

## Impact case study (REF3)

<b>Institution:</b> University of Greenwich		
<b>Unit of Assessment:</b> 18 - Law		
<b>Title of case study:</b> The development of International Guidelines for the Protection of Schools and Universities from Military Use during Armed Conflicts, the international endorsement of the Safe Schools Declaration, and consequent reduction in schools and universities being used by the military during armed conflicts.		
<b>Period when the underpinning research was undertaken:</b> October 2012 – Dec 2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Steven Haines	Professor of Public International Law	01/10/12 – present
<b>Period when the claimed impact occurred:</b> August 2013 – December 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b>		
<p>The use of schools and university buildings by military forces is harmful for students and staff in armed conflict zones and renders them vulnerable to attack by opposing forces. In partnership with the Global Coalition to Protect Education from Attack (GCPEA), Haines, University of Greenwich chair of Public International Law, has produced International Guidelines for the use of military forces to help reduce the military use of schools and universities. These have now (31 December 2020) been endorsed by 106 States, have obtained wide support within the United Nations (UN) and have been praised by several influential world leaders. Importantly, they have also been adopted by a number of Armed Non-State Actors active in current Non-International Armed Conflicts (NIACs). The Guidelines have made a significant contribution to reducing the use of schools and universities during armed conflicts, as exemplified in Yemen, for example, which had 160 reported incidents in 2015 but only just over eighty by 2018. They have also influenced the African Union's Peace and Security Council and the European Commission who called for their members to abide by the Guidelines' contents.</p>		
<b>2. Underpinning research</b>		
<p>Students and education staff have been killed, injured and traumatised, and school and university buildings damaged and destroyed during many armed conflicts that have occurred in recent years. Girls and women have been particularly targeted because of their gender, not only as victims of sexual violence but also by armed groups opposed to female education. In addition, the use of schools and universities for military purposes by either side in a conflict has often prevented students from accessing education and rendered the buildings targets of attack by opposing forces. This became such a significant feature of particular concern to civil society organisations and UN specialised agencies that they began to seek ways of mitigating its worst effects. In 2010 responding to such concerns, a number of UN agencies (UNICEF, UNHCR, UNESCO) and non-governmental organisations (NGOs) from fields such as education (eg Education Above All), child protection (Save the Children) and human rights (Human Rights Watch), established the GCPEA and charged it with working towards reducing military use of educational facilities. The military use of schools, not itself invariably unlawful, deprives educational institutions of protected civilian status under IHL and renders them vulnerable to legitimate attack.</p> <p>To assist with this work, in late-2011/early-2012 GCPEA sought the advice and participation of a military and legal specialist. It approached <b>Steven Haines</b>, whose background and ideas seemed ideally suited to the role the Global Coalition envisaged such a specialist fulfilling. <b>Haines's</b> prior expertise in International Humanitarian Law (IHL) had been built on years of experience, both theoretical (including teaching in the Geneva Academy of International Humanitarian Law and Human Rights and chairing the Editorial Board of the UK's official <i>Manual of the Law of Armed Conflict</i> – OUP, 2004) and practical (he was previously a serving senior officer in the UK's Armed Forces who had deployed into the Balkans and into Sierra Leone towards the end of its civil war in 2001; he had also worked within the Central Policy Staff in the UK's Ministry of Defence).</p>		

This knowledge and experience has enabled **Haines** to play a leading and influential role in the drafting of the *Guidelines on the Protection of Schools and Universities from Military Use in Armed Conflict*, work that he has undertaken since his appointment at the university in October 2012.

During preliminary discussions with GCPEA representatives in Geneva in 2012, **Haines** identified the need for 'soft law' guidelines for use by military forces in zones of armed conflict. The soft law guidelines are termed as such by not in themselves being legally binding, by not generating new binding legal obligations for States, and being more easily and effectively crafted than an equivalent instrument of conventional law. This approach was geared entirely to be most effective in reducing the use of schools and university buildings by military forces and, thus, to reduce the likelihood of them being regarded as military objectives subject to legitimate targeting by opposing belligerent forces. For such guidelines to have real impact, they would need to be potentially effective in practice but also of a nature that States and Armed Non-State Actors (ANSAs) would be prepared to adopt/endorse them. Too great a restriction placed on military forces' lawful options in armed conflict would deter them from supporting and adopting guidelines with that in mind.

The specialist legal and military understanding **Haines** possessed meant that he fully appreciated that guidelines that met the remit would require a subtlety of approach based on both a sound understanding and interpretation of the relevant law and an appreciation of relevant military and official approaches to normative development. **Haines** was chosen by GCPEA to lead the production of suitable guidelines that would be acceptable to those who would be invited to adopt them. His methodology for determining the fine points of the guidelines was to produce an initial draft which he would then expose to a critical process of review by an appropriately constituted 'focus group' of military and government officials, specialist lawyers, civil society representatives (including those representing interests of ANSAs), representatives of the International Committee of the Red Cross (ICRC). The ICRC's involvement was vital for international legitimacy, given its role as the guardian of IHL. (see <https://www.icrc.org/en/document/safe-schools-declaration-and-guidelines-protecting-schools-and-universities-military-use> for their position on the Guidelines).

