



Preventing and responding to
conflict-related humanitarian crises:

AN AUSTRALIAN CHECKLIST FOR ACTION



CENTRE FOR
HUMANITARIAN
LEADERSHIP



AUSTRALIAN
COUNCIL
FOR
INTERNATIONAL
DEVELOPMENT



It starts with equal



The context

The number of countries experiencing armed conflict today is greater than at any time in the past 30 years.¹ This comes at devastating human cost. In this decade alone, more than half a million civilians have been killed in Syria, the protracted conflict in Yemen has left more than 20 million people in need of humanitarian assistance, and violence in Myanmar in 2017 drove more than 600,000 people into Bangladesh in just three months. The UN Secretary General has said that atrocity crimes are being committed ‘at a scale and ferocity not seen in years’.²

Conflict also comes at enormous economic cost. For a medium-sized developing country, an internal armed conflict costs 30 years of GDP growth, and it takes 20 years for trade to return to pre-war levels. In 2017, violence and conflict cost 12.4 percent of the global economy.³

Australia has demonstrated capacity to be a global leader in preventing and responding to conflict-related humanitarian crises. It has played a pivotal role in advancing the responsibility to protect, it consistently emphasises the importance of a rules-based global order and accountability for international crimes, and it has demonstrated success in – and commitment to – conflict prevention, conflict resolution and peacebuilding. These key strengths are reflected as recurring themes in Australia’s foreign policy and public statements (see Annex I).

Australia is also a leader in the Asia Pacific region. It consistently emphasises the importance of regional institutions in promoting regional peace and stability, has long-standing relationships with these institutions, and has supported the Association of South East Asian Nations (ASEAN) to develop capacities for preventive diplomacy. Thus, in the Asia Pacific region in particular, Australia has a critical opportunity to bring its key strengths and foreign policy priorities together with its position of regional leadership, so as to more proactively and constructively prevent and respond to conflict-related humanitarian crises.



Rohingya refugees in Bangladesh.
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What is the Checklist

The Checklist provides:

- a list of actions that can be taken by key international and regional bodies to prevent and respond to conflict-related humanitarian crises; and
- a list of actions that can be taken by the Australian Government to prevent and respond to conflict-related crises, either individually or in collaboration with others.

Opportunities for Australian Government influencing are identified in four categories:

- UN institutions (the Security Council, the General Assembly and the Human Rights Council);
- Regional forums (ASEAN-led forums and the Bali Process on People Smuggling, Trafficking in Persons & Related Transnational Crime);
- Bilateral influencing (dialogue, sanctions, military cooperation and defence exports); and
- The provision of humanitarian and development assistance.

The Checklist is aimed at enabling more effective, collective advocacy on the part of Australian NGOs and other civil society actors, and at facilitating more targeted and strategic dialogue between civil society and the Australian Government in relation to conflict-related humanitarian crises.

Who is the Checklist for and how should it be used

The Checklist has been designed principally for the staff of Australian NGOs and other civil society actors, to assist them in their collective advocacy on country-specific, conflict-related humanitarian crises.

In the first instance, it is designed to assist civil society actors to prepare for and structure conversations with the Australian Government about specific crises, with the aim of building mutual understanding about the approach being taken.

The Checklist may also be used by civil society actors, individually or collectively, as a tool for assessing: (a) the performance of key international and regional bodies in preventing and responding to specific crises; and (b) the actions taken by the Australian Government in preventing and responding to those crises.

Most of the questions relating to the performance of international and regional bodies should be answerable by referencing publicly-available information. Conversely, much of the information required to answer the questions relating to the role played by the Australian Government will not be publicly available. Thus, if the tool is to be used by civil society actors to assess Australian Government action, this would need to be preceded by – and ideally, be done together with – Government stakeholders.

Following appropriate dialogue, the Checklist (and discussions generated by the Checklist) may also be used by civil society to develop advocacy strategies and formulate public and private messaging.

While aimed at civil society actors, our hope is that the Checklist will also prove a useful reference tool for the Australian Government.

What the Checklist is not

The Checklist is not an exhaustive list of opportunities available to the Australian Government to prevent and respond to conflict-related humanitarian crises. Recognising that civil society actors have limited time and resources to devote to advocacy, and that some forums are more influential than others, the Checklist identifies a select number of key forums and opportunities that Australia can most usefully capitalise upon, in line with its foreign policy commitments.

