Article36

HUMANITARIAN MINE ACTION AND PROTECTING EDUCATION IN EMERGENCIES:
MAKING THE LINKS THROUGH THE SAFE SCHOOLS DECLARATION

There are a number of mutually reinforcing connections, and common underlying principles, between humanitarian mine action and initiatives to protect education from attack during armed conflict. For example, focusing on the clearance of explosive remnants of war (ERW), mines and booby traps from schools can support continuity of education for students. Furthermore, both priorities are underpinned by humanitarian norms, and the imperative to strengthen civilian protection and the upholding of international law.

The Safe Schools Declaration (SSD),[2] launched by Argentina and Norway in 2015, is an international initiative that responds to the global problem of attacks on education, and the military use of schools. Through a series of political commitments by states, it creates a framework for recognising and responding to the short and long-term harms caused by these activities.

This paper looks at: how the mine action sector can support the SSD's principles and goals; how states' work to implement the SSD can be advanced through humanitarian mine action; and how the SSD could, in turn, help to support the work of mine action operators.

Firstly, it gives an overview of the SSD, the problem it addresses, and progress under its framework so far. Then, the paper goes on to look at the connections and synergies between the SSD and humanitarian mine action in principle, policy and practice, integrating some perspectives from operators. Finally, it suggests some specific policy recommendations for next steps to reinforce these links, to the benefit of both agendas – and, ultimately, of affected populations.

Mine risk education held at a school in Lobonok Payam, South Sudan, following the clearance of landmines from the area (UNN Photo; Isaac Billy)

THE SAFE SCHOOLS DECLARATION

According to the latest global research by the Global Coalition to Protect Education from Attack (GCPEA), between 2013 and 2017 over 12,000 attacks in at least 70 countries harmed more than 21,000 students and teachers worldwide. These attacks included killings, destruction, rape, abduction, child recruitment, threats and intimidation, as well as military use of educational infrastructure.[3] The SSD, currently endorsed by 82 states,[4] seeks to respond to this grave situation.

Specifically focused on situations of armed conflict, the SSD can be viewed as a protection of civilians initiative. However, it is one that specifically prioritises the protection of particular rights, people and spaces, rather than addressing the protection of civilians as a whole (in a similar way to other initiatives, to protect healthcare in conflict, for example[5]). Education itself is also acknowledged as contributing a protective role during emergencies.

The SSD can be seen as an initiative to support strengthening the principles of international humanitarian law. It is similarly grounded in: the right to education; the importance of education for the future in all communities, including those affected by violence; and the essential need for the continuity of education during emergencies for these reasons – and therefore to address its most violent disruptions, caused by attacks and military use.

The SSD can, in turn, be situated within the broader contexts of humanitarian action and the delivery of education in emergencies, and the Sustainable Development Goals (SDGs), particularly SDGs 4, 5, and 16.[6] It also recognises that education has a role to play in avoiding conflict in the future.

The aim of the SSD is to promote a shift in behaviour primarily amongst states, but with relevance to non-state armed groups, by building norms against attacks on education and the military use of schools. It aims to develop consideration amongst conflict parties of the longer-term impacts of their actions, and a restrictive and precautionary understanding of responsible military practice in relation to places of education.

Though states can be cautious to limit their scope for military action, through international initiatives such as the SSD, powerful norms and clear examples of good practice can be developed that encourage commitments to change. A significant number of militarily active states that chose not to join the SSD initially are now part of the community of endorsing countries.

The SSD does not change international law. It was developed in response to the fact of widespread military use of schools and attacks on education, which suggested that practical steps (beyond repeating rhetorical claims of 'strict compliance' with international humanitarian law) would be beneficial, in order to address humanitarian and human rights impacts.

The SSD was initiated, in part, to provide a political instrument through which states could commit to endorsing and implementing the *Guidelines for Protecting Schools and Universities From Military Use During Armed Conflict* in national military policy and practice.[7] It also contains a range of other politically binding commitments, which in general cover:

- × Data gathering on attacks
- × Victim assistance (responding to the rights and needs of individuals affected by attacks and military use)
- × Ensuring legal accountability for any violations
- × Ensuring conflict sensitive educational programming domestically and in international interventions
- × Ensuring continuity of education during armed conflict
- × Providing international cooperation and assistance to other states and agencies to fulfil the SSD's commitments
- × Supporting UN processes on children and armed conflict, and
- × Collectively reviewing implementation of the SSD

These commitments provide a framework for action.

