PART II — THEMATIC ESSAYS

The following section consists of three essays commissioned for this study and written by independent experts. The essays focus on themes critical for improving response to, and prevention of, attacks on education: the role of communities in protecting education, the protection of higher education and the changing of military behaviour regarding the use of schools and universities. These pieces are intended to provide greater depth of analysis on several dimensions of protecting education and to highlight ways forward for strengthening the effectiveness of protective and preventive measures.

A boy reads a damaged book near a burned down school building in the Furkat district of Osh, southern Kyrgyzstan, on 26 June 2010 — one of four schools set alight during ethnic violence that erupted in early June 2010.

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The role of communities in protecting education

The limited amount of research that has been undertaken on programmes to protect education suggests that communities have a crucial role to play in preventing and responding to attacks.[228] However, less is known about the outcomes of community engagement or the conditions for its success. This chapter summarizes key findings across a range of protection measures – such as physical protection, monitoring, advocacy and negoti-ation – in which communities have played an active part. Different approaches to engaging with communities are analysed and lessons are drawn with the aim of improving support for the protection of education at the local level

Communities have an important role to play in protecting education from attack.[229] In many conflict-affected countries in particular, governments may lack the capacity or will to fully protect education.[230] For example, in northern Liberia, where attacks on students and schools continued to occur after the conflict, some communities organized student escorts and provided unarmed guards at schools to improve their physical security.[231] Communities in Afghanistan have protected schools in instances where they know and are able to negotiate with the perpetrators of attack.[232] Often, national and international actors can support community action. In Nepal, for example, NGO investments in capacity-building ensured that school management committees were more represen-tative of the community and reportedly reduced threats to education. However, a community-based approach can present certain risks to the individuals involved. In eastern DRC and Nepal, community members monitoring attacks have reported being threatened.[233]

Despite the worldwide engagement of communities in protecting education, very little research, either quantitative or qualitative, has taken place on the outcomes of these actions.[234] This essay summarizes available documentation on this topic, based on a review of existing literature and selected programme documents as well as practitioner experience. The analysis draws on the Interagency Learning Initiative's (ILI) typology of ways of engaging communities in activities to achieve children's well-being.[235] The four-category typology of community participation in protection interventions proposed by the ILI has been adapted and used for this review: community-initiated, community-implemented, community-inspired and community-involved. The analysis of community action presented draws, in particular, upon two in-depth case studies of the Philippines and Afghanistan prepared for this chapter. Based on the review, suggestions are offered on ways that national or international actors can support community action.

Community action to prevent and respond to attack

Communities are engaged in preventive, damage-mitigating and responsive actions designed to ensure continued safe access to education. These actions can be undertaken independently or with varying degrees of support from government, civil society or inter-national organizations. Work at the community level is facilitated through national-level education policies that are conflict-sensitive and through curriculum reform to remove bias and build students' capacity for conflict resolution. The present chapter, however, examines only modalities of action specifically at community level.

Forms of education protection in which communities are engaged

Preventive actions, such as:

- strengthening management of education
- negotiation to prevent attacks
- establishing 'Codes of Conduct'/'Schools as Zones of Peace' with the objective of long-term prevention of attacks
- awareness-raising on the value of education
- roll-out of, and awareness-raising on, national legislation
- advocacy
- adaptation of education delivery
- physical strengthening of schools, construction and reconstruction
- night guards/day guards/security
- protests

Damage mitigation, such as:

- contingency planning
- safety and first aid training
- extinguishing fires in case of arson attacks
- early warning systems: Short Message Service (SMS) warning teachers and students of attack

Response actions, such as:

- facilitating speedy resumption of education when safety permits
- support for temporary learning spaces and psychosocial support
- monitoring and reporting
- capturing lessons learned in order to be able to carry out further preventive action
- negotiation – e.g. for the clearing of school buildings used by armed groups and state armed forces, or the release of teachers or students
- reconstruction and repairs

Preventive actions

Strengthening management

In many countries, school management often includes not only senior education staff but also a school management committee composed of community representatives. However, particularly in unstable settings, school management may be politicized or biased, discriminating against members of certain cultural, linguistic, ethnic or religious minorities, thereby potentially making schools more vulnerable to attack.[236] Ensuring the full participation of excluded groups in school management committees may reduce threats to schools, teachers and students.[237] In Nepal, there seemed to be a correlation between democratic elections to select committee members and reduced threat of attack.[238] In Afghanistan, community involvement in the management of schools encouraged greater vigilance against attack.[239] In addition, representative management structures may more effectively implement other protective actions outlined below. However, the voluntary nature of these committees can lead to slow progress, high turnover or lack of willingness to participate.[240]

Negotiation

Many instances have shown that local actors, including school management committees, community and religious leaders, and village elders, may be effective at negotiating with potential perpetrators of attacks, particularly when the attackers are trying to gain the community's support or are community members themselves. Religious leaders and religious groups may also have greater success in negotiating with parties to conflict when they draw from similar belief systems.[241]

In one case in Nepal, a Village Development Council successfully lobbied to locate election booths in community buildings instead of schools to ensure that education facilities retained a politically neutral profile.[242]

The approach taken to negotiations depends upon the perpetrators and motives of attack. At times, transparent and public negotiations may be most effective since they ensure awareness of agreements, for example, through public ceremonies.[243] Alternatively, back-door negotiations may be more appropriate where discussion with certain parties to the conflict would present a risk for negotiators. For example, in Nepal, secret negotiations took place with Maoist rebels so that individuals – mostly women – involved in discussions on the subject of Schools as Zones of Peace would not be put in jeopardy.[244]

Codes of Conduct/Zones of Peace

Codes of Conduct are a particular type of negotiation that can be long-term and prevent school attacks. 'Schools as Zones of Peace' (SZOP) have been established in many areas and international organizations can play a major role in encouraging communities to engage in such a process. A mid-term evaluation by Save the Children noted 12 of 16 of their project schools in Nepal had Codes of Conduct regarding SZoP.[245]

UN agencies and NGOs promoting SZOPs have often found it beneficial to work through local partners, whose staff speak local languages and understand the context, enabling long-term relationship-building, meaningful participation from all stakeholders, including schools and their communities, and contextual relevance.[246] The negotiation process may be lengthy and requires patience, flexibility and trust. In Baglung, Nepal, for example, Maoists initially rejected a declaration of the school as a SZOP, but allowed it as they became more integrated into the community.[247]

Additionally, including clauses that target all participants' behaviour – not just armed groups and forces – has been effective in places like Nepal. There, clauses covered concerns such as armed activities and weapons in school; use of children in political activities; abduction; use of inappropriate language; and use of alcohol and tobacco.[248]

Adaptation of education delivery

Schools may be targets for attack because they are large physical structures, are a source for human resources or have symbolic meaning. Consequently, changes in physical set-up or content may be protective; for example, reducing visibility by means of boundary walls, relocating schools or holding classes

in homes or community premises, or changing curriculum, staffing or teaching. However, these changes must be made with an awareness of how they might adversely affect education quality.[249]

Guards/security

Armed or unarmed guards may provide security, reduce the risk of attack or enable rapid response to attack. Because government provision of security can attract attacks in some cases, community guards may be a logical alternative. In Liberia, the community viewed unarmed guards as a relatively cost-effective and sustainable protection mechanism that helped teachers and students feel safe.[250] However, depending on the context, having community guards may simply transfer the risk.

Protest

Community protests against attacks on education have occurred in several countries including Pakistan, Yemen and India. For example, in India, students and teachers in Jharkhand organized a protest after Maoists blew up a school in 2011.[251] While protests draw attention to threats to education, they can present considerable risks for communities, subjecting them to further violence. External actors, therefore, should not initiate community protest though they can support wider awareness of the issues being raised.

Response actions

Promoting continuity of education provision

Because of their immediate proximity, communities can be first responders for restoring access to education and mitigating the impact of attacks, for example, by repairing damaged buildings. NGOs may also engage community members in the process of fundraising, and provision of materials and labour to rebuild. Save the Children's global programme for education in conflict-affected states included the mobilization of communities in locations such as Angola, Côte d'Ivoire, DRC, Iraq and Nepal to repair damaged school buildings or build new structures, leading to increased access to education.[252] Doing so may instil a sense of community ownership of the school, further protecting education. However,

standards need to be in place to ensure that buildings constructed are safe.

