General Assembly. The C34 involves a wider membership than the UN Security Council, and includes representatives of countries that are the major troop and policy contributors to UN missions.

Through this forum Australia has advocated for Child Protection Advisors in UN missions, strengthened mission-wide early warning capacities, systematic protection of civilians training at tactical and operational levels and the need for the UN Secretariat to prioritise the resourcing of the POC Coordination Unit within its headquarters, as well as dedicated staff for protection advice and coordination in the field.⁸

Australia has also pushed the Security Council to work with troop and police contributing countries to further examine the potential positive and negative implications of more ‘robust’ peacekeeping mandates given to the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) and the United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA). For example in November 2013 Australia hosted a workshop with Uruguay on the “Protection of Civilians in UN Peacekeeping Operations”, which considered whether there is a policy, planning and preparedness gap in the context of MONUSCO and MINUSMA, and if so, what efforts would be needed to address it.⁹

Since joining the UN Security Council Australia has pushed for UN missions tasked with the protection of civilians to have clear, credible and achievable mandates and adequate resources to implement them. As eight of the nine UN peacekeeping missions with protection of civilians mandates are in African countries, most of this work has related to conflict situations on the African continent.¹⁰

For example, Australia worked with other Council members to ensure that MINUSMA, authorised in April 2013 when the situation in Mali was dire, had a clear and robust mandate to protect civilians against all threats.¹¹ Furthermore when widespread political violence erupted in December 2013 in South Sudan, Australia supported the authorisation of additional military and police capacity for the UN Mission in South Sudan (UNMISS) under Resolution 2132 (2013), which commended ‘the active steps taken by UNMISS to implement its mandate and give refuge in its premises and other forms of assistance to the civilians caught in the fighting’.¹² Australia’s Ambassador Gary Quinlan noted at the time that ‘we will have to consider carefully UNMISS’s future mandate – with the protection of civilians our paramount consideration. Resourcing should not stand in the way’.¹³

UNFINISHED BUSINESS

In recent years the Security Council has strengthened and refined its policy frameworks for mandating UN peace operations to protect civilians, and indeed Australia’s efforts as outlined above have contributed to these improvements. Nevertheless there often remains a wide gulf between the stated positions of the Security Council and the capacity and willingness of peacekeeping missions to provide adequate and inclusive protection on the ground.

One example of this implementation gap is in Darfur, Sudan, where since 2007 the UN and African Union have deployed a hybrid mission mandated to protect civilians. In July 2013 Australia supported mandating UNAMID (the UN/African Union Mission in Darfur) to put in place ‘enhanced efforts to respond promptly and effectively to threats of violence against civilians’.¹⁵ Yet there are numerous examples of where UNAMID has failed to adequately protect civilians under imminent threat, particularly since the severe escalation of violence in Darfur from February 2014 onwards.

In March 2014, for example, 300 men reportedly attacked an Internally Displaced Peoples (IDP) camp in Khor Abeche in South Darfur, burning hundreds of houses to the ground and resulting in at least one civilian death.¹⁶ The IDP camp was located close to a UNAMID base with hundreds of personnel on site.¹⁷ While UNAMID allowed approximately 3,000 civilians to shelter inside its base, it did not take action to prevent the attack, protect civilians left inside the camp or protect camp infrastructure. This case highlights the need for the Security Council to not only mandate peacekeeping missions to protect, but also to hold those missions accountable to delivering protection.

Overall, there continued to be a significant gap between what the Council has committed itself to do in its thematic decisions on the protection of civilians and what it is actually able to do when faced with concrete protection challenges in country-specific situations.

Security Council Report¹⁴

CLOSING THE IMPLEMENTATION GAP

To help address this implementation gap the Security Council must take decisive action when a UN Mission or other authorised mission does not adequately fulfil its protection mandate – even where this is politically difficult. This action could be through initiatives to document lessons and inform future practice and mandate renewals, reviews into the adequacy and feasibility of existing mission resources and mandates, and requests to the relevant Special Representative of the Secretary General to take specific actions to address protection failures.

