



## UNAA Submission to the Australian Government's Foreign Policy White Paper Review

### **Key points:**

- A strong rules-based international order accords with Australia's national values, and is essential for our national security and prosperity.
- The United Nations exists to promote the rules-based international order and its values and interests are fundamentally aligned with Australia's.
- The UN Charter and the ANZUS Treaty are the cornerstones of Australia's foreign and defence policies. They are complementary and together enhance our national security and prosperity.
- The United Nations is an important forum through which to address increasingly difficult global and regional challenges – peace and security, humanitarian assistance, disaster management, sustainable development, conserving the environment, and human rights.
- Australia should engage with the United Nations in more strategic and nimble ways, in order to increase the UN's capacity to meet these challenges. Practical examples of this engagement are stated in the submission.
- Peacekeeping is the most visible face of the United Nations and the most tangible commitment that a Member State can make to improving the UN's effectiveness on the ground. Australia needs to regain its former status as explained in the submission.
- Achievement of the SDGs is important for global security and prosperity. Australia needs a domestic implementation plan with the full involvement of civil society and business.
- Human rights is a fundamental Australian value. The Government should allocate more resources to enhance its chances of selection to the Human Rights Council in 2017.

## Executive Summary

i. The United Nations Association of Australia (UNAA) welcomes the opportunity to make this submission to support the development of Australia's Foreign Policy White Paper. The UNAA understands that the Australian Government's last Foreign Policy White Paper was in 2002. The global situation has changed remarkably since that time and we applaud the Government for taking this positive step to affirm Australia's foreign policy, based on our values and interests and identifying our national priorities. We acknowledge that Australia does not currently have a published National Security Strategy under which our country's foreign policy should more properly sit. Nor does the current Defence White Paper fulfil the role of a National Security Strategy.

ii. The UNAA further commends the Government in seeking submissions from civil society, of which the UNAA is part. As societies have become more complex, partnerships between government and civil society are essential in shaping foreign policy and implementing it in a meaningful way for the communities it is intended to serve. Such partnerships with civil society consolidates and deepens the theory and practice of democracy, and it is in Australia's interest to demonstrate this. The government should make greater use of our excellent civil society organisations – such as the UNAA – and academics to promote track 2 diplomacy initiatives on conflict prevention throughout the region.

iii. This submission advances three core UNAA arguments. First, Australia's future security and prosperity depend on the existence of a robust, rules-based international order. Second, the United Nations remains the primary global forum for promoting and strengthening the rules-based international order. Third, by strengthening its engagement with the United Nations in practical ways, Australia can better pursue its values-based national interests whilst playing an influential role in promoting global sustainable development, humanitarian action and human rights.

iv. The UNAA believes that Australia's interests are best advanced through the realisation of our country's values, including a strong commitment to a rules-based international order, democracy, human rights, the rule of law and sustainable development. These values connect with the core values of the United Nations, which UN Secretary-General António Guterres recently identified as 'peace, justice, human dignity, tolerance and solidarity'.

v. As a Top Twenty country with a global train of economic, security and humanitarian interests, Australia must promote its national values to achieve both our own and collective global interests. Australia has a direct stake in a rules-based global order that presupposes the existence of obedience to international laws, norms, rules and codes of conduct. Australia pursues its interests both bilaterally and multilaterally. Our two most important security arrangements – the ANZUS Treaty and the UN Charter – are complementary. We need to strengthen our alliance with the US while doing all we can to make the United Nations more effective. It is in our national interest to do both. The United Nations plays an essential role in setting international standards and norms. In an increasingly multipolar and unstable global order, the United Nations remains central

to Australia's shared commitment for a safer, fairer and more sustainable world. While the United Nations is not perfect, the world is a better place because it exists and because of what it does. It remains our best hope for unity-in-diversity in a world where global problems require multilateral answers. The United Nations is still the primary international forum for addressing the world's critical challenges. As Foreign Minister Julie Bishop has observed, the United Nations provides a 'force multiplier' that helps us in achieving our national interests.

vi. Australia has a distinguished history of UN engagement. We were a founding UN member, we held the first presidency of the UN Security Council in January 1946, and we have served as a non-permanent member of the Security Council on five occasions. Dr. H.V. Evatt served as an early President of the UN General Assembly in 1948. Australia's contemporary contributions to the UN system range from being the 11th largest financial contributor and paying our assessed dues in full and on time, to development assistance, humanitarian aid and resettlement of approved refugees. Our region, the Asia-Pacific, is the most affected by natural disasters. Australia supports the United Nations in its critical role in disaster mitigation and response.

vii. Peacekeeping is the most visible face of the United Nations and the most tangible commitment that a Member State can make to improving the UN's effectiveness on the ground. More than 65,000 Australians have served in over 50 UN and other multilateral peace operations, making us the 12th largest all-time peacekeeping contributor. Our current commitment to peacekeeping, however, is weak. With only 36 Australians currently deployed as UN peacekeepers, we rank 88th among peacekeeping contributors. This erodes our ability to influence peacekeeping policies and practices, denies career and learning opportunities for our civilian and military peacekeepers, and undermines our international reputation. Our current commitment to peacekeeping needs to be improved and sustained. The UNAA believes that a minimum civil-military commitment of around 200 UN peacekeepers is required. On current standing this would elevate Australia to around 40th.