The Checklist is also not a blueprint for action. Conflict prevention and resolution is by its nature complex, difficult and sensitive, and in any given context there will be myriad reasons for Australia not to pursue a particular course of action that may appear to be warranted. The Checklist aims to disaggregate the various options available, and in doing so to prompt consideration of what can be done. It does not presuppose what may or may not be politically feasible or appropriate in a given context.

We note also that the inclusion of a particular action in the Checklist does not mean that all of the NGOs who produced the Checklist endorse such a course of action in a particular context. Many of us have our own policies regarding the various actions described in the Checklist.

Finally, the Checklist is not a scorecard. It does not query whether Australia was correct to pursue or not pursue the various courses of action – merely whether it did so. The discussions generated by the Checklist may inform future advocacy and campaigns, but the Checklist is not intended to serve as an advocacy or media product in itself.

Who developed the Checklist

This Checklist was developed by the following project team:

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Ahmed's family along with other families had to flee their homes due to recent conflict in Hodaidah, walking for nearly 10 hours, and walking through a sand storm.
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The Checklist

1. UN Institutions

1.1 UN Security Council (UNSC)			
UNSC Performance		Australia's Role	
1.1.1	Has the UNSC considered the situation, either as part of one of its formal meetings or in an informal meeting? ⁵	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia lobbied member States to request the UNSC President to convene an informal meeting or to have a situation put on the agenda of a formal meeting? Or alternatively, requested the UN Secretary General (UNSG) (either informally or in writing) to bring the matter to the attention of the UNSC, or encouraged a UNSC member State to do so? ⁶
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(situation is already being considered by the UNSC).</i>
1.1.2	Have any relevant reports from the Human Rights Council (HRC) special procedures or mechanisms, or relevant Special Representatives or Envoys of the UNSG, been formally introduced as an official document of the UNSC?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(no relevant reports)</i>	Has Australia lobbied one or more UNSC member States to request the UNSC President to circulate such reports amongst the UNSC?
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(no relevant reports)</i>
1.1.3	Has the UNSC been briefed by relevant HRC special procedures or mechanisms, UNSG Special Representatives or Envoys, or the UN High Commissioner for Human Rights, either in a formal meeting or informal interactive dialogue, or in an Arria-formula meeting? ⁷	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia lobbied UNSC member States to request or initiate such briefings, either in a formal meeting or informal interactive dialogue (invitation to brief would need to be extended by the UNSC President), or in an Arria-formula meeting (invitations could be extended by the convening member State)?
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(briefings have already taken place)</i>
1.1.4	Has the UNSC been briefed by an appropriate civil society expert, either in a formal meeting or informal (Arria-formula) meeting?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia lobbied UNSC member States to request or initiate such briefings, either in a formal meeting (invitation to brief would need to be extended by the UNSC President), or in an Arria-formula meeting (invitations could be extended by the convening member State)?
			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(briefings have already taken place)</i>

UNSC Performance		Australia's Role	
1.1.5	<p>Has the UNSC issued 'press elements', a press statement or a presidential statement? ⁸</p> <p><i>Such a statement could call for an end to violations of international humanitarian and human rights law, a political solution, humanitarian access and accountability. It should incorporate a gender perspective,⁹ and where appropriate should reference the responsibility to protect.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(resolution has been passed)</i>	<p>Has Australia lobbied member States for such a statement?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(an appropriate statement has already been issued)</i>
1.1.6	<p>Has the UNSC passed a country-specific resolution?</p> <p><i>Such a resolution should: incorporate a gender perspective;¹⁰ include relevant provisions regarding the protection of children in armed conflict;¹¹ where appropriate reference the responsibility to protect; and require regular periodic reporting on measurable, timebound benchmarks so that the UNSC can assess progress. It could also, as appropriate: demand an end to violations of international humanitarian and human rights law; demand humanitarian access; set up a process for accountability (for example by referral to the ICC); and impose sanctions.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	<p>Has Australia lobbied member States for such a resolution?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(an appropriate resolution has already been issued)</i>
1.1.7	<p>In the event that the UNSC is failing in its responsibility: have member States explored the possibility of referral to the UN General Assembly (UNGA) pursuant to the Uniting for Peace procedure? ¹²</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(the UNSC is exercising its responsibility)</i>	<p>Has Australia explored this option with member States?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(the UNSC is exercising its responsibility)</i>