In situations where schools are attacked, communities may also establish temporary learning spaces. In the Central African Republic (CAR), amid ongoing violence and insecurity, communities set up 'bush schools'[253] in makeshift shelters or under trees to continue education when fighting forced them to flee. Teachers received training and then worked for in-kind payment from the community.[254]

With temporary learning spaces or non-formal education sites, it is vital to ensure that children's learning and qualifications are recognized in order to facilitate integration into formal education or vocational training.[255] This requires that the stakeholders, including international organizations that are often involved, advocate with the Ministry of Education and other key decision-making bodies to recognize adapted forms of schooling. Although CAR's bush schools were initially intended to be temporary, the Ministry of Education eventually recognized them, which allowed for students' and teachers' future success in formal education.[256]

Monitoring and reporting mechanisms

School management committees, parent teacher associations, community groups and children's clubs can monitor and report cases of attack, facilitating analysis that informs prevention and response actions, supports advocacy and increases accountability.

Communities, schools and governments can set up independent monitoring systems. They can also contribute alerts to the UN Monitoring and Reporting Mechanism on children and armed conflict (MRM), which records grave violations of children's rights in certain conflict-affected countries. Ideally, local organizations should be involved in monitoring from the outset to ensure that data collection is sensitive to protection issues. In parts of eastern DRC, focal points from school management committees and parent teacher associations report violations of children's rights and children's clubs are encouraged to participate.[257] In the Philippines, it was found that the creation and ongoing presence of a volunteer-run community monitoring group (not initially linked with

the MRM) reduced attacks because armed non-state actors were aware of permanent observation.[258]

Reports from DRC and Nepal indicate that community-based NGOs involved in the MRM have been threatened and intimidated.[259] Close communication with community groups and regular evaluation and adaptation of monitoring mechanisms according to community feedback are important for improving data collection and reducing the risks to locally-appointed MRM Monitors.[260]

Overview of community action to prevent and respond to attack

To ensure suitable response strategies, stakeholders should conduct an in-depth analysis of the nature of attacks on education, community awareness and attitudes to education, and existing community action. Context is very important. For example, in places like Nepal, where Maoists used schools to gain support, community negotiation and pressure from civil society and international actors on government, political leaders or armed groups may protect education. In other circumstances, such as in Liberia and Côte d'Ivoire, physical strengthening of premises or use of guards may be more appropriate.

Levels of community engagement

As noted above, community actions to protect education from attack can be mapped using a framework of four interconnected - and in some instances overlapping - levels of community engagement: community-initiated, community-implemented, community-inspired and community-involved. Which level is most effective may depend on the resourcing and design of the protection activities and on-the-ground realities. Additionally, interventions may start off being 'community-initiated', and then be emulated by external actors who introduce them into other communities where they become 'community-involved' actions. Furthermore, within one community or programme it is possible that several different actions are carried out with differing levels of engagement. The typology may help programme planners when considering various options for community engagement prior to implementing programmes.

1. Community-initiated: Community members conceive, define, manage, implement and resource these initiatives. Continuing community motivation is essential to maintain action.

CASE EXAMPLE: In the eastern part of Myanmar, conflict between armed non-state actors and state armed forces resulted in burning of schools, forced relocation, and abduction and recruitment of children on their way to school. Because strict government controls blocked international access to conflict-affected areas, communities responded entirely alone. They frequently rebuilt schools or provided education in temporary facilities during displacement. Local organizations monitored the incidence of attacks and conducted advocacy. These efforts were initiated and maintained without external support.[261]

2. Community-implemented: Groups external to the community design these interventions but rely on community members to manage, support or resource activities. The assumption is that community volunteerism will maintain actions beyond the life of the project when external funding ends.

CASE EXAMPLES: School management committees in DRC variously initiated by UN agencies, NGOs and the Ministry of Education fall into this category. In Afghanistan, community guards, initially supported by the government, became the responsibility of communities themselves in many locations.

3. Community-inspired: Community groups conceive or develop these actions but rely upon some form of external support (human resources, skills, knowledge, advocacy or funding).

CASE EXAMPLE: Malala Yousafzai's campaign for girls' education may be seen as 'community-inspired' action. She and the community in which she lived may not have been able to raise the same level of awareness without collaboration with international media and UN agencies.

4. Community-involved: In these activities, external organizations, donors or governments use participatory processes to solicit community perspectives to shape the design, monitoring and evaluation of the

programme, but implementation is not in the community's hands. Actions continue as long as the external funding stream is available. This often occurs in rapid onset emergencies, when international agencies have access to the affected population and support education as a short-term gap-filling measure.

CASE EXAMPLE: During the post-election violence in Côte d'Ivoire in 2011, armed groups attacked large numbers of villages, causing forced displacement, and used schools. In response, NGOs set up temporary learning spaces in camp settings.[262] The speed at which programmes providing temporary learning spaces are established may limit the level of community participation in programme design, but NGOs do solicit community perspectives in the monitoring process. When camps close down, the programme may move with the population or close if formal education has been reinstated. The role of the community would become critical at this stage.

Overview of community engagement

Many of the forms of education protection cited earlier can be implemented at any of the four different levels within this typology – with some exceptions. Different forms of support may be more or less realistic or effective depending on the context, the nature of attacks and community views of education. Programme initiatives within a country may span the full range of levels of engagement, depending on site-specific realities. While community-initiated activities may be better adapted to context and considered more cost-effective than community-involved ones, they are not feasible in all contexts. Furthermore, some initially community-organized actions, such as protests, may only achieve large-scale outcomes once they gain support from NGOs, UN agencies or the media.

Case studies of community prevention and response action

Two country case studies, on the Philippines and Afghanistan, are presented here to demonstrate the range of activities in which communities can engage within a given context. They also show how national and international actors may support communities to achieve protection for education.

The Philippines: Zones of Peace, and monitoring and reporting

For the past thirty years, Mindanao, in the southern Philippines, has experienced conflict between government forces and a range of non-state actors. Fighting between the Moro Islamic Liberation Front (MILF) and the government alone has cost 60,000 lives and driven a million people from their homes.[263] These conflicts have been accompanied by recurrent attacks on education throughout Mindanao, including burning and occupation of school buildings, kidnapping of teachers, planting of explosive devices, forced evacuations and physical attacks on school buildings during fighting. In some cases, teachers were targeted while performing election duties. The MRM taskforce identified both state forces and armed non-state groups as perpetrators.[264]

Initiatives engaging community groups in protection of education

Learning Institutions as Zones of Peace

The Learning Institutions as Zones of Peace (LIZOP) programme started in 2011, influenced by previous national and international initiatives in zones of peace, and established spaces that care for the welfare of all children, prioritizing their rights to protection and education.[265] UNICEF is supporting the expansion of this programme in conflict-affected areas in Mindanao in collaboration with several NGOs, the Department of Education and community groups. The objective is to engage stakeholders – community leaders, parents, teachers, state agencies and parties to the conflict – to enable children in conflict-affected areas to access safe education. Stakeholders in four pilot communities participated in a process of developing a 'declaration' to recognize schools as 'Zones of Peace'.[266] The project is now being rolled out in eight additional communities.

Monitoring and reporting mechanisms

The Mindanao Peoples Caucus (MPC), formed in January 2003, has trained 3,500 local volunteers, called the Bantay Ceasefire group, to monitor and

report violations of the ceasefire agreement between the MILF and the government, including attacks on schools.[267] The Bantay Ceasefire group has shared information and reports of child rights violations with the UN MRM in place in the Philippines since 2007.

Awareness-raising

In addition, the MPC runs the Youth Volunteers for Peace Action Network. They seek to generate support for the peace process among youth through advocacy campaigns.[268] UN agencies and NGOs also engage communities in a process of awareness-raising on existing legislation.