In order to make these decisions to act, the Security Council must also be able to access accurate and detailed information about how effectively missions are fulfilling their mandates – and this is not happening in a predictable and consistent way at present. In 2009, the Security Council reaffirmed in Resolution 1894 the practice of requiring benchmarks to measure and review progress made in the implementation of peacekeeping mandates, stressing the importance of missions reporting against indicators of progress towards improving the protection of civilians.¹⁸ Yet this practice has not been adequately enforced by the Security Council, and this kind of rigorous information does not always sufficiently come through in public UN reporting.

To address this lack of information and transparency, under the Republic of South Korea's Presidency in February 2013 the Council agreed on a Presidential Statement (PRST) which requested that the Secretary-General include in his next protection of civilians report 'an assessment of concrete measures taken by peacekeeping missions to implement their mandates to protect civilians and the impact of those measures'.¹⁹ Nevertheless the report submitted to the Security Council on 22 November 2013 included only general information about the activities of different missions.²⁰

Subsequently the Security Council noted the report in a PRST, without taking any action to follow up on this issue or re-request more detailed information.²¹ Instead the PRST restated a range of adopted measures on the protection of civilians and recognised the contribution of the updated Aide Memoire on the protection of civilians in armed conflict, which was annexed.²² The Aide Memoire is a practical tool for the Security Council to better analyse and diagnose protection issues and their suitable responses, based on precedents from previous resolutions and presidential statements. It seems that in the negotiations it was not possible to push for both recognition of the Aide Memoire *and* to request that the Secretary General address omissions in his November report.

As a consequence of this, the Security Council missed a real opportunity to set a higher standard for reporting, which would have contributed to closing the gap between rhetoric and reality.

MAKING PROTECTION A REALITY

The gap between Security Council rhetoric on the protection of civilians and the reality on the ground must close. In addition to pushing the Security Council to take decisive action when needed, Australia should also champion strategies for more consistent and better quality information gathering and analysis of threats against civilians – at the mission level and across the Council’s agenda. This includes:

- Pushing for UN Missions with protection of civilian mandates to measure and review progress on mandate implementation against benchmarks and indicators, in line with Resolution 1894. Australia should also request more rigorous reporting from all authorised missions against these benchmarks and indicators.
- Pushing the Security Council to take decisive action in response to evidence that UN or other authorised missions are not adequately fulfilling their protection mandate. In the first instance Australia should push for an investigation into UNAMID’s recent handling of the escalation of protection threats in Darfur, in particular the attack on Khor Abeche IDP camp.
- Using the next Protection of Civilians debate and outcome document to request the Secretary General conduct a study and report back to the Council on the impact of UN missions in fulfilling their protection of civilians mandates on the ground.
- Promoting the adoption of civilian casualty tracking and mitigation mechanisms in UN missions and other authorised missions.
- Supporting the implementation of the UN “Rights Up Front” Action Plan. This can include encouraging full participation in the Security Council Informal Expert Group on protection of civilians.

Australia should also continue to pursue these recommendations after completion of its two-year Security Council term.

POLICING FOR PROTECTION

In addition to efforts to close the gap in implementing protection on the ground, Australia also has a valuable role to play in continuing to develop the normative framework for civilian protection. One area where Australia could make a valuable contribution would be in strengthening Security Council commitment to gender-sensitive police reform and the role of police in authorised missions, as a means for improving protection outcomes on the ground, particularly for women and children.

Australia's strength in this area stems from a number of factors. Firstly, Australia is the only country in the world with a standing deployable police force – the Australian Federal Police International Deployment Group – which supports police capacity building programs and provides high quality police personnel into UN and other peacekeeping and stabilisation missions around the world.

Australia has played a leading role in the police-led Regional Assistance Mission to the Solomon Islands (RAMSI), has police cooperation programs with a number of countries throughout the Asia-Pacific region,²³ and has deployed police to support peace operations and stabilisation missions in Timor-Leste, South Sudan and Afghanistan.

