

Reflections from the Safe Schools Declaration process for future international political commitments on civilian protection

Article 36 is a UK-based not-for-profit organisation working to promote public scrutiny over the development and use of weapons.*

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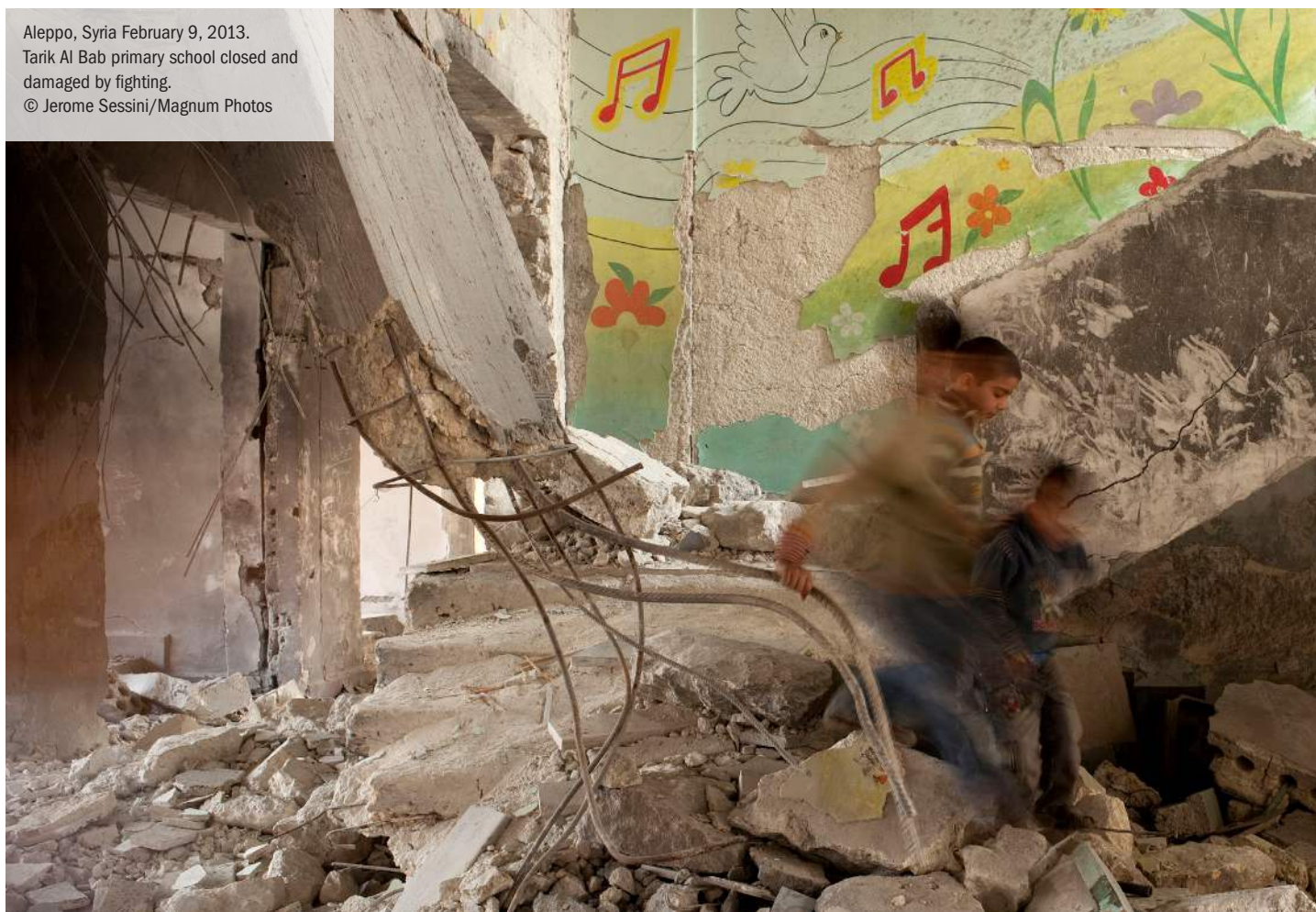
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The process to agree the Safe Schools Declaration (SSD),¹ and subsequent work to universalise and implement it, could have useful lessons for planning around the upcoming process to agree a political declaration on protecting civilians from the use of explosive weapons in populated areas, which is expected to commence in 2019. The format of the SSD process, the ways of working, and the decisions that states, the global coalition of civil society and international organisations faced during and subsequent to the agreement of the text could provide helpful points of reflection.

