

# UNGA 2016: improving Human Security

On September 13th the Dutch Parliamentary Foreign Affairs Committee will discuss the priorities set by the Dutch government for the upcoming UN General Assembly (UNGA), which will start the same day in New York. PAX works to enhance peace and the protection of civilians in conflict. We formulated the below recommendations in support of these goals. They are based on our programs in conflict affected countries in close connection with the daily work of our PAX UN Liaison Office. Furthermore, they are informed by PAX's intensive humanitarian disarmament work regarding the UNGA First Committee on Security and Disarmament, as cofounder or member of several international coalitions relevant for these issues. More analysis and recommendations regarding the humanitarian disarmament issues can be found in the following 1<sup>st</sup> committee briefing book:

<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com16/briefingbook/FCBB-2016.pdf>.

## Killer Robots – High time to step up towards negotiations

*The Netherlands should call for meaningful human control over selecting and attacking targets and advocate for a ban on autonomous weapons without such meaningful human control.*

### Background

PAX founded the [Stop Killer Robots Campaign](#) in 2013 to ban the production, development and use of lethal autonomous weapon systems (LAWS; also known as killer robots). These are weapons systems that, once activated, would select and attack targets on their own, without any meaningful human control (MHC). PAX has various legal, operational and global security concerns, but ethical objections is an overriding concern. Weapons that can decide on life and death are unethical by nature and an affront to human dignity.

### United Nations

Three multilateral meetings on LAWS have been held at the UN at the Convention on Certain Conventional Weapons (CCW). Almost 100 states discussed the issue and expressed concerns and 14 states called for a ban. The Netherlands actively participated in all of these meetings. The meeting in April 2016 concluded with [recommendations](#) for the CCW's Fifth Review Conference to be held in December 2016. Here states will decide on the formation of a Group of Governmental Experts (GGE). For PAX it is important that this GGE will have a strong mandate, will meet for at least 4 weeks in 2017 and work towards concrete outcomes including how to ensure meaningful human control and be the start of a formal negotiating mandate. As technology continues to move forwards, states must pick up pace and take action before it is too late.

### The Netherlands

The Dutch government [reacted](#) to the [AIV/CAVV report](#) on LAWS. Although PAX welcomed the initiative and the time that was allocated for the report and the discussion following it, PAX was [highly critical](#). Main critique was the definition the Netherlands developed that implies that MHC can be guaranteed in the planning phase and that MHC is not necessary over the selecting and targeting phase. Simply said once activated the possibility of human intervention is not necessary. Furthermore the Dutch position lacks a sense of urgency, does not look at the fundamental ethical concerns and places too much trust in weapon reviews. PAX hopes that there will be a thorough debate in Dutch parliament on the report and the response of the government.

## **PAX calls upon the Netherlands to use the UN General Assembly and its First Committee to:**

1. Express its concern about the development of LAWS and the need for meaningful human control over critical functions of LAWS and support and call upon other UN member states to move forward towards negotiations leading to a ban;
2. Express support for the draft recommendations to establish an open-ended Group of Governmental Experts at the CCW Review Conference in December 2016.

## **Recommendation to Dutch Parliament:**

3. PAX calls upon parliament to initiate an Algemeen Overleg (parliamentary debate) on the Dutch policy (including the answers of the Dutch government to the 74 parliamentary questions asked on this matter) before the CCW Review Conference in 2016.

## **Nuclear Weapons – The Netherlands must join a majority of UN members ready to negotiate ban treaty in 2017**

*The final session of the UN nuclear weapons working group voted to adopt its report on 19 August that recommends the UN General Assembly convene a conference in 2017 to negotiate a legally binding prohibition on nuclear weapons. The Netherlands voted against that specific recommendation, but abstained from the vote on the report as a whole. In October, a resolution will be voted during the 1<sup>st</sup> committee of the General Assembly to establish this conference in 2017, and the Dutch should join the group of countries co-sponsoring that resolution.*