viii. The White Paper should pave the way for Australia to play a vital role in the pursuit and implementation of state-of-the-art conflict prevention, peacekeeping and peacebuilding, particularly in our region. While Australians have served as UN force commanders and police commissioners, none has served as head of a UN mission in the role of Special Representative of the Secretary General (SRSG). Given our exceptional talent pool, Australia should be more proactive in placing qualified Australians in senior UN positions, to the mutual benefit of the United Nations and Australia. We should contribute a greater number of specialist personnel, particularly in the areas of protection of civilians (POC), mediation, security sector reform (SSR), disarmament demobilisation and reintegration (DDR), arms control, and human rights. We should strengthen Australia's support for the implementation of norms that seek to prevent mass atrocities, in particular the Responsibility to Protect (R2P) and POC. By pursuing these initiatives, our country will make a meaningful and cost-effective contribution to peace and security in line with our national values and interests.

ix. The White Paper should highlight Australia's commitment to meet the targets for the Sustainable Development Goals (SDGs) by 2030, agreed unanimously by all 193 Member States in 2015. An implementation plan will be needed, including the full engagement of civil society and business. The UNAA stands ready to assist the Government in this critical challenge.

x. Australia has much to gain from a more effective United Nations and also much to contribute to make the Organisation more effective. The UNAA hopes and expects that the 2017 Foreign Policy White Paper will affirm the central importance of the United Nations in today's world and identify practical Australian contributions to help translate the Organisation's noble goals and aspirations into concrete programs of action for underwriting peace, defending human rights, promoting sustainable development, and conserving the environment.

## I. Australia's Stake in a Rules-Based Global Order

### *Values, Interests and Objectives*

1. The United Nations Organisation – its commissions, agencies, programmes and projects – provides Australia with essential mechanisms that contribute to and promote our national interests. The United Nations is a central plank of Australia's foreign policy because the Organisation plays a crucial role in setting international standards, norms, treaties and legal principles. The United Nations provides the foundations for an effective rules-based international order – more than ever, the United Nations needs Australia, and Australia needs the United Nations.<sup>1</sup> In an increasingly multipolar and unstable global order, the United Nations remains central to Australia's shared commitment for a safer, fairer and more sustainable world.

2. The UNAA holds that Australia's national interests are best advanced through the realisation of our national core values. These values are central to the pillars of our foreign policy – the United Nations and ANZUS – which together enhance our national security in accordance with the UN Charter that Australia helped frame. The United Nations and the American alliance emerged at the same time from the same set of values for which we were fighting. Identification and specification of our values is no small matter, but the most oft-repeated are a strong commitment to a rules-based international order (the 'international rule of law'), democracy, human rights and sustainable development. We need to ensure that these values are institutionalised and that, as well as advocating for them, we live these values ourselves – thereby avoiding real or apparent hypocrisy. Our values must be pursued through the achievement of clear objectives and, as explained in this submission, the United Nations provides Australia with practical mechanisms to enhance our own as well as regional and global security and prosperity. On 13 October 2016, on his appointment as the ninth Secretary-General of the United Nations, António Guterres affirmed the centrality of values to the Organisation: 'I have faith in the United Nations because I believe in the universal values it stands for: peace, justice, human dignity, tolerance and solidarity'.<sup>2</sup> We should seek the promotion of those values with others. While some are worried about the directions the US is taking and the rise of an authoritarian China, we should recognise that the majority of G20 countries are reasonably sound democracies with no desire for international conflict.

3. With far-flung civilisational, commercial, strategic and environmental interests and links, Australia has a critical stake in a rules-based global order that presupposes the existence of and habitual obedience to international laws, norms, rules and codes of conduct. The UN system is the biggest incubator of global rules to govern the world: from trade, refugees and the law of the sea, to the use of force, sanctions and the

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<sup>1</sup> For more detail refer UNAA's discussion paper *The United Nations and the rules-based international order* at [http://www.unaa.org.au/wp-content/uploads/2015/07/UNAA\\_RulesBasedOrder\\_ARTweb3.pdf](http://www.unaa.org.au/wp-content/uploads/2015/07/UNAA_RulesBasedOrder_ARTweb3.pdf).

<sup>2</sup> <http://www.un.org/pga/71/2016/10/13/statement-by-mr-antonio-guterres-on-his-appointment-by-the-general-assembly-to-the-position-of-secretary-general-of-the-united-nations/>

regulation of armaments. For example, the UN-centred rules-based order regulates conventional armaments and weapons of mass destruction. Australia has played an active albeit niche role in arms control and disarmament diplomacy, including the adoption of the Comprehensive Nuclear-Test-Ban Treaty by the General Assembly on 10 September 1996. The first-ever Security Council resolution on small arms and light weapons – S/RES/2117 (2013) – was adopted at a special meeting called by Australia as Council president on 26 September 2013. Our disarmament ambassador chaired negotiations that produced the related Arms Trade Treaty adopted by the General Assembly on 2 April 2013 and in force since 24 December 2014. The history of active Australian arms control diplomacy makes it all the more surprising, as well as disappointing, that Australia will not be participating in the UN conference on negotiations on a “legally binding instrument to prohibit nuclear weapons, leading towards their total elimination” in March and June–July 2017. The United Nations also plays an essential and irreplaceable role in setting international standards and norms. Treaty-based regimes, legal principles and norms are typically either negotiated in UN forums or else, if negotiated outside the UN machinery, ratified by the United Nations in order to have global legitimacy and obtain universal support. For example, the UN Convention of the Law of the Sea (UNCLOS) is instrumental in determining rules regarding the jurisdiction of maritime boundaries and resources. As an island continent and maritime nation it is in Australia's interests to continue to play an influential role in promoting adherence to these rules and avoiding actions that could lead to conflict.