This discussion paper gives a summary of how the SSD process developed, and of some of the work that has occurred and its impact since the SSD was launched in May 2015. It suggests some key strategic pointers that could be drawn from the agreement of the text and subsequent universalization and implementation work to advance the agenda of protecting education from attack, which could be used as lessons for strategic and work planning in future processes.

These reflections were prepared from: a review of key documents and internal correspondence from the SSD consultation process; data on universalization; and informal conversations with some individuals centrally involved in the SSD's conception, agreement and subsequent efforts around it, including reflections provided at an informal meeting in Geneva to discuss these issues in June 2019.² Article 36 thanks all individuals for the insights used here, but takes responsibility for the content of this paper. This paper does not represent a comprehensive account of the SSD process, but is intended rather to provide some key reflections from Article 36's perspective and based on our work on this issue, from the point of view of looking ahead to future work.

Aleppo, Syria February 9, 2013.
 Tarik Al Bab primary school closed and damaged by fighting.
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BACKGROUND AND CHRONOLOGY TO THE SAFE SCHOOLS DECLARATION

The SSD addresses the problem of attacks on education (including threats and violence against educational personnel and buildings), and the military occupation and use of schools and other educational facilities. It applies to armed conflict.

Though the SSD mentions legal violations, the core issues it is addressing are not clear violations of the law. The occupation or destruction of schools are not necessarily contrary to International Humanitarian Law (IHL), but can nevertheless be devastating to communities and their futures. In this aspect, the Safe Schools agenda is similar to the explosive weapons in populated areas issue: violations of the law cause harm in this area, but the humanitarian problem extends much further than these violations.

Also similarly, the SSD aimed to transform a technical issue – the military use of schools – into a civilian protection imperative, and sought to improve practice without seeking new legal obligations or a prohibition (which did not seem practicable). The SSD was conceived as a tool to open up space for states, international organisations and civil society to advance work on the protection of education in cooperation, rather than to be an end in itself. A political declaration on protecting civilians from explosive weapons in populated areas might serve a similar function.

The ‘Guidelines’

The SSD was conceived as an instrument through which states could support the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*³ – as well as creating an opportunity to make a broader range of commitments on protecting education from attack.

The process to develop the Guidelines was led by the Global Coalition to Protect Education from Attack (GCPEA) – a coalition of NGOs and international organisations.⁴ As this was not a state-led initiative, there was some reluctance amongst countries to sign up to something ‘produced by NGOs.’ The purpose of the SSD was to create a political mechanism for the endorsement of the Guidelines, by providing states with an opportunity to develop and agree a state-led text on protecting education from attack.

Some states raised issues about the text of the Guidelines during the SSD consultation, but these were not opened up for negotiation. This fact helped protect some of the key policy lines central to the initiative, and contained in the Guidelines, from any change or watering down. There are still states that are choosing not to sign on to the SSD ostensibly because the Guidelines that it endorses are an NGO initiative.

Summary chronology of the steps towards the declaration

Norway convened a first ‘core group’ meeting in June 2014, for the states most interested in the Guidelines at that point (Argentina, Cote d’Ivoire, Jordan, The Netherlands, New Zealand and the Philippines) to discuss how they could be taken forward. The idea of a declaration to enable state support of the Guidelines was raised at this meeting.

The Guidelines had been finalised in 2014 following a 2-year process.⁵ Originally called the Lucens Guidelines (the conferences were held in a chateau in Lucens, chosen with the intention of giving them weight as a norm-creating exercise), they were more generically renamed to remove this association, as part of broadening the ownership of the initiative. They were launched on 16 December 2014 in Geneva at a meeting co-hosted by Norway and Argentina.

Once the SSD process started, it was concluded quickly – the first draft was circulated amongst the core group on 30 January 2015, and the declaration was launched at conference in Oslo on 29 May 2015. The process was led by Norway throughout, with a core group of Argentina, Austria, Cote d’Ivoire, Jordan, New Zealand, Nigeria, Norway, Spain and Philippines.

Following a couple of rounds of consultation with the core group on draft elements and then a pre-zero draft text in December-February (including two core group meetings), a meeting was convened in Geneva to which all states were invited on 27 March for wider consultation on the text. Following this meeting, Norway called for further input to be sent by 14 April, and circulated a revised draft on 23 April. The next consultation with states in Geneva was on 30 April, and there was a final round of consultations including a further meeting on 13 May, before the Oslo conference on Safe Schools on 29-29 May at which the SSD was launched. Norway had prepared a ‘pour memoire’ and internal talking points in early May, and an invitation to the conference went out on 5 May (from the start of the process, states were made aware of the timeline of/intention for the final conference).