National and international support for community action

These community actions and the LIZOP process build upon, and are underpinned by, government legislation to protect education. Key legislation supports education for all, prohibits the military use of schools and promotes protection of children in conflict.[269]

Reported outcomes

The village of Tina, in the province of Maguindanao in Mindanao, has shown positive results of community and agency efforts. As of 2008, conflict forced the entire population to evacuate the village, resulting in its occupation by the MILF. In late 2010, when the community started to return, UNICEF began working with the community and other key stakeholders to implement the LIZOP model enabling Tina Primary School to reopen with 104 pupils in 2011. Members of the armed forces and the MILF all decided that they would not carry firearms in the vicinity of the school and other learning spaces and agreed not to allow their own children to carry firearms at school.[270]

The Bantay Ceasefire group is also perceived to have made parties to conflict more cautious because they know a civilian-led monitoring team is reporting on their actions.[271]

Key lessons learned

Although external actors are initiating and rolling out LIZOP, the model borrows heavily from the two decades-old Philippine practice of establishing community-wide zones of peace.[272] Research on zones of peace initiatives has found that the process of establishing community-wide peace agreements was most successful and sustainable when engaging a range of stakeholders – including government, local and international organizations, church groups[273] and the community.[274] Community engagement in monitoring compliance with peace agreements enabled permanent surveillance with low resource investment. Further, it proved helpful to engage with parties to the conflict as parents, rather than as armed individuals. Overall, it may be seen that, out of the four approaches outlined in the typology of community engagement, only 'community-involvement' appears absent or insignificant in the Philippines context.

Afghanistan: Negotiation and adaptation

Education was a point of contention in Afghanistan's conflicts long before the Taliban.[275] Since the change of government in 2001, schools have experienced violent attacks,[276] including arson, explosions and grenades, as well as threats to teachers and the killing and injury of students, teachers and other education personnel. While the common depiction in the media was that a majority of incidents emanated from Taliban opposition to girls' education, the reasons were more complex. These additionally included schools' symbolic value as government entities, their association with international military forces, ideological opposition to any education offered outside of madrassas (Islamic schools), local disputes or ethnic rivalries, and opposition to the central government and the rule of law by criminal groups.[277]

Initiatives engaging community groups in protection of education

Communities in Afghanistan help manage and protect schools[278] through negotiation, physical strengthening, guards and adaptation of education delivery. Some examples of community action are outlined below.

School management committees, school protection committees, school security shuras and community protection shuras – defence groups focused either on schools or the community as a whole – and parent teacher associations were established, covering over 8,000 schools by 2009[279] with support from NGOs, UN agencies and the MoE. While the arrangements are

different, a common thread is participation of community members to support education. To protect education, these groups may: involve religious leaders in reviewing or modifying school curricula; improve governance; or establish lines of communication with potential attackers for purposes of negotiation.

Government, NGOs and UN agencies have supported and rolled out schools located inside communities.[280] This may reduce the likelihood of attacks on children, teachers or physical spaces by reducing distance to school, attracting less attention and making it harder for intruders to approach unnoticed. The schools also tend to have stronger ties with their respective communities which, in turn, work harder to protect them.[281]

Communities also provide night guards for their schools to prevent attack. School guards or whole communities have put out fires caused by arson attacks, reducing damage and enabling education activities to resume more quickly.

National and international support for community action

Local-level community successes in negotiation must be assessed against a backdrop of national-level action. Attacks on students, teachers and school buildings are criminal offences under Afghan law.[282] The Ministry of Education has sought to prevent attacks and reopen schools closed due to conflict, including through negotiation with local-level Taliban leaders on ways to adapt education to make it more acceptable to all parties. In March 2009, following these government initiatives, 161 schools re-opened compared to 35 in 2007-2008.[283] Between late 2010 and early 2011, negotiations between the Ministry of Education and top-level Taliban leaders started, while local-level negotiations also accelerated.[284] The number of schools re-opening grew while the number of attacks dropped substantially in the second half of 2010 and even more so in 2011[285] However, the following year, the discussions stalled and the trend of re-opening schools was partially reversed, even though the Ministry of Education continued to report overall progress in terms of decreasing violence and increased re-opening of schools.[286]

Similarly, the success of adapting education delivery at a local level must in part be attributed to central ministry-level support and the resourcing and promotion of this approach by international NGOs such as Save the Children, CARE and Catholic Relief Services.[287]

Reported outcomes

A number of successful site-specific processes of negotiation between the Taliban and education committees or village elders have led to the release of teachers and the re-opening of schools.[288] In some cases, local communities agreed to adaptation, such as curriculum changes or the hiring of Taliban-approved religious teachers.[289] A randomized controlled trial study of community schools in Ghor province found that these schools have increased access, completion rates and learning outcomes and addressed gender constraints.[290]

However, according to field research by CARE in 2009, only 4 per cent of respondents indicated that attacks had been prevented in the past. Although this figure is very low, communities believe their involvement in prevention and response is important.[291] The lack of statistical proof of impact of community efforts may reflect the difficulty of measuring prevention (compared with response actions) and the challenges in monitoring and reporting attacks in general, rather than indicate that community engagement has limited outcomes.

Key lessons learned

The majority of communities that CARE was able to survey in its 2009 study felt that responsibility for decision-making and implementation of mechanisms to protect education from attack must remain local.[292] Respondents believed that communities may play numerous roles based on the type of attack and perpetrators responsible. For example, respondents reported that, when attacks were linked to armed conflict as opposed to criminal activity, the community was more likely to know the attackers or be better able to open a line of communication with them.[293] Popular opinion also appeared to play a role. An Afghanistan Analysts Network report suggests that the Taliban were aware of the need to interact positively with local

communities and therefore may have been more responsive to their efforts to re-open or protect schools.[294]

As a result of these factors some communities were able to more effectively engage in actions like negotiating curriculum, undertaking dialogue with armed groups or hiring local staff.[295] Engaging communities to negotiate for girls' education may prove more difficult in some situations, however, if perpetrators of attacks on girls' schools come from within the community or have support there, which the CARE study found sometimes to be the case.[296] This suggests it may be important to take into account potential opposition to girls' education within the community when considering negotiation as a protection measure.

Community members reported to CARE that they were less likely to know or be able to negotiate with criminal or outsider perpetrators. In these cases, activities like investing in physical security, hiring guards and increasing school patrols may be more appropriate.[297]

The CARE study also found that schools may be less targeted where the community itself requested the school or was deeply involved before establishing the school.[298] The association of schools with certain international donors or military forces may place schools at increased risk in the specific context of Afghanistan.[299]

Evidence from Afghanistan shows that community engagement must be tailored to each locale in order to protect education most effectively. Therefore, the flexibility of programme strategies, objectives and implementation plans is critical. Overall, the 'community-involved' type of approach appears to hold little, if any, sway in the Afghan context, while complex and site-specific permutations of the other three approaches are evident.

Challenges of working with community groups

The advantages of working with communities may include: lower costs, ensuring actions taken are tailored to context, achieving sustainability and gaining credibility with parties to the conflict.

However, there are also a number of challenges, including the following:

- Donor funding in conflict settings tends to be short-term, seeking quick impact. This is often incompatible with the long-term relationship-building that working with communities often requires.

- Variation in the composition of communities means that one model of response might not fit all contexts.

- Communities are not internally homogeneous. Wider buy-in depends on working with a full range of community members. However, there may be language barriers between group members or power dynamics that may slow down activity implementation. Conversely, more homogeneous communities may be less likely to recognize the value of improved relations since they interact less frequently with members of the 'other' group. Therefore, they may be less willing to collaborate with other communities or minority groups.[300]

- Ethnic or religious divisions between agency or government staff and community-level groups may reflect the divisions that are at the heart of the conflict.

- Language barriers may exist between international and national staff and the community groups they are working with, especially in more isolated communities. Furthermore, literacy rates in many countries affected by conflict tend to be low, particularly in remote and hard-to-reach locations. This may limit both physical and written outreach.[301]

- Relying on community volunteerism may mean that initial programme costs are low. However, this is not always sustainable. Over time, it may lead to reduced community support, increased costs or a halt in activities.[302]

- Community engagement may also transfer both the responsibility for, and risk of, protecting schools and providing security from state actors to communities themselves. This may be necessary in a conflict situation where the state

has been weakened and is unable to provide security for its citizens in vast geographical areas within its territory or because the state may be a perpetrator of violence affecting communities. However, care should be taken to ensure that the community having sole responsibility for protecting education is viewed only as a short-term, gap-filling strategy. Ideally, the state should be responsible for providing security and protection to its citizens.

- Community engagement may be difficult where certain communities or groups oppose specific aspects of education.

Only by recognizing and addressing these challenges can programme collaborations with communities be successful. Programming must be adaptable and solutions must be found jointly with community members.

