**Minutes of meeting**

Discussion on the

**Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict**

Meeting hosted at the Permanent Mission of Norway

12 June 2014, 11 am

**Agenda**

1. **Welcome** – *Permanent Mission of Norway and the Global Coalition to Protect Education from Attack*
2. **“Tour de Table” –** *Impressions and questions from states and others*
3. **The guidelines** – *Professor Steven Haines (Drafter of the Lucens Guidelines)*
4. **The related process thus far** – *Mr. Bede Sheppard (Deputy Director, Children’s Rights Division, Human Rights Watch)*
5. **Sharing experiences from other processes and campaigns**– *Mr. Richard Moyes (Managing Partner, Article 36)*
6. **Discussion on the way forward**

**Welcome notes**

H.E Steffen Kongstad, Ambassador and Permanent Representative of Norway in Geneva, welcomed the participants and mentioned that the objective of the meeting was to take forward the Guidelines process. There will be no opening for new drafting process, but proposals and comments welcome, preferably before September 2014. He thanked GCPEA for their engagement and support.

Anita Bay Bundergaard, director of Save the Children in Geneva, on behalf of GCPEA, welcomed participants. She reminded that the Guidelines are the result of a long process, but ready to be finalized. The use of schools in armed forces is not a new phenomenon but there is an urgent need, as schools are the places where children should be safe. In addition, she mentioned that States are the key actors for this process; for the guidelines to have an effect, States need to use them. Thanks to Norway for their support and leadership.

**Tour de table**

Catherine Anderson, Counsellor of the Norwegian Mission and Chair of the discussion, asked for a “tour de table” for participants to introduce themselves and bring up their main concerns.

Salma Taweel from the Jordanian mission (did not attend the 2 April meeting): Jordan, with the support of the capital, agrees with the principles but have some questions on how to implement the guidelines, notably in non-international armed conflict where States would be held accountable but not armed groups.

Ingrid Macdonald from NRC: NRC sees military use of schools on a daily basis through their operations. Good point from Jordan on how to engage ANSAs. NRC has experience of the work on the IDPs guiding principles, interesting to bring this to the table.

Steven Haines: looks forward to move the guidelines to the next step, especially regarding their implementation.

Bede Sheppard from HRW, documented violations, but also good practices.

Richard Moyes from Article 36: Article 36 focuses on violence and weapons.

Elisabeth Decrey Warner from Geneva Call: they were involved in the drafting process. They work with armed non-State actors on positive measures that they can take. Targeting teachers is a major problem that should be addressed in the discussion.

Julio Mercado from the Argentinian mission: raised the issue of working in innovative ways at the education level for the military sector. Something to take into account in the discussion.

Joe Ballard from the New Zealand mission: support to the Guidelines is on record, from the capital.

James Sparkes from the Education Cluster: referred to the guidelines as a good opportunity for having a practical tool in the field.

Aurélie Lamazière from Save the Children : introduction

Karim Silué from Mission of Cote d’Ivoire: how to involve the ANSA in the process? And what role does ICRC play in this field?

Ellen van Kalmthout from the Education Cluster: the guidelines are practical tool that are very useful in the field, complementing our work on advocacy for schools.

Nathalie Kröner from the Netherlands mission: Netherlands was involved from the beginning. Their Ministry of Defense accepted to disseminate guidelines through their network. Process is discussed currently in the Hague. Suggestion to strike a balance between having more inputs from States and finalizing the process. Netherlands has some questions on the Guidelines, but overall very supportive.

**Steven Haines: presentation of the guidelines**

The Guidelines are not trying to change the law. But some military feel that it’s an issue. It is necessary to convince people that the Coalition is not trying to change the law. The Guidelines are a means to enhance compliance with the law, and improve behaviors, as well as bringing in human rights considerations. The Guidelines recognize and protect the right to education. Soldiers will operate the guidelines in stressful situations, so they should be clear and practical. The Guidelines reflect what is good practice already. They need to be disseminated within armed non-State actors.

How do we make the guidelines practical? Provide advice on how to include these in the rules of engagement? How should the guidelines be promulgated? We have to provide some services for States that are keen to adopt them. What we want to do with the Guidelines is follow up.

Attacks on teachers is not reflected in the guidelines. We need to get the guidelines to the soldiers but also to those who provide education, people running schools and administering education.

State and participants don’t need to like 100% the guidelines but if there is any final editing to be done, it should be by September at the very latest.