1.2 UN General Assembly (UNGA)

UNGA Performance		Australia's Role		
1.2.1	Has the UNGA Third Committee considered the situation as part of its annual session?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia sought to have the situation put on the agenda of the UNGA Third Committee, or influenced others to do so?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(UNGA is already considering the situation)</i>
1.2.2	Has the UNGA Third Committee held any interactive dialogues with, and considered the reports of, any special procedures mandate holders, human rights mechanisms, Special Representatives of the UNSG and/or Special Envoys, where there is a mandate for such briefings to occur?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(no relevant special procedures, mechanisms or Special Representatives / Envoys)</i>	Has Australia advocated for interactive dialogues to be held, and for relevant reports to be considered?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(no relevant special procedures, mechanisms or Special Representatives / Envoys, or dialogues have already been held)</i>
1.2.3	Has the UNGA passed a country-specific resolution? ¹³ <i>Such a resolution could, as appropriate: condemn violence; call for humanitarian access; and call for an end to violations of international humanitarian and human rights law, and for accountability. It could also mandate a Special Envoy, call for or establish a mechanism to investigate violations of international humanitarian and human rights law; and if appropriate it should reference the responsibility to protect and urge the UNSC to act.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia worked towards such a resolution or supported/lobbied others to do so?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(resolution already passed)</i>
1.2.4	If the UNGA has not considered the situation through its Third Committee: has a Special Session of the UNGA been held? ¹⁴	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(3rd Committee has considered the situation)</i>	Has Australia lobbied the Secretary General and/or other member States to call for such a meeting?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(3rd Committee has considered situation, or Special Session has been held)</i>

UNGA Performance		Australia's Role	
1.2.5	In the event that the UNSC has failed to exercise its primary responsibility for international peace and security, has the UNGA held an Emergency Special Session? ¹⁵	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(the UNSC is exercising its responsibility)</i>	Has Australia considered the option of an Emergency Special Session? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(the UNSC is exercising its responsibility)</i>
1.2.6	Has Australia initiated (individually or together with other States) any side events on the situation, or supported any civil society led events, on the margins of annual meetings of the UNGA Third Committee?		<input type="checkbox"/> YES <input type="checkbox"/> NO
1.2.7	Has Australia made strong statements at the UNGA (Third Committee and/or UNGA plenary), condemning the violence and/or violations of international human rights and humanitarian law, calling for accountability and where appropriate referencing the responsibility to protect? <i>(Australia's statements could be assessed in part by comparing Australia's statements to those made by other Member States).</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO

1.3 Human Rights Council (HRC)

HRC Performance		Australia's Role	
1.3.1	Has the HRC discussed the situation, either as part of one of its regular sessions, in an urgent debate or in a special session? ¹⁶	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia sought an urgent debate or special session, or requested that the situation be considered during an HRC regular session? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(not warranted or already convened)</i>
1.3.2	Has the HRC adopted a country-specific President's Statement? ¹⁷ <i>Such a statement could, as appropriate: condemn violence; call for an end to violations of international humanitarian and human rights law; and call for humanitarian access. If applicable it should reference the responsibility to protect and urge the UNSC to act. It should identify remedial action to be taken, and clear benchmarks for progress.</i>	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia initiated such a statement, or sought to influence other States or blocs to do so? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(a resolution or statement has already been passed)</i>

