

Submission to Department of Foreign Affairs and Trade (DFAT): Review of Australia's Autonomous Sanctions Framework

26 February 2023

This submission has been endorsed by 5 Syrian diaspora organisations and 644 individual Syrian community members in Australia.

We wish to highlight concerns about Australia's existing autonomous sanctions framework and ensure that this review takes into consideration the impact and implications of sanctions on diaspora communities in Australia with strong and active connections to countries impacted, including Syria.

We recommend that periodic review of Australia's autonomous sanctions involves close consultation with diaspora communities and any changes or proposed introduction of new sanctions be communicated clearly to communities in Australia with connections to sanctioned countries.

We also strongly implore that humanitarian activities be made exempt from sanctions so that life-saving assistance can be provided to people in humanitarian need in a timely and humane way. Additionally, any humanitarian exemptions to autonomous sanctions must be broad and flexible enough to capture contexts affected by protracted crises; so as not to trap civilian populations and humanitarian organisations in situations where they are meeting only urgent humanitarian needs. Consistent with Australia's development strategy, we urge the Department to consider how to ensure longer term developmental or "humanitarian plus" activities are exempt from autonomous sanctions.

Impact of sanctions on Syrians and Syrian diaspora in Australia

Sanctions have had a profound impact on Syrians since they were introduced in 2012. There are now 12 million Syrians – or 90% of the population – living below the poverty line.¹ These wide-ranging sanctions have resulted in untold suffering for everyday Syrians who are just trying to survive.

■■■■': a personal story

My father in Syria had cancer. Because of the war there was a shortage in medicine to treat his cancer. The prices first raised up by double, the price then tripled and was rising as the US dollar rises against the Syrian pound. I was burning inside because my hands were tied. I could not transfer money to help my family with the medicine's price, nor could I send the medicine itself. I have ashamed myself thousands of times, cried and asked for any advice or any legal way to transfer money but I was not able to do anything. The locally manufactured medicine was not effective and my dad's health worsened day after day. We lost him before I could be able to travel to Syria to see him before he dies. I will shame myself till death.

■■■■', Syrian-Australian from Victoria

Australia is home to a large and growing Syrian diaspora. Many Syrians arrived in Australia as refugees since the conflict began in 2012 and have built their lives here. We are still a new community, which means we have strong and active connections to family, friends and communities in Syria or living as refugees in other countries. We are acutely aware of and understand the suffering of our people. This is why sanctions matter to us.

The Syrian community in Australia is diverse and we may not all agree on the question of the intended objectives of these sanctions. However, the catastrophic earthquake in Syria and Türkiye in February 2023 has highlighted how much the Syrian people have been the main victims of sanctions and their lack of

¹ EuroMed Human Rights Monitor (2022). [Syria: Unprecedented rise in poverty rate, significant shortfall in humanitarian aid funding](#)

effectiveness in bringing about any systemic changes.² The lack of humanitarian aid going into Syria has been impacted in many ways by sanctions. But even before this devastating humanitarian disaster, sanctions were making it more and more difficult for people to get the help they needed.

Helping children in need

During the war, families in Syria have struggled to help their children, especially families who have a child with a physical or intellectual disability who needs a lot of help.

A community leader in Syria had heard about two autistic children who had an idea to establish their own business to make jewellery that could help them pay for speech therapy sessions. They were 7 and 8 years old and their families supported their initiative, however they did not have the resources to get started.

A family in Australia who had an autistic child heard about these children and wanted to help. They understood how important early intervention is and the huge difference it can make to quality of life. They wanted to help the children by purchasing some of their hand made jewellery. However, in order to help them they had to transfer money but couldn't because of Government policy related to sanctions and foreign policy.

"It should not be so difficult to help children with special needs to make jewellery!" said [REDACTED], Syrian Australian living in Melbourne.

Communicating what sanctions mean - Question 1(A)

Syrians in Australia have limited understanding of Australia's sanctions regime and how this applies to interactions with people, organisations and businesses in Syria. In developing communication that is clear and understandable, it is vital that the Australian Government meaningfully consults with diaspora communities with links to countries where sanctions are applied, in order that breaches are not unintentionally made. This is also important when sanctions are being reviewed by the relevant office.

Information on sanctions should be available in community languages.

Humanitarian exemptions – Questions 4(A)-(C)

A number of Syrian diaspora organisations and community members in Australia are united in support of humanitarian exemptions to Australia's autonomous sanctions framework. It is important that life-saving assistance can be delivered as quickly, effectively and humanely as possible.

We recommend that, consistent with UN Security Council Resolution 2664 (UNSCR 2664), the exemption should be broad enough to include activities for the benefit of vulnerable populations in the long-term. This would include activities that are essential to the wellbeing, safety and stability of people and communities such as food security, shelter, education, energy, water, sanitation, health, nutrition, and hygiene, as well as agriculture and livestock programs and cash for work projects. This expression closely aligns with the approach taken under UNSCR 2664 to capture "activities that support basic human needs".

