Hawa was forced to flee her home just one day after giving birth to her daughter Amina. Pictured in Jamam refugee camp, South Sudan. Photo: John Ferguson/Oxfam

OFF THE BENCH

How Australia can make a difference on the UN Security Council for people caught up in conflict

After 26 years on the bench, in January 2013 Australia will begin its two-year membership of the UN Security Council. Having worked so tirelessly to secure this seat, Australia now has a rare opportunity to play a key role in addressing the great security challenges of our time. Australia should focus its term on improving the way the Council acts to protect civilians – ordinary women, men and children whose lives are torn apart by conflict around the world. That includes improving the effectiveness of UN authorised peace operations and addressing the proliferation of arms.

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SUMMARY

Australia joins the Security Council as it stands at a crossroads. After the period of post-Cold War optimism and expanded activity, geopolitical and ideological divisions on the Security Council risk once again stalling progress towards addressing new and old security threats. In an era in which 1.5 billion people – one in every four people on the planet – live in fragile and conflict-affected countries,[1] the world desperately needs a principled and effective Security Council to lead international peace and security efforts.

Yet as the current situation in Syria demonstrates, decisive action to protect civilians in armed conflict is still too often impeded by political dynamics on the Council. The persistence of protracted conflicts over decades on the Security Council's agenda – from Democratic Republic of Congo to Afghanistan – also highlights the ongoing limitations of the Council's efforts in promoting sustainable peace.

In spite of these challenges Australia has great potential to make a difference on the Council. Australia's strong links in Asia and the Pacific as well as the West, substantial experience in peacebuilding, peacekeeping and arms control endeavours position it well to contribute both innovative thinking and experienced know-how. With a seat at the table of the most powerful body in the UN system, Australia's influence over global responses to international peace and security challenges will dramatically grow. But with power comes responsibility. To do the job well, Australia will need to advance global solutions that work to prevent conflict and protect people living in the midst of violence – no matter who they are or where they live.

In order to make a positive difference on the Security Council in 2013-14, Oxfam recommends Australia commits to:

1. **Prioritise the safety of civilians** in all its deliberations on the Security Council, including highlighting the risks of Council action – and inaction – on civilians, and taking into account the specific risks facing women, men, boys and girls.

2. **Consistently uphold principled positions** and act to ensure respect for applicable international law on the Security Council. Where necessary, this may involve voting independently against other members on the Security Council.

3. **Increase the Security Council's direct engagement with and accountability to communities** and local civil society actors in conflict affected countries.

4. **Invest in a proactive strategy to drive change** on the Security Council in relation to a discrete number of key international peace and security concerns, focussing on areas where Australia has existing competence and commitment.

RECOMMENDED STRATEGY

Oxfam recommends the Australian Government develop its Security Council strategy around two core priorities:

1. **Ensuring better protection of civilians in armed conflict.** Australia should focus on improving the consistency of Security Council action in the face of threats against civilians and the effectiveness and accountability of UN-led and authorised peace operations for the protection of civilians.

2. **Addressing the impacts of conventional arms proliferation on peace and security.** Australia should seek to uphold and further develop norms through the Security Council that prevent conventional arms proliferation and its impact on civilians. Australia should also use its position the Council to advance successful negotiation of a strong and effective, legally-binding Arms Trade Treaty (ATT).

Better protection of civilians

Australia should promote greater consistency of Security Council action to protect civilians facing threats by:

- Championing the Protection of Civilians thematic agenda on the Council

- Encouraging Permanent Members to renounce the use of their veto when the Council is discussing situations of actual or incipient war crimes, crimes against humanity and genocide.

- Supporting mechanisms for more consistent and better quality information gathering and analysis of threats against civilians

- Advancing Security Council efforts to improve relationships and ways of working with regional organisations such as the African Union and League of Arab States

Australia should improve the way the Security Council mandates, supports and holds UN peacekeeping missions accountable for the protection of civilians by:

- Actively participating in the Security Council Working Group on Peacekeeping Operations and nominating to take over the Chair of this group from Morocco when it retires from the Security Council at the end of 2013

- Ensuring all UN authorised missions tasked with the protection of civilians have clear, credible and achievable mandates, adequate resources to implement them and are monitoring and reporting against benchmarks for civilian protection

- Pushing for more stringent mechanisms to ensure authorised missions strictly adhere to relevant international laws, including International Humanitarian Law (IHL).

Australia should improve the way the Security Council engages with regional and other non-UN led missions authorised by the Security Council to ensure better protection of civilians, by:

- Ensuring the Security Council authorises regional and other authorised missions to take proactive measures to prevent civilian casualties, stressing the international legal obligations of missions taking part in hostilities, including IHL obligations.

- Assisting to strengthen ties between the UN Security Council and the regional and sub-regional bodies, in particular the AU Peace and Security Council.

- Pushing the Security Council to request rigorous reporting from all authorised missions on their operations, implementation of their mandate and how the mission is adhering to relevant international laws.

- Actively participating in the Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.

Addressing arms proliferation

Australia should seek to uphold and further develop norms through the Security Council that prevent conventional arms proliferation and its impact on civilians. Australia can do this by:

- Coordinating an informal working group to proactively champion the Council's role in maintaining peace and security through non-proliferation and control of conventional weapons.

- Pushing the Council to address arms issues more systematically in country-specific resolutions where arms are identified as a factor fuelling threats to peace and security.

- Ensuring the Council considers the appropriateness of efforts to protect the civilian population through arms control, disarmament and mine clearance activities in all deliberations on country situations.

- Holding a debate and issuing a Presidential Statement on conventional arms proliferation, which includes a request to the Secretary General to produce a comprehensive report on the link between arms and international peace and security threats.

Australian engagement

- The Australian Government should immediately establish an expert group including civil society representatives to advise on Australia's strategy for its 2013-14 Security Council term.

- The broader public and Parliament should also have opportunities to engage with the Government about its Security Council role. To facilitate this the Australian Government could establish consultation processes, report regularly to Parliament on Security Council matters and expand its use of e-diplomacy.

1 INTRODUCTION

In January 2013 Australia will officially begin its two-year membership of the UN Security Council. This is an unprecedented opportunity for Australia to contribute to a more peaceful and secure world. But what can Australia do to make the Security Council a more effective force for good?

This report sets out Oxfam's analysis and recommendations about what Australia should aim to achieve during its 2013-14 term on the Security Council. The report is informed by Oxfam's humanitarian operations in conflict-affected countries around the world – including most countries on the Security Council agenda. Every day we encounter women, men, boys and girls who have fallen through the cracks of the international peace and security system – people whose own governments are either unable or unwilling to protect them.

Hawa, pictured on the front page of this report, is one such person. The conflict in the Blue Nile region of Sudan forced Hawa to flee her home just one day after giving birth to her daughter, Amina. She and her husband Dan fled into the forest with their newborn baby wrapped in a shawl and their four other children. Hawa shared her family's story with Oxfam just a few months ago in Jamam refugee camp in South Sudan:

"To run after giving birth – I was suffering," Hawa said. "I could only run a tiny bit, and then I had to rest. I was thinking, this baby is going to die. She can't survive because of what is happening to us."

The family walked for more than a month with their children, crossing the world's newest international border into South Sudan. Somehow their newborn daughter survived, and Hawa slowly recovered when the family reached Jamam camp. Now they find themselves amongst tens of thousands of refugees facing a growing humanitarian crisis. While her ordeal is far from over,[2] the incredible resilience of Hawa and her family to survive this nightmare is staggering. In Australia it is hard to relate to or even imagine this terrifying endurance test.

When the United Nations was formed out of the ashes of World War II it was aimed at stopping this kind of suffering. Indeed the first line of the UN Charter proclaims: 'We the peoples of the United Nations determined to save succeeding generations from the scourge of war'.[3] A large part of this purpose was to be fulfilled by the Security Council, responsible for the 'maintenance of international peace and security'.[4] Hawa's story is one of millions that expose the unfinished business of the Security Council – and the broader UN system – to achieve this important goal.