HRC Performance		Australia's Role	
1.3.3	<p>Has the HRC passed a country-specific resolution?</p> <p><i>Such a resolution could: express concerns over the human rights situation in the country and propose measures aimed at improving the situation (with specific, measurable benchmarks); call for an end to violations of international humanitarian and human rights law; call for humanitarian access; create a special procedures country mandate; or establish a monitoring or investigatory mechanism. It should incorporate a gender perspective, and if applicable should reference the responsibility to protect and call upon the UNSC to act.</i></p>	<input type="checkbox"/> YES <input type="checkbox"/> NO	<p>Has Australia sponsored or supported a resolution, or sought to influence other States or blocs to do so?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO
1.3.4	<p>Has a dedicated special procedures mandate been created to address the situation?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(not considered to be required)</i>	<p>Has Australia advocated for the creation of such a mandate, and any necessary mandate renewal, or sought to influence other States or blocs to do so?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(not considered to be required)</i>
1.3.5	<p>Is there a mechanism in place to monitor and/or investigate violations of international humanitarian and human rights law? (such as a human rights monitoring presence, fact-finding mission, commission of inquiry or independent mechanism to collect/preserve evidence for future criminal prosecution?)¹⁸</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(not considered to be required)</i>	<p>Has Australia advocated for the creation of an appropriate mechanism, or sought to influence other States or blocs to do so?</p> <p><i>This could be done through statements made at the HRC or other public statements, or by sponsoring/supporting a resolution establishing such a mechanism</i></p> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(mechanism either already in place or not required)</i>
1.3.6	<p>Has the HRC held interactive dialogues with any relevant special procedures mandate-holders, monitoring or investigatory mechanisms, independent experts or the UN High Commissioner for Human Rights; or panel discussions with civil society stakeholders?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(no such reports to consider)</i>	<p>Has Australia advocated for such interactive dialogues or panel discussions to occur, or sought to influence other States or blocs to do so?</p> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(no such reports to consider, or briefings have already occurred)</i>

HRC Performance	Australia's Role
<p>1.3.7 Has Australia made an oral statement at the HRC in relation to the situation, or participated in a joint statement, condemning the violence and/or violations of international human rights and humanitarian law, calling for accountability and where appropriate referencing the responsibility to protect? ¹⁹</p> <p><i>(Australia's statements could be assessed in part by comparing Australia's statements to those made by other Member States).</i></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
<p>1.3.8 Has Australia participated in the issuance of a joint declaration in relation to the situation, calling for respect for international human rights and humanitarian law and accountability, and where appropriate referencing the responsibility to protect? ²⁰</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
<p>1.3.9 Has Australia sponsored any parallel events, to enhance dialogue and understanding of the situation concerned?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>



Syrian children gather outside a school in Zaatari refugee camp in Jordan, on September 21, 2015.
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2. Regional Mechanisms

2.1 ASEAN and ASEAN-led Mechanisms

Is the humanitarian crisis occurring in, and/or of specific strategic interest to, Asian States?

YES (complete the following questions)

NO (proceed to section 2.2)

ASEAN Performance		Australia's Role	
2.1.1	Has the situation been considered by the ASEAN Regional Forum (ARF) or East Asia Summit (EAS)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia sought to have the situation put on the agenda of the ARF or the EAS? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(situation has already been considered by the ARF and EAS, or not considered appropriate for inclusion on the agenda)</i>
2.1.2	Has the ARF engaged in preventive diplomacy or conflict resolution?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia sought to influence the ARF to consider preventive diplomacy or conflict resolution measures? <i>Australia could seek to maximise its influence by convening a group of like-minded states in the region (for example focal points), to work together to propose that a country situation be considered by the ARF; or alternatively by influencing bilaterally within ASEAN.</i> <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(ARF has already engaged in preventive diplomacy and/or conflict resolution)</i>
2.1.3	Has the situation been considered in any other relevant ASEAN-led forums (including for example the ASEAN-Australia Forum, the ASEAN-Australia Joint Cooperation Committee, the ASEAN Post Ministerial Conferences or the ASEAN-Australia Leaders' Summits)?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia sought to have the situation considered in these forums, or supported other States to do so? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(situation is already being considered)</i>

ASEAN Performance		Australia's Role	
2.1.4	Have any ASEAN-led forums issued a statement on the situation?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia proposed that any ASEAN-led forums issue a statement on the situation, or supported other States to do so? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <i>(statement has already been issued)</i>

2.2 The Bali Process on People Smuggling, Trafficking in Persons & Related Transnational Crime

Has the humanitarian crisis caused, or is there a risk of it causing, forced displacement or irregular migration from/to one or more Bali Process member States? ²¹

YES (complete the following questions)

NO (proceed to section 3)