At the Oslo conference, there was a public meeting on the 28 May featuring field perspectives and high profile speakers, including a keynote from Zia Yousafzai (the education activist and father of Nobel Peace Prize laureate Malala Yousafzai). The one-day state conference on 29 May had a morning panel on the problem of military use of schools, an afternoon discussion on the operationalization of the commitments, and endorsement statements by states. 37 states endorsed the SSD when it was launched at the conference.

A group of states of which Germany was the most prominent objected to the SSD and the process around it at the time (other objectors included Australia, Canada, France, Japan, South Korea and the UK). Fundamentally this was because they did not at that time wish to join a declaration that made commitments ‘beyond existing law’ and that involved endorsing the Guidelines.

Germany made a counter-proposal for the declaration in March/April that significantly changed the text and weakened its core commitments. Denmark and Russia intervened to support this proposal during the consultations. Norway and the core group chose to reject this intervention, which would have represented a change of purpose and watering down of the whole initiative. To maintain the integrity of the process that had been started, it would have been hard to compromise as far as this counter-proposal suggested. Germany and its supporters raised concerns that their comments had not been taken in to account, and that there had been insufficient consultation. Many of the objecting states have now joined the SSD, including Germany, France, Canada and the UK.

A more detailed account of how the text consultations unfolded

Initial draft elements for a declaration (a problem description, statement of principles, statement of needs, and set of commitments) were discussed amongst the core group after the Guidelines were launched on 16 December 2014. Following this, a first draft was circulated amongst the core group (which at that point included Argentina, Austria, Cote d'Ivoire, Jordan, New Zealand, Nigeria, Norway and Philippines) on 30 January 2015.

This first draft aimed to: address the key aspects of GCPEA's statement of the problem of attacks on education and recommendations from its 'Education Under Attack' research; acknowledge existing frameworks and priorities such as UNSCR 1998 (which incorporates attacks and schools and hospitals in to the monitoring and reporting mechanism on children and armed conflict) and conflict-sensitive education (a USAID/DFID priority); and describe the non-legally binding nature of the Guidelines using the same language as the International Committee of the Red Cross (ICRC), stating the importance of the law separately.

The initial list of commitments in the first draft, whose scope was armed conflict and other situations of violence, were:

- ✗ Adopt and implement the *Guidelines for protecting schools and universities from military use during armed conflict*, in accordance with national policy and practice;
- ✗ Review national laws to ensure that attacks on education are criminalised where necessary;
- ✗ Investigate attacks on education, and prosecute and punish those responsible as appropriate, in accordance with applicable national and international law;
- ✗ Make every effort to collect reliable relevant data with respect to victims of attacks on education, and provide assistance to victims, on a non-discriminatory basis, towards the full realization of their human rights;
- ✗ Monitor and report on attacks on education and military use of schools and universities, using existing mechanisms where available;
- ✗ Develop, adopt and promote conflict-sensitive approaches to education in development assistance programmes and at a national level as appropriate;
- ✗ Provide and facilitate cooperation and assistance to programmes working to protect education from attack and for implementing these commitments, where in a position to do so;
- ✗ Continue to report on progress under the framework of the UN Security Council's work on children and armed conflict, and meet to review the implementation of these commitments on a regular basis.

Following feedback, a revision was circulated amongst the core group on 12 February 2015, which did not make substantial changes. Following further consultation on this draft, on 10 March Norway invited all states in Geneva to a meeting on 27 March to consult on the declaration. In this invitation, Norway stated their intention that the SSD would be finalised at a conference on 1 June 2015 in Oslo, and asked states to save the date.

In this iteration, the declaration was still framed to include 'other forms of violence' as well as armed conflict, and the commitments were as follows:

- ✗ Adopt and implement the *Guidelines for protecting schools and universities from military use during armed conflict*, in accordance with national policy and practice;
- ✗ Review relevant national laws to ensure that attacks on education are criminalised where necessary;
- ✗ Investigate attacks on education and prosecute as appropriate, in accordance with applicable national and international law;
- ✗ Make every effort to collect reliable relevant data with respect to victims of attacks on education; to facilitate such data collection by others; and to provide assistance to victims, on a non-discriminatory basis, towards the full realization of their human rights;
- ✗ Monitor and report on attacks on education and military use of schools and universities, using existing mechanisms where available;
- ✗ Develop, adopt and promote 'conflict-sensitive' approaches to education in humanitarian and development assistance programmes and at a national level as appropriate;
- ✗ Provide and facilitate cooperation and assistance to programmes working to prevent or respond to attacks on education and for implementing these commitments, where in a position to do so.
- ✗ Continue to support the work of the UN Security Council on children and armed conflict, and the work of relevant UN offices and agencies, and to meet to review the implementation of these commitments on a regular basis.