Australia should encourage the Security Council to explore the role of police in UN mandated and authorised missions as a thematic focus of its upcoming November Presidency. This could result in an outcome document, building on UNSC resolution 2086 on UN peacekeeping or linking more explicitly with the Security Sector Reform thematic agenda.

The aim of such an outcome should be to encourage the international community to invest more in international policing, given police play vital roles vis-à-vis communities and yet there are insufficient numbers in missions (UN and other) – which often results in military performing police work. Australia should also ensure to bring a strong gender perspective to this topic.

2 CONVENTIONAL ARMS

Every day, 1,500 people are killed or injured as a result of conventional arms.²⁵ Small arms and light weapons (SALW), such as assault rifles and ammunition, are the main tools fuelling conflict around the world.²⁶ Despite wide recognition of the security risks posed by the proliferation of small arms and light weapons, the UN Security Council has not had a systematic approach to addressing this issue.

Following the successful negotiation of the Arms Trade Treaty in April 2013, chaired by Australia's Ambassador Peter Woolcott, Australia seized the opportunity and momentum to tackle the proliferation of small arms and light weapons as an issue on the UN Security Council.

The death toll from small arms dwarfs that of all other weapons systems...In terms of the carnage they cause, small arms, indeed, could well be described as 'weapons of mass destruction'.

Kofi A Annan, former UN Secretary General²⁴

PREVENTING MISUSE OF SMALL ARMS AND LIGHT WEAPONS

During its September 2013 Presidency of the Security Council, Australia led negotiations on Resolution 2117, the first ever UN Security Council resolution on small arms and light weapons. The resolution was adopted on 26 September 2013 at a high level meeting chaired by Australia's newly elected Foreign Minister Julie Bishop.

There are a number of important elements to the resolution. It clarifies the Security Council's determination to 'take practical steps to prevent the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons', and confirms that this issue will remain on the Council's agenda indefinitely.²⁷ It also sets out a broad range of tools and actions for the UN Security Council to use to prevent the destabilising accumulation, illicit transfer and misuse of small arms and light weapons.

These include improving the use of arms embargoes and mandating peace operations to conduct disarmament programs. The resolution also urges Member States to:

- Consider signing and ratifying the Arms Trade Treaty – the first legally binding agreement obliging countries not to transfer arms where there is a risk they will be used to commit war crimes, serious acts of gender-based violence and other human rights violations.²⁸
- Better enforce arms embargos,²⁹ and support weapons collection, disarmament, demobilization and reintegration of ex-combatants.³⁰
- Cooperate and share information necessary to prevent arms proliferation – such as information on suspected traffickers and trafficking routes or suspect financial transactions.³¹

- Ensure women’s full and meaningful participation in all processes to combat and eradicate the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, including planning security sector reform efforts take into account the particular needs of women and children associated with armed forces and armed groups.³²
- Fully and effectively implement key arms control instruments such as the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA).³³

Taken together with the ATT, Resolution 2117 could signal the beginning of a new era of international cooperation on arms control. Australia has played an instrumental role in getting to this point.

PUTTING WORDS INTO ACTION

Like any UN Security Council decision, this resolution will only make a difference on the ground if the Security Council is determined to implement it. As Foreign Minister Julie Bishop noted at the time of the resolution’s adoption, a first step is ensuring that the issue of small arms proliferation is more systematically monitored and addressed by the Council – so that ‘our commitments today are not forgotten tomorrow’.³⁴

At this stage it is too early to tell whether this systematic approach will take hold. Since the resolution was passed, ten other Security Council resolutions have specifically highlighted the issue of SALW.³⁵

Furthermore three resolutions relating to the Central African Republic have specifically referred to Resolution 2117 and measures to ‘address the illicit transfer, destabilizing accumulation, and misuse of small arms and light weapons in the CAR’.³⁶ However the most recent resolution on CAR, which establishes the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), makes no reference to Resolution 2117.³⁷

Beyond more systematic consideration of SALW issues, the Security Council must also show determination to apply the resolutions’ provisions consistently. In this respect it is notable that the UN Security Council has been unable to put in place an arms embargo or tackle in any other meaningful way the continued and irresponsible transfer of small arms and ammunition, amongst other arms, to all sides of the conflict in Syria.³⁹

Russia and Iran are reported to be the main arms suppliers to the Syrian government and Qatar and Saudi Arabia the main suppliers to opposition forces.⁴⁰ The United States has also likely shipped arms to Syrian opposition groups.⁴¹ Armed actors are committing violations of human rights and international humanitarian law, and continued arms transfers are fuelling the conflict and undermining a political solution to the crisis.