Bali Process Performance		Australia's Role	
2.2.1	Has the emergency consultation mechanism been activated, in an effort to prevent an escalation of conflict and resulting forced displacement?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Has Australia sought to activate the emergency consultation mechanism? <input type="checkbox"/> YES <input type="checkbox"/> NO

3. Bilateral Influencing

<p>3.1 Has Australia utilised constructive bilateral dialogues to promote human rights and/or applied diplomatic pressure to influence parties to the conflict?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
<p>3.2 Has Australia sought to utilise constructive bilateral dialogue to influence other States with greater leverage over parties to the conflict?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
<p>3.3 Has Australia considered targeted sanctions (asset freezes and travel bans) against individuals or entities against whom there are credible allegations of violations of international human rights law and/or international humanitarian law? ²²</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
<p>3.4 Has Australia ceased military cooperation with any military against whom there are credible allegations of violations of international human rights or humanitarian law? ²³</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> N/A</p>
<p>3.5 In relation to any defence exports to parties to the conflict, has Australia complied with its obligations under international instruments relevant to defence exports, particularly the Arms Trade Treaty, by:</p> <p>(a) Denying a proposed transfer if: (i) the transfer would violate UNSC arms embargos adopted under Chapter VII of the UN Charter; (ii) the transfer would violate relevant international obligations to which the State is party; or (iii) the State has knowledge at the time of authorisation, that the arms or items would be used to commit genocide, crimes against humanity or war crimes that are specified in the treaty?</p> <p>(b) Carrying out a risk assessment, and denying a proposed export if there is an overriding risk that the export will: (i) contribute to or undermine peace and security; (ii) be used to commit or facilitate a serious violation of international humanitarian law or international human rights law, including gender-based violence or serious acts of violence against women and children; or (iii) be used to commit or facilitate an act constituting an offence under international instruments relating to terrorism or transitional organised crime that Australia is party to?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> N/A</p>

4. Humanitarian and development assistance

4.1	Has Australia provided humanitarian funding, proportionate to humanitarian needs and Australia's capacity? ²⁴	<input type="checkbox"/> YES
		<input type="checkbox"/> NO
4.2	Has Australia's humanitarian assistance been timely, based on early warnings and conflict analysis; and if the situation is protracted, is Australia providing multi-year, flexible funding? ²⁵	<input type="checkbox"/> YES
		<input type="checkbox"/> NO
4.3	Is Australia's humanitarian assistance explicitly targeted to address the underlying causes of conflict and to address protection needs, including the particular challenges faced by women and girls and other vulnerable groups? ²⁶	<input type="checkbox"/> YES
		<input type="checkbox"/> NO
4.4	If Australia has an Aid Investment Plan for the country concerned: does it seek to address the root causes of conflict, and if necessary, has it been amended in response to changed circumstances so as to prioritise the protection of at-risk populations? ²⁷	<input type="checkbox"/> YES
		<input type="checkbox"/> NO



Oxfam works in Za'atari Camp in Districts 6, 7 and 8, providing safe drinking water and sanitation, such as toilets, showers, solid waste management and hygiene promotion.
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Annex I: Australian Commitments

Australia has made strong commitments in relation to human rights, protecting civilians, accountability, conflict prevention, strengthening regional institutions, and providing humanitarian and development assistance. Some of these key commitments are highlighted below.

Foreign Policy White Paper (2017)

- We will encourage a more coordinated focus on conflict prevention, rather than waiting for crises to develop.
- We will place a high priority on protecting and strengthening the international rules that guide the conduct of relations between states.
- We will act in partnership with other states and organisations to uphold international law, and support international accountability mechanisms such as the International Criminal Court.
- We will use development assistance to help partner countries join and comply with international rules-based processes.
- We will promote human rights through constructive bilateral dialogue.
- We will work with countries to advance/protect human rights through development assistance and humanitarian support.
- At times, and especially in cases of gross human rights violations, we will apply sanctions.

Humanitarian Strategy (2016)

- We will build resilience and strengthen responses to protracted and slow-onset crises through effective humanitarian relief and development assistance that addresses the underlying causes of conflict, displacement and chronic vulnerability.
- We will improve awareness of and promote compliance with international humanitarian and human rights law.
- We will advocate for and support protection of civilians and atrocity prevention.

