



**PEIC**

PROTECT EDUCATION IN INSECURITY AND CONFLICT  
حماية التعليم في ظروف النزاع وانعدام الأمن

REPORT

PEIC/Geneva Call Workshop on

**EDUCATION AND ARMED  
NON-STATE ACTORS: TOWARDS  
A COMPREHENSIVE AGENDA**

23-25 June 2015, Geneva, Switzerland



Improvised education in Karen State (credit: Karen Education Department)

This Report summarizes the Workshop on “Education and Armed Non-State Actors: Towards a comprehensive agenda”, held in Geneva, 23-25 June 2015, co-organized by Protect Education in Insecurity and Attack (PEIC) and Geneva Call. The main objectives of the workshop were to consider the multiple roles that armed non-State actors (ANSAs) play in protecting, facilitating and providing education as well as the suitability of the international response. The workshop included representatives of three armed non-State actor (ANSA) education departments or affiliated organisations, namely the Karen National Union (KNU) from Burma/Myanmar, the Self-Administration in Rojava/ People’s Protection Units (YPG) from Syria, and the Sudan People’s Liberation Movement-North (SPLM-N) from Sudan. Other participants represented UN agencies, the ICRC, NGOs and the academic community. A complete list of participants is found in Annex I.

The Workshop was held under a modified Chatham House Rule, where all participants are identified in an annexed list, but contributions are not attributed to individuals or affiliations, except for distinguishing between contributions made by ANSA representatives. The rationale for this ground rule is to be able to identify ANSA perspectives. The Report has been compiled by Jonathan Somer with the assistance of Yvette Issar and Kevin Meister, and, while intended to reflect key elements of the discussions, it does not necessarily reflect the views of all participants.

## SUMMARY

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- Historical and contemporary ANSAs have provided and regulated education in territories under their control.
- ANSA provision and regulation of education is a blind spot in the international normative framework and external response in regard to ensuring the right to education; more research and awareness-raising need to be undertaken, particularly to demonstrate the impact of ANSA education provision on the right to education.
- Curriculum can be a divisive issue; it should not be assumed that State curriculum is superior to ANSA curriculum or vice versa, when parallel systems exist.
- Building the capacity of ANSAs to meet positive obligations such as ensuring education can have consequences beyond humanitarian action as it may be seen as contributing to state-building agendas; these issues should be understood in context and experience shared with other sectors such as healthcare.
- Restrictions based on sovereignty concerns and counter-terror measures are particularly acute when it comes to working with ANSAs on the provision of education; at the same time, assistance actors are risk averse; adaptation, innovation and professionalization are needed.
- Guidance should be developed towards education provision in ANSA-controlled territories but, first, more research, knowledge and discussion are needed.
- ANSA perspectives should be taken into account in education-in-emergencies processes.

## ANSA RECOMMENDATIONS

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*“This meeting is unusual in terms of participants and the way the meeting proceeded. I hope that the outcome also becomes unusual.”*

The following recommendations were made by ANSAs to the international community in their opening and closing remarks.

- support education in ANSA-controlled territory.
- do not forget handicapped children and their special needs.
- recognize ANSAs’ role in fulfilling the rights of children to access education, and recognize as a starting point what already exists in ANSA service provision.
- take a concrete and realistic approach, but ensure that at least some small steps are taken in the short term to improve children’s education in ANSA-controlled territories.
- develop international standards for education programmes in areas controlled by ANSAs, and when ANSAs respect such standards, other countries should accept certifications of students and teachers.

## INTRODUCTION

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It was stressed at the start that the participation of ANSAs in this meeting was fundamental, reflecting the organisers' belief in the need to include these key stakeholders to enrich the exchange of information, experiences and perspectives. It was felt that if normative framework development involves ANSAs' participation, it is more likely they will abide by such norms. Media coverage generally conveys the impression that there are only two or three ANSAs in the world (such as the Islamic State group, Al-Shabaab and Boko Haram). The widespread impression is that all ANSAs are behaving in the same way, perpetrating most – or the most gruesome – violations of international humanitarian law (IHL) such as attacks on children. However, without denying or diminishing the part played by ANSAs in violations of IHL, this is not the full story. There are also ANSAs doing various kinds of positive things, such as the facilitation or even provision of education. It was widely felt in the meeting that, unless there is engagement with ANSAs on education, generations will continue to be lost. It was hoped that the Workshop would help to create a community of interest on these issues.

The Workshop did not adopt a formal definition of 'ANSA', but it was recognized that there are differences in the normative framework and external response towards ANSAs who act as *de facto* authorities, those who otherwise control territory, and those who do not.