#### *A Top Twenty Nation*

4. As a Top Twenty country with a global train of economic, security and humanitarian interests, Australia has a responsibility to promote and contribute to global security and prosperity, thereby reinforcing our national values to better achieve both our own and collective global interests. To take but one example, respect for the innate dignity and universal rights of every human being is an intrinsic value. Australia subscribes to global human rights standards, and it is in our interest to promote adherence to those standards. The United Nations has a system in place for working towards that, and we have generally relied on that system, as demonstrated by the Commission of Inquiry on North Korea.

5. Australia is the world's only continent-state. Ms Julie Bishop is our first foreign minister to highlight the reality of Australia as a Top Twenty nation, as recognised in our membership of the G20, with a correspondingly global train of interests. Australia's Top Twenty identity is shown in objective metrics inter alia on its economic output, its landmass and maritime zone, its aid budget and its financial contribution to the UN budget. Foreign Minister Bishop has also advocated, again correctly, that the United Nations provides a ‘force multiplier’ that helps us in achieving our national interests.<sup>3</sup>

6. One of the most important current UN mandates is the Sustainable Development Goals (SDGs), which Australia signed in 2015 with all 193 Member States. The SDGs are

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<sup>3</sup> Foreign Minister Julie Bishop, speech delivered at Old Parliament House on the commemoration of United Nations Day, 24 October 2016.

a particularly good example of the convergence between national and global interests and values. Numerous studies have shown the link between persistent levels of poverty, the risks of experiencing or relapsing into conflict, and human rights abuses and atrocity crimes. Conversely, rising and shared prosperity in the least developed and developing countries will have beneficial economic impacts in the developed countries by anchoring the latter's economic growth as well through the creation and expansion of global markets and trade. Thus, the SDGs capture and articulate a shared understanding of an agenda for development within a sustainable future, encapsulate solidarity between the global South and North, and commit to a partnership among different members of the international community in implementing the operational agenda. All Member States, including Australia, must report on its own SDG progress. Australia will need a comprehensive implementation plan, including the full engagement of civil society and business. The UNAA stands ready to assist the Government in this critical challenge.

7. The UNAA fully endorses the thesis, developed in the 2016 Defence White Paper, on the intrinsic importance of rules-based global and regional orders and of their priceless benefit to securing Australia's interests. By our count, the phrase 'rules-based global order' – which itself is a perfect illustration of the convergence of our values and interests – is used almost 50 times in the Defence White Paper. Describing the rules-based global order as a 'broad architecture of international governance ... including the United Nations', the Paper notes that this 'has helped support Australia's security and economic interests for 70 years'.<sup>4</sup> That said, in our view the Defence White Paper does not adequately acknowledge the critical work of the United Nations in the maintenance of the rules-based global order, which is another reason it is important that the new foreign policy white paper does so – including how defence capabilities and priorities support UN efforts in underwriting international peace and security.

### *International Rule of Law*

8. The UN Charter has been enshrined in international law, and the United Nations and its Member States have the responsibility of upholding it. Australia played a prominent role in shaping the Charter, and also in the formation of the International Court of Justice (ICJ), described as a UN principal organ with its statute forming an annex to the UN Charter. In 2014, the ICJ proved its worth to Australian values and interests by ruling in our favour in a complaint against Japan's whaling operations in Antarctica.

9. It is notable that Australia's most recent foreign policy white paper in 2002 did not make reference to a rules-based international order or to the international rule of law. The only references to rules were to international trade rules, rules about weapons of mass destruction (WMD) and the rule of law in national affairs – involving criticism of others rather than setting standards for ourselves. Since then, the 2005 UN World

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<sup>4</sup> *Defence White Paper 2016* (Canberra: Commonwealth of Australia, 2016), p. 45, para. 2.22.

Summit has endorsed the central importance of the rule of law in both international as well as domestic affairs.<sup>5</sup>

10. These were not new sentiments. These values were enshrined in the Kellogg-Briand Pact – which was co-sponsored by the US and France and of which Australia was also a signatory. The value of a rules-based international order was central to President Franklin D. Roosevelt's quest for an effective United Nations and that value was reiterated by leading American judicial and military figures from that period. In his opening address at Nuremberg, Robert Jackson, the Chief US Prosecutor, was adamant that a rules-based international order had to apply to the US and its allies: 'Let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nation, including those which sit here now in judgment'.<sup>6</sup>

11. Benefiting from his personal experience in the Second World War, US President Dwight D. Eisenhower noted in 1959 that:

The time has come for mankind to make the rule of law in international affairs as normal as it is now in domestic affairs... Plainly one foundation stone of this structure is the [ICJ] ... [and] the obligatory jurisdiction of that Court. ... we will all have to remind ourselves that under this system of law one will sometimes lose as well as win. But... if an international controversy leads to armed conflict, everyone loses.<sup>7</sup>

12. The US and Australia have made frequent references to the importance of a rules-based international order over the last few years and have criticised others for not adhering to the rules and its institutions – most notably Russia's actions in Georgia and Ukraine, and China's actions in the South China Sea. But equally, both the US and Australia have at times themselves not fully complied to promote adherence to a rules-based system.<sup>8</sup> If we are going to take the value of a rules-based international order seriously, the rules have to apply to us and an acknowledgement of our own errors

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<sup>5</sup> 134. Recognising the need for universal adherence to and implementation of the rule of law at both the national and international levels, we: Reaffirm our commitment to the purposes and principles of the Charter and international law and to an international order based on the rule of law and international law, which is essential for peaceful coexistence and cooperation among States; (f) Recognise the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, call upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.