As a humanitarian, development and advocacy organisation committed to peace and eliminating extreme poverty, Oxfam has a strong interest in seeing that governments, regional bodies and the Security Council work better to protect people like Hawa. This report sets out how we believe Australia can make a contribution to that important global effort.

"We are praying for peace so we can go home ... But for now it is better being a refugee. At home people were killing, they were bombing, they were shooting. Here we are not hearing the sound of the gun. But our children suffer – there is no school for them to learn."

Hawa's husband Dan, July 2012

2 WHAT DOES AUSTRALIA BRING TO THE TABLE?

Australia has a long and proud history of contributing to the United Nations. This dates back to the strong leadership of the then Attorney General Dr H V "Doc" Evatt in negotiating and drafting key provisions of the UN Charter in San Francisco in 1945.[6] From these early beginnings Australia advocated fiercely against the veto power of the five Permanent Members of the Security Council (the "P5") – US, Russia, China, UK and France. Australia also pushed for the UN to adopt a holistic approach to peace and security, encapsulated in Evatt's notion of 'positive peace'.

Since then Australia has sat on the UN Security Council four times – in 1946-47; 1956-57; 1973-74 and 1985-86. The loss of a 1997-98 campaign for a seat to Portugal has meant it is now 26 years since Australia was last a member. Despite Australia's absence from the Security Council table for so many years it has remained actively involved in multilateral peace and security debates, particularly as they relate to the Asia-Pacific region.

There are three key areas where Australia's leadership has been particularly noteworthy: peacekeeping; strengthening international norms and the rule of law relating to protection of civilians and human rights; and disarmament and arms control.

International peace operations

Australia is the 12th largest contributor to the UN peacekeeping budget, and has reportedly contributed 30,000 personnel to UN-led peace operations and 20,000 to UN-mandated missions worldwide since 1947.[7] Australia's contribution of personnel to UN and other authorised operations in Timor-Leste, Solomon Islands and elsewhere is highly regarded, particularly in relation to international policing.[8]

Australia has been an influential contributor to the work of the UN General Assembly Special Committee on Peacekeeping Operations (also known as the "C34"), where it has developed a good reputation for pushing progressive UN peacekeeping reforms. Australia has supported key UN agencies to develop an inventory of best practices in preventing sexual violence during conflict and has sponsored the development of scenario-based protection of civilians training for UN peacekeepers.[9] Australia also helped the African Union to draft guidelines on the protection of civilians in conflict zones, which are not yet officially adopted but are being mainstreamed through the African Union Mission in Somalia (AMISOM).

Lasting world peace is not a negative but a positive concept, for peace is not merely the absence of war … real stability in the post-war world can be achieved only by carefully building an organisation that will do its utmost to assure to the peoples of the world a full opportunity of living in freedom from want as well as in freedom from external aggression.[5]

H V "Doc" Evatt, 1946

Strengthening international norms to protect civilians and human rights

Australia is a strong advocate and supporter of the rule of law and the responsibility of states to meet their obligations to protect and promote human rights and fundamental freedoms. Australia has also been a vocal supporter of the Responsibility to Protect concept, establishing in 2009 a $2 million fund for research and conceptual development of the doctrine. Australia has also funded and worked closely with key academic and civil society bodies like the Global Centre for the Responsibility to Protect and the Asia-Pacific Centre for R2P.

Australia has also demonstrated serious commitment to strengthening international protection for women and girls in conflict settings. In particular, Australia has co-sponsored several Security Council resolutions focussed on women, peace and security and reducing sexual and gender-based violence in armed conflict.[10] Australia's appointment of a Global Ambassador for Women and Girls in 2011 and adoption of a National Action Plan on Women, Peace and Security in 2012 also demonstrate a growing commitment to advancing women's rights and protections in conflict.[11]

Arms control and disarmament

Australia has played a leading role in developing and implementing various disarmament treaties,[12] as well as arms control instruments such as the UN Program of Action on Small Arms and Light Weapons.

Since 2006, Australia has played a leading role in UN efforts to develop the worlds' first legally binding Arms Trade Treaty regulating the international trade in conventional arms. As one of seven "co-authors" of a number of resolutions setting out the framework and mandate for negotiation of the Arms Trade Treaty, Australia has been a critical player in building global support around the need for high common standards in the international arms trade, as well as an influential voice in the negotiating process itself.

Furthermore, Australian police and military personnel, such as those participating in the Regional Assistance Mission to the Solomon Islands (RAMSI), have played a leading role in disarmament through gun amnesty and destruction programs.

Gun destruction ceremony in Honiara, Solomon Islands in August 2003. RAMSI had arrived in July 2003, and there was a period of amnesty for gun surrenders. Photo: Anne Lockley /Oxfam

3 MAKING A DIFFERENCE: CORE PRINCIPLES

Australia clearly has the potential to make a very positive difference on the Security Council. To translate that potential into actual change, however, Australia will need to do more than show up and vote on resolutions. Unlike the last time Australia had a seat at the table, the Security Council is now a highly active institution involved in as many as 40 specific country and regional situations.[13] Non-Permanent Members can wield significant influence, and therefore great expectations are placed upon them by the wider UN membership and civil society.

Non-permanent members have just two short years to get their heads around the expansive players and issues, let alone make a strategic contribution to the agenda. In order to make the most of its term, from day one Australia will need a clear approach and strategy for what it wants to achieve as well as the resources and systems to back it up.

After decades of observing Security Council members and their impact on the Council's work, Oxfam has identified four "core principles" for non-permanent members committed to making a positive difference for people caught up in conflict.

We encourage the Australian Government to commit to follow these principles over the life of its Security Council term:

1. **Put civilians at the centre** of efforts to maintain international peace and security on the Security Council.

2. **Lead by example** by sticking to principles and consistently respecting and ensuring respect for international humanitarian and human rights law.

3. **Reform the system** by actively contributing to improving Security Council working methods so they are more effective, transparent and accountable to people affected by conflict.

4. **Plan to drive change** by investing in a compelling vision and strategy for advancing peace and security. This should be based on a small number of priority issues which require new thinking, a new approach or the development of more rigorous international standards.

Oxfam will monitor Australia's performance on the Security Council over the next two years against these four core principles, and we encourage other members of civil society in Australia and around the world to do the same.

PRINCIPLE #1
PUT CIVILIANS AT THE CENTRE

The protection of civilians from grave threats to their safety must be seen as a core element of the maintenance of international peace and security. It is clear that civilians continue to bear the brunt of armed conflict around the world. In addition to the tragic impact of conflict on civilians in Syria, a range of situations seriously deteriorated for civilians in 2012:

- In the North and South Kivu provinces of the Democratic Republic of Congo fighting has forced three quarters of a million people to flee their homes since January.[14] There are now 2.2 million people internally displaced inside the DRC – the highest number in three years.[15] There have been several reports of child soldier recruitments and a number of massacres: 98 civilians were killed in eleven villages between 9 and 25 May.[16]

- In Afghanistan attacks against schools are on the rise: There were 34 attacks against schools in the first half of 2012, compared to 10 incidences in the same period in 2011. These included occupation and burnings of school buildings, intimidation and targeted killings of teachers and education officials. Girl's schools are particularly being targeted, further undermining girls' access to education.[18]

- Since January almost 210,000 refugees have arrived in South Sudan, including 175,000 Sudanese refugees forced to flee conflict in neighbouring Southern Kordofan and Blue Nile regions of Sudan.[19] Overflowing camps are making access to basic food and water increasingly difficult.[20]

- Sexual violence predominantly affecting women and girls but also men and boys was widespread in several countries, including the Democratic Republic of the Congo and northern Mali.[21]

- In Yemen a ten percent rise in security incidents is exacerbating a severe humanitarian crisis.[22] Ten million Yemenis – almost half the population – are without enough food to eat, and women are particularly at risk: one-quarter of Yemeni women between the ages of 15 and 49 are acutely malnourished.[23]

We believe peace is not the absence of war. Peace for Afghan women is also about access to health care, educational facilities and socio-economic opportunities.17

Participant of Afghan Women's Network seminar, 2010

In addition to demonstrating the need for the Security Council to redouble its efforts to protect civilians, these conflict settings highlight the fact that boundaries between political, ethnic, criminal, interpersonal and gender-based violence are increasingly blurred. The Security Council has struggled to align its role to this context and to advance sustainable solutions for countries experiencing civil war, leaving a number of countries in perpetual cycles of conflict. Over the past decade, 90 percent of all civil wars have taken place in countries that had already previously experienced a civil war within the past 30 years.[24]

Whose peace, whose security?