All those who persist in seeking a military solution are making a political solution even more distant and elusive.

Secretary General Ban Ki-Moon³⁸

Oxfam has therefore argued that Australia should take a decisive stand against arms transfers to any party to the conflict in Syria, in line with a commitment to the letter and spirit of Resolution 2117.⁴²

Going forward, to curb the destabilising proliferation of conventional arms Australia should:

- Call for greater consistency in the UN Security Council's application of arms embargoes in all situations where arms are fuelling conflict and violations of human rights and international humanitarian law.
- Take a decisive stand against all arms transfers to parties to the conflict in Syria, in order to build an environment for peace talks to be able to take place.
- Ensure full consideration of each of the measures in Resolution 2117 when negotiating mandate renewals or other matters relating to countries where small arms and light weapons are a contributing factor to conflict.
- Work with current and prospective new UNSC members with a positive track record on disarmament and arms control to ensure continued focus on small arms and light weapons after Australia's membership of the Council concludes.

3 AFGHANISTAN

Insecurity is continuing to spread across Afghanistan, taking an 'unrelenting toll' on Afghan civilians.⁴³ In 2013 the UN Assistance Mission in Afghanistan (UNAMA) reported that the rate of civilian casualties increased by 14 per cent, compared with 2012. 2,959 civilians died in 2013, while another 5,656 were injured.⁴⁴ This increase was higher among women: 235 women were killed and 511 injured, marking a 36 per cent increase from the previous year. Reported violence against women and girls in Afghanistan is also on the rise, with women officials and human rights defenders particular targets.⁴⁵

Afghanistan is at a pivotal transition moment, as the country awaits the final outcome of Presidential and Provincial elections,⁴⁶ and prepares for the drawdown of the International Security Assistance Force (ISAF) by the end of 2014. At this critical point of transition, many Afghan women fear the significant human rights gains they have made since 2001 could be eroded.⁴⁷ As the body having authorised the establishment of ISAF in 2001,⁴⁸ the UN Security Council has a responsibility to ensure that the fragile gains made over the past twelve years are not lost. The Security Council is also responsible for mandating UNAMA, which has a critical role to play as Afghanistan stands at this crossroads.

ADVANCING WOMEN, PEACE AND SECURITY IN AFGHANISTAN

Australia has played a key leadership role as the Security Council's 'pen holder' on Afghanistan. In this role Australia has coordinated negotiations on key resolutions such as the renewed authorisation of ISAF in 2013,⁵⁰ and mandate renewals for UNAMA in 2013⁵¹ and 2014.⁵² Looking ahead, Australia will facilitate the Council's consideration of the post-2014 international presence in Afghanistan.⁵³

In fulfilling its pen holder role Australia has been a strong champion for the rights of women and girls in Afghanistan, making numerous statements on this issue to the Council,⁵⁴ and pressing for much stronger language on women's rights in UNAMA and ISAF mandate resolutions. For example, Australia ensured the 2013 ISAF mandate renewal contained stronger provisions than previously relating to the promotion and protection of the rights of women and girls. These included recognition of Afghanistan's Elimination of Violence Against Women law; condemnation of the increased targeted killing of women and girls; recognition of the vital role that women play in the peace process and the importance of continued ISAF support to the Afghan National Security Forces to increase the recruitment, training and retention of women.⁵⁵

Australia's first priority is to ensure that the Council remains fully committed to the international efforts to help protect and advance the basic rights of the Afghan people.