The discussion was framed by a pre-circulated Background Paper, the finalised version of which is available here:

<http://educationandconflict.org/publications/background-paper-peicgeneva-call-workshop>. The primary focus of the Workshop was on the provision and facilitation of education by ANSAs. This was in order to fill gaps in the global discourse and encourage a more comprehensive approach that goes beyond the current focus on ANSA violations regarding attacks on

education and the military use of schools. The provision of education by ANSAs is a particularly tricky subject for the international community, as it sits at the crossroads of several anomalies. First, in situations of armed conflict and where ANSAs control territory, States and ANSAs may both be primary duty bearers. This diverges from the norm where the State is the primary duty bearer. Second, ensuring education is one of few positive obligations imposed on ANSAs, and as such, may unintentionally promote ANSA governance at the expense of the concerned State. Third, education falls under humanitarian assistance, but is not generally considered a life-sustaining activity in the same way as health care, food or shelter. The result is that it will often not be prioritized by humanitarian actors, particularly in ANSA-controlled territory.

Approximately one-third of ANSAs in recent history have provided education, and the percentage is higher for those who control territory. Education is more than service delivery; it is also a means to create histories. Therefore, curriculum can be divisive. ANSA education may reach populations not serviced by the State, or it may be exclusionary against, for example, women or enemy populations. In the 1960s, donors such as Sweden provided education assistance to ANSAs, many of which went on to become the ruling party in their countries. In other cases, education has been used to promote ethnic hatred or to assist recruitment. Seemingly harmless subjects such as mathematics have been used by ANSAs to teach weapons use. In some cases, ANSAs do not provide education themselves, but rather regulate its provision.

## ANSA PRESENTATIONS AND DISCUSSION

*Representative of the Nuba Relief Rehabilitation and Development Organisation (NRRDO), representing SPLM-N*

IN SPLM-N controlled territory, NRRDO and SPLM-N jointly administer schools using the curriculum of neighbouring States, with English as the language of instruction. The Sudanese curriculum was abandoned as it was seen as politicized and was used to

impose Islam on students. Enrolment of girls has increased significantly under the SPLM-N. The breakdown of education provision in the Nuba mountain region is as follows:

Table 1: Education Provision in the Nuba Mountain region, Sudan

S/N	Counties	No. of Schools	Teachers by Sex		Total	Pupils Enrollment by Sex	
			M	F		M	F
1	Delami	11	70	22	92	2043	1792
2	Heiban	68	341	97	438	8089	5980
3	Dilling	40	197	39	236	3346	2983
4	Umdorein	39	153	15	168	3823	3004
5	New. Tagali	11	72	26	98	1657	1847
6	Western Kadujli	13	32	13	45	1782	1395
7	Lagawa	07	49	03	52	1091	1032
8	Habilla	06	06	18	24	882	796
9	El Buram	22	49	08	57	449	296
10	Rashad	22	62	118	180	2773	1117
Total		239	1031	359	1390	25935	20242

Donors do not prioritise education assistance when people are dying of hunger or under bombardment, and many donors consider cross-border activities such as the provision of teachers to be illegal without the consent of the Sudanese government. Many donors have pulled out. Challenges include lack of skilled teachers and school materials lack of secondary school options, early marriage and pregnancy, and insecurity as well as lack of donor support on the grounds that education is not seen as a life-sustaining activity. Sometimes schools must close for several days as there is no chalk. Children walk for days to sit exams. In order to address these challenges, a number of different strategies were adopted, including the creation of a

teacher training institute, teacher and student morale boosting, accelerated learning, the adoption of a new fund-raising strategy, and the use of solar powered audio learning aids. A peacebuilding committee is currently working on peacebuilding education curriculum in order to break the cycle of violence. Schools and teachers must also take on protection duties as areas are under aerial bombardment. Foxholes are dug in the ground and children are trained in evacuation exercises. Refugee children are also a matter of concern. It was stated that 30,000 children in the Yida refugee camp in South Sudan are denied education as UNHCR wants families to relocate to a new camp.

### Representative of Self-Administration of Rojava/ YPG

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Education under the Ba'ath party in Syria was propaganda to promote Ba'ath ideology, and education was a marketplace for buying and selling accreditation. The Rojava education system promotes freedom and equality, and is free for all children; it runs 2,500 schools in Rojava territory. Kurdish language has been added to the curriculum, around 15,000 teachers have been trained, and a new culture and mentality have been

introduced into schools. Many schools have been damaged by the "Islamic State". Some have already been repaired by the Rojava administration, but schools are in dire straights and aid is desperately required. Children cannot lose out on their potential, and support from the international community is welcome.

### Representative of Karen Education Department (KED), KNU

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KED is a department of the KNU. It uses GPS technology to help administer schools, but this cannot be shared publicly as the information can also be used by the government to target schools. KED administers 1,340 schools with 7,911 teachers and 153,000 students in Karen State, and also reaches 31,000 students in the refugee camps, where there are 90 schools and 1,500 teachers. The teachers are volunteers, and receive a small amount of support from NGOs. KED has teacher training colleges. KNU education policy takes account of UNESCO guidance (e.g. a 1953 paper on the use of vernacular language in education) and conventions (e.g. the 1960 Convention against Discrimination in Education), and the 2007 United Nations Declaration on the Rights of Indigenous Peoples. Curriculum is based on the ASEAN model, using mother-tongue education. KED recognizes that this

is sensitive and can be criticized. KNU is also developing a code of conduct for teachers and would like international assistance.