<sup>6</sup> The International Military Tribunal, *Trial of the Major War Criminals before the International Military Tribunal (Blue Series) 14 November 1945-1 October 1946*, vol. 2 (Nuremberg: Hein, 1947; repr., 1995), p. 154.

<sup>7</sup> Dwight Eisenhower, *Remarks Upon Receiving an Honorary Degree of Doctor of Laws at Delhi University* (11 December 1959) [www.eisenhowermemorial.org/speeches/1959](http://www.eisenhowermemorial.org/speeches/1959).

<sup>8</sup> For example, the US rejected the ICJ's judgement of 27 June 1986 against them concerning the use of US military and para-military forces in Nicaragua (*Nicaragua case*); and on 22 March 2002, to help prevent the ICJ adjudicating on the 2003 Iraq War, Australia varied its recognition of the ICJ's compulsory jurisdiction to exclude suits from those states that had not accepted the ICJ's jurisdiction for at least 12 months.



would be a small price to pay for an agreement that properly institutionalises this value. Such an agreement would need to include the major powers joining the compulsory jurisdiction of the ICJ, ratifying the Rome Statute of the International Criminal Court (ICC) and the protocols covering the crime of aggression.

13. The rule of law is of advantage to the powerful as well as the powerless. This is certainly in Australia's interests, and consistent with our values. Accordingly, in strengthening our alliance with the US, our foreign policy should seek to persuade the world's leading power to take greater leadership in promoting the need for an effective rules-based global order. In addition to focusing on preventing major conflicts and resolving or limiting local conflicts, efforts should include strengthening of international mechanisms concerning anti-corruption, illicit trading in drugs, human trafficking, money laundering and countering terrorism. These are global issues and the United Nations provides the best mechanism for pursuing these national interests.

## II. The UN-Centred Multilateral Global Order

14. The UN system works in myriad ways to shape our daily lives, mainly for the good, without most of us realising its ubiquitous and pervasive influence. For example, the extent and contribution of the UN's humanitarian system, its role in disaster mitigation and response – particularly in the Asia Pacific, the world's most disaster-prone region – its commitment to poverty alleviation, gender equality, and its support for child and maternal health, are all issues of concern to Australia, particularly in our immediate neighbourhood. The UN's work is focussed on effectively contributing across a spectrum of serious global challenges: conflict prevention, peace operations, sustainable development, countering terrorism, improving human rights, and climate change amongst others. On balance, albeit not without qualifications, the world is a better place because the United Nations exists and because of what it does. Separately, the UNAA has described the critical role of the United Nations in enhancing the rules-based international order and contributing to a safer, fairer and more sustainable world.<sup>9</sup> Not surprisingly, the UNAA believes passionately that the United Nations remains our best and only hope for unity-in-diversity in a world in which global problems require multilateral answers: solutions without passports for problems without passports.

15. The United Nations remains a key international forum for addressing almost all the world's critical challenges. The United Nations does not provide the only mechanism to enhance Australia's values and interests, but it is a very important actor with greater global reach and legitimacy than any other single alternative. What other body, for example, could have so effectively eliminated the threat from Ebola in West Africa in 2014-15? Australia, therefore, needs to engage fully with the United Nations, and continue to seek opportunities to influence and improve the Organisation's effectiveness. The world is interdependent in areas as diverse as financial markets, infectious diseases, climate change, counter-terrorism, nuclear peace and safety,

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<sup>9</sup> For more detail refer UNAA's discussion paper *The United Nations and the rules-based international order* at [http://www.unaa.org.au/wp-content/uploads/2015/07/UNAA\\_RulesBasedOrder\\_ARTweb3.pdf](http://www.unaa.org.au/wp-content/uploads/2015/07/UNAA_RulesBasedOrder_ARTweb3.pdf).

product safety, food supply and water tables, fish stocks and ecosystem resources. Any of these can provoke military conflict. They are all drivers of human insecurity. All require joint action to enhance national, international and human security, improve welfare, reduce costs and bring order and regularity to international affairs.

16. At the centre of this interdependent, globalised and networked multilateral order is the United Nations. Its record since 1945 demonstrates an under-appreciated albeit limited capacity for policy innovation, institutional adaptation and organisational learning, for example with respect to peacekeeping missions. A growing number of public policy decisions and practices have been transferred from the state to the international level, raising a number of pressing normative challenges to the Westphalian foundations of multilateralism. The Security Council is the core of the international law enforcement system, with the legal authority to make the great decisions on war and peace that are binding on all countries, even non-members and those who vote against the decisions. All nations are legally obliged to abide by UN sanctions imposed on international outlaws.