The main changes from the initial draft here are: adding language on: 'relevant' national laws; facilitating data collection by others; humanitarian programmes; changing 'protect education from attack' to 'prevent or respond to attacks on education'; and editing to include supporting the work of UNSC rather than reporting on progress under the framework, adding support to relevant UN offices and agencies.

In advance of the 27 March, Norway had also internally prepared a commentary on the declaration, elaborating on each aspect of the declaration for clear communication of purpose, and key messages, which were discussed at a core group lunch on 18 March.

Following the 27 March meeting (which 50 states attended), Norway called for further input on the text by 14 April, in advance of the next consultation on 30 April. At this point various issues were being raised by states, including:

- ✗ Some wishing to limit the scope of the declaration to 'armed conflict'/IHL rather than a broader framing of violence against education. This was articulated by states including Switzerland and Mexico, but also Jordan that was part of the core group. GCPEA decided to endorse a limiting of the scope;

- × Some calling for more ‘flexibility’ (weakening) of language around what endorsing the Guidelines would entail for national implementation;
- × Some wishing to define ‘attacks on education’ – including those that wished to narrow the language to focus more on legal violations;
- × Concern from some at referring to non-state armed groups and their implementation of the Guidelines (from the perspective of wariness of giving these actors legitimacy);
- × Some concern about commitments on data collection and victim assistance being ‘burdensome.’

On 26 March, Germany sent round a counter-proposal on the SSD. This substantially edited/rewrote the declaration, narrowing the focus to armed conflict, taking out the commitment to endorse the Guidelines (rather, ‘commending’ them as an effort), and taking out all other commitments – apart from supporting the work of the UNSC on children and armed conflict, and a vague pledge to continue to work together. Germany circulated this to all states on 8 April after the meeting.

The stated intentions were a more ‘balanced’ initiative that would ‘better reflect the spirit of a political declaration’ (i.e. not have any commitments that might be seen as in any way binding, or many obligations at all) and that more states could therefore sign on to. Germany was supported by states including Australia, Canada, France, Japan, South Korea and the UK. Denmark and Russia also explicitly supported their text proposal. During the process these states raised concerns about lack of consultation and their comments not being taken in to account. However, their proposal was to fundamentally water down the core purpose of the initiative, and so could not be incorporated by the core group. Procedural complaints were arguably a distraction from the wholesale changes to substance that was being proposed.

Some states, for example Switzerland and the Netherlands, were basically supportive of a strong text but were also concerned to try and get as many states on board as possible, and their input reflected this position. Others, for example South Africa, were sceptical from the perspective that a ‘soft law’ approach was inadequate and that it would be more effective to prohibit the military use of schools.

A revised draft was sent to states on 23 April. At this point it still addressed both conflict and other violence, and the commitments were:

- × Incorporate these Guidelines into domestic policy and operational frameworks as appropriate;
- × Monitor and report nationally on attacks on education and military use of schools and universities, using existing mechanisms where available;
- × Collect reliable relevant data, at a national level, with respect to victims of attacks on education; facilitate such data collection by others; and assist victims, on a non-discriminatory basis;
- × In the context of attacks on education, investigate allegations of violations of applicable national and international law and duly prosecute perpetrators;

- × Develop, adopt and promote ‘conflict-sensitive’ approaches to education in international humanitarian and development programmes, and at a national level where relevant;
- × Provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, and for implementation of this Declaration, where in a position to do so;
- × Support the efforts of the UN Security Council on children and armed conflict, and of relevant UN entities and agencies, and to meet on a regular basis, together with international organizations and civil society, to review the implementation of this Declaration and of the Guidelines.

The main changes here are: changing the commitment to ‘adopt and implement’ the Guidelines to one to ‘incorporate into domestic policy and operational frameworks’ – this is the main change of political significance; adding ‘in a position to do so’ to international cooperation and assistance; and adding international organisations and civil society to the anticipated regular meetings.

Following the next consultation on 30 April, there was a final consultation meeting on 13 May, before the Oslo conference on safe schools on 29-29 May. In early May, Norway had prepared: a ‘pour memoire’ with key points about the initiative for circulation to states with the invitation to the conference; internal talking points; and the next draft of the declaration. Invitations went out on 5 May.