Foreign Affairs Minister
Julie Bishop MP⁴⁹

The recent adoption of resolution 2145, which extended the mandate of UNAMA until 17 March 2015, is another strong example of Australia's diplomacy in this area. In the process of drafting this resolution Australia made a concerted effort to consult with civil society, and it is apparent from the resolution that many of the recommendations made in these forums have been adopted.⁵⁶ These include:

- A greater role for UNAMA in supporting the Afghan Independent Human Rights Commission, with a particular focus on assisting the Commission to ensure women's full enjoyment of their human rights.⁵⁷
- A clear mandate for UNAMA to provide assistance to relevant Afghan institutions to support the full and safe participation of women in electoral processes – as candidates, registered voters and campaigners.⁵⁸
- Greater focus in the resolution on the role of the international community in supporting recruitment and retention of women in the Afghan National Security Forces, and UNAMA's role in supporting women police associations.⁵⁹
- Greater attention to sexual and gender based violence, and the need for perpetrators of such crimes to be held accountable, including through full implementation of the Elimination of Violence Against Women Law in Afghanistan.⁶⁰

WHAT LIES AHEAD

The UN will continue to play an important role in the security and development of Afghanistan for many years to come. Australia has a vital role to play in ensuring Afghanistan is on a path to inclusive peace and security through transition and beyond. Australia should:

- Make monitoring and ensuring the full implementation of Resolution 2145 a high priority for the duration of its Security Council term, including through pushing for detailed and gender sensitive reporting from the UN Secretary General.
- Ensure the Security Council is prepared to mandate UNAMA to continue its important role well beyond 2015, recognising the shifting context in Afghanistan, and the need for this mandate to be backed up by commensurate resources.
- Closely monitor civilian casualties in Afghanistan and advocate for UNAMA to in future be mandated and resourced to support Afghanistan's Civilian Casualties Tracking Team, established in the Presidential Information Coordination Centre, which is currently under-performing.
- Assist Afghan women civil society leaders to meet with the UN Security Council before the end of the year, to share their concerns and priorities as international forces progress with their withdrawal from the country.
- Ensure any new mission authorised to replace ISAF is gender sensitive and required to report to the UNSC on its activities, including efforts to reduce civilian casualties.

4 SYRIA

The Security Council has lacked unity and resolve to effectively address the devastating conflict in Syria, which has killed over 100,000 people.⁶² The crisis in Syria is the most devastating country situation Australia has faced since joining the Security Council, given the escalating scale and sheer numbers of people affected:

- Since January 2013 the number of people in need of humanitarian assistance inside Syria has risen from 4 million to 9.3 million people (including 4.2 million children, up from 1.84 million children in January 2013).⁶³ Half the country's population is in need of assistance.⁶⁴
- There were approximately 500,000 registered Syrian refugees in January 2013. There are now over 2.45 million refugees from Syria, with 1 million in Lebanon alone.⁶⁵
- There are 220,000 people trapped in besieged areas and 3.5 million people are in need of humanitarian assistance in 'hard-to-reach' areas, an increase of 1 million people since the beginning of 2014.⁶⁷

When Australia joined the Security Council it was deadlocked on Syria. With several draft resolutions never making it through to a vote, and three resolutions vetoed by both China and Russia,⁶⁸ there was little hope of unified Security Council action. In this context Australia adopted a strategy, in close collaboration with Luxembourg (and then subsequently with Jordan), to try to build consensus amongst Security Council members to support efforts to enable the Syrian people to access humanitarian assistance.⁶⁹

HIGHLIGHTING HUMANITARIAN CONCERNS

Australia's work on the 'humanitarian track' has included drafting 'Press Elements' on the humanitarian situation in Syria in April 2013,⁷¹ which formed the basis of a Presidential Statement drafted by Australia and Luxembourg and agreed in October 2013.⁷² The PRST urged Syrian authorities to take 'immediate steps to facilitate the expansion of humanitarian relief operations, and lift bureaucratic impediments and other obstacles'.⁷³

At the time many hoped the PRST would deliver the breakthrough required to enable civilians to access the assistance they desperately need. However, despite concerted efforts from the UN and key member states to support the implementation of the PRST, there was limited progress on the ground. If anything the fighting intensified and the

Syria has become the great tragedy of this century – a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history.

