

UN General Assembly 2015

Next Wednesday September 9th the Dutch Foreign Affairs Committee will discuss the [priorities set](#) by the Dutch government for the upcoming UN General Assembly (UNGA), which will start September 15th in New York. PAX deems it important that certain subject will be discussed by the Netherlands and has made some recommendations as to the actions that should be taken or questions that should be asked concerning these subject. Below you will find a short analysis of each subject followed by some recommendations. If you have any further questions, contact Ankie Dols at dols@paxforpeace.nl.

Protection of Civilians Missions

The gap between the policy and practice of Protection of Civilians (PoC) remains large, despite the ever-growing number of references to PoC. The incredible human suffering in countries that host a PoC peacekeeping mission, such as the Democratic Republic of the Congo and South Sudan, demonstrates the enormous challenges facing PoC missions while at the same time challenging the effectiveness of PoC missions themselves. Mandates, mission plans and evaluations of PoC operations commonly are not (functionally) based on the perspectives and capacities of the civilians they aim to protect, leaving ample room for misguided initiatives or wasting resources on plans that only work in policy discussions taking place far away from the people that are to be protected. Too often, the populations that are to be protected do not (and realistically cannot) refer to PoC missions when asked who they go to in case of insecurity.¹ The obvious and often overwhelming challenges for any PoC mission should not distract from this abysmal appreciation for missions within the PoC mission's actual target group. The following recommendations provide a starting point for PoC missions to contribute more effectively to the goals stated for these missions.

PAX calls upon the Netherlands to promote the following in discussions related to peace operations

1. PoC mandates should be realistically and primarily based on the civilians that need protection cognizant of all physical insecurities they face, including insecurities emanating from governments in mission contexts;
2. Guidelines, operational planning, and independent evaluation of PoC missions should be squarely based on the needs and capacities of the population at risk which enables a pro-active approach to the extremely challenging tasks of PoC by making sure all resources contribute to practical protection as needed by the population;
3. Integrated approaches are needed from pre-deployment training to post-mission evaluations to warrant an improved capacity to leverage all military and civilian capacities jointly towards protection of civilians; and
4. Civilian perspectives needed in PoC activities are to include all strata of society with particular attention for the unique positions of women, youth and minorities, both in the types of insecurity they experience and the roles (both positive and negative) they can have to resolve insecurity.

UNSCR 1325 on Women, Peace and Security

The adoption of UN Security Council Resolution 1325 on Women, Peace and Security (WPS) in 2000 represented a landmark victory following years of mobilisation by grassroots women activists across the globe. 15 years later, the UN Secretary General has commissioned a Global Study, which should focus on practical recommendations to promote the participation of grassroots women in conflict affected areas in both defining priorities and monitoring implementation of WPS agenda. Too often, the WPS agenda and debate are restricted to short term participation in high level events with often only elite participants and not investing in meaningful participation in decision making from the grassroots level.

¹ 1% in the case of MONUSCO, see <http://www.rethinkfragility.com/damning-new-survey-data-on-un-peacekeeping-and-the-protection-of-civilians-in-congo/>.

In addition, contrary to its original purpose, the WPS agenda has been isolated from the broader peace and security agenda. Even within the UN when for example the UNSCR 1325 review and the 2015 UN Peacebuilding Review have not been linked to each other.

Among the implementation mechanisms there are the National Action Plans (NAPs) 1325. Development and implementation should be a collaborative effort including civil society. Unfortunately, too often these NAPs remain plans without budgetary commitments, written without any involvement of grassroots activists and organizations. States must budget for adequate financial and human resources so that the following groups can shape, enforce and continually improve the NAP process. The NAP process should involve all levels of government (national, regional, provincial/district and local government, including urban and rural authorities).