The scope of the term 'international peace and security' is a topic of much debate. There are those who see security as a wide concept, concerned not only with the security of states but also the security of individuals from threats and chronic stresses (including non-military threats such as poverty and climate change). This is commonly referred to as a 'human security' approach, emphasising holistic freedom from fear and freedom from want,[26] much like Evatt's notion of positive peace.

On the other hand there are those who reject this broad interpretation as an example of Security Council encroachment into issues that are within the purview of other UN organs, such as the General Assembly. While this debate remains topical, the Security Council has established a number of civilian-centred issues such as the protection of civilians, women, peace and security, and children and armed conflict, as central to its work.

There is no doubt that the Security Council should take action in situations where civilians are at serious risk of violence – these situations often have regional, and therefore international security implications. The fact that much of the violence, and especially gender-based violence, continues long after conflict officially ends, the Security Council should also play a greater role in promoting post-conflict peacebuilding and conflict prevention.

The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security.[25]

Note by President of the Security Council, 31 January 1992

> **Australia should commit to consider and prioritise the safety of civilians in all its deliberations on the Security Council, including considering and highlighting the risks of Council action – and inaction – on civilians, taking into account the specific risks facing women, men, boys and girls.**

PRINCIPLE #2
LEAD BY EXAMPLE

There is no doubt the Security Council is an imperfect institution. The veto power, outdated political and geographical member representation, lack of accountability to the broader UN membership and political sensitivities around the subject matter on the Council's agenda place strain on the body's claims of legitimacy. Non-Permanent members can play a critical role in improving the Council's work and strengthening its legitimacy by providing a check on the significant power of the P5.

Sticking to principles

While non-permanent members do not have the veto power, all Security Council members have one equal vote and resolutions require at least nine out of fifteen affirmative votes to pass. While it rarely happens, a group of non-permanent members acting together can block Security

Council resolutions. This happened in March 2003 when a resolution proposed by the US, UK and Spain, that would have provided a legal basis for the Iraq War,[27] could not gain the necessary support of non-permanent members Angola, Cameroon, Chile, Guinea, Mexico and Pakistan (dubbed the "swing six").[28]

Australia may be concerned about taking positions on principle and in law that are at odds with powerful allies such as the P5. However, there are plenty of examples of non-Permanent Members taking a stand – even under immense pressure from powerful countries – without sacrificing their bilateral relationships. For example, when Chile took a stand as part of the "swing six" it was poised to sign a free-trade treaty with the US after ten years of negotiations. Some thought Chile's strong stance could cost the deal – but this was not the case. The treaty was signed and ultimately the Chilean Government's actions earned it respect in the international community and amongst the Chilean public.[29]

During New Zealand's membership of the Security Council in 1993-94 it was often at odds with the P5 on how to address security threats in Haiti, Rwanda and Bosnia.[30] Rather than tarnishing New Zealand's reputation, this enhanced New Zealand's reputation and influence in multilateral affairs to an extent that is uncommon for a country of its size and geopolitical position.

Did strongly disagreeing with the Pentagon juggernaut on such an issue and with little active support from other Council members, damage political relationships? In short it had the opposite effect. It built real respect.

Colin Keating, Former New Zealand Ambassador to the UN

> **New Zealand action on the Rwandan Genocide, 1994[31]**
>
> Against the opposition of the US, UK and China, New Zealand took a strong position in 1994 that the Security Council should recognise the unfolding Rwandan Genocide and authorise military intervention to stop it, as requested by the Canadian Force Commander in Kigali, General Dallaire. While the UK and China ultimately changed their position, the US wouldn't budge. In the face of Security Council inaction over 800,000 people were killed over 100 days and countless women, men and children were raped. In the end, the Clinton administration admitted its failure and apologised to victims of the horrific genocide.[32]
>
> Ultimately New Zealand's actions did not halt the killing, though they did play an instrumental role in expanding the UN peace effort in May and June 1994 and forcing the UN Secretary General to recognise the crisis as a 'real genocide'. This case demonstrates that taking a proactive stand need not injure bilateral relationships if it is backed up by international law and sound principles.

Ensuring respect for legal obligations

While sticking to principles has both a moral and tactical advantage for non-permanent members, it is also a legal requirement that the Security Council shall act in accordance with the Purposes and Principles of the United Nations.[33] These include the 'principle of equal rights and self-determination of peoples' and 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion'.[34]

Security Council members are also bound to carry out their UN Charter obligations in good faith,[35] and in abidance of relevant Treaty obligations and customary international law. All states are obliged to respect and ensure respect for the 1949 Geneva Conventions, the cornerstone of international humanitarian law, which enjoy universal ratification of all UN Member States. Security Council members have a special responsibility in upholding these obligations when discussing matters of international peace and security.[36]

The Geneva Conventions prohibit deliberate targeting of civilians and require that people not taking active part in hostilities must at all times be protected from violence and degrading treatment.[37] Civilians must be treated humanely, without any adverse distinction based on sex or race or any other characteristics. These protections were significantly strengthened by the 1977 Additional Protocols to the Geneva Conventions, which have been ratified by a large majority of states. The Geneva Conventions and their Additional Protocols remain the bedrock of humanity's attempt to limit the brutal cost of war, although adherence to the Conventions in today's conflicts is grossly inadequate.

Modelling responsible practice in accordance with international law and holding all Member States, including the Permanent Members, to a consistent standard is a critical role of non-Permanent Members of the Security Council.

> **Australia should commit to consistently uphold principled positions and act to ensure respect for applicable international law on the Security Council. Where necessary this may involve voting independently against other members on the Security Council, including close bilateral allies such as the United States.**

PRINCIPLE #3
REFORM THE SYSTEM

Like any institution, the UN needs to evolve or it will become a relic of history. Yet the imperative to strive for consensus and the dynamic of the Security Council veto power, in particular, constrain opportunities for reform. While various proposals have been circulated for reforming the Security Council's membership to better reflect contemporary geo-politics, pragmatically there is far greater potential to reform the Council's working methods than its structure.

Having less interest vested in maintaining the status quo, non-Permanent Members can make a valuable contribution to reforming the working methods of the Council. Japan, for example, has played a particularly active role in this area.[38] In 2006 Japan managed to consolidate and obtain agreement on Presidential Note 507, containing 63 Security Council work practices and procedures and aimed at enhancing the Council's transparency and accountability.[39]

Supporting the role of civil society

Civil society has a vital role to play in advancing international peace and security – and yet, the Security Council's working methods provide few structured entry points for civil society to contribute its knowledge and expertise. Most Security Council members hold monthly informal briefings with non-government organisations (NGOs), such as Oxfam, in New York, including through the NGO Working Group on the Security Council. These briefings are critical for ensuring the Security Council is informed by actors that are working directly with people affected by conflict and insecurity and which understand the risks they face.

Due to Japan's efforts in consolidating and making the Council's working methods more transparent in presidential note 507, there is also now a more clear expectation that the Security Council will engage with civil society and non-governmental organisations. This engagement is through 'Arria Formula Briefings', which are informal meetings of the Security Council members held outside Council chambers to enable participation of external stakeholders. Council members are also encouraged to enable participation by video teleconference, in order to enhance participation from the field.[40] Note 507 also specifies Security Council missions should engage with local civil society leaders, NGOs and other non-government stakeholders.[41]

Unfortunately in practice the Security Council has not embraced these working methods to their full potential. Despite improvements, Security Council members do not generally go far enough to reach out to civil society at the local level in countries affected by conflict. This is a critical gap – as it is civil society on the ground that is best placed to monitor the impact of Security Council decisions.