**Haines** produced the initial draft in October 2012, in advance of a workshop consisting of the invited 'focus group' convened at Chateau Lucens in the Canton of Vaud, Switzerland, in November 2012. Between that workshop and May 2013, **Haines** developed a total of four iterations of the guidelines, each robustly critiqued by the 'focus group'. He arrived at the final version, agreed by consensus within the group, in June 2013. It was regarded by all concerned as a pragmatic and innovative document that identified a militarily reasonable approach to tactical decision-making in relation to the use of schools. While not imposing any additional legal restraints on military forces' use of schools, it did suggest ways in which the negative effects of such use might be mitigated for ultimate military and societal advantage. The result was a document that could be applied by the armed forces of States as well as members of the fighting forces of ANSAs. It was generic, in being applicable in both International Armed Conflicts (IACs) and NIACs. The guidelines were fully compliant with existing IHL. The default source was 1977 Additional Protocol I to the 1949 Geneva Conventions but the guidelines were also checked for compliance with Additional Protocol II and with Common Article 3 of the Geneva Conventions. The resultant document was brief (6 guidelines over two pages of A4), easily understood by military forces, allowed for pragmatism in application, and has proved to be readily adoptable by policy decision-makers in government. The first two guidelines cover military use itself, guidelines 3 and 4 deal with precautions and approaches to attack when this proves necessary, the 5<sup>th</sup> deals with the security and protection of schools by military forces, and guideline 6 covers the means of promulgation within military forces.

The final version was published by GCPEA in July 2013 as *The Draft Lucens Guidelines on the Protection of Schools and Universities from Military Use in Armed Conflict (3.1)* and was used for successful advocacy within Geneva, being adopted by the Norwegian and Argentine Missions to the UN. Both States jointly launched the Guidelines internationally at an all-States diplomatic conference in Oslo in May 2015. They form the core of the *Safe Schools Declaration (SSD)*, which is a document devised under Norwegian Foreign Ministry auspices as a diplomatic vehicle for the Guidelines. The endorsement of the SSD is the means by which States signal their endorsement

## Impact case study (REF3)

of the Guidelines themselves. The SSD was drafted for the specific purpose of international advocacy for the Guidelines.

In 2014, **Haines** wrote a brief account of the production and purpose of the *Lucens Guidelines* (3.2), published by GCPEA. However, a full account of the process of developing the Guidelines has since been published (3.3). This provides a full narrative account of the production of the Guidelines, the methodology used in their drafting, their incorporation in the SSD and the impact that they have had at both the diplomatic and operational/tactical military levels.

### 3. References to the research

1. *Draft Lucens Guidelines on the Protection of Schools and Universities from Military Use in Armed Conflict* (New York: GCPEA, 2013) available on the GCPEA website at [documents\\_draft\\_lucens\\_guidelines.pdf \(protectingeducation.org\)](#).
2. S Haines, 'Military Use of Schools and Universities: Changing Behaviour', in M Richmond (Ed), *Education Under Attack 2014* (New York: Global Coalition to Protect Education from Attack, 2014) (ISBN: 978-0-9910164-5-7), pp.103-112. Available online at [Education Under Attack 2014 - Global Coalition to Protect Education from Attack \(protectingeducation.org\)](#).
3. S Haines, 'Developing International Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict' in *International Law Studies*, Vol.97 (2021). <https://digital-commons.usnwc.edu/ils/vol97/iss1/28/> Peer reviewed and accepted for publication by *International Law Studies* 1 Dec 2020, but publication delayed to early 2021 due to Covid 19. In light of this, article shared via university repository in Dec 2020, as well as published 11 Dec 20 by the GCPEA [Developing International Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict - Global Coalition to Protect Education from Attack \(protectingeducation.org\)](#)

### 4. Details of the impact

The immediate output of the research conducted between October 2012 and June 2013 was the *Lucens Guidelines* (3.1). This document was published on the GCPEA website (see [Safe Schools Declaration and Guidelines on Military Use – Safe Schools Declaration \(protectingeducation.org\)](#)) and also reproduced in hard copy for wide dissemination to governments and militaries worldwide. The Guidelines are the route to a range of high level international diplomatic and military impacts.