At least ten states have taken steps since May 2015 to bring the *Guidelines* into domestic and operational frameworks, through updating military manuals and other documents.[8] For example, Denmark and New Zealand have recently updated their military manuals in line with their SSD commitments. States and others have also reported withdrawing from schools and universities that had been under military use due to SSD commitments. For example, in 2017 in Somalia, AMISOM reported handing a number of educational facilities it had been using back to the authorities, having first rehabilitated and cleared them of ERW. In 2017, Sudan's armed forces issued a military directive prohibiting the use of schools and is in the process of evacuating schools that were under military use. More broadly, the UN Department of Peacekeeping Operations (DPKO) has implemented a prohibition on the use of schools by peacekeepers, and the SSD has been integrated in to trainings. Positive practice in conflict-sensitive educational programming, ensuring continuity of education, and other areas has also been shared by states.[9]

Work to universalise and develop the implementation of the SSD continues. Since the declaration was launched in Norway in May 2015, a conference to review progress was held in Argentina in 2017, and another is planned for 2019 in Spain. This will be open to states, as well as to international organisations and civil society.

CONNECTING THE SSD AND HUMANITARIAN MINE ACTION

Mine action organisations are increasingly operating on the margins of armed conflicts as well as in post-conflict situations. Many, for example, work in Iraq and Syria today, close to hostilities. Through their work to clear ERW, assist victims and educate communities about risks, they regularly witness and address the impact on education of the conduct of hostilities in armed conflict.

These impacts may include, for example: the ideological targeting of schools with explosive weapons; use of schools for military advances and their subsequent booby-trapping with explosives; and use of schools by certain conflict parties as bases and bomb factories, on the assumption that their adversaries will be less willing to attack them in educational facilities.[10]

Mine action operators are often amongst the first to enter areas where attacks or fighting have taken place, helping to facilitate the safe return of communities. Through their advocacy work, they also have a role in bringing evidence about the impacts of armed conflict on civilians – including on education – to wider attention.

Mine action practices to support the SSD's principles and goals

The mine action sector's work already supports some of the SSD's goals in a number of straightforward ways. The clearing of landmines and other ERW from contaminated educational facilities supports the safe return of students and teachers (who are often reluctant to return to contaminated areas, impeding recovery), and so also supports strategies for the continuity and restoration of educational facilities.

Operators may already prioritise school buildings and the areas around them within strategies for the safe return of communities to ERW-contaminated areas.[11] This will be risk assessed against the possibility that clearance of a key location like a school could facilitate behaviour that was unsafe, such as people returning to areas that are otherwise still heavily contaminated. Conflict sensitivity, and understanding community dynamics through collaboration and liaison, will also factor in to which locations are prioritised for clearance. Organisations may already report on school clearance activities and their impact, but more consolidated information on these activities and practices, and how these are linked to restoring educational provision, could be beneficial.

Schools and other existing educational facilities are also where humanitarian mine action agencies often undertake mine risk education. The purpose of risk education is to ensure communities: are alert to the dangers posed by ERW and landmines; able to identify hazardous items; understand where marked areas are; and are therefore able to manage the risks in their daily lives and reduce the possibilities for injury and death. Risk education with children, as well as returning communities, is often particularly prioritised by operators as they can be at greatest risk of landmine and ERW accidents. Risk education activities can be seen as contributing to SSD priorities around responding to community needs as a result of attacks on education, as well as supporting continuity of education through contributing to students' ability to go about their lives safely.

Thousands of landmines were cleared around St Matthew Basic School in Lobonok Payam, South Sudan, before it was handed back to the community (UNN Photo; Isaac Billy)

Mine action operators currently liaise with other humanitarian agencies through mechanisms such as the 'cluster system'. Cross-cluster coordination between the mine action and education, protection and child protection clusters and sub-clusters in affected countries operating this system enables the exchange of information and planning around joint priorities. However, the mine action sector may be able to do more to share knowledge, tools and lessons that can contribute to addressing attacks on education and the military use of schools.