17. UN Secretary-General Dag Hammarskjöld's famous quote may well be sufficient justification for the world organisation: the United Nations was 'not created in order to bring us to heaven, but in order to save us from hell'.<sup>10</sup> Of course, the United Nations has achieved so much more than that. It has put a floor under human misery and limited the three great scourges of the human race – famine, pestilence and war. While it has not achieved the impossible of ending all wars, it has helped to prevent the most serious and has mitigated the effects of human displacement through the UN High Commissioner for Refugees (UNHCR). While some go hungry, mass starvation has been averted through the efforts of the Food and Agriculture Organization (FAO) and the World Food Programme (WFP). The effects of disease are greatly limited by the World Health Organization (WHO), with some totally eliminated. While most of the work is done by Member States (some of which are individually stronger than the United Nations itself), the Organisation plays a coordinating and legitimating role.

18. In the reality of world politics, the United Nations performs major or minor roles on a 24/7/365 basis, including in: preventing and managing conflicts; regulating armaments and imposing sanctions; championing human rights, international humanitarian law and international criminal justice with the accompanying end to sovereign impunity; liberating the colonised; providing economic and technical aid assistance in the newly liberated countries to underdeveloped and emerging countries; organising and supervising elections; proclaiming conditions for historic, cultural and natural sites; empowering women; educating children; feeding the hungry; sheltering the dispossessed and displaced; protecting refugees and internally displaced persons; tending to the sick; promulgating global health norms and regulations; assisting in disaster mitigation and coordinating disaster relief and assistance; promoting the conditions to better mitigate and manage the effects of climate change; preventing

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<sup>10</sup> Quoted in Brian Urquhart, *Hammarskjöld* (New York: W. W. Norton, 1994), p. 48.

environmental crime; and enabling universal commitment to, and monitoring of, the MDGs and now the SDGs.

19. These impressive UN contributions have not always been done in the most efficient, cost-effective or timely manner. As with the comment about the dog that walks on its hind legs, however, the wonder is not that it is done badly, but that it is done at all.<sup>11</sup> No other body can tackle the world's accumulating pathologies more effectively, with greater legitimacy, lower transaction and compliance costs, and higher comfort levels for most countries as 'their' Organisation.

### III. Australia and the United Nations

20. As a founding member of the United Nations, Australia played a significant role in the drafting of the UN Charter, including through Jessie Street, a member of the Australian delegation who worked to ensure that the Preamble affirmed the equal rights of men and women, and that human rights were to be respected regardless of race, sex, language or religion. Our delegation leader, Dr H. V. Evatt, was elected president of the UN General Assembly in 1948, and we have served on the Security Council five times: in 1946–1947, 1956–1957, 1973–1974, 1985–1986 and 2013–2014. Australia's manifold contributions to the UN system range from being its 11th largest financial contributor and paying our assessed dues in full and on time, to development assistance, and humanitarian and disaster relief. The energising mix of Asia-Pacific dynamism and rich European heritage better enables us to provide high-quality yet practical and relevant ideas for improving world governance.

21. Working through the United Nations, Australia is better able to offer a unique set of knowledge, experience and skills to the international community. We have been able to utilise the legitimacy of the United Nations to better achieve our national objectives – objectives that have often been important to regional and global actors. For example, in the Asia-Pacific region Australia played significant leadership roles in peace initiatives in Cambodia and Timor-Leste, as well as in our international contributions to stabilisation and development in other locations, including our leadership of the Regional Assistance Mission in the Solomon Islands (RAMSI), and before that in Bougainville. More recently, during our term on the Security Council, Australia played a significant role in shaping the UN's responses to the downing of the civil aircraft MH17 in Ukraine, and in gaining agreement for humanitarian relief efforts in Syria. Mainly through the United Nations in other ways and in more distant locations, Australia has frequently been able to play a small but important role in furthering its national values and interests. Our humanitarian support to the Libyan people during the revolution against Colonel Gadhafi, our response to the Ebola crisis in West Africa, and our continuing intake of approved refugees through UNHCR are examples of how Australia is able to contribute in a cost-effective manner.

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<sup>11</sup> From Boswell's *Life of [Samuel] Johnson* – the original quote is 'Sir, a woman's preaching is like a dog's walking on his hind legs. It is not done well; but you are surprised to find it done at all'.

## *Peace Operations: Peacekeeping and Peacebuilding*

22. The typical UN activity in the area of peace and security – the UN’s primary normative mandate – is peacekeeping, the most visible demonstration of the United Nations. Australia has a proud, historic and continuing engagement with peacekeeping as the 12th largest contributor. Over 70 years more than 65,000 Australians have served with great distinction in over 50 UN and other multilateral peace operations, starting with the world’s first peacekeeping mission in Indonesia in 1947–1948 that mediated the conflict between the Dutch colonial power and the independence fighters. Australia can point to a distinguished record of leadership in resolving some critical conflicts in our neighbourhood and around the region, including Cambodia, Timor-Leste, Bougainville and the Solomon Islands. Australia brings to peace operations thoroughly professional military and police forces that have a commitment to civil-military integration, and an exemplary history of subordination to civil authority and the rule of law. Our versatile contributions can be postured for high-end operations should circumstances require – as was the case in Timor-Leste and the Korean War (fought under UN mandate and flag) – to more traditional peacekeeping roles such as in Cyprus and UNTSO, and specialist contributions such as in Cambodia, Namibia and South Sudan.