António Guterres, UN High Commissioner for Refugees, 3 Sep 2013.⁶¹

Assistance isn't reaching the people who really need it back in Syria. There are people there who can't get out... No one is helping them.

Amany Mohammad, aged 27, refugee in Lebanon, May 2013⁶⁶

The Council's core demand is that the Syrian parties to the conflict – and above all, the Syrian authorities – reverse course now and start to put the interests of Syria's citizens first.

Australia's Ambassador to the UN, Gary Quinlan⁷⁰

operational environment became even more restricted and dangerous, with millions of people living in besieged communities, completely cut off from aid, or in hard to reach areas where access is unpredictable and must be negotiated on an ad hoc basis.⁷⁴

One outcome following the PRST was the creation of a High Level Group on Humanitarian Challenges in Syria (HLG), which Australia co-chairs with Luxembourg and UN OCHA. The HLG involves more than 30 Member States including the P5 countries, Iran, Saudi, Jordan, Lebanon and Turkey, as well as the EU. The HLG agreed a framework to measure progress against the PRST,⁷⁵ and on 3 February a set of 11 immediately actionable steps were agreed, including the negotiation of humanitarian pauses in besieged and hard to reach areas.

In mid-February, Emergency Relief Coordinator Valerie Amos briefed the Council that progress on these efforts had been extremely limited, pointing to the systematic targeting of civilians, use of siege tactics by both government and opposition forces and deliberate denial of humanitarian assistance.

REACHING AGREEMENT

On 22 February 2014 the Security Council unanimously agreed and adopted Resolution 2139, which was drafted by Australia, Luxembourg and Jordan. The resolution demands an end to all forms of violence in Syria and calls on all parties to ensure full implementation of the October PRST on humanitarian issues and to provide unhindered access for humanitarian agencies to reach those in need, including across conflict lines and from neighbouring countries.⁷⁷ The resolution also calls for all parties to end sieges of populated areas.⁷⁸ It expresses the Security Council's intent to take "further steps" in the case of non-compliance, requesting the Secretary-General to report every 30 days on implementation by all parties.⁷⁹

The Secretary General delivered his first report in implementation on 24 March 2014, detailing intensifying fighting, continuing violations of International Humanitarian Law, mass civilian death and injuries and forced displacement.⁸⁰ The Secretary General reported some successful one-off aid convoys into hard to reach areas, bringing temporary relief to a small number of people, but on the whole there has been limited easing of humanitarian access constraints to date. As a humanitarian agency operating within Syria, Oxfam is yet to see a major difference on the ground for people as a result of the resolution.

Nevertheless Australia's efforts to build Security Council consensus on this issue are laudable, and although Security Council action on access to humanitarian aid should not have been necessary, securing unanimous support for Resolution 2139 is undoubtedly a key achievement Australia can be proud of.

This resolution should not have been necessary ... Humanitarian assistance is not something to be negotiated; it is something to be allowed by virtue of international law.

UN Secretary General Ban Ki-moon⁷⁶

The real test will be the full implementation of this resolution on the ground, a challenge Australia's Foreign Minister Julie Bishop has openly acknowledged.⁸¹ In this regard the next Secretary General's report will be a critical moment for the Security Council to take stock and demonstrate its commitment to the resolution's implementation and willingness to respond to continued non-compliance.

TOWARDS A HUMANITARIAN BREAKTHROUGH

Urgent action is needed to ensure that people across the country can access food, water and vital medical care. Aid must not be held hostage or used as a bargaining chip. Australia should build on recent momentum to ensure the full implementation of the PRST and Resolution 2139.