For example, mine action operators may be able to share data they have collected about attacks on or the military use and vacation of schools to contribute to broader information gathering on this issue (which the SSD commits states to do). Such data can contribute to more detailed understanding of the scale and nature of the impact of conflict on education and to advocacy to raise awareness of and address this problem.

Victim assistance carried out by humanitarian mine action organisations could also contribute to the assistance of victims of attacks on education. Furthermore, the practice in this sphere developed by the mine action community over the past two decades could provide lessons for the implementation of the victim assistance commitment in the SSD. The term 'victim assistance' comes from the mine action sector, and has developed into a concept focused on ensuring that those affected by these weapons are afforded full inclusion in society and the realisation of their human rights, as well as the medical assistance and rehabilitation in which the term originated. Though its implementation may constitute a different set of activities under the SSD, there may be relevant work in the mine action sector that could be useful to the SSD's community of practice.

Finally, though they are evidently not conflict parties, mine action operators can help to support and advance the SSD's norms by adopting policies to limit their use of schools as bases for their work. Organisations can consider that in transitional environments, educational facilities are convenient locations to operate out of. For example, they can be some of the only buildings that have not suffered extensive damage, or that have sufficient space for accommodation and training activities.[12] However, such use could represent an impediment to re-establishing education.

Many mine action operators will already have policies in place to restrict their use of schools – for example to when it is deemed absolutely necessary, for the minimum time, and only when the buildings have been abandoned.[13] It may not be possible for operators to entirely rule out their use of schools, particularly in contexts of massive infrastructure damage, but it should be considered good practice not to base operations out of educational facilities and to make certain commitments where any such facilities will be used. In order to harmonise this principle across the sector, new policies on avoiding the use of schools by mine action operators could be created and supported by the International Mine Action Standards (IMAS).

Advancing states' implementation of the SSD through supporting humanitarian mine action

Given the links elaborated above between mine action activities and commitment areas of the SSD relating to re-establishing educational facilities, data gathering, and victim assistance, supporting humanitarian mine action can represent a way in which states work towards fulfilling their SSD commitments. In reporting or informally sharing information on how they are implementing the SSD at its conferences or in other international forums, endorsing states could highlight how their contribution to mine action activities helps to address attacks on education, and encourage others to support these activities on this basis.

Through the SSD's commitment on international cooperation and assistance between endorsing countries, the mobilisation of resources for countries affected by attacks on education can be encouraged. Existing funding for mine action could potentially be leveraged for an additional focus on clearance and remediation in schools and universities, as well as support to data gathering and victim assistance. This could provide a point of engagement with affected countries that have not yet endorsed the SSD, regarding the benefits that joining the framework could potentially bring.

How the SSD can benefit the work of mine action operators

As well as potentially helping to facilitate funding contributions to mine action work through additional channels, the SSD could make a contribution to the work of operators in other ways.

At a time when humanitarian norms are being challenged worldwide, it is important to recognise that humanitarian principles are beneficial to operators who rely on them for access and for the ability to operate in ways which best serve affected communities. Humanitarian principles are also the basis for essential understanding of, collaboration with, and advocacy on behalf of conflict-affected communities on a non-political basis. Some working in mine action more broadly are increasingly considering their work through lenses such as 'stabilisation,' and in doing so are de-prioritising humanitarian principles and aligning more closely to a securitised orientation. Yet reaffirming and protecting a humanitarian normative framework is essential to much of the sector's work, and the SSD is a reinforcing component of that framework.

The SSD can therefore provide an additional tool for mine action operators to engage with states in endorsing countries, as part of a broader humanitarian framework that gives a basis for working in and with states affected by landmines and ERW. It could also support operators in their need to engage with non-state armed groups that hold territory, to gain access to undertake humanitarian work. Some non-state armed groups may have endorsed Geneva Call's deed of commitment on the protection of children in armed conflict [14] (which incorporates the *Guidelines* and references the right to education and the need to refrain from military use of schools), providing a point of engagement. For others, addressing groups as duty bearers to affected populations could include utilising the norms of the SSD.[15]

CONCLUSION

Many mine action operators are already contributing to the goals of the SSD; they may be able to do more to share information and expertise, and to adopt policies that advance its principles; and they may also be able to draw on the SSD's potential for resource mobilisation and as a tool for engagement and access with state and non-state actors. In turn, support for mine action may be a way in which states can work towards fulfilling some of their commitments under the SSD.