> **Australia should commit to increasing the Security Council's direct engagement with and accountability to communities and local civil society actors in conflict affected countries. This can be achieved through more regular and inclusive Arria Formula briefings and greater use of video and teleconferencing technology to bring in views from civil society on the ground in countries under discussion. This should be a core priority for Security Council reform efforts.**

PRINCIPLE #4
HAVE A PLAN AND IMPLEMENT IT

Effective non-permanent Security Council members don't just wait for the five Permanent Members to do the heavy lifting. They make strategic use of their Presidency, host Arria Formula Briefings, consult widely and work across regional blocks to find common agreement on contentious issues. They also ensure that their diplomats in charge of Security Council matters are well prepared and have the delegated authority to drive a proactive agenda.

Savvy and creative non-permanent members have been responsible for a great deal of the Council's achievements. For example, Canada's work on the Council from 1999-2000 resulted in radical changes to the way the UN Security Council acts to protect civilians in armed conflict.

> **Canada's contribution to the Protection of Civilians, 1999-2000**
>
> On 12 February 1999 Canada held a landmark debate, inviting Security Council members and representatives of the UN Secretariat and humanitarian agencies to share their views about the role of the Security Council in protecting civilians. Immediately following the debate Canada issued the first ever Presidential Statement on the protection of civilians, requesting that the Secretary-General submit a report on ways the Council could improve the 'physical and legal protection of civilians in situations of armed conflict'.[43]
>
> Upon receiving the report,[44] the Security Council issued Resolution 1265, the first thematic resolution on the protection of civilians.[45] The resolution put in place some of the recommendations of the Secretary-General's report and established a mechanism for reviewing the recommendations in full. In October 1999 the Security Council for the first time mandated a UN peace operation to protect civilians. Resolution 1270 mandated the United Nations Mission in Sierra Leone (UNAMSIL) 'within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence'.[46]
>
> In April 2000 Canada took up its second Presidency of the Council and held a second debate on the protection of civilians. After this debate Resolution 1296 was adopted by the Security Council, affirming the intention of the Council to adopt more proactive measures to protect civilians, building on the recommendations of the Secretary-General's report. The resolution also affirmed that targeting civilian populations may constitute a threat to international peace and security and the Council's willingness to take appropriate steps in response to such threats (under Chapter VII of the Charter).

'With Canada's leadership and lobbying, provisions for the protection of civilians were being incorporated into the Security Council's discussions, peace support operation mandates, and reports of the Secretary-General. Consequently, Canada has institutionalized momentum behind human security concerns…'

Review of Canada's 1999-2000 term on the UNSC[42]

Achieving this kind of impact requires non-Permanent Members to have a clear plan for what they want to achieve and sufficient resources to carry it out. This plan should be the basis of measuring impact and effectiveness on the Council – which is critical for demonstrating to the public the worth of active participation in the multilateral UN system.

> **Australia should invest in a proactive strategy to drive change on the Security Council in relation to a discrete number of pressing international peace and security concerns, focussing on areas where Australia has existing competence and commitment.**

4 AGENDA FOR AUSTRALIA ON THE SECURITY COUNCIL

Australia can make a difference on the Security Council by being a principled and effective leader, and driving a strategic agenda for change on the Security Council that positively impacts on the lives of people affected by conflict and insecurity.

Australia should focus on security challenges that require enhanced leadership and new thinking on the Security Council, and where Australia has sufficient expertise and credibility to drive the agenda and make a difference.

Based on these criteria Oxfam recommends the Australian Government focus on two core priorities:

1. **Ensuring better protection of civilians in armed conflict.** Australia should focus on improving the consistency of Security Council action in the face of threats against civilians and the effectiveness and accountability of UN-led and authorised peace operations for the protection of civilians.

2. **Addressing the impacts of conventional arms proliferation on peace and security.** Australia should seek to uphold and further develop norms through the Security Council that prevent conventional arms proliferation and its impact on civilians. Australia should also use its position the Council to advance successful negotiation of a strong and effective, legally-binding Arms Trade Treaty.

PRIORITY 1
BETTER PROTECTING CIVILIANS

The Security Council has taken significant steps towards better protecting civilians since its first resolution on this subject in 1999. The protection of civilians is now a thematic agenda on the Security Council. The most recent resolution 1894 'marked a significant step in providing guidance to ensure the effective protection of civilians on the ground'.[47]

The Security Council has also progressed efforts to strengthen international protections relating to specific groups of people at risk in conflict situations, including children, women, refugees and internally displaced persons as well as journalists and humanitarian workers. Probably the most well known example is resolution 1325 on Women, Peace and Security. This resolution called for greater participation of women in all forms of conflict management and a range of measures to ensure special protections for women in armed conflict given the structural vulnerabilities and threats they often experience.[49]

The Security Council has repeatedly affirmed the responsibilities of conflict parties to protect civilians and the primary responsibility of States for ensuring the rights of all people within their territory and jurisdiction.[50] The Security Council also now considers that targeting civilians may constitute a threat to international peace and security and has affirmed its 'willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed'.[51]

Despite this progress, the effectiveness of Security Council action to translate these words into action and to protect civilians on the ground remains mixed. While there are number of issues undermining the Security Council's performance in this area, Australia's strong leadership in peacekeeping and the development of international norms relating to protection give it the leadership capacity necessary to tackle three critical challenges:

1. Encouraging more **consistent determination of the Security Council to take action to protect civilians facing threats**, in line with relevant international legal norms and commitments made by the Security Council;

2. Improving the way the Security Council mandates, supports and holds **UN peacekeeping missions** accountable for the protection of civilians; and

3. Improving the way the Security Council engages with **regional and other multilateral military missions authorised by the Security Council but not led by the UN,** to ensure better protection of civilians.

States bear the primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law.

UN Security Council Resolution 1984 (2009)[48]

More consistent determination to protect

Despite some progress, Security Council decision-making relating to the protection of civilians in armed conflict settings is highly uneven.[52] The current situation in Syria is a case in point. In spite of unanimous concern about the devastating level of violence and the impact on civilians, the Security Council's response has been hampered by disagreement among council members. This disagreement initially hinged on whether Syria could be considered an armed conflict, although more recently contested views on appropriate action have prevented a response. As a result the Council has done very little to address the protection needs of Syrian civilians and refugees, facilitate humanitarian access or support a negotiated political settlement.

This tragically highlights that political interests too often impede action by the Security Council to protect civilians. In other contexts lack of political interest has also impeded action. For example, in cases of protracted conflict where horrific attacks against civilians are so frequent they are now considered unremarkable – such as in DRC.

At the same time, there are cases where the Security Council has demonstrated its capacity to act swiftly in the face of grave threats against civilians. For example, Council members acted to prevent a seemingly imminent massacre of civilians in Libya in March 2011 by authorising NATO in resolution 1973 to 'to take all necessary measures ... to protect civilians and civilian populated areas under threat of attack'.[53] Even members critical of the measures in resolution 1973, including two P5 members, opted to abstain rather than voting against the resolution. Controversially, this resolution authorised enforcement of a No Fly Zone and – unlike mandates to protect civilians in UN peacekeeping missions – allowed for a broad interpretation of the mandate. Some Council members argue this was ultimately used to justify regime change.

Although resolution 1973 did not expressly refer to it, the Libyan intervention was given its political legitimacy by the Responsibility to Protect concept. Agreed by UN Member States at the 2005 UN World Summit and reaffirmed by the Security Council in 2006, the Responsibility to Protect concerns the obligations of states and the international community to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.[54] The Responsibility to Protect framework specifies that the use of force by the international community to protect populations from these mass atrocity crimes is only appropriate if the state fails to provide protection and other peaceful measures have been tried.