**Bede Sheppard: history of the guidelines process**

GCPEA started to think about the issue in 2010. Between 2010 and 2011, different organizations were more aware that armed actors were taking over schools so they started to ask how to change this and what could be done. In 2012, two expert meetings (in Geneva and Lucens) took place with different stakeholders (ministries of defence, foreign affairs, education; armed forces; non-state; NGOs) from different regions of the world. A consensus was achieved to develop a set of guidelines for state militaries and non-state armed forces. This draft was released in June 2012. Meetings were held in 22 capitals, at different levels (ministries of defense, of education, of foreign affairs, and armed forces). Many States made supportive statements. A first meeting was hosted by Argentina and Norway on the 2nd of April 2014 in Geneva, with more supportive statements by States.

**Richard Moyes: capitalizing the campaigning experience of Article 36**

Article 36 has experience of bringing States to comply with legal instruments and processes. The Guidelines are a political opportunity. How can you form a community of practices? It is important not to forget the humanitarian issue at stake, and not losing sight of that with processes. A regional balance in the discussion and in the support is an important consideration. Working in coalitions is very positive. Partnership between States, UN and NGOs is very useful. Expectations and tensions: if all States want to sign up all together, it’s suspicious and it means there is something wrong! Some tensions are good. Tensions between the text and participation. Consider another text for how to implement the Guidelines.

**Discussion**

Chair: it is a challenge to make States sign the guidelines. How to approach the Guidelines process as a humanitarian issue?

Netherlands: countries that are involved in conflict should sign up to the Guidelines. The Netherlands at capital level suggested that they can facilitate contact between GCPEA and involved States.

Cote d’Ivoire: suggestion that the Ambassadors should meet the original group to promote the Guidelines.

Steven Haines: SRSG CAAC Zerrougi was concerned to reach to the AU. Could Cote d’Ivoire help following up on that?

GCPEA: GCPEA will be able to act as a secretariat. States should feel that they can ask for assistance to the GCPEA to reach out to other States or regional multilateral organizations.

Chair: we come together as a group, and will support each other with the different resources we have. You’re not alone in this. We all can be behind Cote d’Ivoire to reach the AU if it was the case.

Jordan: Jordan is new to the process, and wants to know about the end goal. We’re talking about implementation in the next 5 years. We’ll need to report back to capital. We need to reach out to the affected States. Nobody reaches out to the Syria government. How do you plan to overcome that?

Chair: This is what we’re trying to figure out in the group. We don’t want a type of campaign that is about naming and shaming, which will not be adequate here. We want a critical mass of States to come around this process. If we could get States and armed non-state actors, before February 2015, if we could have affected States involved, that would be great. Or involved teachers unions.

NRC: it would be good to clarify what latitude there is in the editing. What does endorsement mean for States? NGOs have done lots of reaching to the AU for instance. We could use this too. To mobilize within countries, it’d be interesting to hear what States need.

HRW: would States accept to have armed groups at the table? Endorsement: make some pledges on what States intend to do? The word endorsement came from GCPEA and ICRC.

Geneva Call: it’s hard to dissociate military use of schools from broader child protection issues. We see it as a broader issue. Endorsement: what does it mean concretely afterwards? It will be very challenging to have States and armed non-State actors at the same table. As Geneva Call, we can convey the perspectives of armed groups. We can use the opportunity of our 3rd Meeting of Signatories of the Deeds of Commitment (November 2014) to raise this issue and bring some feedback. States should be encouraged to facilitate access to ANSAs to make sure that we can reach ANSAs for humanitarian negotiations.

Article 36: questioned how to articulate the relationship of the guidelines and a shared vision of the implementation in a wider vision of the objective in protecting education.

Argentina: we have several regional organizations in Latin America. We can explore possibility about reaching out to them. What about reaching Parliaments? They could be instrumental too. Parliaments are very important actors next to Governments. It could be another channel to explore.

New Zealand: what are we asking States to do?

The idea is that States enter a community of practices. By doing this, States are not doing a statement without follow up.

Jordan: What are the legal consequences of endorsing the Guidelines?

We’re talking about human rights having an impact on the hard line of military operations. It’s important to keep the 2 issues (humanitarian and human rights) to be linked together. We are talking about economic and social right to education. Should be no problem. We’re not trying to constraint the military, but we should be trying to protect these rights. We’re proposing a restriction to IHL, but it’s not an obligation it’s a proposition to self-restraint. The guidelines are not mandatory. There are circumstances in which schools will be used.

Who is responsible for the “violations” of the guidelines? If there is a military use of a school by an ANSA that is not recognize politically by States.

When it comes to implementation, we can’t be too prescriptive about the process. We can suggest about good practices. Having every 5 year conference to look at how it’s implemented.