Conclusion and recommendations

Evidence exists that communities participate in a broad variety of protective actions ranging from prevention to response. Most protective action can be implemented with communities at any of the four levels of engagement – community-initiated, community-implemented, community-inspired and community-involved. Each has value depending on the setting-specific needs. For example, external actors often support and advise the establishment of Zones of Peace or school management committees. In other situations, communities themselves have appointed unarmed guards or altered education delivery mechanisms. And it may be inappropriate and risky for external actors to initiate some activities, such as protest and one-to-one negotiation with armed non-state actors.

Before developing policies or programmes, external actors, in collaboration with the communities they seek to assist, should carry out in-depth analysis of the nature of attacks on education, an assessment of community attitudes to education and a mapping of existing community action. These may inform their decisions on how best to engage different communities.

Governments, donors, NGOs and UN agencies typically assume that it is beneficial to engage communities in protecting education. However, there is very limited quantitative or qualitative data on the impact of these actions. Further research should explore the advantages and disadvantages of community action and assess what forms of action achieve the greatest impact while minimizing physical risks or negative impacts on education quality.

While there are significant advantages to working with communities, there are also challenges. These include a possible lack of awareness of the value of education, low literacy levels and intra-community tensions that may hamper actions to protect education from attack. Strong participatory monitoring systems need to be in place to identify these issues early and mitigate any negative effects on programming.

Finally, while community engagement has value, it is also important not to forget that the state is the ultimate duty-bearer with regards to education and the protection of citizens. All programmes should seek to support governments to implement durable protective mechanisms once the context enables them to do so.

Recommendations

For governments

- Encourage and invest in the development of community-based mechanisms to protect education. Incorporate these into education sector plans and ensure that they are in line with national policies and standards. These may include: school management committees, contingency plans, education awareness campaigns, etc.

- Coordinate external actions and provide recognition for agreed alternative forms of education that are common and reportedly effective measures for protecting education in certain settings such as community-based schools and temporary learning spaces.

- Where appropriate, conduct a conflict risk assessment to ensure that activities do not heighten risk to education.

For institutional donors

- Increase the flexibility of funding streams (including the time horizon for implementation) in order to be able to better tailor programmes to the context of specific communities and types of attacks on education, and to facilitate community engagement and ownership.

- Apply more nuanced conditionality to funding streams. Conditions that restrict contact between grant recipients and particular actors that may perpetrate attacks on education can inhibit certain protective measures, such as undertaking or facilitating negotiations with armed groups or military forces.

For UN agencies and NGOs

- With engagement from communities, conduct a context and conflict analysis to inform response design, including:

  — assessment of the nature of attacks on education in relation to the history of the conflict;

  — consideration of whether external assistance can increase the risk that education may be attacked;

  — analysis of community power structures, knowledge, attitudes and practices that may exacerbate threats to education or affect programme implementation; and

  — mapping community actions to protect education.

- Carefully consider the role of the national government in community protection projects with attention to conflict dynamics, since, in some situations, government involvement can heighten the risk of attack or governments themselves may be perpetrators. Where appropriate, elicit government participation in project development, planning and implementation.

- Based on the initial mapping, determine the appropriate level of community engagement in all phases of project development, implementation, monitoring and evaluation. Use varied methods to engage all community members, including those from marginalized groups, so as not to exacerbate any existing tensions.

- Ensure that staff have the relevant cultural knowledge and background and are accepted as neutral parties.

- Consider long-term sustainability to ensure that risk to education does not return once the programme ends. Long-term programming, with due consideration for sustainability, is vital when seeking community engagement in activities. For interventions like community schools, this may include lobbying the relevant line ministries to support the training of para-professionals, integrate them into the formal system, endorse the curricula and strengthen facilities.

MARIO NOVELLI AND ERVJOLA SELENICA

Protecting higher education from attack

While there is a growing body of work investigating the scale, nature and impact of attacks on children and schools, far less attention has been placed on attacks on higher education, and still less on the protection and prevention measures that are being or could be taken. The lack of research and the limited attention given to developing and implementing such measures represent a serious omission on the part of the international community, as the higher education sector has a vital role to play not only in scientific progress but in political, economic, social and cultural progress too, including in the development and provision of primary and secondary education. This chapter explores why attacks on higher education occur and how they might be prevented or their impact reduced. A starting point would be to invest in evidence-gathering and advocacy aimed at increasing accountability, as well as in strengthening emergency protection and prevention measures

Higher education is a public good. The university sector throughout the world has a complex and multi-faceted role in developing human capital vital for scientific, political, economic, social and cultural progress. This includes developing pedagogy and providing future teachers for schools; acting as a point of critical reflection on national development; preparing young adults to become active citizens and future leaders; and offering a potentially autonomous space, independent of state, capital, religion and society, where key issues can be debated and solutions developed through evidence-based discourse. Attacks on this sector amount to attacks on all levels of education, as well as on intellectual, cultural and economic heritage, political stability and social cohesion. Consequently, such attacks must be challenged with greater rigour and resources.

For the purpose of this essay, an attack on higher education, as with attacks on other levels of education, is defined as any threat or deliberate use of force, carried out for political, military, ideological, sectarian, ethnic or religious reasons, against higher education institutions, administrators, academic and other staff, or students. These include acts of intentional violence resulting in damage or destruction of institutions or facilities, or physical harm or death to individuals. They also include deliberate acts of coercion, intimidation or threats of physical force that create a climate of fear and repression that undermines academic freedom and educational functions. The definition, however, does not include non-violent infringement of academic freedom or discrimination in hiring, promotion or admission.[303]

Attacks on higher education communities have been documented in armed conflicts, but many also occur under repressive regimes where armed conflict may not be present.[304] Indeed, some of the most damaging attacks on higher education happen in situations where universities and their academics and students are perceived by repressive authorities as a 'threat' in a way that schools, teachers and pupils typically are not. As a result, they may be at heightened risk of individual attacks or campaigns comprising multiple attacks over an extended period, whether aimed at the isolation and persecution of a single target or the intimidation of the higher education community as a whole.

In this essay, we look at why attacks on higher education occur and the impact of such attacks before considering how they might be deterred or prevented and how, once they occur, they might be addressed. The chapter concludes with a brief synopsis of the core arguments and their implications, highlighting knowledge gaps and pointing towards areas for future research and policy development.

Motives for attacks on higher education

The motives for attacks on higher education are multiple and they vary within and across contexts. Academics and higher education students can be

both supporters of, and threats to, the power and legitimacy of state and non-state actors. Thus they can be targeted for a number of reasons, falling under three main categories, each of which is broadly 'political' in character:

- The subject and nature of teaching, research, writing and publication;

- Identity, religious, sectarian and gender issues;

- Factors relating to armed conflict or high levels of violence or coercion in society (including, in the context of an armed conflict, strategic and tactical considerations related to destroying state symbols and defeating the enemy; proximity of university campuses to government buildings; a desire to convert university facilities to military use; terrorism, insurgency or counter-insurgency strategies; weakening of the state and the rule of law; and the militarization of opposition groups).

Any particular attack may involve more than one motive within one or more of these categories, especially where multiple perpetrators or targets may be involved.

Impact of attacks on higher education

Attacks on universities, students and academics may constitute violations of the right to education and other human rights, including freedom of expression. The most serious attacks on higher education are those that violate the right to life and the personal liberties of members of the higher education community, including abduction, disappearance, torture, extra-judicial killing, indirectly induced or forced exile, arbitrary arrest, detention without trial, trial and arbitrary imprisonment, threats and harassment.[305] Apart from their grave consequences for the individuals directly targeted and their families, these attacks can undermine local research and teaching by triggering self-censorship, retreat, fear and flight or 'brain drain'[306] that can silence a whole academic community.[307] They may also have a serious impact on wider issues of access to, and quality of, education at all levels, in both the short and long term, given the interdependence of the different levels of an education system, wherein higher education institutions and personnel develop instructional methods and content, and train teachers, administrators and other education professionals. Furthermore, they may adversely impact the wider society, curtailing the contributions of higher education to the development of human capital and knowledge that foster economic and social progress.

How can attacks on higher education be prevented?