The Libya case demonstrated rapid and decisive Security Council action is possible, but also underscored the risks of protection by force and the need for greater clarity around the responsibilities of intervening forces in this regard. Almost two years since the authorisation on Libya, the actions by the Council remain hotly contested by members, with consequences for the willingness of the Council to reach similar agreement to take action to protect civilians in other circumstances.

The Security Council has acknowledged the need to adopt a more consistent approach to the protection of civilians.[55] This does not mean responding in the same way everywhere; but it does mean responding with the same determination.

Australia could play a valuable role in pushing for the Security Council to more consistently address threats against civilians by:

• **Championing the Protection of Civilians thematic agenda on the Council.** Australia could host a debate and push forward a resolution on a core challenge relating to the protection of civilians during its 2013 Presidency. At a minimum Australia should actively participate in the Security Council's informal Experts Group on Protection of Civilians and bi-annual open Security Council Protection of Civilians debates.

• **Encouraging Permanent Members of the Security Council to renounce the use of their veto** when the Council is discussing situations of grave concern to civilians, including actual or incipient war crimes, crimes against humanity and genocide.

• **Supporting mechanisms for more consistent and better quality information gathering and analysis of threats against civilians and violations of IHL to support Council decision-making, including in relation to countries not on the Council agenda.** This includes requesting all peacekeeping missions systematically collect, aggregate and analyse data on protection issues; requesting more regular and detailed briefings on protection issues from the UN Emergency Response Coordinator (ERC) and other key informants; and more systematic reporting from the Secretary-General on threats to civilians and civilian casualties.

• **Advancing Security Council efforts to build institutional relationships and more effective ways of working with regional organisations such as the African Union and League of Arab States**, in order to enable more effective collaboration on diplomacy and negotiation with conflict parties on the protection of civilians.

Protection through UN Peacekeeping

The Security Council is currently supervising eight UN peacekeeping missions with mandates to protect civilians under imminent threat of physical violence.[56] The unfortunate reality is that even where the Security Council has mandated UN peacekeepers to protect civilians, this protection is often inadequate.

In DRC, for example, every year since 2007 Oxfam has conducted a civilian protection survey – in 2011 interviewing over 1700 people from 45 conflict-affected communities. In last year's survey community perceptions about the MONUSCO – the UN peace operation mandated to support the government to protect civilians – were mixed. In Masisi in North Kivu, some communities felt MONUSCO helped to protect them through market patrols and deterring soldiers from holding people to ransom at illegal barriers.

In Haut Uélé province, however, only two out of nine communities within MONUSCO's area of operations felt the presence and patrols of UN peacekeepers were a positive factor in their protection. The remaining seven communities saw MONUSCO as ineffective due to its patchy presence, its lack of communication with the population, and perceptions that its personnel were collaborating with armed actors. Rumours amongst communities of MONUSCO's "hidden agenda" to support local armed groups have persisted in 2012, and have potentially been fuelled by MONUSCO's failure to act even to prevent massacres of civilians within its area of operations.[58]

The Council has put in motion a range of initiatives to ensure peacekeeping missions have better guidance and greater capacity to fulfil their mandates to protect civilians,[59] and has stressed that mandated protection activities must be given priority in decisions relating to the use of resources.[60] As experience in DRC demonstrates, there is still much work to do to translate this policy into practice.

Australia can contribute to improving the way UN peace operations protect civilians by:

• **Actively participating in the Security Council Working Group on Peacekeeping Operations** and nominating to take over the Chair of this group from Morocco when it retires from the Security Council at the end of 2013. Australia should use this forum to strengthen the effectiveness and accountability of UN peace operations to protect civilians and implement core resolutions such as resolution 1894 on Protection of Civilians and resolution 1325 on women, peace and security.

• **Ensuring all UN authorised missions tasked with the protection of civilians have clear, credible and achievable mandates**, adequate resources to implement them and are monitoring and reporting against benchmarks for civilian protection. Ensure missions serve the interests of women, men and children by explicitly mandating them to work directly and proactively with conflict-affected communities, to identify and militate against threats, and to involve them in monitoring and evaluating mission performance.

• **Pushing for more stringent mechanisms to ensure authorised missions strictly adhere to relevant international laws, including IHL.**[61] Australia should also push for greater support for and accountability of national actors (such as the army and police) to better protect civilians, through gender sensitive security sector reform and rule of law support. Such support should be provided in accordance with the UN Human Rights Due Diligence Policy.

We now live as displaced people in a town where there are some UN peacekeepers so we feel safer, but in our village there is no one to protect us. Until the UN comes to our area, it is too dangerous for us to access our fields and so we go hungry.

Woman, 18, former child abductee, Niangara, DRC, September 2010[57]

Protection through non UN-led missions

Regional organisations such as the African Union and multilateral alliances such as NATO are increasingly being authorised by the Security Council to carry out military operations in contexts where civilians face significant threats. For example, AMISOM in Somalia is authorised by the Security Council and funded through the UN support, but its mandate is implemented by the African Union with troops from several AU countries.[62]

There are particular challenges for the Security Council in ensuring the accountability of non-UN led missions to their mandates and relevant international law. Any authorised military mission should be required to report to the Security Council on how it is implementing its mandate, steps taken to prevent civilian casualties, and obligations under IHL such as ensuring operations are proportionate to identified threats.

A number of positive initiatives have been piloted in various missions which could be more systematically integrated by the Council into mission mandates. These include civilian casualty reporting and analysis systems, policies against military tactics that put civilians at undue risk, as well as restorative justice mechanisms such as compensation and apology for harm. In Afghanistan, for example, the Security Council has authorized NATO's International Security Assistance Force under Chapter VII and requested its leadership to provide quarterly reports to the Council on mandate implementation.[63]

The Security Council needs to work more effectively with regional peace and security bodies, particularly the African Union Peace and Security Council, to ensure non-UN led missions have the necessary competence and systems in place to protect civilians and minimise civilian casualties. Australia can contribute to improving the way regional missions protect civilians by:

- **Ensuring the Security Council authorises non UN-led missions to undertake proactive measures to prevent civilian casualties**, stressing the international legal obligations of missions taking part in hostilities, including IHL obligations.

- **Assisting to strengthen ties between the UN Security Council and the regional and sub-regional bodies, such as the AU Peace and Security Council**, to improve complementary approaches to the protection of civilians and support mechanisms to minimise civilian casualties.

- **Pushing the Security Council to request reporting from all authorised missions** on their operations, the implementation of their mandate and how they are adhering to applicable international laws.

- **Actively participating in the Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa,** in particular as a forum to advance discussions about the relationship between the Security Council and African Union regarding Protection of Civilians issues.

PRIORITY 2
ADDRESSING CONVENTIONAL ARMS PROLIFERATION AND USE

Every day, millions of people suffer from the direct and indirect consequences of conventional arms proliferation: around 1,500 people are killed and injured; thousands experience sexual and gender based violence including rape; many are forced to flee their homes and many more are forced to live under constant threat of weapons. Illicit and unregulated flows of arms continue to destabilize communities and hinder development efforts long after armed conflicts are officially resolved. Global military spending is averaging Cold War peak levels,[64] with excessive militarisation in many countries fuelling armed violence and diverting spending away from essential services such as healthcare.

The UN Charter envisaged a role for the Security Council in regulating arms in order to maintain international peace and security 'with the least diversion for armaments of the world's human and economic resources'.[65] In practice, however, the Council has neglected this area almost entirely since 1948. Efforts to regulate armaments subsequently fell to the General Assembly and in many cases multilateral negotiations on arms control and disarmament have been taken outside the UN altogether.