## **Background**

The United Nations General Assembly voted in December 2015 to establish a special [working group](#) with a mandate to develop “legal measures, legal provisions and norms” for achieving a nuclear-weapon-free world, since progress in this field has been stalled for two decades. The Open-ended Working Group (OEWG) met throughout 2016, and concluded with a [final report](#) recommending, *inter alia*, the “General Assembly to convene a conference in 2017, open to all States, with the participation and contribution of international organizations and civil society, to negotiate a legally-binding instrument to prohibit nuclear weapons, leading towards their total elimination”. This exact phrase was spoken on behalf of at least 107 governments during the working group meetings. However, the Netherlands voted against this specific text, but abstained from the vote on the report as a whole.

## **Start negotiations**

The majority of the Dutch population supports a legally binding prohibition on nuclear weapons. On April 28, 2016, the Dutch parliament had a debate on the citizen’s initiative “Tekenen tegen Kernwapens”. In this initiative a national ban on nuclear weapons was proposed. The initiative has been signed by 45.608 Dutch people and was promoted by PAX, the Dutch Red Cross and ASN Bank. During the debate several party spokespeople embraced the proposal to ban nuclear weapons in the Netherlands and a clear majority supported a motion calling upon the government to use the Open Ended Working Group to actively work on effective measures for nuclear disarmament, including the start of negotiations on an international ban on nuclear weapons.

## A framework for progress

Nuclear weapons are the only weapons of mass destruction not yet prohibited by an international convention, even though they have the greatest destructive capacity of all weapons. A global ban on nuclear weapons is long overdue and can be achieved in the near future. The ban treaty itself can be straightforward, and doesn't need to include every complex step towards elimination by all nations. The ban treaty has the potential to open up new opportunities for progress towards elimination and would put in place the basic framework for reaching that goal.

The overwhelming majority of UN members are ready to start negotiations in 2017 on a ban, and the Netherlands should join them.

**PAX calls upon the Netherlands to join the group of countries co-sponsoring the resolution that will be voted during the 1st committee of the General Assembly, to establish a conference in 2017 to negotiate a legally binding prohibition on nuclear weapons.**

## Cluster munitions

The Netherlands is a State Party to the Convention on Cluster Munitions (CCM) and currently fulfils the role of President to the Convention. Universalisation and implementation of the CCM and the reinforcement of the norm against the use of cluster munitions are the highest priorities. Cluster munitions have been used extensively over the past years in Syria and in Yemen, in addition to other more sporadic use in a handful of conflicts. Over 150 states have condemned the use of cluster munitions in the context of the conflict in Syria. In 2015, the Netherlands was a lead sponsor on the first-ever UNGA resolution on the implementation of the CCM, of which a 139 states voted in favour.

**PAX calls upon the Netherlands to use the UN General Assembly and its First Committee to:**

1. Condemn recent instances of use of cluster munitions;
2. Report on efforts to discourage all use of cluster munition by any party;
3. Re-establish that it will engage, bilaterally and multilaterally, in discussions about the universalization or implementation of the Convention, and;
4. Vote in favour of the UNGA Resolution on cluster munitions and encourage others, including non-State Parties, to do the same.

## Explosive Weapons in Populated Areas (EWIPA)

The bombing and shelling of towns and cities is a key cause of death and destruction in conflicts around the world. The United Nations Secretary-General has repeatedly called upon states to reduce the humanitarian impact of explosive weapons in populated areas (EWIPA). International discussions between states how to strengthen the protection of civilians from EWIPA are ongoing. The Netherlands should support an international commitment to this end, which would reinforce existing International Humanitarian Law and strengthen the protection of civilians.

**PAX calls upon the Netherlands to use the UN General Assembly and its First Committee to:**

1. Reiterate acknowledgement of the harm that results from the use of explosive weapons with wide area effects in populated areas;
2. Express support for an international political commitment to reduce harm to civilians from the use of explosive weapons in populated areas;
3. Share and promote the exchange of information between states on how to prevent the humanitarian harm that results from EWIPA.