In early May, the scope of the declaration had narrowed to armed conflict (a major political change – made late), and the commitments were:

- × Use these Guidelines, and bring them into domestic policy and operational frameworks as far as possible and appropriate;
- × Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; and to facilitate such data collection by others; and to provide assistance to victims, in a non-discriminatory manner;
- × Investigate allegations of violations of applicable national and international law and duly prosecute perpetrators;
- × Develop, adopt and promote ‘conflict-sensitive’ approaches to education in international humanitarian and development programmes, and at a national level where relevant;
- × Seek to ensure the continuation of education during armed conflict, support the re-establishment of education facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, including for the implementation of this Declaration;
- × Support the efforts of the UN Security Council on children and armed conflict, and of relevant UN entities and agencies; and
- × Meet on a regular basis, and invite international organizations and civil society, to review the implementation of this Declaration and of the Guidelines.

The main changes are: 'use' the Guidelines and 'bring' them in to policy and operational frameworks, rather than 'incorporate' them in to etc.; merging of the monitoring and reporting and data collection commitments; adding a commitment on continuity of education; and 'inviting' international organisations and civil society rather than 'meet together' with them.

During the final stages of consultation, small changes were made to accommodate the positions of specific states, based on whether they made sense politically to the core group and how important that state's support was. Overall, the changes made to the text during the whole process were not huge. The key issues of contention and shift were the scope of the SSD (armed conflict or also broader situations of armed violence), and the strength of the language on endorsing the Guidelines.

At the Oslo conference on safe schools, there was a public meeting with field perspectives and high profile speakers, including a keynote from Zia Yousafzai. The one-day state conference on 29 May had a morning panel on the problem of military use, an afternoon discussion on the operationalization of the commitments, and then endorsement statements by states. State representation was at senior official level, with some states sending in written confirmation of their endorsement if they could not join the meeting. International organisations and NGOs were invited as well, and featured on the panels.

The final commitments were:

- ✗ Use the Guidelines, and bring them into domestic policy and operational frameworks as far as possible and appropriate;
- ✗ Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; to facilitate such data collection; and to provide assistance to victims, in a non-discriminatory manner;
- ✗ Investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators;
- ✗ Develop, adopt and promote 'conflict-sensitive' approaches to education in international humanitarian and development programmes, and at a national level where relevant;
- ✗ Seek to ensure the continuation of education during armed conflict, support the re-establishment of educational facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, including for the implementation of this declaration;
- ✗ Support the efforts of the UN Security Council on children and armed conflict, and of the Special Representative of the Secretary-General for Children and Armed Conflict and other relevant UN organs, entities and agencies; and
- ✗ Meet on a regular basis, inviting relevant international organisation and civil society, so as to review the implementation of this declaration and the use of the guidelines.

The main final changes were: qualifying language on prosecuting perpetrators (where appropriate); adding more detail in the final commitment on the international efforts and UN stuff to support; and clarifying that only 'relevant' international organisations and civil society should be invited to meetings.

KEY LESSONS FROM THE PROCESS TO AGREE THE DECLARATION TEXT

Process and forum:

- ✗ A quick process was advantageous in not allowing the consultations to get too bogged down – the whole process was completed in 4-5 months with only 3 wider consultation meetings that took place over 3 months. One downside to this speed was that the final conference did not feel as celebratory/significant as a longer treaty process.
- ✗ There was significant work going on outside Geneva during the process, with Norwegian missions raising the issue in other capitals, and GCPEA also doing worldwide advocacy. It was not just a case of convincing Geneva diplomats.
- ✗ The SSD was developed in a stand-alone process, but GCPEA has found it subsequently helpful to be able to say that it was developed in Geneva (as a centre for international activity), or around the margins of the Human Rights Council, for projecting credibility and enhancing the idea that it has weight as a normative step, given its 'soft law' status.

Core group:

- ✗ The process relied on a confident and unified core group, with strong leadership from Norway and with Argentina playing a strong supporting role. There were some differences within the core group but no significant tensions. It was helpful to the process for core group states to intervene supportively in consultation meetings.

Holding a strong line, state participation and consultation:

- ✗ Norway ran the process with the goal of achieving a strong, principled document setting a high standard. The intention was that those initially outside could be drawn and pushed towards through: shifting norms; stigmatising particular behaviours; and the weight of international peer pressure as more states came to endorse the SSD. The approach was chosen rather than one of seeking to run a process that could get initial agreement from as many states as possible, which would inevitably have involved significant compromise and watering down of purpose.
- ✗ Norway chose to display confidence that the process was happening and states could choose to join it or not, but it was going ahead in any case. All states were invited to participate, but on the understanding that the initiative had a goal that was not going to change. Norway resisted calls for compromise from countries that wished to be seen to be joining a positive initiative on protecting children, but did not wish to make actual further commitments.
- ✗ This approach has paid off so far – the SSD started off with only 37 endorsements in 2015, but four years (and a considerable amount of advocacy from core group states and GCPEA) later it has

95.⁶ Several states initially opposed to the initiative have now joined (e.g. Canada, France, Germany, UK).