Some non-Permanent Members have attempted to enhance the Council's oversight of arms issues. Cameroon, for example, issued a Presidential Statement in October 2002 on behalf of the Council encouraging all Member states to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA).[66] At a regional level, resolution 1467 (2003) made recommendations to the Economic Community of West African States (ECOWAS) to broaden the scope of the ECOWAS Moratorium on Small Arms, which was subsequently expanded into a convention in 2006.[67]

In 2008 Costa Rica held a debate about the Security Council's role in advancing collective action on arms control, non-proliferation and disarmament,[68] arguing that there are 'concurrent responsibilities for both the General Assembly and the Security Council' in this area.[69] This led to a Presidential statement confirming the Security Council remains 'convinced of the necessity to strengthen international peace and security through, inter alia, disarmament, non-proliferation and arms control'.[70] The statement did not, however, clarify the Security Council's role in this regard. Despite these efforts, Security Council action to address conventional arms issues has in practice been modest and ad hoc.

A more systematic approach needed

The Security Council has neither the mandate nor the representative membership to replace General Assembly's work on development of norms and codes of conduct in arms regulation and trade. Nevertheless, when the proliferation and use of conventional arms are factors fuelling threats to peace and security, the Council has wide scope to respond.

The Security Council can employ specific tools such as: arms embargoes; other measures to curb illicit weapons trafficking; mandating peacekeeping operations to collect and dispose of weapons and maintain baseline arms inventories; and measures relating to the removal and destruction of mines and explosive remnants of war.[71]

The Council does not, however, appear to have a systematic approach to considering and utilising these tools in the various country contexts on its agenda. Furthermore, explicit linkages between these activities and the implementation of relevant arms control instruments such as the UNPoA have been limited and irregular in Security Council resolutions.[72] As a result the Security Council has done little to uphold, let alone reinforce, broader normative frameworks relating to the regulation of conventional arms.

More consistent Security Council consideration of relevant arms control instruments when addressing peace and security threats would provide a clearer framework and legal basis for action by States, peacekeepers and political missions to effectively address arms issues. The Security Council could also provide an important means for monitoring and evaluating the implementation of key instruments, such as the UNPoA. For example, when considering the drawdown of peacekeeping and UN support missions, the Council could consider as a benchmark whether progress towards addressing illicit small arms trafficking, in line with UNPoA commitments, are being met. Systematic reference to arms obligations in Security Council resolutions could serve as a way of applying diplomatic pressure on conflict parties even where an arms embargo cannot be agreed by the Security Council.

A unique moment of opportunity

The 2013-14 period on the Security Council will be a unique opportunity to address the issue of conventional arms proliferation. With the addition of Australia and Argentina, together with Permanent Member the United Kingdom, the Council now has three members of the "co-authors" group leading the negotiations for a global Arms Trade Treaty – a Treaty focussed on controlling the poorly regulated international trade in conventional arms. All three countries are strong leaders in the field of conventional weapons control.

While governments failed to reach consensus on a final Arms Trade Treaty text during negotiations in July 2012, the General Assembly is expected to endorse a new resolution before the end of 2012, which will extend the negotiating mandate for a final conference in early 2013.

This bloc of key Arms Trade Treaty champions 'inside the tent' could create an unprecedented opportunity to reinvigorate how the Security Council works to prevent arms contributing to conflict, insecurity and suffering.

Australia, already a respected disarmament actor internationally, has great potential to push the Security Council to adopt a more comprehensive approach to addressing the negative impact of conventional arms.

Australia can do this by:

- **Coordinating an informal working group to proactively champion the Council's role in maintaining peace and security through non-proliferation and control of conventional weapons**. This group could be a mechanism through which to promote a range of arms related initiatives, as well as build momentum on the Council behind successful negotiation of a strong and effective legally-binding Arms Trade Treaty.

- **Pushing the Council to take a more systematic approach in country-specific resolutions where arms are identified as a factor fuelling threats to peace and security.** This could involve ensuring that the Council consistently draws upon and references the growing body of relevant international law and norms in its decision-making. This should include the UNPoA and relevant legally binding regional agreements, as well as the Arms Trade Treaty upon its negotiation and entry into force.

- **Ensuring the Council considers efforts to protect the civilian population through arms control, disarmament and mine clearance activities in all deliberations on country situations.** Appropriate resolution provisions that should be considered are set out in the Aide Memoire on the protection of civilians in armed conflict.[73]

- **Supporting the normative development of conventional arms non-proliferation and regulation** by holding a debate and issuing a Presidential Statement on arms proliferation, which includes a request to the Secretary General to produce a comprehensive report on the link between arms and international peace and security threats.

5 CONCLUSION AND NEXT STEPS

This report outlines just a selection of potential ideas for where and how Australia can make a difference on the Security Council. There is enormous potential for Australia to make a lasting contribution to international peace and security if it really invests in Council membership.

In order to further develop Australia's strategy for Security Council membership the Australian Government should immediately establish an expert group. This group should involve key members of the public service and civil society. This could include representatives of the Department of Foreign Affairs and Trade, AusAID, the Office for Women within Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Department of Defence (including the Australian Civil Military Centre and the Peace Operations Training Centre).

Within civil society this should include key academics, key international non-government organisations and humanitarian affairs experts and think tanks. This group should meet periodically throughout Australia's term on the Security Council to advise on strategy and monitor Australia's performance.

The broader Australian community and Parliament should also have opportunities to engage with Government about its Security Council role. To facilitate this the Australian Government could establish consultation processes, report regularly to Parliament on Security Council matters and expand its use of e-diplomacy.

The next two years present an opportunity for Australia to firmly establish its international peace and security credentials in the 21st century. If Australia is able to leave a legacy on the Security Council this will undoubtedly enhance its standing in the international community.

Most importantly, Australia is about to assume substantial responsibilities for the maintenance of international peace and security. This includes working towards the prevention of conflict and better protections for people facing violence, coercion and deprivation. Australia must show that it has the capacity and will to meet these responsibilities with integrity, accountability and efficacy.

Over the next two years Oxfam will be seeking to inform and monitor Australia's performance on the Security Council, as part of our broader efforts to ensure humanitarian concerns and the perspectives of women, men, boys and girls caught up in conflict are heard by the Security Council.

NOTES

[1] World Bank 2011, World Development Report 2011: Conflict, Security and Development, World Bank, Washington, p 2.

[2] For more on the refugee crisis unfolding in South Sudan and need for political process required to enable refugee returns see Oxfam, 'New sites for South Sudan refugee camps must be found, as Blue Nile conflict enters second year', 21 September 2012, <http://www.oxfamblogs.org/eastafrica/?p=5089>

[3] United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, preamble para 1.

[4] Ibid., art 24.

[5] Evatt, H.V 1946 'Australia and America: University of California Charter Address March 1945', Australia in World Affairs, Angus & Robertson, Sydney, p 15.

[6] For a comprehensive discussion of Evatt's contribution to the UN Charter and international law see McCormack, Timothy 1990-91 'H. V. Evatt at San Francisco: A lasting contribution to international law' in Australian Year Book of International Law, Vol. 13, p 89.

[7] Australian Government 2012, Making a difference for small and medium countries of the world, Australia: Candidate for the United Nations Security Council 2013-14, Canberra, viewed 25 September 2012, <http://australia-unsc.gov.au/making-a-difference-for-the-small-and-medium-countries/>.

[8] Australian Federal Police 2010, International Deployment Group Fact Sheet, Canberra, viewed 25 September 2012, <http://www.afp.gov.au/policing/~/media/afp/pdf/i/idg-factsheet.ashx>.

[9] Australian Civil Military Centre 2011, Governance and the Rule of Law, Australian Civil Military Centre, Canberra, viewed 26 September 2012, <http://acmc.gov.au/our-work-and-focus/governance-and-rule-of-law/>.

[10] UN Security Council Resolutions 1325 (2000), UNSCR 1820 (2008), UNSCR 1888 (2009) UNSCR 1889 (2009) and UNSCR 1960 (2010) are available under the year of adoption from <http://www.un.org/documents/scres.htm>.

[11] Department of Families, Housing, Community Services and Indigenous Affairs 2012, *Australian National Action Plan on Women, Peace and Security 2012-2018*, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, viewed 26 September 2012, <www.fahcsia.gov.au/sites/default/files/documents/05_2012/aus_nap_on_women_2012_2018.pdf>.