## Arms Trade

PAX believes that rigorous implementation of the Arms Trade Treaty (ATT) is a necessity for it to be really meaningful. Important progress has been made on certain organisational aspects over the past year. However, it is hard to see what added value the ATT has, as long as arms transfers by States Parties and signatories to for example Saudi Arabia and Egypt continue, despite evidence of violations of international humanitarian law in the war in Yemen, as well as gross internal human rights violations.

**PAX calls upon the Netherlands to stop exporting arms to all parties involved in the Yemen conflict and to strongly urge other states to act accordingly, to prevent any further human suffering.**

## Depleted Uranium

The legacy of the use of depleted uranium (DU) munitions still burdens states affected, mostly in Iraq and the Balkans, where governments and humanitarian demining agencies are struggling with the clearance of these toxic and radioactive munitions. Recent research by PAX has demonstrated that DU, developed as anti-armour munitions, has been mostly used against non-armoured targets, including in populated areas, in 2003 in Iraq. This counters the narrative from DU users that these munitions are a crucial asset on the battlefield. In 2014, 143 States voted in favour of a resolution calling for transparency over use of DU and providing assistance to affected states, as well as calling for more research on the potential health impacts. The Iraqi government even called for a ban on depleted uranium in their position provided to the UNGA. The Netherlands has voted in favour of the resolution, though provided an Explanation of Vote (EoV), questioning the science on the health risks of DU.

**PAX calls for the Dutch government to support the new resolution tabled in October and drop the EoV as current understanding of the potential health risk are clear-cut and in line with recommendations made by UNEP, the WHO and IAEA, who all call for either a precautionary approach or urge fast clean-up of DU.**

## Drones

The use of armed drones presents a number of legal, ethical and global peace and security challenges that make their increasing deployment, especially their use outside the battlefield for targeting killings in counter-terrorism operations, a pressing cause for concern. The Netherlands is one of the few States who have publically called for clarification and dialogue with states on the practice of drone use and the legal framework around it. **PAX applauds this role and urges the Dutch government to continue the international dialogue with States on the use and proliferation of drones in the First Committee.** In this dialogue, PAX highlights the following key issues and calls for them to be addressed. Governments should:

1. Articulate clear policies on drone use: This should include legal positions, cooperation with other states and publishing rules and procedures.
2. Prevent complicity: States cannot be complicit in unlawful drones strikes, for example by providing logistical support data to track down targets.
3. Ensure Transparency: Users should share and publish information that contribute to the development of restrictive norms, prevention of harm and strengthening of international law.
4. Establish Accountability: Ensure that drone users can be held accountable for their drone operations when there are allegations of unlawful deaths or civilian harm.
5. Control Proliferation: Increased development and worldwide sales of armed drones will provide new challenges for arms export and dual-use technology controls. Current and future gaps in arms export control mechanisms must be addressed to prevent misuse by States and non-State actors.

## Iraq

With ISIS retreating from more areas in Iraq, PAX is increasingly concerned about the conflict potential in areas "after ISIS", particularly in the disputed territories between Kurdish and Federal Iraq. Who will take control over these territories and how will

they be governed? According to the Iraqi Constitution, the future status of these areas still has to be decided upon. The lack of a comprehensive peace building plan for these territories leads to an incentive to military maneuvering of troops and militia of either party. The Kurdish Regional Government (KRG) and Government of Iraq are already strategically maneuvering their troops to strengthen their territorial position in the so-called disputed territories, including Mosul. This could easily lead to new violent conflict, with consequences for local communities and limiting trends of return of displaced communities, including those who lived under ISIS.

## **PAX calls upon the Dutch government to:**

1. Continue to plea for an international platform for long term post-ISIS strategizing in Iraq by the Coalition against ISIS, as promised by minister Koenders during the debate on ISIS on July 7<sup>th</sup> in the Second Chamber.
2. Ensure that the UN will play a leading role in developing a longer term comprehensive peace building plan in which the Government of Iraq, the KRG and other actors on the ground commit to a conflict sensitive approach in stabilizing these areas. The swift establishment of inclusive governance in areas where ISIS has retreated, in which all different religious and ethnic groups are represented, is a central element in such an approach.