The current challenge of the peace process is the convergence of the dual education systems. There are no procedures or policies, so there is no recognition in the Myanmar system of student achievements or teacher certification. KNU is involved at the national level by contributing to the comprehensive education sector review, as well as at regional and local levels. KNU is working on a strategic plan for convergence, which has five objectives: recognition of teacher certification, recognition of student achievement, support for local curriculum development, support for mother tongue-based multilingual education, and inclusion in policy development. The way forward

is contingent on recognizing ANSAs' role in fulfilling the right of children to access education, and for development partners to recognize what already exists in ANSA service provision and to engage with ANSAs in order to ensure quality education. It was stated that "development partners should have a balanced approach – not work directly only with the government but work also with ANSAs because they too are service providers". At the same time, development partners should understand that the government is using NGOs and

the international community as the 'bullet' to enter into KNU territories and expand its administration—in other words, existing agreements do not allow the military to enter KNU territory, but the State can expand through services such as schools, and this is done with donor complicity, although not necessarily intentionally. There must also be inclusive dialogue, which is currently not the case.

*"We are not a State, yes, but we have children and we have an education system. If you don't help us, the reality is our children will go out and fight."*

Much of the ensuing discussion about ANSA education provision focused on the effects of dual systems and the need for inclusiveness. While the ANSA representatives admitted parallel systems are problematic, it was maintained that this is an emergency and temporary solution. One ANSA has agreed to incorporate 60% of the government curriculum, but cannot accept politicized issues such as the government version of history. Another argued that its system is more inclusive and pluralistic than the government's. International actors admitted that it is politically difficult, especially for UN agencies, to work directly with ANSAs, but pointed out that their education materials are available for all and therefore can be used by ANSAs.

One ANSA representative reported that it was invited to a UNICEF-initiated meeting, but 45 minutes prior to the start, the invitation was rescinded due to objections from a government Minister. A participant noted that momentum is building towards recognition of the need to be more "ANSA inclusive", for example, the French proposal at the UN Security Council Open Debate on Children and Armed Conflict held earlier this year. Agendas regarding ANSAs can be moved forward if there are clear minimum standards, instruments and checklists for self-application by ANSAs.

A participant asked what standards ANSAs would like to see. ANSA representatives replied that they would like to see fairness as, for example, UNICEF/Save the Children work with governments even when their systems serve propaganda, but they will not work with ANSAs, not even by supporting them with chalk. The international community should give support wherever positive aspects of education are being undertaken.





Girls reading in the Rojava region of northern Syria (credit: Geneva Call)



A school in SPLM-N controlled territory (credit: Nuba Relief Rehabilitation and Development Organisation)

## NORMATIVE FRAMEWORK

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*“The perfect is often the enemy of the good – even States don’t completely fulfil their human rights obligations. It’s unrealistic to expect ANSAs to do so.”*

In general, international law is underdeveloped with regard to how it relates to ANSAs. International humanitarian law (IHL) establishes a general principle – for example, that parties shall ensure education - whereas international human rights law (IHRL) contains more specific rules. The focus should be on the rights holders rather than the actors. The greater the ANSA’s control, the greater the ANSA’s obligation. At minimum, ANSAs are obliged to respect education. Positive obligations are those that require a right to be protected or fulfilled. With regard to education, ANSAs can meet their obligation to fulfil in these ways:

1. allow State services to continue to operate
2. allow humanitarian actors to operate
3. replace the State
4. combine two or more of the above

If ANSAs choose to replace the State, the principle of non-retrogression dictates that must not lead to significant reduction in the quality of education. Education actors should assist, especially when ANSAs have exclusive or prime territorial control. IHRL provides a framework about the content of education – primary education should be free for all, non-discriminatory, and geared towards the full development of the child’s personality, talents and skills.

The Universal Declaration of Human Rights also ties education to the promotion of peace and human rights. So education should be judged by these elements. One participant thought that international law probably does not allow ANSAs to raise resources through taxation, except maybe those who act as *de facto* authorities. Assistance actors can help ANSAs discharge the duty to provide to the maximum of resources available. For States that have lost control over territories, treaty bodies have determined that there is concurrent obligation. What is required from the State is that they do everything possible, which includes engaging with ANSAs to ensure the provision of basic services.

## PROVISION OF EDUCATION

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*“Promoting the State system is not the goal. Quality education is the goal.”*

In regard to how to work with ANSAs on the provision of education, international actors have not yet had focused and sustained discussion of this question. There is a lack of both guidance and experience on how to actually engage with ANSAs, not only about humanitarian access but also in terms of humanitarian norms and ANSAs' obligations. The concept of multiple duty-bearers – meaning that both the State and ANSAs have legal obligations - is not well understood and this needs to be addressed. Do conflict-affected States, for example, understand that they have an obligation to ensure education not only in areas they still administer but also in areas they no longer effectively control? Moreover, do they understand that ANSAs acquire obligations when they take over a territory? Are ANSAs themselves aware of these obligations?