Human Rights Council Incoming Members' Pledge (2018)

- We pledge to address human rights concerns on their merits, applying objective and human-rights based criteria in determining whether and how the Council should respond to a situation of concern, and take leadership and responsibility in initiating such action when such criteria are met.
- We pledge to work to fulfil the Council's prevention mandate, [including by] receiving from the High Commissioner 'early warning' information about patterns of violations, and taking early preventive action.

World Humanitarian Summit Commitments (2016)

- We will act early upon potential conflict situations based on early warning findings and conflict analysis.
- We will sustain political leadership and engagement through all stages of a crisis to prevent the emergence or relapse of conflict.
- We will address root causes of conflict and work to reduce fragility by investing in the development of inclusive, peaceful societies.
- We will promote and enhance respect for international humanitarian law, international human rights law and refugee law.
- We will speak out and systematically condemn serious violations of international humanitarian law and serious violations and abuses of international human rights law and take concrete steps to ensure accountability of perpetrators when these acts amount to crimes under international law.

Defence White Paper (2016)

- We will engage in security dialogue through multilateral security frameworks, including the ASEAN Regional Forum, to discuss cooperation to address regional security issues

Annex II: Useful Resources

El Openshaw and M Sinclair, *Third Committee of the United Nations General Assembly: A Practical Guide for NGOs*, International Service for Human Rights, 2017, available at: <https://www.ishr.ch/sites/default/files/documents/ishr_3rd_com_handbook_eng_web.pdf>

ICRC, *Understanding the Arms Trade Treaty From a Humanitarian Perspective*, 2016, available at: <<https://shop.icrc.org/understanding-the-arms-trade-treaty-from-a-humanitarian-perspective-2811.html>>

NGO Working Group on Women, Peace and Security, *Women's Participation and Gender Perspectives in Security Council Resolutions: Checklist*, available at: <http://www.peacewomen.org/assets/file/AdvocacyEducationTools/checklistonwomenparticipation_ngowg.pdf>

Permanent Mission of Switzerland to the UN Office and to the other international organisations in Geneva, *The Human Rights Council: A Practical Guide*, 2014, available at: <https://www.eda.admin.ch/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide_en>

Permanent Mission of Switzerland to the United Nations, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, available at: <http://research.un.org/ld.php?content_id=36397685>

Small Arms Survey, *The Arms Trade Treaty: A Practical Guide to National Implementation*, 2016, available at: <<http://www.smallarmssurvey.org/publications/by-type/handbooks/att-handbook.html>>

UN Office of the High Commissioner for Human Rights, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*, 2008, available at: <https://ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf>

UN Office of the High Commissioner for Human Rights, *UN Human Rights Council: A Practical Guide for NGO Participants*, 2013, available at: <https://ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf>

UN Security Council, *Working Methods Handbook* (online resource), available at: <<http://www.un.org/en/sc/about/methods/>>

Watchlist on Children and Armed Conflict, *A Checklist for Mainstreaming: Children and Armed Conflict-Friendly Security Council Resolutions*, Briefing Note, March 2013, available at: <<https://watchlist.org/wp-content/uploads/Final-Hi-Res-Checklist-on-mainstreaming.pdf>>