UN agencies, national and international civil society organizations and national governments have developed measures to protect education in situations of fragility, violence, repression, humanitarian emergency and armed conflict.[308] These range from local initiatives to governmental and transnational projects and reforms, and aim variously at protecting civilian lives and education infrastructures, promoting the right to education and academic freedom, and preventing attacks from taking place. A 2011 GCPEA study categorizes such measures as falling under four groups: 1) protection; 2) prevention; 3) advocacy; and 4) monitoring.[309] The focus of the study, and of the majority of measures developed to date, has been on situations affecting primary and secondary education, but it may be possible to apply these to the protection of higher education, while keeping in mind that many attacks on higher education occur outside of conflict situations and may therefore warrant specific responses tailored to the sector.

Measures to protect higher education should focus on increasing protection, prevention and accountability through greater application of existing domestic and international laws, and enhanced monitoring, reporting, and domestic and international advocacy.

Protection and prevention measures

Restricting military use of university facilities

In countries such as Côte d'Ivoire,[310] Somalia[311] and Yemen,[312] state forces or armed non-state groups have used universities for military purposes such as weapons caches, strategic bases or training camps. This increases the risk that attacks aimed at such forces or groups might result in intentional or

collateral damage to facilities; and, if the university continues to function despite being used for military purposes, it increases the risk of harm to members of higher education communities.[313] This also undermines the autonomy of higher education institutions and risks creating a perception that the institution and its personnel are aligned with combatants, increasing their vulnerability (discussed below). Protection against such military use of universities and other educational buildings is extensively covered later in this report in the essay: 'Military use of schools and universities: changing behaviour'.[314]

Strengthening university autonomy

While there is extensive literature on the topic of university autonomy, it is not often linked explicitly to the issue of security from violent or coercive attacks. However, recent work commissioned by GCPEA[315] examines the relationship between autonomy and security, and reflects on the security-enhancing potential of university autonomy around the world. The work lays out some of the ways in which enhancing university autonomy *vis-à-vis* the state can provide a possible model for reducing attacks on higher education systems, particularly when coupled with university-controlled internal security provision. These ideas include developing and extending the notion of the university as a space outside direct state control (even when funding is largely state-provided), including control of recruitment, financial and administrative management, curriculum and freedom of research. It also extends to the prohibition of state forces entering university campuses (unless invited in by the institutional leadership or in extremely rare circumstances). The authors argue that: 'The ultimate goal of all of these efforts should be to establish a culture of autonomy and security, recognized not only within the higher education sector but in the wider society, in which higher education spaces are "off limits" to attacks, freeing them to develop their research and educational functions to their fullest and to the maximum benefit of all.'[316]

The case of Colombia provides an illustrative example. In response to campus demonstrations against higher education reforms, successive Colombian governments have challenged the autonomy of university space, arguing that the state has the right to intervene in all national territory to protect its citizens. Similarly, they have argued that armed non-state actors, particularly the guerrilla movements, are using the university as a space for recruitment and incitement.[317] Many infringements of higher education space have occurred over the past two decades, resulting in violent clashes between students and state forces and the deaths of several students.[318]

The authors of the GCPEA study note that to have full protective effect, a culture of respect for institutional autonomy must include not only the state but also non-state actors and the academic community itself. In Colombia, this broad culture has been undermined by decades of violence, leaving the Colombian academic community vulnerable to threats and attacks by illegal paramilitary forces and their successor groups, such as the Black Eagles.[319] Meanwhile, the state, which has failed to provide universities with full security from such attacks, responds to them by limiting the universities' autonomy. As the study notes, full respect for autonomy requires more than the state refraining from committing attacks. States also have a responsibility to protect higher education communities from attack – especially from para-state forces, insurgencies or criminal gangs which are less likely to be subject to the same pressures as states to comply with legal norms and policies – but in ways that respect and promote autonomy.

Physical protection of higher education

Increasing protection through defensive, physical measures has been one of the traditional responses to attacks on primary and secondary education, as cases across a number of contexts show.[320] Physical protection strategies for higher education could similarly include defensive reinforcement of infrastructure, such as installing bullet-proof windows and blast-proof walls; installing security ramps and other anti-suicide bombing measures (e.g. metal detectors, security cameras and checkpoints);[321] changing lecture times to fit with arrival and departure in daylight hours; escorting higher education professionals, students and education trade unionists en route to and from university; and providing

bodyguards and blast-proof vehicles for high-profile staff and trade unionists. These strategies could also include providing armed or unarmed security forces around or within universities, although these should be provided in ways that recognize and enhance the autonomy concerns unique to higher education, whenever practical (see above).

There are a number of country-specific examples of physical protection strategies involving university campuses and communities. In Colombia, a Working Group on the Human Rights of Teachers composed of the Office of the High Commissioner for Human Rights (OHCHR)[322] and representatives from the Colombian government and the trade union movement provided threatened or targeted teachers, university academics and trade union representatives with administrative and financial support for protection measures. Special committees were set up that studied on a case-by-case basis the type and degree of risk and the type of ensuing protection, including armed escorts/guards, mobile phones, bulletproof vehicles and temporary relocation.[323]

It is not clear to what extent the securitization and militarization of educational staff and buildings may mitigate or exacerbate attacks, and if, and in which ways, such measures may affect learning. While a high risk of attacks may necessitate increasing security at and around universities, physical protection strategies present a number of dilemmas: first, escorting large groups of students and university professors collectively may render these groups and the respective guards more exposed to attacks; second, concentrating security forces around universities may turn students or scholars into individual targets outside the university campus; third, enhancing infrastructure security may protect university buildings but equally it may turn them into 'attractive' locations for military use by armed forces; fourth, there is a risk that the use of self-defensive force by education staff could be seen or interpreted as taking an active part in the hostilities, thus turning them into potential targets.[324]

Moreover, effective implementation of such strategies in the higher education context may be difficult for several reasons: first, attacks on students and academics often occur off-campus; second, attacks that take place inside higher education buildings have in some cases been carried out through suicide attacks or using remotely detonated bombs, which may make external security measures ineffective; and third, security measures and armed responses risk limiting or restraining the autonomy of universities, especially when the perpetrator of aggression and violence is the state through its security forces.[325] Increasing use of university-controlled private security guards might be a partial solution to these challenges, at least as far as respecting autonomy concerns, but not in all cases. Furthermore, even the best trained private security forces will be of little use in situations where the state itself is the source of the threat to universities and to the perceived 'enemies' within their walls.[326]

Promoting resilience: alternative sites and modes of higher education provision

Flexible education provision has been tested in places such as Belarus, Iraq, Israel/Palestine and Zimbabwe. It implies reducing the risk of students and staff as visible targets by removing them from the context of traditional learning places, reducing the time they spend in class by rescheduling lectures and providing them with alternative learning modalities (e.g. home-schooling, community-based learning or distance learning).

In 2007, a year rife with attacks on Iraqi academics and scholars, the Iraqi Ministry of Higher Education allowed academics and researchers to work from home for part of the week in order to minimize movement around university buildings.[327] While similar measures may prove efficient in reducing the number of fatalities, they do little to reduce death threats or to prevent the ensuing exodus. In this regard, more can be done with exiled academics either to find ways through which they can still contribute to the national education system, or to better integrate them in the new host country, giving them the chance to continue their work throughout the period abroad.

For example, distance learning programmes have been developed by a number of organizations,[328] enabling exiled Iraqi scholars to record lectures that

are screened at universities within Iraq and to connect in 'real time' with students and faculty at Iraqi universities,[329] and fostering exchange between Iraqi universities and universities abroad to improve access and quality of higher education within Iraq.[330] In Israel/Palestine, distance learning has been used to mitigate problems associated with university closures and travel risks for students and academics at Palestinian universities.[331] In Zimbabwe, virtual classrooms have enabled academics in the diaspora as well as non-Zimbabwean lecturers to deliver lectures in areas such as health science and veterinary science to students at the University of Zimbabwe.[332] These are fields of study in which there are staffing and teaching capacity gaps at the university,[333] as many higher education staff have felt compelled to leave the country.[334]

Other alternative sites or modes of education provision include home schooling or community-based learning. Following the removal of autonomy and the repression by the Serbian state throughout the 1990s and until the 1999 war, the education of Kosovo Albanian children and youth was based on a parallel schooling system that operated from the primary to the tertiary level.[335] As a political response to increasing pressure placed by Belgrade on Kosovo Albanian scholars and activists, the parallel 'Albanian University of Prishtina' was reorganized into a diaspora-funded system whose classes were offered in the basements of private apartment buildings:[336] such a political choice had protective implications. There exists little comparative research on the topic of flexible education, however, and there is little substantive evidence on whether such a system could work for urban-based higher education in larger settings and in conflict areas.