- ✗ The initiative started with a strong text, and Norway essentially defended this through the consultation process along with the core group, keeping up confidence in the initiative and holding a strong line. Most attempts to change the text were to weaken rather than strengthen it, meaning that starting in the strongest position was beneficial to the initiative.
- ✗ Putting a strong text on the table initially allowed the core group to read the landscape, gauge where the key objections were, and see what constellations of states these were attached to. This then enabled them to make certain concessions late in the process in order to bring some key stakeholders in, whilst retaining the key aspects of the text. Negotiating down before sending the text out to wider consultation would have given less room for manoeuvre and would have been detrimental to the initiative.

Key stakeholders:

- ✗ Norway and the core group sought to include states that had a particular stake in the issues – such as conflict-affected countries – and to ensure regional representation in the consultations. They did not, on the other hand, privilege the views of ‘powerful’ countries for the sake of their buy-in: the SSD was looking to have a practical impact with those that were willing to make commitments.
- ✗ Practitioner buy-in from militaries was also key to the initiative. The process leading up to and beyond the adoption and endorsement by states of the SSD has required productive and cooperative conversations to take place in countries between ministries of defence, foreign affairs and education on how the common goal of civilian protection in the SSD can be realised.
- ✗ Ensuring the involvement of organisations such as the ICRC (to explain the relationship of the SSD to existing law) and Geneva Call (to explain how the SSD could affect the behaviour of non-state armed groups) was important for ensuring countries understood the purpose and role of the initiative.

Coalition role:

- ✗ Civil society/international organisation coalitions can help to give countries leading initiatives such as the SSD political space to defend the highest standard in a text, through taking the strongest possible policy lines and adopting principled positions.

Productiveness of controversy/opposition:

- ✗ The fact of states vocally opposing the SSD initiative, though challenging at the time (for states and GCPEA, with opposition coming from states that were otherwise allies on civilian protection issues such as Canada and Germany), may also have given some useful attention to the process. It encouraged states to take a position on the process and seek opinions from capital on whether their country supported a process on ‘Safe Schools’ (and if not why not, given this framing of the issue and most states’ support for child protection). The tension and controversy during the consultations also helped sustain the conversation with states beyond the SSD’s agreement, assisting with advocacy for endorsements.

- ✗ The opposition to the SSD did not endanger the initiative at the time. Furthermore, for most of the states voicing opposition, endorsing the SSD was never outside the realms of possibility for them in policy terms, within the parameters of their policies and commitments in the area of civilian and child protection.

KEY LESSONS ON UNIVERSALIZATION AND IMPLEMENTATION SINCE 2015

Norway is the ‘depository’ of endorsements for the declaration: states confirm their endorsement of their SSD by sending a letter to a Norwegian embassy or mission, or directly by email to the section on humanitarian affairs. States have announced their endorsements in international meetings, but need to follow up with a letter. Norway maintains the official list of endorsements on the MFA website – GCPEA also keeps a list.⁷ There has been some internal discussion of creating a stand-alone website to host the declaration and records of its meetings to institutionalise this knowledge (but no state has yet committed to hosting this).

Universalization and keeping the issue prominent:

- ✗ The process of advocacy to gain further endorsements has been a key part of keeping the international conversation going on raising the standards around protecting education from attack and preventing the military use of schools. It has also been key to making progress towards upholding the principles and standards in the SSD even in countries that have not yet endorsed. The SSD is a tool towards this broader objective rather than an end in itself.
- ✗ Joint statements by endorsing states in relevant forums have also been a useful tool to keep the issue prominent and encourage other states to join the SSD, through showcasing the positive work that countries have done.