To move forward, more discussion between humanitarian mine action organisations and those involved in the SSD (primarily, the Global Coalition to Protect Education from Attack (GCPEA)) would be beneficial, to understand data needs and where other exchanges of expertise could be useful. Greater cooperation and exchange between those working on disarmament and protection issues generally could be helpful to both sectors.

Another practical step could be the production of technical notes and guidelines for mine action operators addressing the principles of the SSD specifically. As mentioned above, operators could adopt specific policies to this effect (which could be supported by IMAS) enshrining avoiding the use of schools by operators as a good practice. This and other principles could also potentially be integrated in to other international standards and documents, such as the next UN strategy for mine action.

SUMMARY OF RECOMMENDATIONS

Specific initial actions that could be undertaken within the mine action community include the following.

Mine action operators could:

× Make public disaggregated reporting on aspects of their work that involve clearance of landmines and explosive remnants of war from schools and other education facilities, to donors, in public reports and to those working on protecting education from attack;

× Report to national authorities and donors on situations where they use schools or other education facilities for the purposes of organising their work, and on the circumstances surrounding any such use;

× Develop and adopt specific policies that embed these actions into their operational approaches – including a set of policies that orientate to their avoiding the use of schools or other educational facilities as bases for their operations (see initial suggestions at Annex B); and

× Take steps to connect with the safe schools community of states and organisations, share data on attacks and the military use of schools, and share relevant expertise and information about interventions in areas such as victim assistance.

States that support the objectives and principles of both the SSD and mine action could:

× Share information in appropriate forums, including meetings of the SSD, on how their contribution to mine action activities helps to address attacks on education;

× Encourage other states to support mine action activities, or the SSD, on this basis; and

× Encourage the mobilisation of resources for affected states for activities that support both mine action and the SSD;

× Encourage non-endorsing states to endorse the SSD.

Initiatives to mobilise a community of states and other actors around the strengthening of international humanitarian principles and law, like the SSD, represent positive developments at a time when such norms are increasingly under threat on different fronts. Communities of practice that support and rely on these principles in their work should work to support each other to strengthen these broader frameworks, whenever connections can be usefully made.

ANNEX A: STATE ENDORSEMENTS OF THE SAFE SCHOOLS DECLARATION

82 States have endorsed the Safe Schools Declaration as of 26 November 2018, almost all of which are States Parties to the Mine Ban Treaty:

Afghanistan, Albania, Andorra, Angola, Argentina, Armenia*, Austria, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, Democratic Republic of Congo, Costa Rica , Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Finland, Former Yugoslav Republic of Macedonia, France, Georgia*, Germany, Greece, Honduras, Iceland, Ireland, Italy, Jamaica, Jordan, Kazakhstan*, Kenya, Lebanon*, Liberia , Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Monaco, Montenegro, Mozambique , Netherlands, New Zealand, Niger, Nigeria , Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Romania, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, State of Palestine, Sudan, Sweden, Switzerland, United Kingdom, Uruguay, Yemen, Zambia.

* indicates States that are not States Parties to the Mine Ban Treaty

ANNEX B: DRAFT FOR A MINE ACTION OPERATOR POLICY ON AVOIDING THE USE OF SCHOOLS AND UNIVERSITIES AS BASES OF OPERATION, AND FOR PROMOTING BETTER UNDERSTANDING OF THE IMPACT OF CONFLICT ON EDUCATION.

Mine action organisations regularly work within schools and universities for the delivery of mine risk education. Mine action organisations are also regularly involved in the clearance of landmines and ERW from educational facilities and in facilitating their reconstruction. These contributions are vital to improving safety and re-establishing education in the wake of conflict.

Mine action operations often require facilities that can provide for the accommodation of teams, the storage of equipment and supplies, and offices for the coordination and management of work. Education facilities can provide a practical structure for such purposes – yet, while focused on reducing the practice of use of schools by parties to conflict, a central concern of the Safe Schools Declaration is that diversion of educational facilities to other purposes can prevent or delay the reestablishment of education.

