

PROTECTING SCHOOLS DURING ARMED CONFLICT

**GUIDELINES FOR THE MILITARY USE OF SCHOOLS
AND
THE SAFE SCHOOLS DECLARATION**

VULNERABILITY OF EDUCATION

- Schools and Universities are Civilian Objects and not Military Objectives – they should not be attacked in Armed Conflict.
- Education is a right to be protected under International Human Rights Law.
- Attacking a School would ordinarily be a breach of International Humanitarian Law/the Law of Armed Conflict – if civilians (eg children and teachers) are present within it, an attack on it would be a War Crime.
- However, the presence of military personnel or equipment within a school or in close proximity to it can transform it into a Military Objective – it could lose its protected civilian status even if children are present within it.
- The use of a school by military forces would not necessarily be unlawful - if it has been abandoned or there are no civilians (eg children and school staff) present within it.

IMPACT OF WAR ON EDUCATION: THE EXAMPLE OF LIBERIA

- Liberian civil wars: 1989-1997 and 1999-2003
- Both had an impact on children and education, including the use of child soldiers.
- Visit to West Africa with Save the Children in 2014 – over 10 years after the end of the civil wars.
- War had damaged 95% of Liberian schools and the University in Monrovia. They had not recovered by 2014 and I saw for myself the damaged facilities in Monrovia.
- During our visit, the 2014 Ebola outbreak was just beginning
- Liberia's medical facilities could not cope – not enough trained doctors and nurses. Need for a major international medical intervention.

IMPACT OF WAR ON EDUCATION: GENERAL SITUATION TODAY

- Schools and other educational facilities in as many as 37 countries globally have suffered attacks in recent years – conflicts have occurred in EG: Burkina Faso, Colombia, Ethiopia, Mali, Myanmar, Nigeria, Mozambique, Azerbaijan, South Sudan, Syria, and Yemen.
- There have been around 5,000 attacks on schools in the past two years, according to reports from the Global Coalition to Protect Education from Attack (GCPEA) and its constituent agencies.
- See GCPEA's Report: *Education Under Attack 2022* at: [Education Under Attack 2022 \(protectingeducation.org\)](https://protectingeducation.org)
- Most attacks occur during internal armed conflicts/civil wars – but attacks on schools during the current conflict in Ukraine are a very serious concern. Over 1,800 schools have suffered attack since the Russian invasion of Ukraine

THE GLOBAL COALITION TO PROTECT EDUCATION FROM ATTACK (GCPEA)

- GCPEA was the creation of a group of UN Agencies (UNESCO, UNHCR, UNICEF) and NGOs (including Education Above All – now PEIC - Save the Children, Human Rights Watch).
- See Website: [Who We Are - Global Coalition to Protect Education from Attack \(protectingeducation.org\)](http://protectingeducation.org)
- Founded in response to an increasing awareness of attacks on education.
- Focused in particular on the negative impact of the military use of education.
- In 2012, established a process to reduce the impact of military use, including through the development of International Guidelines to Protect Education from Military Use.

THE CASE FOR A ‘SOFT LAW’ APPROACH

- I was asked by GCPEA to act as the Legal and Military Consultant for the process of producing an international instrument to reduce military use of schools etc. Academic International Lawyer and former British military officer with experience in the Balkans and Sierra Leone
- International Convention: requires States to negotiate, would be legally binding, would need to incorporate all States' prejudices and interests.
- Soft Law Guidelines: can be developed within civil society environment, do not generate binding legal obligations for States, which can support their objectives without placing too many binding restrictions on them that would be regarded as contrary to their national interests.
- Soft Law option a pragmatic compromise – which worked!

DEVELOPING THE GUIDELINES

- Spring 2012 – meeting at the Geneva Academy of International Humanitarian Law and Human Rights
- September 2012 – First working Draft
- October 2012 – Workshop at Chateau Lucens, outside Geneva. This workshopped the Draft and critiqued it.
- Four subsequent iterations, each referred to the ‘focus group’
- May 2013 – I drafted the final version of ‘The Lucens Guidelines’.
- From June 2013 on, advocacy within ‘International Geneva’
- Norway and Argentina persuaded to ‘champion’ the Guidelines...assumed responsibility in December 2014.

THE SAFE SCHOOLS DECLARATION

- Drafted under the auspices of the Norwegian Foreign Ministry
- A vehicle for the Lucens Guidelines.
- Guidelines not changed but the name ‘Lucens’ was dropped and the Guidelines became a part of the Safe Schools Declaration.
- Oslo Conference 2015 – the formal launch of the SSD
- Subsequent conferences in Buenos Aires (2017), Palma (2019), Abuja (2021).
- SSD now endorsed by 114 States.
- A major civil society initiated success story.

TEXT OF GUIDELINES

- **Guideline 1:** Functioning schools and universities should not be used by the fighting forces of parties to armed conflict in any way in support of the military effort.
- **Guideline 2:** Schools and universities that have been abandoned or evacuated because of the dangers presented by armed conflict should not be used by the fighting forces of parties to armed conflict for any purpose in support of their military effort, except in extenuating circumstances when they are presented with no viable alternative, and only for as long as no choice is possible between such use of the school or university and another feasible method for obtaining a similar military advantage.

TEXT OF THE GUIDELINES

- **Guideline 3:** Schools and universities must never be destroyed as a measure intended to deprive the opposing parties to the armed conflict of the ability to use them in the future. Schools and universities—be they in session, closed for the day or for holidays, evacuated or abandoned—are ordinarily civilian objects
- **Guideline 4:** While the use of a school or university by the fighting forces of parties to armed conflict in support of their military effort may, depending on the circumstances, have the effect of turning it into a military objective subject to attack, parties to armed conflict should consider all feasible alternative measures before attacking them, including, unless circumstances do not permit, warning the enemy in advance that an attack will be forthcoming unless it ceases its use

TEXT OF THE GUIDELINES

- **Guideline 5:** The fighting forces of parties to armed conflict should not be employed to provide security for schools and universities, except when alternative means of providing essential security are not available. If possible, appropriately trained civilian personnel should be used to provide security for schools and universities. If necessary, consideration should also be given to evacuating children, students and staff to a safer location
- **Guideline 6:** All parties to armed conflict should, as far as possible and as appropriate, incorporate these Guidelines into, for example, their doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, to encourage appropriate practice throughout the chain of command. Parties to armed conflict should determine the most appropriate method of doing this

QUESTIONS ETC

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