[12] For example, Australia played a leading role in negotiating the Comprehensive Test Ban Treaty and the Chemical Weapons Convention, and recently initiated the International Commission on Nuclear Non-Proliferation and Disarmament with Japan. See Australian Permanent Mission and Consulate General 2012, Australian Disarmament Delegation, Geneva, viewed 1 October 2012, <http://www.geneva.mission.gov.au/gene/Disarmam.html>.

[13] Keating, Colin 2012, The United Nations Security Council: Can Australia make it work better?, speech at United Nations Association of Australia (Vic) public forum at University of Melbourne, 16 July 2012. Viewed 25 September 2012 <http://www.unaavictoria.org.au/files/Colin_Keating_Presentation_Melbourne_16_July_2012(1).pdf>.

[14] OCHA figures for North Kivu (389 000 IDPs) South Kivu (378 000 IDPs), These figures included the people were displaced since the beginning of January 2012, and remain displaced at the end of September 2012.

[15] See OCHA Great Lakes: Humanitarian Snapshot, 7 August 2012. Viewed 16 October 2012 <http://reliefweb.int/map/democratic-republic-congo/great-lakes-humanitarian-snapshot-7-august-2012>

[16] Oxfam 2012, 'For me, but without me, is against me': Why efforts to stabilise the Democratic Republic of Congo are not working, Oxfam briefing note, July 2012, Oxford.

[17] Afghan Women's Network 2010, Seminar conclusion: Afghan women in the Peace and Re-integration Program, Two-Day Seminar, December 6-7, 2010, Kabul.

[18] United Nations Assistance Mission in Afghanistan, UN Office of the High Commissioner for Human Rights 2012, Afghanistan Mid-Year Report 2012: Protection of Civilians in Armed Conflict, Kabul, Afghanistan, July 2012, p 31, viewed 1 October 2012 <http://www.ohchr.org/Documents/Countries/AF/UNAMAMidYearReport2012.pdf>

[19] UN Office for the Coordination of Humanitarian Affairs 2012, Humanitarian Bulletin Sudan, Issue 40, 8-14 October 2012, p. 1. <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Sudan%20Weekly%20Humanitarian%20Bulletin%20Issue%2040%20%288-14%20Oct%202012%29_0.pdf>. See also UNHCR Refugees in South Sudan: Information Sharing Portal, viewed 17 October 2012 <http://data.unhcr.org/SouthSudan/country.php?id=251>

[20] Oxfam International 2012, Refugees from Sudan's Blue Nile state, in South Sudan, Oxfam International, Oxford, viewed 1 October 2012, <http://www.oxfam.org/en/emergencies/sudan-southsudan-crisis/refugees-blue-nile-state>

[21] United Nations Security Council 2012, Report of the Secretary-General on the protection of civilians in armed conflict, 22 May 2012, S/2012/376, viewed 27 September 2012, 3[12] <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/328/94/PDF/N1232894.pdf?OpenElement>

[22] UN Office for the Coordination of Humanitarian Affairs 2012, Humanitarian Bulletin Yemen, Issue 6, 16 August 2012, p. 4.

[23] Oxfam International 2012, Still Waiting for Change: Making the political transition work for women in Yemen, Oxfam Briefing Note, September 2012, Oxford, p. 3.

[24] Human Security Report Project 2010, Human Security Report 2009/2010: The Causes of Peace and The Shrinking Costs of War, Human Security Report Project, Simon Fraser University, Canada, citing Hewitt, Wilkenfeld, and Gurr 2010; Sambanis 2004; Elbadawi, Hegre, and Milante 2008; Collier and others 2003.

[25] United Nations Security Council 1992, Note by the President of the Security Council, 3046th mtg, 31 January 1992, S/23500, p. 3.

[26] 'See Commission on Human Security 2003, Human Security Now, New York, 2003, viewed 28 September 2012, <http://www.humansecurity-chs.org/finalreport/index.html>.

[27] UN Security Council 2003 (draft), Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution, 7 March 2003, S/2003/215, viewed 27 September 2012, <http://www.un.org/News/dh/iraq/res-iraq-07mar03-en-rev.pdf>.

[28] Warren, Marcus 2003 'End of the road in sight for diplomatic manoeuvres at UN' The Telegraph, 15 March, viewed 27 September 2012,<http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1424710/End-of-the-road-in-sight-for-diplomatic-manoeuvres-at-UN.html>.

[29] Vogler, Justin 2006 'Small-country power: Chile and the Iraq war' openDemocracy, 22 February 2006, London, viewed 27 September 2012, <http://www.opendemocracy.net/democracy-protest/chile_3292.jsp>.

[30] Keating, Colin 2012 The United Nations Security Council: Can Australia make it work better?, speech at United Nations Association of Australia (Vic) public forum at University of Melbourne, 16 July 2012, pp. 11-12. Viewed 25 September 2012 <http://www.unaavictoria.org.au/files/Colin_Keating_Presentation_Melbourne_16_July_2012(1).pdf>

[31] Ibid, p 12.

[32] Bill Clinton, Remarks to the people of Rwanda, 25 March 2008, viewed 17 October 2012, <http://www.youtube.com/watch?v=R_6CFNwJ9ww>

[33] United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, art 24(2).

[34] Ibid., art 1.

[35] Ibid., art 2(2).

[36] The four Geneva Conventions refer to: Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, 12 August 1948; Convention II for the Amelioration of the Conditions of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, 12 August 1949; Convention III relative to the Treatment of Prisoners of War, Geneva, 12 August 1949; and Convention IV relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949. See <http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp>

[37] For conflicts of an international character Convention IV relative to the Protection of Civilian Persons in Time of War provides a comprehensive set of protections. For conflicts of a non-international character Common Article 3 applies.

[38] For comprehensive account of Japan and other members' contribution to reforming working methods of the Council see Security Council Report 2010, Security Council Working Methods – A work in progress?, Special Research Report No. 1, 30 March, New York, viewed 21 September 2012, < http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Research%20Report%20Working%20Methods%202010.pdf>.

[39] United Nations Security Council 2006, Note by the President of the Security Council, 19 July 2006, S/2006/507, viewed 21st September 2012, <http://www.un.org/en/sc/repertoire/Notes/s-2006-507.pdf>.

[40] Ibid, 11[54].

[41] Ibid, 11[55].

[42] United Nations Association of Canada 2001, Canada on the Security Council 1999-2000: An Assessment of our Sixth Term and its Legacy, report of Seminar organised by the United Nations Association of Canada in collaboration with the Department of Foreign Affairs and International Trade, Ottawa, 20 January 2001, viewed 21 September 2012, <www.unac.org/en/link_learn/canada/security/2001screport.pdf>.

[43] United Nations Security Council 1999, Statement by the President of the Security Council, 12 February 1999, S/PRST/1999/6, viewed 21 September 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/037/88/PDF/N9903788.pdf?OpenElement>.

[44] United Nations Security Council 1999, Report of the UN Secretary General to the Security Council on the protection of civilians in armed conflict, 8 September 1999, S/1999/957, viewed 21 September 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/258/15/PDF/N9925815.pdf?OpenElement>

[45] United Nations Security Council 1999, UN Security Council Resolution 1265 (1999), SCOR, 4046th mtg, 17 September 1999, S/RES/1265(1999), viewed 21 September 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/267/94/PDF/N9926794.pdf?OpenElement>

[46] United Nations Security Council 1999, UN Security Council Resolution 1270(1999), SCOR, 4054th mtg, 22 October 199, S/RES/1270, viewed 21September 2012, <http://daccess-ods.un.org/TMP/7840324.64027405.html>.

[47] UN Office for the Coordination of Humanitarian Affairs 2011, Aide Memoire: For the consideration of issues pertaining to the protection of civilians in armed conflict, Office for the Coordination of Humanitarian Affairs, Policy Development and Studies Branch, Vol. 1, 4th ed, p.3.