PAX calls upon the Netherlands to promote the following during the UNGA

1. Promote the localization of UNSCR 1325 in communities and support local policies that will promote dialogues between the security sector and local populations in order for local communities to define security from their own perspectives. This will strengthen the prevention pillar of the WPS agenda.
2. Ensure that not only a top down approach to the implementation of UNSCR 1325 is supported but also support local peace initiatives and build upon existing knowledge and structures. The NAP process should take a multi-stakeholder, multi-sectoral cross-government approach, including private actors (especially non-state actors involved in post-conflict reconstruction and transitional justice situations) and provide adequate financial and human resources to involve all government bodies.
3. Strengthening the conflict prevention pillar which remains underemphasized and inconsistently undertaken.²

New International Framework for the Middle East Peace Process

If the two-state solution is the aim of the international community, steps urgently need to be taken to ensure this perspective is still viable. The Middle East Peace Process (MEPP) is in dire need of a new, international framework, including the Middle East regional powers and based on the 2002 Arab Peace Initiative. Merely having international facilitation of a bilateral process is no longer enough, given the devastating developments on the ground in the West Bank, the political support of the Israeli government for ongoing settlement activities, and the political disintegration on the Palestinian side. Parameters for negotiations should be set by the UNSC that safeguard a two-state solution. Recognition of the Palestinian state by the UN is a pre-condition for a new, more balanced MEPP.

PAX calls upon the Netherlands to do the following

1. Recognize the Palestinian state and pursue active diplomacy to ensure that other UN member states who have not recognized Palestine will do so as well;
2. Encourage the UNGA and UNSC to set clear parameters for a new negotiations process between Israel and Palestine, actively involving the Arab League and Middle East regional powers in an international framework, based on the Arab Peace Initiative; and
3. Support UN efforts against impunity for both the Palestinian Authority and Israel through the International Criminal Court.

² **Prevention** focuses on preventing sexual and gender-based violence, as well as gender awareness in conflict prevention and early warning systems. This includes preventing sexual exploitation and abuse by peacekeeping forces.

Protection involves improving women and girls' safety, physical and mental health, economic security and overall well-being. It also focuses on improving the rights of women and girls and their legal protections.

Participation refers to promoting women's participation in peace processes, increasing the numbers of women at all levels of decision-making institutions and increasing partnerships with local women's organizations. Participation also includes increasing women's participation in the UN in senior positions, as Special Representatives and in peacekeeping missions and operations.

Relief and recovery

Inclusive Governance in Iraq

The latest popular protests in central Iraq point to a general trend of crisis in political leadership. One year since the start of the military campaign by the International Coalition against ISIS (the International Coalition), national consensus and effective central governance in Iraq have become increasingly difficult, following the fragmentation of the Iraqi state and the dominance of regional players at the national level.

In this context, PAX calls for a localised approach on consensus building and reconciliation in Iraq. A context-tailored approach towards good governance and accountable leadership is particularly relevant in the areas recently recaptured from ISIS. It is vital that local authorities are able to build responsive and inclusive governance structures in order to regain the trust of all communities affected by the struggle against ISIS. International actors can build on this momentum of national demands for change and restructuring of local governance in areas recaptured from ISIS by investing in efforts to plan for recovery and local reconciliation. This will facilitate the effective reintegration of the ISIS-affected governorates in Iraq. Moreover, support of local governance can also provide useful tools for peace and security in other parts of Iraq that have been affected by the national mobilisation against ISIS and the displacement crisis. This Alert stresses the need for inclusive peace building as an essential part of a political strategy, building on the previous PAX Iraq Alert and the report After ISIS in the context of the current popular protests in Iraq.