**More than 100 States have endorsed the Guidelines produced by Haines.** Since its launch in 2015, 106 States have endorsed the Guidelines/SSD. The Norwegian Foreign Ministry is the official depository for State endorsements and the up to date list is reproduced on the GCPEA website at: [Endorsement – Safe Schools Declaration \(protectingeducation.org\)](#). There has been substantial engagement with the Guidelines, principally within the UN system, with a number of UN Security Council open debates (on Children and Armed Conflict) as well as General Assembly debates featuring calls for the Guidelines to be universally adopted. The engagement has often been at the highest level, with the then French President Hollande personally announcing French endorsement in 2017 (5.1) and the UK's then Foreign Secretary Boris Johnson announcing UK endorsement at the Commonwealth Heads of Government Conference in 2019 (5.2). The former prime ministers of Australia and the UK (Julia Gillard and Gordon Brown) have also championed the Guidelines internationally (5.3 and 5.4). While this demonstrates an impressive international profile for the Guidelines – and certainly encourages endorsement by a steadily increasing number of States – what really matters is the extent to which they are having an effect during conflict, on the ground where it actually matters the most. The Guidelines and the SSD are now reviewed formally every two years at international diplomatic conferences hosted by different States. The First Safe Schools Conference was the launch conference in Oslo hosted by Norway in 2015, which was addressed by Ziauddin Yousafzai (Malala's father) (5.8). The Second was hosted by the Ministers of Foreign Affairs and Defence of Argentina in Buenos Aires in 2017 (5.9). The Third was hosted by Spain in Palma, Mallorca in 2019 (with the closing address delivered by Her Majesty Queen Letizia of Spain) (5.10).

**The Guidelines have made a significant contribution in the decrease of schools and universities being used by the military during armed conflicts.** In October 2019, GCPEA published an account of the *Practical Impact of the Safe Schools Declaration (5.5)*. This report was based on substantial and significant data provided principally by UN agencies, NGOs and the media, as well as by States. It showed that the majority of reported incidents of military use of schools and universities had declined between 2015 and 2018 in the totality of States that had both endorsed the SSD in 2015 and experienced armed conflict during the same period: Afghanistan, the Central African Republic, Iraq, Kenya, Lebanon, Mozambique, Niger, Nigeria, Palestine, Somalia, South Sudan, and Sudan. It is important to note that this data capture concentrated on States that had endorsed the SSD/Guidelines in 2015 and, for that reason, neither Syria nor Yemen were included in the survey. Yemen did subsequently endorse the SSD in Oct 2017, however, and in 2019 the Group of Experts on Yemen informed the Human Rights Council in Geneva that “*sources reported that the Yemeni armed forces have commenced to withdraw from some schools as per the commitments taken under the Safe Schools Declaration (5.6).*” Additionally, the Yemeni Ministry of Education established a Safe Schools Committee in 2018 and overall, reported incidents in the country had halved (near 160 in 2015 to just over 80 by 2018).

**The UN stopped using educational institutions for military purposes and started to promote and adhere to the Guidelines.** The Lucens Guidelines (3.1) had been presented to the Committee on the Rights of the Child in June 2013 (two years before their official launch in Oslo in 2015) and, since then, UN treaty bodies have made frequent recommendations on strengthening protections for schools from military use. These had focused on sixteen States in all, including the Central African Republic, the Democratic Republic of Congo, Pakistan, and Thailand. In June 2015, a month after the official launch of the SSD, and again in July 2018 the UN Security Council had encouraged all member states ‘to take concrete measures to deter the use of schools by armed forces and armed groups. By the time of the launch, the UN’s Department of Peacekeeping Operations had already developed a child protection policy banning the use of educational facilities by peacekeepers. When Haines first became engaged with GCPEA in early 2012, he was aware that the UN had routinely used abandoned schools for UN force purposes. He had himself witnessed the United Nations Mission in Sierra Leone using a school as a reception base for disarming child soldiers. Forces on UN operations today, however, are under an obligation to promote and adhere to the *Guidelines*; GCPEA has stated that there have been no reported incidents of UN military forces using schools or universities since early 2017, per their Impact Report of Oct 2019 (5.5).

**High-level UN officials have frequently expressed support for the SSD/Guidelines.** They include UN Secretary-General António Guterres (who urged all States to endorse the SSD/Guidelines in his 2018 and 2019 annual reports on Children and Armed Conflict); the Secretary-General’s Special Representative for Children and Armed Conflict, Virginia Gamba (who regularly calls for endorsement of the SSD/Guidelines and conducts bilateral advocacy with States to encourage endorsement and implementation), and UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein (who recommended endorsement in his OHCHR report on Protecting the Rights of the Child in Humanitarian Settings) (5.5).

Furthermore, the SSD (containing the Guidelines) has been highlighted during a number of UN Security Council Open Debates on the Protection of Civilians, on Children and Armed Conflict, and on Women, Peace, and Security, as well as at the Human Rights Council. GCPEA estimates that around fifty States delivered approximately 230 individual statements in these contexts positively referencing the SSD between 2017 and 2019 (5.5).