[48] United Nations Security Council 2009, UN Security Council Resolution 1894 (2009), 6216th mtg, 11 November 2009, S/RES/1894 (2009), preambular para 5, viewed 24 September 2012, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/602/45/PDF/N0960245.pdf?OpenElement>.

[49] United Nations Security Council 2000, UN Security Council Resolution 1325 (2000), 4213th mtg, 31 October 2000, S/RES/1325 (2000), viewed 20 September 2012, <http://daccess-ods.un.org/TMP/5968039.63184357.html>.

[50] See United Nations Security Council 2009, UN Security Council Resolution 1894(2009), 6216th mtg, 11 November 2009, S/RES/1894(2009), preambular para 5–6 ; United Nations Security Council 2010, Statement by the President of the Security Council, 6427th mtg, 22 November 2010, S/PRST/2010/25, 1[5]; United Nations Security Council 2006, UN Security Council Resolution 1674(2006), 5430th mtg, 28 April 2006, S/RES/1674(2006), preambular para 9.

[51] United Nations Security Council 2009, UN Security Council Resolution 1894 (2009), 6216th mtg,11 November 2009, S/RES/1894 (2009), 3[4]–[5]

[52] Oxfam International 2011, Protection of Civilians in 2010: Facts, Figures and the UN Security Council's Response, 9 May 2011, p5, viewed 21 September 2012, <http://www.oxfam.org/en/policy/protection-civilians-2010>.

[53] United Nations Security Council 2011, UN Security Council Resolution 1973 (2011), 6498th mtg, 17 March 2011, S/RES/1973 (2011), 3[4]. This mandate was terminated from 23.59 Libyan local time as per United Nations Security Council 2011, UN Security Council Resolution 2016 (2011), 6640th mtg, 27 October 201, S/RES/2016 (2011), 2[5].

[54] UN General Assembly 2005, resolution / adopted by the General Assembly, 60th sess, 8th mtg, 24 October 2005, A/RES/60/1, 30[138]–[139]. R2P was reaffirmed in United Nations Security Council 2006, UN Security Council Resolution 1674 (2006), 5430th mtg, 28th April 2006, S/RES/1674, 2[4].

[55] United Nations Security Council 2009, UN Security Council Resolution 1894 (2009), 6216th mtg, 11 November 2009, S/RES/1894 (2009), 7[30].

[56] Côte d'Ivoire (UNOCI), Democratic Republic of Congo (MONUSCO), Haiti (MINUSTAH), Lebanon (UNIFIL), Liberia (UNMIL), South Sudan (UNMISS), Sudan (UNAMID), and Abyei (UNISFA). For summary of protection related mandate of each of these missions see Security Council Report 2012, Cross Cutting Report on the Protection of Civilians in Armed Conflict', No. 2, 31 May 2012, Annex III, p 29.

[57] Oxfam International 2010, Ghosts of Christmas Past: Protecting Civilians from the LRA, Oxfam and Joint NGO briefing paper, 14 December 2010, Oxford, p 11.

[58] Following rising armed tensions between Raia Mutomboki fighters and the FDLR (Democratic Forces for the Liberation of Rwanda) in northern South Kivu, at least another 40 civilians lost their lives and 35 were injured following a brutal FDLR attack on Kamananga during the night of 13th May 2012. This incident took place only 2 km from a MONUSCO base, without any MONSUCO intervention during the attack. Following the attack an angry crowd (potentially including Raia Fighters) protested in front of the main MONUSCO base in Bunyakiri to protest against MONUSCO's inaction – and MONUSCO's perceived collaboration with the FDLR (a persistent rumour that most members of the community have taken for reality over the course of the years.) 11 peacekeepers were severely injured during the protest. See Oxfam International 2012, Commodities of War: The Price communities pay for protection in eastern DRC, November 2012 (forthcoming). See also Security Council Report 2012, June 2012 Monthly Forecast: Democratic Republic of the Congo, Security Council Report, New York, viewed 28 September 2012, <http://www.securitycouncilreport.org/monthly-forecast/2012-06/lookup_c_glKWLeMTIsG_b_8102689.php>

[59] See United Nations Security Council 2009, UN Security Council Resolution 1894 (2009), 6216th mtg, 11 November 2009, S/RES/1894(2009), 6[22]–[27], 7[32]–[33].

[60] See ibid., 5[19].

[61] Although peacekeepers are not generally considered parties to armed conflict (i.e. as fighters or combatants), the Secretary General's Bulletin on the Observance by United Nations forces of International Humanitarian Law (ST/SGB/1999/13) stipulates that peacekeepers will, when involved in hostilities, adhere to the principles of IHL as it relates to the use of force and the treatment of civilians and other non-combatants, as well as persons placed hors de combat. It is worth noting that in exceptional circumstances peacekeepers may, in fact, become full parties to the conflict. In these circumstances UN Peacekeepers will become subject to the full extent of IHL. This also applies to military operations (such as NATO missions) authorised by the Security Council, where they engage in hostilities. See UN Secretary-General 1999, Secretary-General's Bulletin: Observance by United Nations Forces of International Humanitarian Law, 6 August 1999, ST/SGB/1999/13.

[62] The mandate that the African Union is authorised to 'take all necessary measures' to implement is set out in United Nations Security Council 2007, UN Security Council Resolution 1772 (2007), 5732nd mtg, 20 August 2007, S/RES/1772 (2007), 3[9][a]–[e].

[63] United Nations Security Council 2012, UN Security Council Resolution 2069 (2012), 6843rd mtg, 9 October 2012, S/RES/2069 (2012), 8[8].

[64] See Shah, Anup 2012, World Military Spending, Global Issues, viewed 28 September 2012, <http://www.globalissues.org/print/article/75> and Stockholm International Peace Research Institute 2012, Background paper on SIPRI military expenditure data, April 2011, Stockholm.

[65] United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, art 26.

[66] United Nations Security Council 2002, Statement by the President of the Security Council, 4639th mtg, 31 October 2002, S/PRST/2002/30, viewed 21 September 2012, < http://www.poa-iss.org/CASAUpload/ELibrary/S-PRST-2002-30.pdf>

[67] United Nations Security Council 2003, UN Security Council Resolution 1467 (2003), 4720th mtg, 18 March 2003, S/RES/1467(2003), viewed 21 September 2012,<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Arms%20SRES%201467.pdf>

[68] Security Council Report 2008, Update Report No. 1: Collective Security and Armament Regulation, Security Council Report, 14 November, New York, viewed 21 September 2012, <http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-4756793.php>

[69] United Nations Security Council 2008, *Annex to the letter dated 10 November 2008 from the Permanent Representative of Costa Rica to the United Nations addressed to the President of the Security Council: Concept paper presented by Costa Rica - Strengthening collective security through general regulation and reduction of armaments: the safest road to peace and development*, 10 November 2008, S/2008/697, viewed 21st September 2012,<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/596/69/PDF/N0859669.pdf?OpenElement>

[70] United Nations Security Council 2008, Statement by President of the Security Council, 6017th mtg, 19 November 2008, S/PRST/2008/43.

[71] For an inventory of provisions in Security Council resolutions relating to small arms and light weapons, mines and explosive remnants of war see Office for the Coordination of Humanitarian Affairs 2011, Aide Memoire: For the consideration of issues pertaining to the protection of civilians in armed conflict, Office for the Coordination of Humanitarian Affairs, Policy Development and Studies Branch, Vol. 1, 4th ed, p. 18.

[72] Security Council Report 2009, Cross-Cutting Report No. 3: The Security Council's Role in Disarmament and Arms Control: Conventional Weapons and Small Arms, Security Council Report, 24 September 2009, New York, viewed 21 September 2012, <http://www.securitycouncilreport.org/cross-cutting-report/lookup-c-glKWLeMTIsG-b-5458147.php>

[73] Office for the Coordination of Humanitarian Affairs 2011, Aide Memoire: For the consideration of issues pertaining to the protection of civilians in armed conflict, Vol. 1, 4th ed, pp 60–67.

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