There is a widespread lack of knowledge and understanding about ANSA provision of education, along with a lack of education standards applicable to these situations and sometimes a shortage of resources. While there is often a palpable feeling among international agencies that more could and should be done, the challenging nature of conflict and the assertion by some conflict-affected States of their sovereignty mean that nothing really happens. However, some donors have provided stabilisation funds for education in areas under the control of 'moderate' ANSAs.

Curriculum is a minefield issue. Focus should be on conflict-sensitive curricula, and the best interest of the child must be a primary consideration. Both ANSAs and States use curricula for propaganda and political purposes. One participant noted that State curricula sometimes deny the history of minority groups. ANSA parallel systems of delivery can be problematic too; for example, students may not be well prepared for integration into higher education if they learn only in their mother tongue or focus exclusively on their own history. One view expressed was that perhaps during conflict only mathematics, science, reading, and writing should be taught. Another view was that generic curricula serve to alienate rather than emancipate. There are red lines for international cooperation, such as Maoist curricula in Nepal that included how to march and how to make improved explosive devices. The notion of quality education is difficult to unpack, but education providers need to be involved in the discussion, especially to ensure that hate messages, for example, are removed. Given the cultural specificity of curricula, the value and relevance of a model or standard curriculum came under critical review. The policy of one NGO is to not print textbooks with either government or ANSA curriculum but, instead, to focus on child-centred methodologies. It was also suggested that emphasis should be placed on skills that will help children rebuild their lives after the conflict is over, rather than the full development of personality, as the latter may be unrealistic.

ANSA participants came up with the following assistance requests:

- provision of basic teaching material such as chalk and blackboards
- printing of textbooks
- teacher training and guides
- advocacy from the international community to insist on engaging with ANSAs directly
- rebuilding of damaged schools
- better security to protect children from enemy attacks
- capacity-building in creating teacher codes of conduct and peacebuilding curriculum
- improved access to higher education for students from ANSA-run education systems via recognition of diplomas.

*“We really need more information. We need to do more research about the positive provision of education by ANSAs.”*

The ICRC has acted as a neutral intermediary between the State and ANSAs. When agreements can be worked out, the ICRC will transmit materials to schools in rebel-held areas. Responding to the point that some States are concerned that material is diverted for military purposes, an ANSA participant stated that assistance providers would be welcome to monitor the disbursement of such in-kind material. It was noted that just because an ANSA has an education department does not mean it provides services. In some historical and current

cases, they act as regulators and facilitators. YPG has signed the Geneva Call “Deed of Commitment to protect children from the effects of armed conflict”, and demobilized 149 children the same day. They wanted to get external support for education for these children but have not succeeded; only Geneva Call provided some support. Greater prioritisation of education in emergencies by donors and agencies was called for.

## ATTACKS ON EDUCATION AND USE OF SCHOOLS FOR MILITARY PURPOSES

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Data show that from 2008 to 2013, 64% of attacks on schools were perpetrated by ANSAs, 24 % by State actors and 12% by pro-State actors. Most ANSA attacks were either directed towards individual targets or specific sub-groups. Most ANSA attacks are in retaliation to prior government action directed against ANSA constituencies. In Afghanistan, education institutions were part of the Coalition's "hearts and minds" strategy, which made them targeted by ANSAs because education was a key issue. The value of UN Monitoring and Reporting Mechanism (MRM) action plans on attacks on schools was questioned, as three of the listed entities are 'extremists' with whom there is no engagement. Yet the latest Secretary-General Report on Children and Armed Conflict notes two instances of engagement that resulted in ANSAs vacating schools. A participant noted that under IHL, neither schools nor children are sacred, and therefore it is important to document whether attacks are lawful or not. It is important to identify 'safe school' issues with parents, students and communities, and to communicate this to ANSAs, so that they can take protective measures.

The Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict have been finalized and can be used by all actors. There is no process for the adoption of the Guidelines by ANSAs, whereas there is such a process for States through the Safe Schools Declaration. This may result in an ownership challenge for ANSAs. Nevertheless, the Declaration makes reference to the importance of promoting the Guidelines with ANSAs, and although it was a contentious provision, it survived. Moreover, the draft Guidelines were discussed with ANSAs at Geneva Call's Third Meeting of Signatories in late 2014, where participating ANSAs agreed to take into consideration the Guidelines. The Guidelines represent a new way to engage with ANSAs, starting first with the less contentious issue of military use of schools, then moving to "harder" issues like child recruitment and sexual violence. An ANSA representative noted that within its ANSA education department, there is limited knowledge of both the MRM and the Guidelines.

## PEACE PROCESSES

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*"If all kids can go to school in their mother tongue, we can make peace in the society."*  
(ANSA participant)

Education in peace processes is rarely a priority for anyone. ANSAs and States do not give it importance, while the international community focuses on economic recovery, security, etc. Education is seen as something that can wait until later, and yet, if citizens are asked what is important to them, education is often high on the list. There is good evidence to suggest that in some cases education is an important vehicle to build trust in a broader peace process; yet where

education was a pillar of the conflict, that might not hold true. An ANSA participant noted that peacebuilding curriculum goes beyond reconciliation and forgiveness, but also addresses justice for victims. This ANSA looks at other countries' experience from which it can learn, e.g. Sierra Leone. This ANSA is currently seeking material and technical support to develop this peacebuilding curriculum.