PAX calls upon the Netherlands to promote the following in meetings on Iraq during the UNGA

1. Supporting popular demands for good governance and PM Al Abadi reform programs by demanding that proposed and promised reforms and replacement of corrupt politicians are put into action.
2. Supporting the creation of local structures monitoring accountability, transparency and responsiveness;
3. Assuring systematic inclusion of civil society and national actors in policy making; and
4. Investing in local reconciliation efforts complementing national reconciliation policies

Syria

Syrian human rights activists have documented that in the first half of 2015 at least seven times more civilians were killed by the Assad regime forces than by ISIS. Dutch Minister of Foreign Affairs Bert Koenders stated in a recent declaration in support of the Douma Four: "There is an icy silence around the crimes and massacres of the Assad regime. The major battle we are waging every day against ISIS should never lead to passivity around the massive human rights violations by Assad."

However, the massive human rights violations and war crimes by the regime have as yet not led to a decisive response of the international community. In September 2013, the UNSC agreed on resolution 2118, in response to the chemical attack on the Eastern Ghouta one month earlier, which led to the destruction of most chemical weapons in Syria. In February 2014, the UNSC agreed on resolution 2139 calling for humanitarian access and an end to attacks against civilians and indiscriminate attacks. Despite these resolutions, there are strong indications that the Syrian regime has used chlorine against its citizens including chlorine gas; that it continues to shell and bomb populated areas; and that it continues to besiege neighbourhoods and towns controlled by opposition groups, thus deliberately starving and collectively punishing the civilian population.

Additionally, the Security Council issued a three-point plan on the situation in besieged Yarmouk refugee camp in April, but this has until now not been implemented. PAX believes that the lack of response by the UN to continuing violations of these Security Council decisions seriously undermines the authority of the UN.

PAX calls upon the Netherlands to promote the following at meetings on Syria at the UNGA

1. Investigate whether violations of current Security Council resolutions on Syria already constitute the mandate for an operation to protect civilians in Syria from aerial bombardments on civilian targets and chemical weapons;

2. Pressure the Security Council to implement the Yarmouk three-point plan;
3. Ask the UNGA to speak out in favour of a mechanism to be established by the international coalition against ISIS for civilian harm tracking in the fight against ISIS in Syria and Iraq.

Armed Drones

The alarming use of armed drones for extrajudicial killings clearly needs a strong international response. Since 2002, the use of armed drones by states outside normal battlefields such as Gaza, Pakistan, Somalia and Yemen has resulted in the killings of hundreds of innocent civilians, wounding many more. Furthermore, the basis on which these attacks occurred is vague, undermining international humanitarian law and human rights law. On a number of occasions, UN Special Rapporteurs, States, and civil society have spoken out against these illegal practices and issued reports documenting the impact these attacks had on lives and livelihoods of civilians in the areas where these attacks occurred.^[1] However, a strong leadership role in this debate is missing, and this is a role that the Netherlands could and should take up together with other concerned states. Despite a commitment made by the former Minister of Foreign Affairs Timmermans to do so, there has been no action by the Dutch government.

Furthermore, with the growing interest and proliferation of armed drones, clear rules, oversight and further strengthening of arms export controls on unmanned systems and dual-use technology are needed to prevent precedent-setting and lowering the threshold of the use of armed violence outside the battlefield and misuse of these systems by state and non-state actors. The Netherlands should step up its commitment to express these concerns in relevant fora. UN platforms provide a useful opportunity to build pressure and highlight state concerns over proliferation of unmanned military systems.

PAX calls upon the Netherlands to promote the following in public statements and informal meetings

1. Request further control over the proliferation of unmanned systems by strengthening and improving existing arms export and dual-use control mechanisms such as Wassenaar, the Missile Technology Control Regime (MCTR), the Arms Trade Treaty (ATT), the UN Registry for Conventional Arms and the EU Common Position;
2. Express its concerns over the use of armed drones for extrajudicial killings outside the traditional battlefield;
3. Recognize that these strikes lead to civilian casualties and that there is a need for accountability of those responsible for the killing of innocent civilians as well as the need for transparency with respect to the legal authority to conduct, support or participate in extraterritorial drone killings.