23. The nature of UN peace operations has changed remarkably since the end of the Cold War. As evidenced in the comprehensive Brahimi Report of 2000 and the High-level Independent Panel on Peace Operations (HIPPO) of 2015, peace operations are now far more complex, multi-dimensional and dangerous, requiring a high level of professionalism and civil-military integration. These conflicts are mostly intra-state in nature, with long-enduring enmities between centres of power, occurring in places where there is an uncertain peace to keep, amongst a range of state and non-state security actors frequently armed with lethal weapons. Peacekeeping and peacebuilding now occur side-by-side, often in situations with large numbers of displaced people, where the protection of civilians is central to the mission mandate, and where expertise in security sector reform (SSR), arms control, mediation, and disarmament, demobilisation and reintegration (DDR) are essential. Today, in places like South Sudan and the Democratic Republic of the Congo, UN peacekeeping missions provide the difference between life and death for much of the population. Australia is well-placed to make a useful contribution to these complex peace operations, but our current contribution is well below our capacity. Our current level of engagement with UN peace operations has slipped well below our historical norm. With only 36 Australians deployed as UN peacekeepers as at 31 January 2017, we are currently ranked 88th among UN peacekeeping contributors.<sup>12</sup> This is frankly embarrassing, both eroding our historic influence to improve the effectiveness of UN peace operations and significantly denying the current generation of serving military and police personnel with the requisite knowledge and experience for UN coalition operations. We can and must do better.

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<sup>12</sup> Refer UN Department of Peacekeeping Operations, [http://www.un.org/en/peacekeeping/contributors/2017/jan17\\_2.pdf](http://www.un.org/en/peacekeeping/contributors/2017/jan17_2.pdf).

- The UNAA acknowledges that the level of civil-military contributions to peace operations will change depending on the circumstances, but that as a general guide Australia should maintain a minimum commitment of around 200 peacekeepers. Based on current contribution levels by other Member States, this would raise Australia's ranking to about 40th, and significantly improve our credibility and influence in shaping policy and operational practices within the important Special Committee on Peacekeeping Operations (C34) at the UN Secretariat.
- As well, Australia must actively seek more opportunities to partner with regional countries to improve peace operations through training exercises. The United Nations provides a level playing field for us to strengthen relations with almost all countries within our region (and more globally), and to provide assistance to developing countries to enable them to gain the professional skills necessary for them to contribute to UN peace operations. Given Indonesia's standing as a good UN citizen and the 9th largest force contributor, we should particularly look for opportunities to partner with Indonesia through the conduct of UN training programs and workshops.

24. While Australians have served as UN force commanders and police commissioners, none has served as head of a UN mission as the Special Representative of the Secretary-General (SRSG). This is but one important indication of how Australia, given our exceptional talent pool available, should be far more proactive in placing qualified Australians in senior UN positions to the mutual benefit of the United Nations and Australia. At the same time, we should train and provide a range of specialist personnel that are critical for complex peace operations, including in the vital areas of POC, mediation, SSR, DDR, arms control and human rights.

### *Synergies between Multilateralism and Bilateralism*

25. Just as the choice between history and geography is a false dichotomy, so it is fallacious to posit a binary choice between multilateralism and bilateralism as the bedrock of Australian foreign policy. Collective defence arrangements like the North Atlantic Treaty Organization (NATO) and ANZUS supplement and reinforce, but do not contradict and undermine, the United Nations as the key collective security system born from the horrors of the Second World War. Indeed, Chapter VIII of the Charter recognises and reinforces the need for regional security arrangements. Consequently, our two most important treaties – the UN Charter and the ANZUS treaty – are not in conflict and share our common values. Both the United Nations and ANZUS emerged from our wartime experience that was both bilateral (in the Pacific) and multilateral (the Grand Alliance that came to be called the United Nations even before the San Francisco conference).

26. The UN Charter commits Member States to a rules-based international order covering security, economic reconstruction and development, and human rights supported by international institutions. The UN Charter not only enshrined the Kellogg-Briand Pact but made its acceptance through the Charter a condition of the recognition

of statehood. The ANZUS Treaty enshrines these through Article 1 with an explicit reference to the United Nations:

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

### *Strengthening Conflict Prevention in Our Region*

27. Australia has made important contributions to regional and global peacekeeping, peace enforcement and peacebuilding, but we could contribute much more to conflict prevention – the UN’s key priority for improvement identified by the High-level Independent Panel on Peace Operations (HIPPO) in 2015. In recent times the UN system has introduced innovations like the Mediation Support Unit and its standby team of mediation experts, as well as establishing standby rosters for the essential provision of specialists for SSR, POC, DDR and human rights. These initiatives provide a good model of what contemporary conflict prevention requires, but they remain a work in progress and require a more reliable and robust funding base. The White Paper should pave the way for Australia to play an integral role in the pursuit and implementation of state-of-the-art conflict prevention in our region, as well as provisioning a Junior Professional Officer (JPO) program within the United Nations – so successfully practiced by some other countries – to ensure that Australian young professionals can gain the necessary experience for careers within the United Nations.