The guiding principles of the International Mine Action Standards (IMAS) note that "mine action is first and foremost a humanitarian concern...framing of the standards and their application as a part of any humanitarian response shall reflect the fundamental humanitarian principles of humanity, impartiality, neutrality and independence." [16] Whilst IMAS (02.11/8) recognises that the facilities required for mine action should take into account "gender and diversity" it does not engage with other implications of the facilities that are chosen.

A possible bundle of policies to manage these issues could contain provisions such as the following:

× *Operator* will avoid the use of schools or other education facilities as a base for operations.

× Such facilities should only be used in exceptional circumstances if there is no current prospect of their return to educational use, and where their use will be of short duration, and where this is agreed in collaboration with the local community.

× On vacating any such facilities the *operator* will leave them in good condition, free from explosives or other hazards and shall certify that to the appropriate local authorities.

× If such facilities are used the *operator* will report to the national mine action authority and the donor on the conditions under which this use was undertaken, the duration of that use and on the condition in which those facilities were vacated.

In order to facilitate understanding of the impact of conflict on education:

× *Operator* will gather and make available disaggregated data on mine action operations undertaken in order to make schools and other education facilities safe, including on survey work undertaken, landmines and ERW cleared and facilities returned to safe use.

END NOTES:

1. This paper draws on a side event convened at the 21st Meeting of Mine Action National Directors and United Nations Advisers (NDM-UN), Geneva, on 15th February 2018, and the contributions and presentations made by Gisela Schmidt-Martin, Global Coalition to Protect Education from Attack; Chris Loughran, Mines Advisory Group; and Richard Moyes, Article 36 – as well as subsequent analysis by Article 36. Article 36 thanks the panellists for their permission to integrate material and thoughts they presented in to this paper. Article 36 takes full responsibility for this paper, which may not represent the positions of other organisations listed above

2. The full text of the Safe Schools Declaration is available here: https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf

3. For the full data on attacks on education, and a definition of attacks on education that includes threats and uses of force against institutions and the people involved in them, see GCPEA, Education Under Attack 2018, http://eua2018.protectingeducation.org

4. At the time of last updating (November 2018). For the most up to date list of endorsing countries, see https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/safeschools_declaration/id2460245/

5. See, for example the Healthcare in Danger project: http://healthcareindanger.org

6. The SDG indicator framework includes a proposal to measure the number of attacks on education, under Goal 4 on quality education. Indicator 4.a.3 will use GCPEA's Education Under Attack research as its main data source

7. The full text of the Guidelines for Protecting Schools and Universities From Military Use During Armed Conflict is available here: http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf

8. See GCPEA, 'A Framework for Action,' 2017 http://www.protectingeducation.org/sites/default/files/documents/a_framework_for_action.pdf and Human Rights Watch 'Protecting Schools from Military Use: Law, Policy, and Military Doctrine', 2017 https://www.hrw.org/report/2017/03/20/protecting-schools-military-use/law-policy-and-military-doctrine.

9. Information from GCPEA, 'Safe Schools Declaration and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,' http://www.protectingeducation.org/safeschoolsdeclaration; 'A Framework for Action;' and presentation to this side event

10. Examples given by Chris Loughran from MAG during the side event from which this paper draws

11. Examples were given from operations in Colombia and other countries during the side event from which this paper draws

12. The reasons that schools represent attractive bases to conflict parties are explored in GCPEA, The Romeo Dallaire Child Soldiers Initiative and Dalhouse University, Implementing the Guidelines: 'A Toolkit to guide understanding and implementation of the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict' http://www.protectingeducation.org/sites/default/files/documents/toolkit.pdf

13. Examples given by Chris Loughran from MAG during the side event from which this paper draws

14. Geneva Call, 'Deed of commitment under Geneva Call for the protection of children from the effects of armed conflict,' https://genevacall.org/wp-content/uploads/dlm_uploads/2013/12/DoC-Protecting-children-in-armed-conflict.pdf

15. Suggestions in this section are based on operator perspectives given at the side event on which this paper is based

16. IMAS 01.10 / 6.2

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