Chemical Weapons

The Netherlands is currently the host of the Organisation for the Prohibition of Chemical Weapons (OPCW). Traditionally, this means that the Netherlands shows active engagement with the promotion of universalisation, implementation and enforcement of the Chemical Weapons Convention (CWC). The use of chemical weapons in Syria and Iraq by non-state actors over the last months is worrying. Both in Iraq and Syria it is reported that ISIS uses mustard gas and chlorine. Also, there are strong indications that the Syrian regime has used chlorine against its citizens after it became a member of the CWC. In addition to concerns about the victims of these attacks, worries increase regarding the effect these type of attacks will have on the willingness of the international community to refrain from the development and use of chemical weapons.

^[1] For more information, see the recent publications and of e.g. the UN Special Rapporteur, the Open Society Foundation and Reprieve:

<http://justsecurity.org/wp-content/uploads/2013/10/UN-Special-Rapporteur-Extrajudicial-Christof-Heyns-Report-Drones.pdf>
<http://www.opensocietyfoundations.org/voices/human-cost-secret-us-drone-strikes-yemen>
http://www.reprieve.org.uk/press/2013_03_05_drones_in_yemen_psychological_emergency

PAX calls upon the Netherlands to promote the following during the UNGA First Committee on Security and Disarmament

1. Strongly condemn the use of chemical weapons in Syria and Iraq;
2. Urge Israel to ratify the CWC and urge Angola, Egypt, North Korea and South Sudan to accede; and
3. Call for a joint plan to address the growing risk of chemical weapons use by non-state actors.

Explosive Weapons in Populated Areas

The bombing and shelling of towns and cities is a key cause of death and destruction in conflicts around the world. Research by the British NGO Action on Armed Violence (AOAV) found that globally, when explosive weapons were used in populated areas, 92 per cent of casualties were civilians.³ As a founding member of the International Network on Explosive Weapons (INEW), PAX works to reduce harm caused by explosive weapons in populated areas and enhance transparency about the consequences of its use.⁴ Following concerns repeatedly expressed by the United Nations Secretary-General⁵, there is growing international recognition that civilian harm from the use of explosive weapons in populated areas presents a humanitarian problem that must be addressed.

The Netherlands, at the UN General Assembly First Committee in 2014, welcomed discussions on this issue and stressed the importance of limitation of civilian casualties as a result of the use of explosive weapons.⁶ The time has come to work towards a political commitment which would reinforce existing IHL, and strengthen the interpretation thereof when it comes to the use of explosive weapons with a wide area effect in populated areas.

PAX calls upon the Netherlands to promote the following during the UNGA First Committee on Security and Disarmament

1. Express support for a political commitment to reduce harm to civilians from the use of explosive weapons in populated areas that includes commitments by states to:
 - a. Stop the use in populated areas of explosive weapons that have wide area effects;
 - b. Review national policy and practice and make changes that will strengthen the protection of civilians;
 - c. Support stronger data-gathering on the use and impact of explosive weapons, including disability-disaggregated data and age-/sex-disaggregated recording of casualties; and
 - d. Recognise the rights of victims and survivors and to facilitate assistance.

Cluster Munitions

The Netherlands is party to the Convention on Cluster Munitions (CCM). Universalisation of the CCM and the reinforcement of the norm against the use of cluster munitions are the highest priorities. Dutch Minister of Foreign Affairs Koenders called the convention 'a success' and, during the UN General Assembly First Committee on Security and Disarmament in 2014, the Netherlands said it would push for reinforcement of the norm and for universalisation. The Netherlands furthermore said in bilateral meetings it would advocate for other states to ratify or accede to the CCM.

³ Action on Armed Violence, *Explosive States: Monitoring Explosive Violence in 2014*. It should be noted that AOAV's sampling of news media in the English language does not reflect every casualty, but their database is intended to be an indicator of the scale and patterns of civilian harm. For more information, see www.aoav.org.uk

⁴ For more information about INEW, see www.inew.org.