28. To enhance our conflict prevention efforts, there is a need first to undertake a mapping exercise to confirm Australia’s capacity. This stocktaking should identify Australians who already possess the types of expertise and skills that have been shown to be valuable in these areas; that is, Australians who have already acquired substantial skills, expertise and experience to add to the talent pool of officials inside DFAT. This might be from working for other departments as part of whole-of-government efforts in our region or globally; or it might be serving as youth ambassadors or volunteers abroad, working for NGOs, the United Nations, or other international and regional organisations. Second, there is a matching need to identify where the gaps are in Australia's capacity for conflict prevention, where we need to nurture or build capacity and the steps needed to bridge these gaps so that Australia can play a more constructive role in conflict prevention. DFAT’s Australian Civilian Corps (ACC) model could be significantly revamped to provide this critical capability, with consideration of outsourcing of training to organisations such as the UNAA. Third, as well as strengthening our own capacity for conflict prevention, Australia should play a leading role in helping to build specialist capacity networks throughout our region, and to learning from the experience of other countries.<sup>13</sup> This could be through strategic

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<sup>13</sup> According to Peace Nobel Laureate Gultang, conflict prevention and resolution requires recognition and understanding of specific cultural circumstances and issues.

capacity building engagements with countries that are most at risk of violent conflict. These engagements, as well as the mediation support networks they will nurture, could be financed through the strategic deployment of our overseas aid budget. And much greater use should be made of our excellent civil society organisations and academics to promote track 2 diplomacy initiatives on conflict prevention throughout the region.

29. Conflict is often centred around access to or the control of natural and/or scarce resources, which in many instances can be linked to the impact of climate change. For example, the conflict and mediation in Bougainville has largely been over resource issues. This reality is reflected in many of the SDGs. For example, zero hunger is SDG 2; accessibility to clean water and sanitation is SDG 6; climate action is SDG 13; life below water is SDG 14, and life on land is SDG 15. There is a need to negotiate for just entitlements, and where negotiations fail conflict is most likely to continue or occur. Conflicts can be prevented or resolved if action is taken to ensure the stewardship of natural resources and the prevention of human rights abuses. Within civil society Australia has significant expertise in the management of scarce resources, but needs to link this expertise with the skill of mediation. Working with the UN Mediation Support Unit, Australia could develop and provide the necessary expertise in this critical area.

### *The Responsibility to Protect*

30. A recurring challenge for the United Nations has been how to prevent mass atrocities in a system of sovereign states. A particularly innovative and influential answer has been the principle-cum-norm of the Responsibility to Protect (R2P). The United Nations played a central role in this and Australians have been deeply involved in its formulation and advocacy. R2P is the organising principle for the international community to respond to atrocity crimes inside sovereign borders within the bounds of law and legitimacy. In developing R2P, the international community tried to reconcile respect for state sovereignty and humanitarian ideals while preventing unilateral use of force for geopolitical gains or other self-interested purposes. This meant promoting a new norm that permitted the United Nations to protect civilians against atrocities – the enabling function of law – but proscribing unilateral interventions that hijacked the language of humanitarianism – the power-restraining attribute of law. In R2P Australia's values define our interests, and provides the normative framework to give effect to every state's good international citizenship.

31. Australia has played multiple key roles with respect to the origins, evolution and understandings of R2P. One of the two co-chairs of the international commission that promulgated the principle (Gareth Evans), two of the three principal authors of its ground-breaking report (Evans and Ramesh Thakur) and both the two main promoters who helped transform the 2001 principle into a global norm within a decade (Evans and Thakur) are Australians. In addition, Australia has been a significant funder of the New York-based Global Centre for R2P and also funds the Asia-Pacific Centre for R2P at the University of Queensland, both of which are civil society organisations engaged in promoting a vigorous process of R2P norm socialisation and crystallisation. The executive director of the Global Centre, Professor Simon Adams, is an Australian. And the world's leading academic expert on R2P, Alex Bellamy, is a professor at the

University of Queensland. We encourage Australia to continue supporting the global and regional R2P advocacy centres, to promote continuing refinement of the principle and development of the norm, and in other ways to remain fully vested in and engaged with the issues of atrocity prevention and civilian protection.

### *The Protection of Civilians*

32. POC has rightfully become one of the most important requirements for UN peace operations, with most mission mandates including POC as a core civil–military task. Australia played a positive role in promoting the adoption of POC and in the development of UN operational guidelines. The effective implementation of these guidelines, however, requires their inclusion in doctrine and training for troop and police contributing nations. Unless and until national doctrine and training is undertaken the operational effectiveness of POC will remain limited, as evidenced by recent incidents in the UN peacekeeping mission in South Sudan. Nations contributing to POC-mandated missions have a duty of care to ensure that their contingents are properly trained in POC, and Australia is no exception.

33. Australia is well placed to be a leading nation in the development of POC doctrine and training, and should build on its earlier leadership in this critical area. Given that most UN peacekeeping mandates now require missions to ensure POC, Australia and Indonesia could together translate the current UN POC guidelines into meaningful national doctrine to ensure commonality of training for POC. The Australian Civil-Military Centre could be given lead responsibility for this important and practical task, but would require the full support of Defence and the Australian Federal Police.

### *UN Reform*

34. The UN's performance shows both problems as well as achievements. Few question the criticism that the Security Council reflects the geopolitical world of 1945, not 2017. Reform of its structure, composition and procedures – particularly the veto power and composition of the five permanent members (P5) – have been keenly debated since the UN's formation. Australia should remain supportive of all reasonable efforts to reform the Security Council, but since such reform seems as elusive as ever, Australia should refrain from investing wasteful effort, resources and time. That said, to increase the Security Council's transparency and accountability to the broader membership, studies of the use of veto by various P5 members might be catalogued, patterns discerned and conventions and codes of conduct suggested on the basis of past use – for example a voluntary non-use of the veto with respect to atrocity crimes. Australia has knowledgeable academics in this field, many of whom are members of the UNAA Academic Network. The UNAA recommends that the Government consider the provision of modest research funding that can contribute purposefully to the improvement of the Security Council as well as more broadly on specific Security Council issues. Australian researchers could be funded to work through professional organisations such as the Security Council Report.