Australia should:

- Press for the implementation of the immediate '11 actionable steps' developed by the High Level Group to monitor progress on humanitarian issues. As a co-sponsor of the resolution, Australia should press all parties to meet their obligations under international law so that people under siege and all those in need have safe and unhindered access to humanitarian assistance through the most direct routes available.
- Advocate for rapid progress on a political solution and the resumption of a third round of Geneva peace talks in a timely manner. Australia should use its influence to ensure a formal mechanism is established to enable the "full participation by all groups and segments of Syrian society, including women" (as per UNSCR 2139) and civil society organisations in future peace talks, in order to give negotiations the best chance of succeeding in long-term.
- Call for the rapid expansion of humanitarian pauses and longer local ceasefires – so that aid can reach millions of people in need across the country, and allow civilians who want to leave conflict areas to flee to safety. These should be accompanied by efforts to secure an overall, comprehensive ceasefire and work towards a political solution to the crisis.
- Help foster the right conditions for ceasefires and wider peace-building by calling on other governments to stop fuelling the conflict through continuing the supply of arms and ammunition. As a leading advocate for arms control, Australia should take a strong and vocal stance on this issue.
- Press for the guaranteed safety of civilians evacuated from besieged areas – such as in Homs. Australia should also push for monitoring by an independent third party of evacuations, to ensure the rights of civilians are protected.

The most important thing for us to ask for is for the outside world to help end the fighting in Syria, for the conflict to end. For the world to see our situation and feel our suffering with us; to support us.

Najah, 38, mother of seven, Mafraq, Jordan⁸²

5 OPENING UP TO CIVIL SOCIETY

An important mechanism for improving the accountability and responsiveness of the Security Council is to open up Security Council processes to civil society to as great an extent as possible. In recognition of this, Australia has made a real effort to engage civil society in Australia and New York around its Security Council priorities. Australia's Mission in New York has met regularly with civil society groups and NGOs on issues relating to the Council. During Australia's Presidency month the Australian Mission also went to great lengths to ensure civil society members could observe Council meetings.

These efforts have been mirrored in Australia. The Department of Foreign Affairs and Trade has run two formal civil society consultation events in Canberra during Australia's first year on the Council. Both events were well organised and allowed a diverse range of civil society actors to express their views about Australia's Security Council role.

DFAT's Security Council Taskforce has also been open to engaging bilaterally with Australian NGOs and academic institutions with expertise in countries on the Council agenda. On several occasions DFAT personnel have taken the initiative to reach out to NGOs like Oxfam to request our input into Australia's positions on different country situations and ask for our assistance in reaching out to civil society in countries on the Security Council agenda. For example, in 2013 DFAT reached out to Oxfam to arrange civil society meetings in Eastern DRC and in January 2014 DFAT officials met with Oxfam and a number of civil society groups in the sidelines of the African Union Summit in Addis Ababa, Ethiopia.

Australian diplomats have been willing to listen to the voices of civil society, and this openness has undoubtedly enhanced Australia's contextual knowledge about countries on the Council's agenda, many of which Australia has no diplomatic presence in.

CIVIL SOCIETY IN AFFECTED COUNTRIES

Where Australia has been less effective is at providing pathways for local civil society groups to engage with the Security Council during its deliberations in New York. For example, while Australia hosted two Arria Formula meetings in 2013,⁸³ neither of them involved civil society members as active participants. Australia should address this gap in its final months on the Council.

Australia should also push the Council to more systematically use Visiting Missions as a mechanism to engage civil society at the country level. Security Council Visiting Missions can open up enormous opportunities for the Council to engage civil society and hear a diverse range of perspectives.⁸⁴ Australia has advocated for Visiting Missions ‘to consult civil society’,⁸⁵ although this does not happen in a systematic way.

There have been three such missions since Australia joined the Council – to Yemen in January 2013, Africa (to DRC and the African Union in Addis Ababa) in October 2013 and Mali in 2014. While the mission to Yemen, which aimed to assess progress on political transition, did not involve meetings with civil society representatives,⁸⁶ both subsequent missions did. For example, in Goma in Eastern DRC Council members had a roundtable discussion with NGOs and also met with women community leaders at an IDP camp to hear their views on the recently authorised ‘intervention brigade’.⁸⁷ In Mali the Council met with civil society groups in the North of the country, including women and youth organisations, IDPs and religious leaders.⁸⁸

Given the purpose of these missions is usually to enable the Security Council to assess the situation on the ground and the extent to which its decisions are having impact, engagement with local civil society should be the norm not the exception.