Further, the interpretation of any such humanitarian exemption must be sufficiently clear to reassure humanitarian organisations, donors, commercial service providers (such as financial institutions) and other private sector entities that the processing and payment of funds and the facilitation of other transactions to support such humanitarian activities are permitted.

Who are recognised as humanitarian actors?

It is well known that the first and last responders in any humanitarian emergency are local communities. There is also wide-spread acknowledgement within the humanitarian system of the need to 'localise'

² The Carter Centre (2020). [Navigating Humanitarian Exceptions to Sanctions Against Syria: Challenges and Recommendations](#)

humanitarian aid.³ Even before larger humanitarian organisations are able to respond, community networks are activated and working. This includes diaspora networks in Australia and globally with direct links to affected populations and to local organisations responding on the ground.⁴ Ensuring these community networks can work quickly and effectively to provide life-saving assistance, as well as to help communities become more resilient and rebuild, is imperative. Sanctions should not undermine the capacity of local or trans-local community actors to engage in legitimate humanitarian activities.

We strongly believe that exemptions to humanitarian activities should be applied to organisations in Australia that are able to demonstrate accountability for undertaking legitimate humanitarian activities, and not be restricted to a narrow set of actors listed in the issues paper. By only applying humanitarian exemptions to three categories of actors (i.e. “with diplomatic international organisations status, for example, the International Red Cross or Red Crescent; United Nations agencies; or persons or entities accredited by the department under the Australian NGO Cooperation Program with whom the department has entered into a grant or partnership agreement”), smaller and vital community actors are prevented from responding, or at risk of sanctions violations for delivering aid.

It is important that local and diaspora actors are not excluded from humanitarian sanctions exemptions because institutional actors within the international humanitarian system rarely receive adequate funding to fully meet all the needs of crisis-affected communities.⁵ It is important that Australia’s position on sanctions allows a range of humanitarian actors to respond to a crisis-affected civilian population in a country where sanctions apply, rather than limiting this to a sub-set of actors who may not even have access to these populations.

Furthermore, while we recognise the vital role of larger institutional humanitarian actors, limiting humanitarian exemptions to the proposed actors named in the issues paper would exclude virtually all diaspora organisations mobilising in response to a humanitarian emergency. This is because diaspora organisations are mostly volunteer-run and do not have grants or funding with the Australian Government.⁶ Diaspora organisations are willing to comply with reasonable accountability mechanisms to ensure due diligence, and welcome engagement with the Department of Foreign Affairs on how this can best be achieved.

Responding to a humanitarian emergency

Australian Jasmine Families Inc. is a small volunteer-run Syrian diaspora organisation based in Melbourne.

In the aftermath of the February earthquake, Australian Jasmine Families community members have been trying to buy Infant formula to meet urgent and largely unmet needs due to market shortage.

“We cannot send formula from Australia to Syria because of the sanctions. No airlines can help us as there is no air-space over Syria. We are hand tied, hopeless and frustrated and searching for a way we can help babies to survive,” said [REDACTED], Member of Australian Jasmine Families.

We therefore strongly recommend that Australia’s sanctions exemptions for humanitarian activities apply to organisations that can demonstrate accountability for funds being used for legitimate humanitarian activities and not be limited to a restrictive group of organisational actors.

³ See IFRC. Localization. <https://www.ifrc.org/happening-now/advo-hub/localization>; The Australian Government is a signatory to the Grand Bargain, making a commitment to shift humanitarian funding to local and national actors. See: <https://interagencystandingcommittee.org/grand-bargain>

⁴ USAID and DEMAC (2018). [Diaspora Humanitarian Response & Engagement: Key Highlights](#)

⁵ OCHA (2022). [Global Humanitarian Overview 2022: Part two: Inter-agency Appeals](#)

⁶ See: Phillips (2018). [Diaspora responses in times of disaster and other crisis: Outcomes report](#). Diaspora Action Australia and the Diaspora Learning Network, funded by Department of Foreign Affairs and Trade. See other submissions and reports from [Diaspora Action Australia](#).

SUMMARY OF RECOMMENDATIONS

1. That humanitarian activities exempt from Australia's autonomous sanctions framework are those defined under the concept of 'Humanitarian plus': focusing on life-saving assistance as well as early recovery and resilience building.
2. That Australia's sanctions exemptions for humanitarian activities be applied to any organisation that can demonstrate accountability for funds being used for legitimate humanitarian activities and not be limited to a restrictive group of larger organisational actors.
3. That the Australian Government meaningfully and regularly consults and communicates with diaspora communities that have links to countries where sanctions are applied or are being reviewed.

More information

This submission has been signed by 5 Syrian diaspora organisations and 644 individual Syrian community members in Australia. [REDACTED]

The submission was drafted with the assistance of the Refugee Council of Australia (RCOA). [REDACTED]