Alternative learning programmes, when and where implemented, also raise questions about the quality, feasibility and sustainability of the education provided as well as about relations with the formal education system. With regard to higher education, the lack of empirical research renders it unclear to what extent and for how long such alternative learning programmes can prove to be useful, how they can be certified and what their overall impact is on the quality of education.

Recovery measures for academics in exile: fellowships and multiple relocations

Many of the international networks and organizations that engage in advocacy on behalf of threatened academics provide support for relocation to other countries, including offering, finding or funding temporary academic positions, as well as professional capacity development programmes and research fellowships.[337] Clearly, much of this work provides a vital lifeline for vulnerable and threatened academics. But it also raises important issues related to brain drain and the well-being of those academic communities left behind.

For any academic or scholar, the decision whether to stay or leave is a very personal one. It reflects calculations about physical safety of the individual and her or his family; about work prospects; and about the future of the country in which she or he is working. The decision to leave is rarely taken lightly, and it is often not intended to be a 'forever' decision. However, exiled academics may be more effective when safely outside of their home countries, living in conditions that allow them to produce academic works – and often send them home – in a way that would otherwise not have been possible under conditions of attack and life-threatening insecurity.

Reversing brain drain is not impossible and a multi-faceted response towards ending impunity and increasing resources and protection for higher education personnel would, in many cases, further promote returns. More specifically, the risk of brain drain could be reduced by: increasing support and protection measures for scholars and academics before they feel compelled to flee the country; developing particular programmes that would ease and support their eventual reintegration while still in exile and after they return to their home country; facilitating increased security provision; and increasing support from colleagues in the region and beyond to prevent feelings of isolation.

Underground and in-exile universities

One of the few cases of entire universities relocated in exile is the European Humanities University (EHU) in Belarus[338] which, following government efforts to assert control over the university, relocated to

Lithuania with support from over a dozen governments, intergovernmental organizations, NGOs, foundations, corporations and individuals.[339] Many of the staff and students still live in Belarus and endure regular harassment from the Belarus authorities when travelling between university and home. A similar example was the establishment in Syria of the private International University for Science and Technology in 2005.[340] The institution was founded by a group of Iraqi professors who, having fled Iraq following targeted assassinations of academics, pooled their savings, opened the first English-language university (with both Iraqi and Syrian students enrolled) and recruited other Iraqi professors from Iraq.[341] The university was still operational in 2013, although it had had to adapt to conditions of insecurity resulting from the Syrian conflict.[342]

A further example of alternative, though widely known, higher education provision is the Baha'i Institute for Higher Education (BIHE) in Iran. It was founded in 1987 as a result of systematic discrimination and exclusion from universities of the religious minority group Baha'i.[343] Characterized by an innovative teaching-learning environment, courses that were initially delivered by correspondence are now provided through on-line communication technologies. In addition to the on-line platform, an affiliated global faculty that involves hundreds of accredited professors from universities outside Iran assists BIHE as researchers, teachers and consultants.[344] However, in 2012 the Special Rapporteur on Iran reported that in June 2011 the Ministry of Science and Technology had declared the activities of the institute illegal and that all diplomas and degrees issued by it had no legal validity; and noted that some individuals affiliated to the university had since been arrested.[345]

Community protection

Mechanisms of protecting education from attack based on community engagement have been tested in rural settings and for primary and secondary education, while to date there have been no examples of their effectiveness for higher education. For higher education institutions and academic communities, mainly located in urban areas, the potential of using local community leaders and links to offer protection is much weaker. Local people may not identify with a university, which likely draws its student population from a wide area, in the same way that they do with the schools their own children attend.

Furthermore, community-based protection often implies negotiation and bargaining with religious leaders or ideology-driven armed groups. But such people may not see higher education students and academics – who are often viewed as sources of power or threats to power – as 'neutral' in the way that younger schoolchildren and their teachers are generally perceived. Negotiating security would therefore probably require a much greater degree of trade-off and compromise, which might in turn be detrimental to academic freedom or the rights of specific groups within the university, such as female students. Moreover, community-based measures are likely to offer little protection against violence or coercion by the institutions of the state itself.

Negotiated codes of conduct as protective/preventive measures

Initiatives of negotiation to turn schools into safe sanctuaries, such as the *Schools as Zones of Peace* programme carried out in Nepal, have not yet been applied to protecting higher education communities from attack. It is thus not clear whether, to what extent and how they would work at this level. The university, unlike the school, is often a setting for intense political debate. Higher education communities often seek greater autonomy and academic freedom to engage in teaching, research and debates on pressing societal issues; consequently, they might be resistant to strategies that could be perceived as requiring a trade-off between unfettered academic activity and security. At the same time, the rapid expansion of international higher education partnerships and exchanges, ranging from higher education ministries to institutions and administrators, academics and students, may create opportunities for negotiating standards of behaviour, including increased protection. Large, influential higher education networks and associations in particular, with increasingly global memberships where participation and good standing are prerequisites for international

recognition and prestige, may provide platforms for norm-setting.[346] Pilot studies, research and consultation with stakeholders are needed to better understand under what conditions such participatory processes might lead to agreements, codes of conduct and the standards which strengthen the status of universities as zones of peace.

Accountability measures

Reducing impunity for perpetrators of attacks on higher education communities is essential to providing justice to victims, deterring future attacks and combating some of the most harmful negative impacts of attacks on higher education, including self-censorship, isolation, involuntary exile and brain drain.

While non-state actors are often implicated in attacks, states and state-entities bear primary responsibility for protecting higher education communities. Yet too often states and state-entities are themselves implicated in attacks on higher education communities, directly or indirectly, or they fail to investigate incidents and hold perpetrators accountable. UN agencies, governments and international civil society organizations, including both human rights organizations and international higher education networks and associations, must do more to pressure states to recognize and adhere to their responsibilities.

Campaigns aimed at raising awareness of attacks on higher education should emphasize state action and responsibilities and might include positive, negotiated approaches to encouraging more effective protection and prevention measures by states, as well as more adversarial efforts to improve protection, including highlighting state involvement, complicity or failures to protect in reporting and inter-state mechanisms and bringing formal legal complaints under existing legal standards.

As to the latter, international humanitarian, human rights and criminal law provides general rights and protections which higher education and members of higher education communities enjoy to the same extent as other institutions and citizens, such as the protection regarding the physical integrity of civilians and infrastructure not used for military purposes, the right to freedom of expression, and so forth.[347] In addition, certain international instruments offer specific protections to higher education, including the International Labour Organization (ILO) core Conventions 87 and 98 on freedom of association and the right to collective bargaining, and the UNESCO Recommendation on the Status of Higher Education Teaching Personnel defining autonomy and academic freedom. Efforts should be made to encourage and reinforce local and international legal practitioners in using the laws at their disposal to advocate for the protection of higher education communities and their members.

Reporting and advocacy measures

Monitoring and reporting

Monitoring means the systematic collection and analysis of information. Accurate information about individual attacks or national patterns is crucial for enhancing prevention and providing protection. However, information is often lacking as to 'who' and 'what' is targeted, the reasons behind attacks, and the effects and trends over time.[348]

Several actors have an explicit or implicit mandate to monitor and respond to attacks on education. Theoretically, governments are in the best position to monitor attacks on higher education but this monitoring is often inadequate and where state security or armed forces are the perpetrator of attacks, they may not be trusted or appropriate. Efforts at collecting data should be complemented by the work of police, prosecutors and criminal courts for investigating and prosecuting attacks that constitute criminal violations under domestic and international law. UN bodies can also play a monitoring role, while international and local NGOs may help to fill the gaps of UN monitoring systems or to compensate for the lack of will or capacity of government authorities. The UN and NGOs may have to take the lead where the government is itself the source of the abuse.[349]

In Colombia, the Ombudsman's office monitors human rights situations in many areas, working as an early warning system for preventing abuses. It has played a pivotal role in reporting threats to, and attacks on, communities, trade unionists and

teachers. However, government authorities have not always taken into consideration or reacted through protection measures to risk reports from the Ombudsman's office reporting human rights violations in the country.[350] Elsewhere, government actions can actually endanger higher education. In India, government troops and paramilitary police have been based in schools and on at least one college campus as part of their counter-insurgency strategy against the Naxalites, a practice that has increased the risk that these facilities may be attacked or that students and staff may be caught in the crossfire.[351]

More generally, governments may lack the capacity or the will to monitor attacks on education. In particular, this is often the case in conflict-affected areas. Governments may not be operative in, exert control over, or be in communication with many areas within the country's territory. In other cases, governments may be implicated in the attacks, so they have an interest in obstructing or diverting the whole process of data monitoring and collection.