End Notes

- ¹ UN / World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violence Conflict*, 2018, xvii.
- ² UN Secretary General, 'Secretary-General's remarks to the General Assembly debate on the responsibility to protect [as delivered]' (25 June 2018), available at: <https://www.un.org/sg/en/content/sg/statement/2018-06-25/secretary-generals-remarks-general-assembly-debate-responsibility>
- ³ Institute for Economics and Peace, *The Economic Value of Peace 2018: Measuring the Global Economic Impact of Violence and Conflict*, 2018.
- ⁴ Australian Red Cross is pleased to have participated in the Advisory Group and provided technical support in development of the Checklist. In line with the Fundamental Principles of the Red Cross and Red Crescent Movement, including neutrality, Australian Red Cross engages with Government confidentially on matters of humanitarian concern.
- ⁵ For a list of the types of meetings utilized by the UNSC see UNSC, 'Format of Meetings Related to the Security Council', in *Working Methods Handbook*, available at: <http://www.un.org/en/sc/inc/pages/pdf/methods/meetings.pdf>
- ⁶ UNSC meetings may be held at the call of the UNSC President at any time he deems necessary. The President must call a meeting if requested to do so by any member of the UNSC, or if a matter is brought to the attention of the UNSC by the UNSG: *UNSC Provisional Rules of Procedure (S/96/Rev.7)*, rules 1-3, available at: <http://www.un.org/en/sc/about/rules/chapter1.shtml>. The UN Charter provides that 'the Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security' (art 99). This is rarely used, however Australian Ambassador Gillian Bird has observed that 'the little-used Article 99 should become a standard tool': *Statement by Gillian Bird to the UNSC*, 10 January 2017, available at: <https://unmy.mission.gov.au/files/unmy/170110%20-%20UNSC%20open%20debate%20on%20sustaining%20peace%20.pdf>
- ⁷ Informal inter-active dialogues are informal private meetings of UNSC members, convened in order to hold an off-the-record discussion with one or more non-member States. They are convened and chaired by the UNSC President, who can also invite non-member States or experts (usually high-level officials) to participate: see Security Council Report, 'Informal Interactive Dialogue', *UN Security Council Working Methods*, available at: <https://www.securitycouncilreport.org/un-security-council-working-methods/informal-interactive-dialogue.php>. Arria-formula meetings are informal, confidential gatherings, convened at the initiative of (and chaired by) a member or members of the UNSC, which enable UNSC members to hear from a range of stakeholders including civil society: see UNSC, 'Background Note of the Arria-Formula Meeting of the Security Council Members', *Working Methods Handbook*, available at: <http://www.un.org/en/sc/about/methods/bgarrformula.shtml>
- ⁸ A Presidential Statement is the most authoritative of these products, followed by a press statement, followed by 'press elements'. All are adopted by consensus, and are non-binding. Presidential Statements are statements made by the UNSC President on behalf of the UNSC, adopted at a UNSC meeting and issued as an official document of the UNSC. Press statements are declarations to the media made by the UNSC President. 'Press elements' are not recognized in the *UNSC Rules of Procedure*, however have sometimes been adopted by the UNSC when agreement cannot be obtained on a press statement.
- ⁹ See NGO Working Group on Women, Peace and Security, *Women's Participation and Gender Perspectives in Security Council Resolutions: Checklist*, available at: http://www.peacewomen.org/assets/file/AdvocacyEducationTools/checklistonwomenparticipation_ngowg.pdf. This Checklist applies to Presidential Statements as well as UNSC Resolutions.
- ¹⁰ Ibid.
- ¹¹ See Watchlist on Children in Armed Conflict, *A Checklist for Mainstreaming: Children and Armed Conflict-Friendly Security Council Resolutions*, Briefing Note, March 2013, available at: <https://watchlist.org/wp-content/uploads/Final-Hi-Res-Checklist-on-mainstreaming.pdf>