**The Guidelines have also had an impact on distinguished organisations in Africa and Europe.** The African Union’s Peace and Security Council has welcomed the SSD/Guidelines, urging all AU member States to endorse and strengthen support for the Guidelines, and called on members to ‘comply with International Humanitarian Law and ensure that schools are not used for military purposes’. In its first ‘Education in Emergencies’ policy communication, the European Commission has voiced support for the SSD/Guidelines, announced that the European Union ‘will

support initiatives to promote and roll out the SSD' and acknowledges that military use of schools increases violence in educational settings, negatively affecting access to education (5.5).

**The momentum from the guidelines continues.** Five years after their launch, in May 2020, the UN General Assembly voted unanimously to set 9 September annually as the UN's International Day for Protecting Education in Armed Conflict, a decision inspired by the Guidelines and the SSD. A UN Security Council Open Debate on Children in Armed Conflict took place the day after the first of these was marked in 2020, in which the guidelines were highlighted as a significant development for ensuring protection of education in conflict situations going forwards (5.7). For further corroboration of Haines' contribution in bringing these impacts to this point, see 5.11.

#### 5. Sources to corroborate the impact

1. President Hollande's announcement of French endorsement: <https://www.hrw.org/news/2017/02/21/france-positive-move-protect-schools>
2. UK Government press release on the Foreign Secretary's endorsement of the Guidelines and SSD: <https://www.gov.uk/government/news/foreign-secretary-launches-platform-for-girls-education>
3. Feb 2015 statement by Julia Gillard (former Australian Prime Minister) on the abduction of students in South Sudan (in which she urged the application of the International Guidelines: <https://www.globalpartnership.org/news-and-media/news/statement-julia-gillard-abduction-students-south-sudan>
4. 'OpEd' article by Gordon Brown (former UK Prime Minister and UN Special Envoy on Global Education), published 2014 after Norwegian adoption of the Lucens Guidelines but before launch of Safe Schools Declaration: G Brown, 'Schools on the Frontline: After the damage done in Gaza, we must ensure places of education are never targeted in conflicts', The Guardian, Monday 28 Jul 2014 (Brown pointed to the work of GCPEA and commended the then Lucens Guidelines, urging all UN member states to endorse). See [We must ensure that schools are never targeted in armed conflict | Gaza | The Guardian](#)
5. GCPEA's report on Guidelines' impact: [http://protectingeducation.org/wp-content/uploads/documents/documents\\_ssd\\_fact\\_sheet\\_october\\_2019.pdf](http://protectingeducation.org/wp-content/uploads/documents/documents_ssd_fact_sheet_october_2019.pdf)). Evidence also provided in the Human Rights Watch publication, *Protecting Schools from Military Use: Laws, Policies and Military Doctrine* (New York, Human Rights Watch, May 2019) <https://www.hrw.org/report/2019/05/27/protecting-schools-military-use/law-policy-and-military-doctrine>.
6. Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen, A/HRC/42/CRP.1, Sep 3, 2019, at Para. 722. See [A/HRC/42/CRP.1 \(ohchr.org\)](#)
7. Recording of the two-hour UN Security Council Open Debate on Children in Armed Conflict on 10 Sep 2020, following the previous day's UN International Day on the Protection of Education in Armed Conflict. This debate is fully recorded, the relevant elements to this ICS are the opening statements, including that by Ms Virginia Gamba, UN Special Representative on Children and Armed Conflict, and then, at 1 Hour 47 Minutes 10 Seconds, the UK Representative's Statement making specific comment on the Guidelines. See link: <http://webtv.un.org/search/children-and-armed-conflict-attacks-against-schools-as-a-grave-violation-of-children's-rights-security-council-8756th-meeting/6189598969001/?term=&lan=English&cat=Meetings%2FEvents&sort=date>
8. First Safe Schools Conference in Oslo in 2015: <https://www.regjeringen.no/en/aktuelt/oslo-conference-on-safe-schools/id2412453/> . Recording of Ziauddin Yousafzai (Malala's father) speech at the Conference: <https://www.youtube.com/watch?v=JgEqf5R5-cY>
9. Second Safe Schools Conference, Buenos Aires 2017: [http://protectingeducation.org/sites/default/files/documents/buenos\\_aires\\_conference\\_chairs\\_summary.pdf](http://protectingeducation.org/sites/default/files/documents/buenos_aires_conference_chairs_summary.pdf)
10. UNESCO statement on Third Safe Schools Conference, Palma, 2019: <https://en.unesco.org/events/third-international-conference-safe-schools>
11. Corroborator contacts: (a) Ms Diya Nijhowne, Chief Executive, GCPEA; (b) Ms Zama Neff, Head of the Children's Rights Division, Human Rights Watch; (c) Ms Veronique Aubert, Lead on Children and Armed Conflict, Save the Children (UK)