To enhance the way the Security Council engages with civil society in countries on the Council's agenda, Australia should:

- Encourage the Security Council to adopt a more systematic approach to meeting with local civil society groups during Security Council Visiting Missions.
- Advocate for the involvement of civil society groups from conflict affected countries in the Protection of Civilians open debate planned for late 2014. This could be done either by bringing groups to New York or by facilitating video link up.
- Host an open debate or Arria formula meeting with Afghan women civil society representatives before the end of 2014 to consult them on future priorities in Afghanistan.

7 CONCLUSION

Soon Australia's two year term on the UNSC will be over. To leave a positive legacy on the Council for men, women and children caught up in conflict – Australia will need to build on progress to date and make these last eight months count. This paper sets out a number of areas where Australia can continue to make a real difference, by contributing to:

- Closing the protection implementation gap and raising Council awareness of the vital role of police in advancing civilian protection
- Ensuring systematic implementation and monitoring of Resolution 2117 on small arms and light weapons in all country situations
- Helping Afghanistan on a path to inclusive peace and security through transition and beyond, with a focus on promoting and protecting Afghan women's rights
- Pushing for a humanitarian breakthrough in Syria, building on the current diplomatic momentum on the Council
- Improving the way the Security Council engages with civil society in order to enhance transparency and accountability

Whilst pursuing this agenda, Australia should also start planning now how it will manage its transition off the UNSC. Australia should engage with existing as well as prospective Security Council members to identify avenues to pass on critical thematic issues such as SALW to others. The government should also engage with the Australian public and civil society to highlight its role and impact on the Council and the legacy it leaves. This will help build community support for the next time Australia wants to campaign for a Security Council seat.

Australia should also seriously consider its role advancing international peace and security beyond December. Australia should endeavour to maintain the expertise in conflict management and humanitarian diplomacy it has developed through Security Council membership, and consider increasing its role in peacekeeping globally. Australia could continue to be a champion for the protection of civilians in the C34 as well as the 5th Committee of the UN General Assembly, helping to ensure UN Missions are well funded to carry out their protection mandates. Australia should also strengthen its humanitarian assistance role in conflict affected countries through the aid program.

Australia has already made an enormous contribution on the Security Council to date. It now needs to build on this good work and maintain a clear focus on key priority issues in order to maximise impact and create a firm foundation for an ongoing contribution to international peace and security efforts beyond its term on the Council.

NOTES

- ¹ United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) – see S/RES/2100 (2013); United Nations Assistance Mission in Somalia (UNSOM) – see S/RES/2102 (2013); Joint Mission of the Organization for the Prohibition of Chemical Weapons (OPCW) and the United Nations on the disposal of Syria's chemical weapons (OPCW-UN Joint mission in Syria) – see exchange of letters on 7 and 11 October (S/2013/591 and S/2013/603), in accordance with S/RES/2118 (2013); and United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) – see S/Res/2149 (2014).
- ² UNIPSIL (Sierra Leone) – see S/RES/2097 (2013); MONUSCO (DRC) – see S/RES/2098 (2013); MINURSO (Western Sahara) – see S/RES/2099 (2013); UNIOGBIS (Guinea-Bissau) – see S/RES/2103 (2013); UNISFA (Abyei) – see S/RES/2104 (2013); UNAMI (Iraq) – see S/RES/2107 (2013); UNOCI (Côte d'Ivoire) – see S/RES/2112 (2013); UNMIL (Liberia) – see S/RES/2116 (2013); MINUSTAH (Haiti) – see S/RES/2119 (2013); BINUCA (CAR) – see S/RES/2121 (2013); UNMISS (South Sudan) – see S/RES/2132 (2013); BNUB (Burundi) – see S/RES/2137 (2014); UNAMA (Afghanistan) – see S/RES/2145 (2014).
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- ⁸ Advice received from the Australian Government Department of Foreign Affairs and Trade, UN Security Council Taskforce, sent via email to the author on 31 March 2014.
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- ²⁸ Ibid, OP19
- ²⁹ Ibid, OP3
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