35. While massive reform of the Security Council seems unlikely, non-permanent members can and do have significant impact. Australia demonstrated this during its last engagement through its work on sanctions, humanitarian access to Syria, and MH17 investigations in Ukraine. Other positive examples include Canada with its blood diamonds initiative leading to the Kimberly Process, and Brazil with the Responsibility while Protecting proposal. A more feasible, practical and directly relevant reform for the vast majority of UN Member States including Australia, therefore, would be to enlarge the number of elected members of the Security Council from 10 to 18, extend their term of office from two to three years, and change their roles and expectations. In addition, elections to the limited term Security Council seats could start to reflect normal representative procedures, with policies and slates of candidates committed to those policies. Policies might include advancing the international rule of law by, for example, only authorising the use of force to those states that sign the Rome Statute and accept the compulsory jurisdiction of the ICJ for that use of force.

36. Similarly, the procedures followed in 2016 for the selection of the new Secretary-General demonstrated the advantages to the wider UN membership and the international community of greater transparency and General Assembly involvement. Australia should work with like-minded countries to consolidate and deepen this reform by requiring a slate of short-listed candidates from the Security Council for final selection by the General Assembly (or the reverse, if that helps to soothe ruffled feathers in the Security Council); to insist on representation of both men and women in the final shortlist; and to consider shifting to a single seven-year term of office for the Secretary-General.

37. These higher-level reforms do not dilute the pressing need for organisational and operational reforms to improve the UN's command and control, logistic support, responsiveness and operational effectiveness. Australia must continue to press for these reforms, such as those expressed in the 2015 HIPPO Report and articulated in critical Security Council resolutions – such as SSR, POC, and women peace and security. But we will have limited relevance in pressing for these much needed reforms unless and until we are prepared to commit more resources to peace operations. Consequently, Australia must quickly raise its profile and commitment to UN peacekeeping – the most visible and tangible commitment to improving the UN's effectiveness on the ground.

### *The Human Rights Council*

38. The UNAA strongly supports Australia's bid for a seat on the Human Rights Council (HRC), and commends the Government on its campaign priorities. Australia played a significant role in promoting human rights during the establishment of the United Nations, but has yet to secure a seat on the HRC since its formation in 2006. Australia's human rights record is far from pure, particularly tarnished by the treatment of offshore refugees and detainees, as well as by the conditions affecting many of our indigenous population. But no country can claim a perfect record in human rights, and we will be better aware as a nation if we are successful in our bid for a seat on the HRC. Compared with our bid for the Security Council, however, minimal resources have been assigned and this will jeopardise our chances of success. The UNAA believes that greater effort

and more resources will be required to secure a seat on the HRC against very strong competition. In galvanising votes in support of our bid, and additional to current efforts, the UNAA considers there would be merit in facilitating visits to Australia for Member States to gain an accurate impression of Australia’s commitment to human rights.

#### IV. Conclusion

39. Since the most recent foreign policy white paper in 2002, significant changes have occurred in Australia and globally. We fared better than most through the global financial crisis, but our future economic prospects are not as bright since the downturn in the resources sector. The Asia-Pacific region in which we are located has generally continued to prosper, but significant tensions continue in many states and the rise of China (one of our major trading partners) is causing concern within the region and will need to be managed adroitly. The US continues to be the cornerstone of our national security approach, but public opinion in Australia is more critically questioning the nature of this alliance. Indonesia, our closest major nation, continues its transition to democracy and is on track to overtake us as a key economic actor in the region. At the same time, the impacts from increased Islamic fundamentalism and terrorism in our region are of increasing concern. Our nearest neighbours, Papua New Guinea and Timor-Leste, continue to have major economic and social challenges, as do most of the small island developing states in the South Pacific. Further from our shores, the North Atlantic community with which we are closely aligned in core political values and on global issues is itself under increased political, economic and social stress. Continuing conflicts in Afghanistan, Africa and the Middle East are causing mass displacement, suffering and refugee flows with only limited prospect of resolution. Globally, the persistent threat from random acts of terrorism continues to defy easy resolution and is likely to continue. Our interests and values must be reassessed continually to reflect these major changes.

40. The United Nations was the key organisation in the suite of international institutions constructed after the Second World War as part of the liberal international order. Under this umbrella the United Nations has contributed to some of the greatest material and normative gains for the largest number of human beings that have ever been attained. The United Nations remains central in maintaining and improving the rules-based international order. In the foreseeable future, the United Nations will remain indispensable as the custodian of the international interest and as the forum in which the separate national interests and common goals of 193 Member States are reconciled and harmonised. Australia has much to gain from a more efficient and effective United Nations, and also much to contribute to make the Organisation more efficient and effective. The UNAA hopes and expects that the 2017 Foreign Policy White Paper will affirm the central importance of the United Nations in today’s world and identify practical Australian contributions to help translate the Organisation’s noble goals and aspirations into concrete programs of action for underwriting peace, defending human rights, promoting sustainable development, and conserving the environment.

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