## CHALLENGES, OPPORTUNITIES, AND THE WAY FORWARD

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*“We need to go beyond a community of interest towards a community of action.”*

In general, there was agreement that education in ANSA-controlled territory is a blind spot in international response, and that action needs to be taken. Some frustration was expressed by ANSA participants in the sense that if the international community was really concerned with the right to education, they would be less concerned about issues of sovereignty, and would act before more

generations of children are lost. Other participants acknowledged this frustration, but also pointed out that deeply entrenched attitudes do not change overnight, so expectations of change must be realistic. A participant noted that the Workshop itself was a way of helping to recognize ANSAs as stakeholders.

### Relevant Standards and Awareness-Raising

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*“The question is not whether we should engage with ANSAs on education – it is already happening – rather it is what kind of education we should provide.”*

*“What does the right to education mean if you are an ANSA?”*

A need for accessible standards exists, but it is premature to begin working on content before we have more information on ANSA provision/regulation, more clarity on legal frameworks, and more discussion on the issues. Suggestions were made that lawyers and educators should learn to communicate better towards these common goals. Parallel systems should not be promoted, but this does not automatically mean that the State system is always preferable.

framework (available, accessible, acceptable, adaptable). An ANSA participant asked the international community how it can assess when curriculum is adequate as opposed to propaganda. Some objective criteria such as fundamental freedoms and tolerance of religious and ethnic groups in Article 13 of the ICESCR was referred to in response, but a participant also noted that what is actually taught or portrayed in the classroom is often much different than what is in textbooks.

There is a need for a wide-ranging discussion on how to ensure the quality of education in ANSA-held areas. Many participants were in agreement that the Inter-Agency Network for Education in Emergencies (INEE) Minimum Standards for Education are not the starting point for ANSA guidance, with one stating that they are more like ‘maximum’ standards, and that they are completely State-centric. However, INEE should be brought in as a stakeholder. An ANSA participant noted that they have reviewed the INEE Minimum Standards and found they would be impossible to implement.

There were also divergent views on the relevance of the 4As of the right to education

Many participants agreed that it is premature to begin to promote policy in, e.g., the Committee on the Rights of the Child or the Human Rights Council, but that initial efforts can be made to sensitize such bodies towards the issues. Fora and processes such as the Oslo Summit on Education and the Framework for Action 2030 do not address the issue of education in ANSA-controlled territory. We should make sure that the voice of ANSAs is heard within such processes. It was noted that time is of the essence as the agenda is being formalized in 2015. Therefore, a dilemma was identified in terms of the need to act fast on the one hand, but a need to take the time to gather the

data and evidence on the other hand. Some participants wondered whether international cooperation with ANSAs should be promoted at all, as a higher profile could backfire.

At any rate, policy should be built from a portfolio of good field experience—good policy comes from good practice.

#### ◆ *Suggested Ways Forward*

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- start an iterative process towards guidance development which conducts research into what kind of education ANSAs are providing/regulating, addresses legal framework gaps, and consults and addresses the three kinds of actors (humanitarian, State and non-State) —recognizing that this is a long-term process
- conduct case studies on situations where ANSAs provide education using 4As as a guide
- analyse the negative consequences of the non-provision of education services in ANSA-held areas
- create an information clearing-house on education in ANSA-controlled territories
- conduct immediate awareness-raising in processes such as the Framework for Action 2030
- use NGO consultative processes, such as pre-sessionals, to get ANSA perspectives in front of international human rights bodies
- promote the positive and innovative education efforts being made by some ANSAs
- use various fora to advocate for the need to provide education to children living in ANSA-held areas and to allow education providers to work in these areas with existing processes and structures
- build on the increasing momentum to involve ANSAs in humanitarian policy discussion
- contextualise the concrete issue of ANSA education into the broader
- debate about non-State actors, and recognize where the challenges lie.

#### Differentiation of ANSAs and within ANSAs

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It is threatening for States when humanitarians work directly with ANSAs since the dominant model is competitive state-building—an insurgency is defeated by providing more services than the ANSA in order to win over populations. As soon as health or education is provided in ANSA territory, one is engaging in parallel state-building and will be perceived as a threat to States who oppose that ANSA. This is the challenge. Some donors have called for provision of stabilisation funds for education in areas controlled by certain ANSAs whom they support. Several organisations have had the debate about differentiation of ANSAs, no matter whether we call them ‘terrorists’ or ‘freedom fighters’, and the conclusion was that there should be no differentiation but a

firm adherence to humanitarian principles where assistance is based on need.

All ANSAs have a civil society face. International agencies generally engage with the armed wing for access, and engage with the ‘civil face’ for service provision. Some participants were adamant about the need to limit capacity-building to the civil society face of ANSAs. Others warned that this will not shield assistance actors from counter-terror risks, as restrictive measures will also cover affiliated organizations, and also questioned the value of this ‘smoke and mirrors’ approach.