⁵ See for example See, for example, United Nations Security Council, *Report of the Secretary-General on the protection of civilians in armed conflict* (29 May 2009) S/2009/277, para. 36, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2009/277; United Nations Security Council, *Report of the Secretary-General on the protection of civilians in armed conflict* (18 June 2015) S/2015/453, paras 30-36, 63-65, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/453.

⁶ "The emerging international discussion on the use of large caliber explosive weapons in populated areas is welcomed by the Netherlands. We think this discussion is important and should continue. In our view this discussion should focus on concrete and practical measures in order to limit casualties and damage. Much will depend on the exact circumstances and context in which weapons will be used.", available at: www.inew.org/acknowledgements.

The Netherlands additionally has the duty to discourage the use of cluster munitions and promote the norm of the CCM. It is of the greatest importance that all use of cluster munition, no matter by whom or where, is condemned. Recently, cluster munitions have been used in Yemen, Ukraine, Syria, Libya, and Sudan. On August 26th Human Rights Watch (HRW) – a founding member of the Cluster Munition Coalition (CMC), as is PAX – reported that cluster munitions were again used in Yemen.

PAX calls upon the Netherlands to promote the following at UN General Assembly First Committee on Security and Disarmament and related meetings

1. Strongly condemn the use of cluster munition in Yemen, Syria, Ukraine, Sudan, and Libya;
2. Discourage the use of cluster munition by parties that are not States Parties; and
3. Confirm that the Netherlands will continue its efforts, in bilateral and multilateral meetings, regarding universalisation of the convention.

Killer Robots

PAX founded the [Stop Killer Robots Campaign](#) in 2013 to ban the production, development and use of lethal autonomous weapons (also known as killer robots or lethal autonomous robotic systems).⁷ These are weapons systems that, once activated, will select and attack targets on their own, without any meaningful human control. Since the start of our campaign, the issue is on the global to-do list and the call for a ban on these so-called lethal autonomous weapons (LAWS) is growing. Over the last two years, we have seen a huge influx of states, researchers, robotic experts, religious leaders, Nobel Peace Prize laureates and others expressing concerns.⁸ Even though there is no consensus yet on definitions and scope, the objections to killer robots are widely recognized and there is a growing consensus that meaningful human control is a central notion that should be defined and safeguarded in any weapon system, now and in the future.

PAX has numerous legal, operational and global security objections, but sees the ethical objections as an overriding concern. Weapons that decide on their own on questions of life and death are an affront to human dignity.⁹ This issue has been debated at several forums such as the UN First Committee and the Human Rights Council. The most in-depth discussions thus far took place at two expert meetings at the Convention on Conventional Weapons (CCW) in 2014 and 2015. It is time that states start discussing concrete policy measures and legal restrictions.

PAX calls upon the Netherlands at the UNGA First Committee to

1. Express concern about the development of LAWS and call upon UN member states to take action;
2. Support the call of UN rapporteur Heyns¹⁰ and announce a national policy and/or develop criteria for meaningful human control; and
3. Support a formal negotiating mandate within the CCW and state that if it appears that there is no consensus for such a mandate at the CCW meeting in November 2015, a formal Group of Governmental Experts should be initiated.

Arms Trade Treaty

The Arms Trade Treaty (ATT) entered into force in December 2014, and PAX believes that rigorous implementation is the most important priority for States Parties, including the Netherlands. It is the quickest way to set strong international norms that will establish what is and what is not acceptable in international arms transfers, and the most powerful way in which the ATT can achieve impact. We have seen in other treaty regimes how the establishment of a new norm has been a powerful tool to

⁷ For the international campaign see www.stopkillerrobots.org. For more information by PAX, see www.stopkillerrobots.nl.

⁸ See for example [this letter](#) by the Future of Life Institute signed by more than 27000 scientists, or [this letter](#) by religious leaders, or [this letter](#) by Nobel Peace Prize Laureates. For more information on states' positions, see our [report](#) of the CCW expert meeting in 2015.