## **Syria**

Civilians in Syria continue to pay the highest price for the conflict in Syria and are deliberately targeted by the Assad regime and other parties fighting in Syria. Over the past months, the level of violence against civilians has increased dramatically, especially in besieged areas, where the Assad regime and its allies aim to starve and bomb the population into surrender. In spite of the ISSG commitment to secure humanitarian access to all UN-recognised besieged areas by June 1<sup>st</sup>, the international community has not kept up the pressure. As a result, access decreased again, violence against besieged communities increased and the international community allowed Darayya to be forced into surrender.

The international fight against ISIS may lead to new conflicts if the way it is conducted is not adjusted. Support for inclusive local governance is critical to a peaceful future for Syria and the only sustainable alternative for ISIS. The experiences in Tel Abyad and Manbej underscore the importance of establishing inclusive civil local governments that can take over after ISIS is driven out. If such inclusive and responsive local governance is absent, the conquest of areas from ISIS will lead to new rounds of conflict. Supporting one party rather than supporting Arab and Kurdish groups to work together is counterproductive.

## **PAX calls on the Dutch government to raise the following points during meetings on Syria:**

1. The International community, specifically the UN and ISSG, must act now to prevent other besieged communities such as al-Waer to follow the fate of Darayya and be forced to surrender and depopulated.
2. The goal of UNSC and the ISSG member states should be to lift the sieges and allow the free movement of civilians in and out of besieged areas, and the majority of their political pressure on all parties in the conflict, and in particular the Government of Syria which is responsible for the vast majority of the sieges, should be focused towards this end instead of on one-off aid convoys.
3. UN OCHA and other relevant agencies should reassess the situation in the areas it currently designates as "hard to reach" when there is sufficient evidence to demonstrate that many of these areas are in fact besieged. Areas should be designated as besieged when the situation on the ground meets objective criteria based on needs assessments and data collection efforts, and determinations should be made independently of political considerations of ISSG and UNSC members or of parties to the conflict.
3. The UN and ISSG must commit to and follow through on monitoring the implementation of any local ceasefire agreements that it helps to initiate. It is increasingly clear that local negotiations cannot

be successful without strong and principled UN stewardship.

4. The UN must take a stronger approach to aid convoys and immediately cease the practice of allowing besieging forces to block certain amounts and types of aid to be delivered. Convoy approvals should not be considered as “access” so long as it is the approving party’s bombs that hinder delivery. A cessation of attacks must be considered an integral part of the granting of aid access.

5. The establishment of inclusive and responsive local governance structures should be secured before military operations to take back towns from ISIS start. When areas are “liberated” from ISIS the international community should facilitate political processes to enable the return of IDPs. Without these measures the fight against ISIS will open the way for new conflicts.

## Protection of Civilians & UN missions

Above all, UN peacekeeping operations with Protection of Civilian (PoC) mandates should prioritize responding to the stated needs and capacities of civilians.

### **PAX calls upon the Netherlands to use the UN General Assembly to:**

1. Call for strengthened collaboration between civil society and protection actors, based on the recommendations in the AIV report on PoC.

2. Emphasize that community outreach should consist of two-way communications so that missions can both learn about protection needs and communicate in practical terms what the PoC mission is able to do for civilians in conflict, developing a mutual understanding of expectations and building trust between the various actors.

3. Ensure that Troop/Police Contributing Country (TCC/PC) should only deploy troops that have appropriate skill sets and command structures to employ these. This will require dedicated pre-mission PoC training, including components on threat assessment, integrated analysis, community outreach, and monitoring and evaluation of PoC activities, inter alia.

4. Clarify that national command and control vs. UN mission command and control need to be clear and communicated before participation in missions. Moreover, pre-deployment training on preventing sexual violence should be complemented with a rigorous system of tracking sexual violence and prosecuting perpetrators.

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