### ◆ Suggested ways forward

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- promote adherence to core humanitarian principles in support of the right to education for all children, regardless of location
- encourage more nuanced discussion on implications of providing stabilisation funds and technical support for education in ANSA-held areas
- recognize that the value of transparency in dealing with ANSAs through civil society should be evaluated on a case-by-case basis

### Dilemmas of Service Provision

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*“As long as you talk about preventing bad behaviour, it is palatable to talk about ANSA engagement. As soon as you start talking about service provision, then you face much bigger challenges. Here we need to do much more advocacy.”*

Provision of services is about the replacement of services and parallel infrastructures, which presumably ANSAs will want, but it may not be in the best interest of the population, and may not be acceptable to State actors. As much as engagement should be altruistic, it does not always happen that way. Constantly to be kept in mind is that the capacity that has been built may be used towards other ends, and even if the intention is not state-building, it may lead to that. Some participants consider education a life-sustaining activity, while there was broad consensus that it is at minimum an integral part of humanitarian response. Capacity-building is not towards building a state, but towards how to provide services. Yet while the issue of capacity-building may not be such a major issue for food security, WASH [Water, Sanitation and Hygiene], etc., for education, the dilemma is greater. Education often in and of itself is state-building— for example, if you are teaching in a new language or reflecting history in a different light. This is not necessarily bad in itself, but

it needs to be recognized.

Working with communities directly also should be done as much as possible. It was noted that in some cases ‘working with communities’ is just another term for working with ANSAs. A participant rhetorically asked: what if it were about Ebola? If the Ebola outbreak happened a few years ago in West Africa during conflicts where ANSAs controlled territory, there would have been real dilemmas about how to stop the spread. Would the international reaction be different in such cases when a threat is perceived to spill beyond the conflict areas? For education, the litmus test is whether chalk and blackboards can be provided for ANSA-affiliated schools. If that is not possible, what can be done? However, ANSAs and other participants alike also noted instances that when the international community has contributed to building of schools or hospitals in ANSA-controlled territories, they have been deliberately destroyed again.



## ◆ *Suggested Ways Forward*

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- where appropriate, provide assistance to ANSA-administered schools for basic literacy and numeracy in a conflict-sensitive manner
- align with similar processes in the healthcare community towards common research, policy and awareness-raising agendas
- ensure the implications and risks of potential interventions are considered
- wherever possible, and as much as possible, work directly with communities

## Counter-Terror Provisions and Sovereignty Restrictions

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*"We must engage with ANSAs. But how to thread the needle to ensure civilian welfare while not getting caught up in the legal mess?"*

*"Agencies are risk averse"*

The UN, most participants agreed, is particularly subject to constraints imposed by the host government. UNGA Resolution 46/182 contains strong language about the centrality of the State that puts sovereignty at the heart of the question of service provision. On one hand, therefore, there is the principle to provide services—as enshrined in IHL and IHRL—but, on the other hand, international actors have to deal with this sovereignty paradigm and the criminalization of engagement with certain ANSAs. NGOs are sometimes dependent on the direction of UN agencies, particularly in Cluster systems. NGOs would often like to be more proactive, but there is concern that engagement with ANSAs would reflect "negatively" on the perception of the Cluster. One UN agency has a due diligence checklist for partners that includes the question "Are you working with a terrorist organisation?" If the answer is affirmative, that's the end of it.

other measures such as public allegations. One participant warned about not being on the wrong side of the law at the wrong time. Moreover, today's authorities may allow certain activities that a future administration might crack down on, leaving humanitarian actors in a difficult position. A question was posed whether ANSAs who respect IHL/IHRL and sign a Geneva Call *Deed of Commitment* protecting children from the effects of armed conflict will be protected from terror labelling. A response was that this would not necessarily shield an ANSA due to the political nature of listing. It was noted that, on the one hand, UN agencies are more limited than NGOs in their interaction with ANSAs but, on the other hand, they have less risk due to their immunities. An ANSA participant stated that the opposing government needs to revise the domestic law that prevents international actors from working with ANSAs.

Counter-terror provisions can clearly prohibit humanitarian action, and risks are greater when service delivery is involved. In certain situations, if there is geopolitical support for an ANSA, it will not be listed. Many participants had questions about the on-the-ground implications of counter-terror provisions. Examples were given of mostly Islamic NGOs, but also an international NGO, which faced either prosecution or

## ◆ Suggested Ways Forward

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- use and promote the Geneva Call Deed of Commitment mechanism and other ANSA undertakings to justify interventions with 'compliant' ANSAs, and encourage international actors to work with ANSAs who have made such humanitarian commitments towards such ends
- reflect on ways to increase NGO financial independence so that States do not block humanitarian action
- develop a strategic division of labour between UN agencies and NGOs in order to maximize space to engage ANSAs, without shifting risk to NGOs, and only after NGOs are better equipped to engage ANSAs
- Recognize the reality and adapt by better anticipating risks, strengthening local communities, developing new partnerships, and professionalizing humanitarian action
- Encourage ANSAs to develop greater distance between their armed and civil society wings