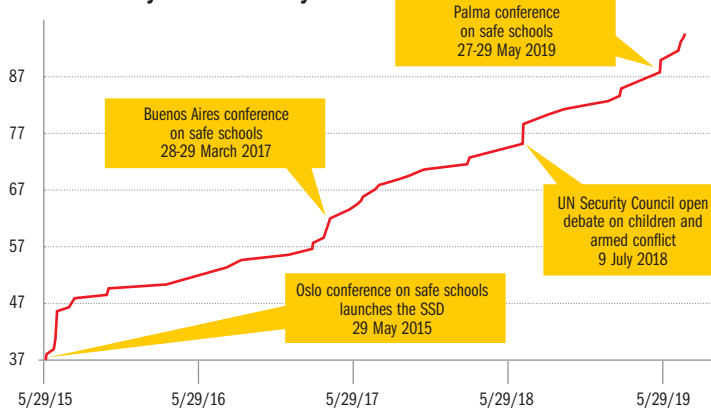
The role of states and civil society in universalization, at the national, regional and international levels:

- ✗ Norway and the core group did not deem it necessary to try to ensure that a specific or large number of states endorsed the SSD at the launching conference (e.g. going for 50 or 60 etc.). Instead, they prioritised a strong text and aimed to bring more states to this following the SSD’s agreement. Endorsements have increased significantly since 2015, with many initial objectors getting on board. At the first conference on Safe Schools in Oslo in May 2015, 37 states turned up to endorse the SSD. As of August 2019, 95 have endorsed. This progress has required significant, active work.
- ✗ Some states – particularly Argentina and Norway – have worked to encourage others to join the SSD. GCPEA has taken on a considerable bulk of universalization advocacy. A dedicated advocacy capacity in Geneva for this in GCPEA’s central secretariat – as well as international and national capacity amongst partners – has been key to these efforts.
- ✗ The majority of endorsements that GCPEA has campaigned on resulted from advocacy with country missions in Geneva, and some from advocacy in New York. Endorsement cases that needed more concerted work (for example with states that were initially opposed to the SSD, and sceptical conflict-affected countries) resulted from focused coalition work nationally, regionally (e.g. African Union) and internationally (New York/Geneva), including public

campaigning work. Having national partners (including national offices of international organisations) was key for this work.

- ✗ Events around which universalization activity can be focused have provided inflection points for gathering endorsements. These have included the Second International Conference on Safe Schools in Buenos Aires in 2017 and the Third International Conference on Safe Schools in Palma in 2019, as well as UNSC open debates on children and armed conflict at which states have been encouraged to announce their endorsements (see Fig. 1). Advocacy using treaty bodies to encourage countries to take a position on endorsement has also been a useful tool.
- ✗ For the group of states that were initially opposed to the SSD, GCPEA chose to focus on them one by one in their advocacy, starting with Canada (following the election of Justin Trudeau). Once 'group' unity was broken, and with SSD endorsements rising, others could be more easily encouraged towards the position of adopting the SSD, which some of their key allies were now taking. The UK came on board after the foreign secretary was looking to be successful on an issue and picked girls' education. This followed a campaign by British schoolchildren petitioning him to join the SSD, led by Save the Children. France followed when it was organising a large conference to celebrate the Paris Principles (another initiative on child protection in conflict) – alongside which continuing non-endorsement of the SSD would look increasingly awkward. Germany became more isolated in its position on the SSD in Europe, and changed it during the country's bid for the UNSC, adopting the SSD on the declaration's third anniversary.

**Fig 1. Cumulative number of states endorsing the SSD
29 May 2015 - 31 July 2019**



Orienting to the law in advocating for the SSD:

- ✗ In relating the Guidelines and SSD to the law, earlier on GCPEA had taken the policy line that these documents aimed to provide a consolidation and clarification of the law (including IHL, IHRL, international criminal law, etc.). However, it has proved clearer and more effective to instead take the line that: IHL should be the baseline rather than the ceiling of expectations; the SSD and the Guidelines represent ways in which states can therefore do better for children/civilians than the minimum that they needed to do anyway; and that, importantly, there were clear examples of practice of states with military experience making this work. In GCPEA's argumentation, the SSD/Guidelines are not about changing or interpreting the law, but raising standards and shifting norms of behaviour. This was also how the SSD was conceived.

Implementation efforts:

- ✗ Since the SSD's adoption in May 2015, there has been an overall drop⁸ in military use of schools amongst endorsing states. Countries have been restoring educational institutions to their rightful uses in the context of implementing their commitments under the declaration – for example, in Somalia AMISOM handed back several educational institutions to the authorities in 2017.⁹
- ✗ Endorsing countries that participate in: international military operations; peacekeeping; and conflicts in their own countries, have made changes in their military policies, doctrines, training and operational frameworks to include greater protection for education in conflict and to prevent/minimise the military use of schools, in order to implement their commitments under the SSD.¹⁰ Several non-state armed groups have also made commitments and changes to their policies in line with the SSD.¹¹
- ✗ Internationally, Spain committed at the third international conference on safe schools in Palma in May 2019 to set up a technical and training programme for implementing and integrating the Guidelines in to national policies. Norway also pledged to set up an international state expert network on the SSD. The UK has also offered support to other states to integrate the SSD in to policy, based on its own experience.
- ✗ Nevertheless, overall the implementation picture for the SSD has been mixed. Some countries have taken considerable steps on implementing the SSD, but concerted national advocacy efforts by GCPEA have been key to keeping up sustained commitment in some countries.
- ✗ National and regional implementation workshops, organised by GCPEA with national partners leading in partnership with a government have been an effective tool (but require considerable capacity). These events have had the functions of awareness raising, getting buy-in, and providing an accountability mechanism to measure states' progress.