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- ¹² In Resolution 377A(V) (1950), the UNGA resolved that ‘if the Security Council, because of a lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, ... to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within 24 hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations’: UN Doc 377A(V) (1950). This is rarely done. The procedure was last used in 1982 to censure Israel (S/Res/500 (1982)). For discussion see Security Council Report, *Security Council Deadlocks and Uniting for Peace: An Abridged History*, available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Security_Council_Deadlocks_and_Uniting_for_Peace.pdf>
- ¹³ Country-specific resolutions originate in the Third Committee and are approved by the UNGA Plenary.
- ¹⁴ The UN Charter provides that ‘the General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the members of the United Nations’ (art 20). See the UNGA website <<http://www.un.org/en/ga/sessions/special.shtml>> for a list of special sessions.
- ¹⁵ See explanatory note at n 12, above. Emergency special sessions are rare – the last was held in 1997. See the UNGA website (<http://www.un.org/en/ga/sessions/emergency.shtml>) for a list of emergency special sessions held to date.
- ¹⁶ Country-specific human rights situations are considered under Item 4 of the HRC’s regular agenda. Special sessions (crisis meetings) are held outside of the HRC’s regular meeting calendar, on the request of at least one third of member States. Urgent debates can be requested by member States during regular HRC sessions, and held following agreement by two thirds of member States. See Permanent Mission of Switzerland to the UN Office and to the other international organisations in Geneva, *The Human Rights Council: A Practical Guide*, 2014, pp.8-10.
- ¹⁷ President’s Statements are adopted by consensus, and are issued as official documents of the HRC.
- ¹⁸ Examples of such mechanisms established by the HRC include: the Independent, International Fact Finding Mission on Myanmar, established by Resolution A/HRC/R/34/22 (24 March 2017); the independent mechanism to collect and analyse evidence in Myanmar, established by Resolution A/HRC/39/L.22 (25 September 2018); and the Commission on Human Rights in South Sudan, established by Resolution A/HRC/31/20 (24 April 2016).
- ¹⁹ National or joint statements may be made during special sessions, interactive dialogues, other HRC plenary sessions, action (voting) on a resolution, or during side events.
- ²⁰ Joint declarations are written statements issued by groups of like-minded States during an HRC session. They are not formal instruments of the HRC. See Permanent Mission of Switzerland to the UN Office and to the other International Organisations in Geneva, above n 16, p.24.
- ²¹ The *Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime* (23 March 2016) underlines ‘the need to address the root causes of irregular movement of persons and forced displacement’, recognises ‘the collective role of countries in the region in finding solutions’, and commits to developing ‘a mechanism of the Bali Process to facilitate timely and proactive consultation to respond to emergency situations’. The *Bali Process Strategy for Cooperation* (March 2016) states, as one of its five objectives, the encouragement of ‘innovative solutions to address the root causes of irregular migration, including the enhancement of development potential and stabilisation of key areas of origin’. Both documents are available at: <<https://www.baliprocess.net/>>.
- ²² *Australia’s Foreign Policy White Paper* (2017) says that ‘at times, and especially in the case of gross human rights violations, we will apply sanctions’: at p.88. When considering bilateral sanctions, consideration should be given to the potential human rights impacts, and to the work of the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights. Reports of the Special Rapporteur are available on the website of the UN Office of the High Commissioner for Human Rights, available at: <<https://www.ohchr.org/en/issues/ucm/pages/srcoercivemeasures.aspx>>.

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- ²³ Allegations would be considered ‘credible’ if they were, for example, verified by a UN Special Rapporteur or UN-mandated monitoring or investigatory mechanism.
- ²⁴ One approach to assessing whether Australia has contributed an appropriate volume of humanitarian assistance in accordance with its capacity is by assessing Australia’s ‘fair share’. In its 2017 Australian budget submission, Oxfam calculated that Australia’s fair share of global humanitarian needs was 1.9 percent (see Oxfam Australia, *Oxfam Australia Pre-Budget Submission 2018/2019*, December 2017, pp.26-27). While this is a crude calculation, it can be used as a rough guide for what Australia can be expected to contribute to humanitarian appeals.
- ²⁵ At the World Humanitarian Summit in 2016, Australia committed to: ‘act early on potential conflict situations based on early warnings and shared conflict analysis’; ‘address root causes of conflict’; and to ‘work together, toward collective outcomes that ensure humanitarian needs are met, while at the same time reducing risk and vulnerability over multiple years and based on the comparative advantage of a diverse range of actors’: see ‘Australia’s Commitments (Final) from World Humanitarian Summit 2016’ (OCHA register version), available at: <https://www.agendaforhumanity.org/sites/default/files/Australia_commitments_final.pdf>.
- ²⁶ Australia’s Humanitarian Strategy states that Australia will: ‘build resilience and strengthen responses to protracted and slow-onset crises through effective humanitarian relief and development assistance that addresses the underlying causes of conflict, displacement and chronic vulnerability’; and ‘prioritise humanitarian action that protects civilians from serious harm, including violence, exploitation, coercion and deliberate deprivation’: Australian Government, *Humanitarian Strategy*, 2016, pp.7,18.
- ²⁷ The 2018 OECD Development Assistance Committee’s Peer Review of Australia identified ‘addressing the root causes of potential humanitarian crises in Aid Investment Plans ... to help build coherence in the overall approach to fragile and crisis-affected situations’ as a ‘strategic opportunit[y] ... for further progress on the humanitarian/development/peace nexus’: OECD, *OECD Development Cooperation Peer Reviews: Australia 2018*, 2018, OECD Publishing, Paris.

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Refugee camp in Beqaa Valley
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