## Institutional guidance among and within organizations supporting education

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*"It's strange for me to tell ANSAs that they have obligations, but to do nothing in the face of their capacity needs and then shame them at the end when they fail to fulfil their obligations."*

For many agencies, the question of dealing with ANSAs is very delicate. A participant asked how agencies can help each other. The UNICEF Guidance Note on ANSA engagement is valuable, but it is not used in practice and people are not trained in it. Otherwise, there is little guidance for humanitarians beyond negotiating access. Most agencies do not have internal guidance. There is a clear need to understand political risks, financial risks and security risks and

to share lessons in engagement within and across agencies. But even then, how consistent will policies be? Institutional backing is also important so that the message is clear that ANSA engagement is part of humanitarian action. There are examples of working with ANSAs on protecting schools, but not on provision of education.

## ◆ Suggested Ways Forward:

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- UNICEF should help orient its implementing partners on ANSA engagement
- humanitarian organizations should get together to discuss challenges and experience in ANSA engagement and in efforts to create internal policy.

## PARTICIPANTS' REFLECTION ON ANSA PARTICIPATION

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"It's one thing to read about ANSAs, and another thing to have a face-to-face dialogue with real people. This meeting highlighted the diversity of the ANSAs that exist. The ANSAs that were here – I think they are serious and we do have a responsibility to work with them. It was hugely valuable."

"It is useful to not lump all ANSAs together – here we had some examples of people we could work with."

"These are example of good practices that we need to publicize in order to demystify this large group of ANSAs who are not all extremists—having a promotion of the impact they are having would be useful, and how funding can change things would be very useful."

"For implementing agencies, engaging with ANSAs is daily life, but having such a formal meeting brings the discussion to another level. It was clear that they don't see even NGOs as neutral, but having them in a meeting like this could help with that perception of neutrality, and help towards accountability."

"It was really interesting from an education perspective, how all three ANSAs saw State education as a driver of conflict

## Geneva Call

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Geneva Call is a neutral and impartial non-governmental organization dedicated to promoting respect by armed non-State actors (ANSAs) for international humanitarian norms in armed conflict and other situations of violence, in particular those related to the protection of civilians. As part of its work, Geneva Call engages ANSAs to reduce the effects of armed conflict on children by promoting respect for children's rights. In 2010, it developed a Deed of Commitment for the Protection of Children from the Effects of Armed Conflict, which allows signatory ANSAs to undertake to respect international norms, in particular the prohibition of the recruitment and use of children in hostilities. The Deed of Commitment takes a holistic approach to child protection and also addresses positive obligations of ANSAs to provide children with the aid and care they require (such as access to education or protection from enemy attacks). Geneva Call also works with civil society and community-based organizations to build their capacities to engage with ANSAs and assist in monitoring their commitments. To date, 17 ANSAs have signed the Deed of Commitment protecting children in armed conflict and have taken measures to enforce their obligations. In addition, Geneva Call is in dialogue with more than 20 other ANSAs on the issue.

## PEIC Box

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Protect Education in Insecurity and Conflict (PEIC) is a programme of the Education Above All Foundation, based in Doha, Qatar. PEIC's overall goal is to promote and protect the right to education in situations of insecurity and conflict. To this end, it seeks to inform and influence policy debate and programmatic practice. Its main programme areas focus on data collection, analysis and dissemination regarding attacks on education; law and education, especially in terms of the integration of international law into national legal systems; education reform to promote respect, peace and reconciliation through conflict-sensitive approaches to education

planning, curriculum development and textbook revision; good practices and innovative approaches that address the education needs and rights of conflict-affected populations; advocacy and partnerships.

## Education and Armed Non-State Actors: Towards a comprehensive agenda

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23-25 June 2015, Geneva, Switzerland  
WMO, 7bis Avenue de la Paix, 1202 Genève

### DAY 1

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TUESDAY, JUNE 23 – 14:00-18:00 – 18:30pm Evening event

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#### 14:00      **SESSION 1A\_ INTRODUCTION**

- **Welcome address from PEIC : Mark Richmond**
- **Welcome address from Geneva call : Elisabeth Decrey-Warner**
- **Context and scene setting—Overview of Background Paper : Jonathan Somer and Megan Stewart (by Skype)**

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#### 15:00      **SESSION 1B\_ ARMED NON-STATE ACTORS (ANSA) PRESENTATIONS ON THEIR EXPERIENCES**

*Moderator: Pascal Bongardv*

- **Presentations of ANSA representatives with education portfolios**

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#### 16:00      **Coffee break**

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#### 16:20      **SESSION 1B\_ (Continued)**

- **Discussion on ANSA experiences**

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#### 18:00      **END**

Directly followed by EVENING EVENT\_ Cocktail and Dinner at La Perle du

## DAY 2

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WEDNESDAY, JUNE 24 – 9:00-17:30