The SSD and guidelines as practical tools:

- ✗ Practical exercises with military practitioners as well as political officials to demonstrate the role of the SSD and Guidelines as a tool to encourage restraint and reflection – undertaken by civil society, states, or others – have been useful to demonstrating the value of and gaining buy-in to the SSD. For example, a tabletop exercise in which participants workshoped how the SSD and Guidelines could be applied in different conflict scenarios was considered a highly beneficial session at the Third International Conference on Safe Schools in Palma in 2019.¹²

The SSD commitment to meet on a regular basis to review implementation:

- ✗ States were reluctant to put anything too binding or that would imply too many resources in to the text (for example, commitments to specific further meetings, on reporting, for a formal secretariat and so on). Instead, there is an open-ended commitment to meet regularly to review progress on the SSD.
- ✗ This flexibility has worked out well in practice, with international meetings to review the SSD taking place in 2017 in Argentina, and 2019 in Spain. GCPEA has also concentrated advocacy on encouraging states to convene further conferences. There is room for other states to be encouraged to take on leadership roles to advance the agenda of protecting education from attack in different ways.
- ✗ A strong donor country has been important to convening these international meetings, as well as to civil society work around the SSD: Norway has sponsored the travel of ODA country participants through UNDP, and funded many organisations working in this area.

NOTES:

- 1 'Safe Schools Declaration' (2015) available at: https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf
- 2 This also included an informal unpublished paper provided by Asociación para Políticas Públicas (APP)/Seguridad Humana en Latinoamérica y el Caribe (SEHLAC) to the meeting
- 3 The full text of the 'Guidelines for Protecting Schools and Universities From Military Use During Armed Conflict' is available at: http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf.
- 4 The Guidelines were developed through a process involving experts from academia, civil society, international organisations and states during 2012-14. See GCPEA (2015), 'Commentary on the "Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict"', available at: http://www.protectingeducation.org/sites/default/files/documents/commentary_on_the_guidelines.pdf
- 5 See *ibid.* for a description of the process
- 6 As of July 2019. Up to date lists of endorsement are maintained by Norway, the official depository of endorsements (see https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/safeschools_declaration/id2460245/), and GCPEA (see <https://ssd.protectingeducation.org/endorsement/>)
- 7 *Ibid.*
- 8 Bede Sheppard (2 July 2018), 'Yes, We Can End the Military Use of Schools: UN Report Shows Why More Countries Should Join Safe Schools Declaration,' Human Rights Watch, available at: <https://www.hrw.org/news/2018/07/02/yes-we-can-end-military-use-schools>
- 9 GCPEA (2017), 'A Framework for Action,' available at: http://www.protectingeducation.org/sites/default/files/documents/a_framework_for_action.pdf
- 10 For example, Cote d'Ivoire, Sudan, Denmark, New Zealand and the UK: see GCPEA, 'A Framework for Action'; Bede Sheppard (28 May 2019), 'A Step in the Right Direction: Militaries Changing Policies to Stop Using Schools,' Human Rights Watch, available at: <https://www.hrw.org/news/2019/05/28/step-right-direction>; and Human Rights Watch (2019), 'Protecting Schools from Military Use Law, Policy, and Military Doctrine,' available at: <https://www.hrw.org/report/2019/05/27/protecting-schools-military-use/law-policy-and-military-doctrine>
- 11 Bede Sheppard, 'A Step in the Right Direction.'
- 12 The exercise was designed and coordinated by Article 36 in partnership with the Ministries of Defence of Spain and Argentina, and the Global Coalition to Protect Education from Attack (GCPEA). For the scenario materials and reflections on the implementation of this exercise, see: Article 36 (2019), 'Tabletop exercise on using the Safe Schools Declaration and Guidelines for Protecting Schools and Universities From Military Use During Armed Conflict: A compendium of materials, reflections and notes for implementing the exercise,' available at: <http://www.article36.org/updates/tabletop-exercise-ssd-guidelines/>