UN human rights mechanisms, such as the Human Rights Council's Universal Periodic Review (UPR) and its Special Procedures, treaty bodies, and fact-finding missions and commissions of inquiry are well positioned to monitor, report and hold states accountable for their human rights violations related to the higher education community. Through the UPR, the human rights records of all UN member states are reviewed, allowing for an opportunity to inject attention to higher education through that process. The Human Rights Committee and the Committee on Economic, Social, and Cultural Rights are treaty bodies that monitor a number of human rights obligations relevant to the protection of higher education; more information relating to any violations of these obligations should be presented to the treaty bodies. Similarly, the joint ILO/UNESCO Committee of Experts is charged with monitoring and promoting adherence to the 1997 Recommendation on the Status of Higher Education Teaching Personnel; the committee may provide another avenue for presenting evidence of state failure to protect higher education from attack. UN fact-finding missions and commissions of inquiry should also be encouraged to specifically investigate violations of humanitarian law and human rights

committed against the higher education community. For example, the first Report of the independent international commission of inquiry on the Syrian Arab Republic,[352] which investigated alleged violations of human rights between March 2011 and November 2011, did not report on the raid by security forces on the dormitories of students at Damascus University in June 2011, when three students were killed, 21 injured and 130 arrested after students refused to participate in pro-government rallies.[353] Similarly, in its later report of 16 August 2012,[354] the commission did not report on a raid by security forces at Aleppo University in May 2012, when four students were killed, 28 injured and 200 arrested.[355]

Other UN bodies that have mandates related to human rights, education and conflict are in a good position to monitor and report attacks on education. Several of them are better positioned to monitor attacks on primary and secondary levels of education, and thus attacks on higher education are monitored less. To be explored is whether such agencies as OHCHR, the Inter-Agency Standing Committee (IASC) Protection and Education Clusters, and the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) might contribute to efforts to promote and improve assessment and monitoring of attacks on higher education. The monitoring work of some of these agencies is activated only to the extent that attacks on higher education affect humanitarian access, thus leaving large gaps in reporting. The UN MRM has the most explicit mandate to monitor attacks on education at the levels of schools, students and teachers, but higher education is not within its purview.

Local and international NGOs may play an important role in monitoring and reporting attacks on higher education, especially in those cases where government or state-backed forces have been implicated in attacks. Scholars at Risk has recently launched such an initiative to track and report on five defined types of attacks on higher education communities and their members: improper travel restrictions; retaliatory discharge or dismissal; wrongful detention; wrongful prosecution; and killings, violence or disappearances. An 'other' category is used to track incidents outside the defined categories which may

significantly impair academic freedom or the human rights of members of higher education communities, such as violent student unrest, systemic discrimination or intimidation, university closures, military use of higher education facilities and direct attacks on university facilities or materials.[356] Dissemination of monitoring data by email, a website and in periodic reports will help raise awareness and support future advocacy for greater protection.

Documenting and reporting attacks are important for holding perpetrators accountable, prosecuting them at different levels and deterring future attacks. However, collecting data that seek to map and document responsibility for attacks is far more difficult than reporting attacks. Current monitoring efforts reflect some progress but also significant gaps.

National and transnational advocacy campaigns

Linked to the need for monitoring and reporting mechanisms is the crucial role that national and international civil society advocacy – as a mechanism of reporting, accountability, protection and prevention – can play in addressing the issue of attacks on higher education and academic freedom, particularly if the perpetrator is a national government in a 'non-conflict' situation, which is often the case in the higher education sector. Transnational networks, linked through a myriad of organizations such as Human Rights Watch, Amnesty International and Education International and activated by national civil society and human rights organizations, can be – when successfully mobilized and coordinated – a powerful force for protection of higher education communities.

Letters of protest and 'urgent actions' sent to international organizations, solidarity networks, and pressure on government embassies can raise the international profile of violations, making them visible and increasing the costs of politically-motivated violence or coercion. All of this pressure relies on national civil society and human rights organizations providing regular and well-documented evidence upon which campaigns can be based.

The effectiveness of this type of protection measure relies on the perpetrator's sensitivity and need to maintain international respectability. This appears intimately related to the need of nation states to be

legitimated both domestically and internationally and to be seen as accepted members of the international community. This is reflected in the increase in state signatories to human rights agreements over the past four decades, which appear important not just on the international stage but also for national public consumption.[357] Similar reputational pressures may be an avenue for increasing protection for higher education communities, insofar as the higher education sector is highly reputation-sensitive: academic personnel, students, institutions and national systems are themselves increasingly integrated, and eager to partner with international counterparts who could be mobilized to demand greater security, autonomy and accountability.

In research on transnational advocacy movements, Keck and Sikkink[358] talk about the 'boomerang effect' whereby channels for change are blocked at the national level and processes of transnational advocacy assist in mobilizing external actors to pressure the state and therefore change its behaviour. Such transnational civil society pressure appears to be an important variable in encouraging human rights compliance and this is where global civil society activism has the potential to make a real difference. This can provide a solid rationale for an international advocacy strategy on higher education attacks. The recent campaign to free Miguel Ángel Beltrán, the Colombian sociologist, is an illustrative example. From the time of his detention in May 2009 to his release in June 2011, a powerful global campaign gathered petitions signed by thousands of teachers and academics and activists,[359] and lobbied the Colombian government and their own respective national governments to raise Dr Beltrán's case.[360] One caveat concerning this mechanism of protection is that its power rests on the need of the perpetrators for legitimacy. Similar to respect for university autonomy, such pressure is less likely to work on armed non-state actors, unless they are at a stage where they are seeking legitimacy, and even less so on criminal gangs.

Conclusions and ways forward

As the above analysis demonstrates, possible measures for the protection of higher education and prevention of future attacks are wide-ranging and each has strengths and limitations. Success is likely to be highly context-sensitive and case-specific. More research is clearly needed to improve knowledge and awareness and further develop strategies on this issue. This review suggests the need for caution in generalizing findings and positing global solutions, particularly when so little rigorous research is available that maps the dynamics of attacks on higher education in relation to mechanisms of protection, prevention and accountability.

Nevertheless, immediate short-term steps can be taken to increase protection and help prevent future attacks. These could include increased support for the monitoring of attacks on higher education. Analysis of the problem of attacks on higher education points to the lack of systematic documentation, and an absence of a mechanism that specifically and exclusively monitors and reports on attacks (nature, scope, motives, patterns, frequency) and of international and national protection responses. One important aspect of this would be to gather data on attacks on university students more systematically. Such data are worryingly absent from what little documentation exists. Students unions and their collective organizations, unlike academic staff organizations, often lack the institutional infrastructure and resources to gather data on attacks on members of their community. These efforts could also be linked to awareness and advocacy campaigns on attacks against students, and lend support for the setting up of protection measures for targeted or at-risk students similar to those available to at-risk academics (temporary exile strategies, etc.).

Mechanisms could also be developed to improve emergency protection measures available to higher education institutions and communities. In countries with a high prevalence of attacks on higher education institutions, efforts could be undertaken to raise security awareness among students, academics and administrators and other staff, for example, through training workshops, and to develop a tailored security strategy. These could be developed as part of a broader strategy of reducing overall violence that would turn higher education communities into less vulnerable or soft targets, while simultaneously recognizing the dilemmas of securitization/militarization, especially when the state is the only or main perpetrator of attacks.

Lobbying and advocacy could also be fruitfully targeted at national governments to emphasize their responsibilities for protecting higher education from attack and the potential legal sanctions if they fail to do so. Linked to this, there is a need to increase awareness and understanding of attacks on higher education as part of the problem of attacks on education more generally. While there have been great strides made over recent years in raising awareness of attacks on education around the world, evidence and advocacy on the higher education sector have been noticeably lagging.