### 9:00      **SESSION 2A\_ NORMATIVE FRAMEWORK**

*Moderator: Kerstin Holst*

*Discussants: Daragh Murray, Tahmina Karimova*

- **Outline of normative framework**
    - What are the ANSA specific challenges related to the normative framework?
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### 10:00      **SESSION 2B\_ POSITIVE ASPECTS : PROVISION & FACILITATION OF EDUCATION**

*Moderator: Carolin Nehmé*

*Discussant: Melinda Smith*

- **Outline of what we know about ANSA provision and facilitation of education**
    - To what extent does the international response turn a blind eye to ANSA service provision in general and education provision specifically?
    - What approach should education actors take towards ANSA changes to State curriculum, and to what extent is it justifiable to adapt the notion of quality education in light of ANSA realities? Are there red lines?
    - Should ANSAs be steered towards acceptance of the State education system as a priority outcome?
    - How can ANSAs be supported in facilitating education, such as protecting children from enemy attack, encouraging equal access, etc.
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**11:00      Coffee break**

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**11:20      SESSION 2B\_ (Continued)**

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**12:45      Lunch**

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## DAY 2

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WEDNESDAY, JUNE 24 – 9:00-17:30

### 14:00      **SESSION 2C\_ NEGATIVE ASPECTS : ATTACKS AND MILITARY USE OF EDUCATIONAL INSTITUTIONS**

*Moderator: Aurélie Lamazière*

*Discussants: Jovana Carapic, Filipa Schmitz Guinote*

- **Outline of current mechanisms/processes/approaches**
    - How effective are current mechanisms/processes/approaches, how can they be improved, and what are their limitations?
    - What other mechanisms/processes/approaches could be encouraged?
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### 15:30      **Coffee break**

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### 15:50      **SESSION 2D\_ PEACE AND TRANSITION**

*Moderator: Veronique Aubert*

*Discussant: Mario Noveli*

- **Outline of the landscape of education in peace and transition processes**
    - How can education be best leveraged to promote peace rather than fuel conflict in peace and transition processes?
    - How can the convergence of parallel state and non-state education systems, or in cases where ANSAs assume control of the state apparatus, the conversion of non-state to state systems, be promoted in peace and transition processes?
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### 17:00      **ANSA PARTICPANTS' CLOSING WORDS AND REFLECTIONS**

## DAY 3

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THURSDAY, JUNE 25 – 9:00-17:00

### 9:00 SESSION 3A\_ THE PROBLEM

*Discussants: Zachariah Mampilly, Ibrahim Sesay*

- **Discussion prompt : "...areas under rebel control are treated by international actors as devoid of partners with whom they can carry out legitimate commercial transaction or implement humanitarian and development programs on the ground. Instead, the international community continues to engage such spaces through the juridical recognized state authority—perhaps the only actors that has proven itself incapable of promoting order within them."—Zachariah Mampilly**
  - What are the possibilities for a consensus in the humanitarian community on whether humanitarian action should include building the capacity of ANSAs to provide services? What are the consequences for education of the lack of consensus?
  - To what extent should ANSA capacity building be restricted to essential services, and does education qualify as such?
  - Should ANSA education provision only be promoted in certain situations (eg. where the ANSA is generally recognized to be the legitimate representative of the population, is firmly established as a non – or partially recognized State, is considered the 'good guy' by the international community, complies with IHL norms)?
  - To what extent do counter-terrorism regulations and donor restrictions, as well as risk aversion/tolerance on the part of humanitarian actors impact on education in areas control by ANSAs?

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**11:00 Coffee break**

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## DAY 3

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THURSDAY, JUNE 25 – 9:00-17:00

### 11:20      **SESSION 3B\_ THE SOLUTION**

*Moderator: TBD*

*Discussants: Pascal Bongard, Bede Sheppard*

- **Discussion prompt : “The international community thus faces diverse challenges when dealing with ANSAs. Some of these have a legal dimension, but other aspects of a broad approach to reducing the impact of conflict on civilians on the one hand and enhancing their socio-economic rights on the other demand programmes, advocacy, and, especially, direct engagement with ANSAs”—Gilles Giacca**
  - How should the normative framework be interpreted, developed, and/or adapted in order to be more relevant for situations where ANSA control and administer territory?
  - How can ANSAs be more appropriately accepted as stakeholders in education-related policy and practice, and how can this best lead towards their engagement?
  - To what extent should new guidance be created and disseminated for ANSAs?
  - To what extent should new guidance be created and disseminated for humanitarian/education assistance actors?

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**12:45      Lunch**

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**14:00      SESSION 3B\_ (Continued)**

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## DAY 3

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THURSDAY, JUNE 25 – 9:00-17:00

### 14:30      **SESSION 3C\_ STRATEGIES ON MOVING FORWARD**

*Moderator: tbd*

*Discussant: Jessica Oddy*

- **How can information on education and ANSAs best be gathered and employed towards policy and operational response?**
- **How can experience on education and ANSAs best be shared and integrated with other sectors?**
- **How can counter-terrorism restrictions and humanitarian risk aversion be dealt with?**

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### 16:00      **NEXT STEPS AND CLOSING**

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### 16:30      **Closing refreshments**