⁹ See the latest policy brief by PAX, "Killer robots: wat kan Nederland doen?", available at: www.stopkillerrobots.nl.

¹⁰ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf.

influence the behaviour of even non-signatories of arms control and disarmament regimes. We also wish to highlight our concerns about the push by states towards closed meetings in the future, to keeping ATT reporting confidential and to a more limited role for civil society, all of which would severely impact our ability to contribute to the effective monitoring and implementation of the Treaty. In order to achieve a successful outcome for the future working of the ATT we urge the government to support the agreement of rules and infrastructure, which will enable effective Treaty implementation for many years to come.

PAX calls upon the Netherlands to promote the following at the First Committee

1. Support to ensure that the provisions of the ATT are being applied consistently and robustly to prevent human suffering caused by irresponsible arms transfers;
2. Comprehensive, transparent reporting on both arms transfers and treaty implementation; and
3. Transparency with open, not closed, plenary and subsidiary meetings on the ATT, with civil society fully participating as Observers with a standing invitation to attend ATT meetings.

Nuclear Weapons

With escalating tensions, including indirect threats of nuclear weapons use, it is urgent that all governments unite in saying that any use of nuclear weapons, under any circumstances, is unacceptable. The Netherlands has not yet done this. The foundation of the Non-Proliferation Treaty (NPT) is a wish to outlaw and eliminate nuclear weapons because of their indiscriminate humanitarian effect. This still needs to be acted on, yet all nations possessing nuclear weapons are currently modernising them. The most significant negotiations on nuclear weapons have always taken place at the time of great power tensions. The Dutch government stated in its October 2013 policy letter on nuclear weapons that it aims to "ban chemical, biological and nuclear weapons", yet has not supported this policy through action.

The failure of the 2015 Nuclear NPT Review Conference to agree on a final document was blamed on disagreements over next steps towards a Middle East Zone free of weapons of mass destruction. In fact the NPT Review conference illustrated a deep divide between a few that believe nuclear weapons are legitimate and the majority who reject them unequivocally. The majority, which did not include the Dutch, called for negotiations on a new legal instrument to codify the illegitimacy of nuclear weapons, including a ban. The Dutch government, despite a 2010 agreement to reduce the role of nuclear weapons, did the opposite when it defended nuclear sharing in a [statement](#) made by Ambassador van der Kwast on May 6th. The government decision to acquire aircraft with the capability to be used to drop nuclear weapons is a clear demonstration of the refusal to act on the will of the people to end the nuclear task, as expressed by parliament (Van Dijk, 2013), to take concrete actions to reduce the reliance on nuclear weapons.

PAX calls upon the Netherlands to do the following at the UNGA First Committee

1. As the humanitarian consequences of a nuclear weapons detonation underpin all efforts to further the cause of nuclear disarmament, explicitly recognise in the national statement during the upcoming UNGA that security considerations, even in these troubling times, do not justify any reliance on any weapons of mass destruction and support statements recognising that nuclear weapons are illegitimate;
2. Reiterate that all weapons of mass destruction - chemical, biological and nuclear - are illegitimate and should be outlawed and eliminated, and the international strategic situation is not a reason to stop disarmament efforts, but rather an incentive to find creative ways to advance the agenda;
3. Reaffirm the commitment of the Netherlands to pursue policies that are fully compatible with the NPT and the objective of achieving a world without nuclear weapons and to make special efforts to establish the necessary legal framework to achieve and maintain a world without nuclear weapons;
4. Announce during the UNGA that Netherlands will join negotiations on a ban treaty, in accordance with the Servaes/Sjoerdsma/VanDijk motion (2015); and
5. Underline the need for national measures, announce an intention to end the nuclear task, in accordance with the clear will of the parliament and of the people, expressed in motion Van Dijk (2013).