**Conclusions by Chair**

The Chair recapitulated the list of pending questions that ideally would need to be answered at the next meeting, in September, hosted by the Mission of Argentina.

***- Further mobilization***

Which States are the most needed to commit to the Guidelines? She suggested being careful not to have a critical mass in terms of numbers but in terms of relevance. Who do we need around the table?

How do we approach regional organizations?

What do you see as parallel process? Geneva is humanitarian hub, and we have some capacity at mission level. But we need something outside Geneva, at capital or regional level. Reaching teachers unions is very key. How they should be involved?

Civil society has a role in the process, in parallel.

***- Framing the process***

What’s the framing? The Guidelines are one tool among many. We need to come up with good framing. A narrative, maybe a declaration with the guidelines. A campaign would need a tangible framework. We need to make it generic, but not too much. We don’t want to mainstream… if it linked to too many aspects, the frame could disappear. UNICEF: in terms of the framing, from the wider education community, there is increased attention on education in emergencies. Several organizations are engaged in this. There is a reference to protecting education from attacks and reference to the Guidelines. It’s useful to refer to this process. There is a pledging conference in Bruxelles, with opportunities for wider pledges. It’s a good link to be made.

***- Championing the Guidelines***

Idea of having champion to lead the cause. Leila Zerrougi is already a champion. Who else could be involved?

***- Follow-up by States?***

What follow up is expected by States? Is it a declaration?

What’s the future process?

**List of participants - final**

1. **Drafter of the Draft Lucens Guidelines**: Prof. Steven Haines, Professor of Public International Law, University of Greenwich, [grotius1952@hotmail.co.uk](mailto:grotius1952@hotmail.co.uk)
2. **Article 36:** Richard Moyes, Managing Partner[richard.moyes@gmail.com](mailto:richard.moyes@gmail.com)
3. **Geneva Call:** Ms Elisabeth Decrey-Warner, President, [edecrey@genevacall.org](mailto:edecrey@genevacall.org)
4. **Human Rights Watch:** Mr Bede Sheppard, Deputy Director, Children’s Rights Division [sheppab@hrw.org](mailto:sheppab@hrw.org)
5. **NRC:** Ingrid MacDonald, Resident Representative, [ingrid.macdonald@nrc.ch](mailto:ingrid.macdonald@nrc.ch)
6. **NRC**: Caelin Briggs, Geneva Office, [caelin.briggs@nrc.ch](mailto:caelin.briggs@nrc.ch)
7. **Save the Children:** Ms Anita Bay Bundegaard, UN Representative and Director, [anita.bay@savethechildren.org](mailto:anita.bay@savethechildren.org)
8. **Save the Children:** Ms Aurélie Lamazière, Humanitarian Advocacy Advisor, Geneva Advocacy Office, [aurelie.lamaziere@savethechildren.org](mailto:aurelie.lamaziere@savethechildren.org)
9. **UNICEF:** Ellen Van Kalmthout, Senior Education Adviser, Coordinator, Global Education Cluster, [ekalmthout@unicef.org](mailto:ekalmthout@unicef.org)
10. **Permanent Mission of Argentina:** Mr Julio César Mercado, Counsellor, Humanitarian Affairs, [jme@mrecic.gov.ar](mailto:jme@mrecic.gov.ar)
11. **Permanent Mission of Ivory Coast:** Mr Karim Silue, Counsellor, [silkarim@gmail.com](mailto:silkarim@gmail.com)
12. **Permanent Mission of Jordan:** Ms Salma Taweel, First Secretary, [seltaweel@jordanmission.ch](mailto:seltaweel@jordanmission.ch)
13. **Permanent Mission of the Netherlands**: Ms Nathalie Kröner, First Secretary, [nathalie.kroner@minbuza.nl](mailto:nathalie.kroner@minbuza.nl)
14. **Permanent Mission of New Zealand:** Mr Joe Ballard, First Secretary, [Joe.Ballard@mfat.govt.nz](mailto:Joe.Ballard@mfat.govt.nz)
15. **Permanent Mission of Norway**: Ms Cathrine Andersen, Counsellor, [Cathrine.andersen@mfa.no](mailto:Cathrine.andersen@mfa.no)
16. **Permanent Mission of Norway**: Ms Kjersti Nordskog Nes, First Secretary, [Kjersti.Nordskog.Nes@mfa.no](mailto:Kjersti.Nordskog.Nes@mfa.no)

Apologies from Gloria Gagglioli from ICRC and Sharonne Agduma from the Philippines Mission.