STEVEN HAINES

Military use of schools and universities: changing behaviour

Research shows it is common for state military forces and armed groups to use schools and universities as bases, barracks, night shelters, fighting positions and detention centres during conflict, often with serious consequences. It makes them a target for the enemy, it causes damage and destruction of facilities, it can put students, teachers and academics at risk from incoming fire or soldiers' misconduct and it can deprive students of classes for long periods or lead to their dropping out of education. How can a change in military behaviour be achieved? This chapter explores why an effective approach to better protecting schools and universities from military use is through the adoption and implementation of international guidelines

In March 2010, Human Rights Watch researchers visited a government elementary school for Muslim children in the southern Thai village of Ban Klong Chang. The Royal Thai Army Ranger force had been using the grounds of the school for the previous two years, occupying about half of the school playing field. The paramilitary soldiers were armed with pistols and military assault rifles. One of the children at the school told the researchers that they were allowed to touch the weapons but were not allowed to carry them. Despite the apparently friendly atmosphere, with soldiers playing with students, some of the students expressed fears. They said they worried that the guns might hurt them. They also said that they were frightened because the presence of the soldiers meant that they and their friends might be hurt if fighting broke out between the Rangers and the opposing forces.

Both the students and their parents were concerned that the teachers were unable to do their jobs as

successfully as they would if the school was just being used as a school. There was a strong awareness in the small village community of the extent to which the soldiers' presence was adversely affecting the children's schooling. Some of the girls were worried about the soldiers touching them and one of them said she was not happy that the soldiers asked her if she had an older sister. The possibility of sexual harassment of the girls was a general fear for both parents and students, and one mother expressed concern that her daughter might become pregnant by the soldiers. The Rangers brewed and drank an herbal narcotic drink in the school and some of the students had apparently tried it themselves. The games that students played also became increasingly militarized. Inevitably, given their concerns, some parents removed their children from the school but attendance at an alternative school required the children to travel an extra hour each day. There was no general opposition to the soldiers' presence in the locality – just a widely held feeling that they should not be using the school and that their presence was having a bad effect on education.[361]

As this single example illustrates, during armed conflict there is the potential for considerable inter-action between those delivering and receiving education and those doing the fighting, be they members of states' armed forces or those belonging to armed non-state groups. This chapter discusses the various forms military use of schools and universities can take and considers ways in which the behaviour of military forces might be changed to reduce that use, including through the development of international guidelines. It describes the content of Draft Guidelines developed last year under the auspices of GCPEA and how these are being taken forward for adoption. It concludes with a brief discussion of how different states and armed non-state actors might choose to implement them.

Military commanders or the leaders of armed non-state groups may regard school buildings as ideal for use as headquarters, barracks or stores for military equipment. Schools often have fenced or walled perimeters making security relatively straightforward. During active hostilities, their buildings can be used as defensive positions, as good locations from which

to launch attacks or as observation posts. Their use for such purposes may have a profound impact on educational provision, even to the extent that it may result in the destruction of essential educational infrastructure.

Some acts that might seem positive to a military commander, such as deploying a fighting force to provide much needed security for a school, may actually have negative consequences; the presence of fighters in or around a school may render it a legitimate target for opposing forces. The close proximity of military forces guarding a school may actually attract the very assault they are attempting to prevent.

Armed conflict is an enduring feature of the international system. It should be possible, however, to mitigate its worst effects by modifying the behaviour of the fighting forces of parties to conflict. Their actions can have profoundly damaging effects and there is a responsibility on all concerned to take measures to mitigate these negative impacts. Action of any sort to reduce the effects of armed conflict on education should be accorded a high priority. It is necessary, however, to be realistic and pragmatic about what is possible in that regard.

The military use of schools and universities today

The GCPEA report *Lessons in War: Military Use of Schools and Other Education Institutions during Conflict* (2012) reveals clear evidence of the use of educational institutions by the forces of parties to conflict in armed conflicts in at least 24 countries in Africa, Asia, Europe, the Middle East and South America from 2005 to 2012.[362] In all 24 of these countries, state armed forces were among those using schools and universities, non-state actors used schools and universities in 17 of these countries, and other international actors used schools and universities in at least five of these countries.[363]

The evidence, however, almost certainly underrepresents the extent of military use of schools and universities. For instance, not all 'conflicts' were included in *Lessons in War.* 'Criminal insurgency'[364] has frequently been excluded from legal definitions of

armed conflict because it is motivated by greed rather than a political objective. Importantly, however, International Humanitarian Law says nothing about the motives driving rival forces – something acknowledged by the International Committee of the Red Cross (ICRC)[365] – so criminal gangs may be engaged in a form of armed conflict if the intensity of armed violence reaches a threshold level, as it has done in Mexico, for example.

There is also a degree of under-reporting of military use of schools and universities. This is not always deliberate and can be related to the difficulties of data capture in conflict zones. Nevertheless, governments have suppressed information.[366] Community leaders may also fail to report such use for fear of retribution. In any case, it is clear that military use of education institutions has disrupted education provision in many regions affected by conflict.

This is a serious problem. Military use of educational institutions occurs in most regions affected by armed conflict and assumes several forms. For these reasons, GCPEA initiated a project to mitigate the worst effects of military use of schools and universities by setting new standards to guide parties to armed conflict.

Lessons in War analysed the military use of schools and universities, categorizing the use to which they are routinely put. The following seven different categories of military use were identified:[367]

Bases and barracks

Bases or barracks are set up in school or university buildings and grounds to accommodate fighters for the medium to long term, providing them with access to such amenities as cooking spaces, washing facilities and lavatories. Examples include:

- Across India, government paramilitary police occupied schools. In 2010, before forces began complying with court orders to vacate schools, approximately 130 schools were being used, particularly in states most affected by the Maoist insurgency – Bihar, Chhattisgarh and Jharkhand – but also in the country's northeast, in Tripura, Manipur, Nagaland and Assam.[368]

- In Syria, schools have been used as barracks for government forces with tanks at the school gates and snipers posted on rooftops. Anti-government forces have also used schools as bases.[369]

Defensive and offensive positions or staging areas

Troops use school or university buildings as defensive positions providing protection from enemy fire, observation posts, firing positions or locations from which to direct attacks on opposing forces.

- During Ramadan in 2010, Al-Shabaab fighters entered a school in Mogadishu and told the students to stay in their classrooms. The fighters set up a surface-to-air rocket launcher and fired from inside the school compound at territory held by the Somali government. Government forces responded and one rocket hit the school just as the students were finally released, killing eight on their way home.[370]

- For six months in 2011, Yemeni government forces occupied the Superior Institute for Health Science, a school for pharmacists and physicians' assistants on high ground in the city of Ta'izz. Dozens of troops occupied the medical laboratory and the pharmacology department, as well as the roof. A machine gun was mounted on an armoured vehicle in the yard and machine gun and mortar rounds were fired from the school while classes were in session.[371]

Weapons and ammunition storage

In order to hide or simply store weapons and ammunition, armed forces and armed groups have stockpiled weapons and ammunition in schools and school grounds.

- In 2010, the Armed Forces of the Philippines and their irregular auxiliary force (the Citizen Armed Force Geographical Units) used functioning public schools to store weapons and ammunition.[372]

- During an international assessment in 2011 in Côte d'Ivoire following the arrest of former President Laurent Gbagbo and the cessation of hostilities, three schools were found to contain firearms and ammunition.[373]

- In 2012, the UN verified 36 incidents of schools in Yemen being used for weapons storage, sometimes resulting in their closure.[374]

Detention and interrogation centres

Armed forces and armed groups have converted schools into sites of detention and interrogation. Sometimes, classrooms are used temporarily to hold or interrogate individuals, possibly in connection with other military activities in or around the school.

- In Syria in 2011, government authorities established numerous temporary holding centres in schools during massive detention campaigns while anti-government demonstrations were underway. While in the schools, some detainees were subjected to torture during interrogation.[375]

- The Israeli Defence Forces have used schools in the West Bank for detention and interrogation while arresting anyone in the community aged between 17 and 50.[376]

- During the armed conflict in Libya in 2011, schools were converted into improvised detention centres. Tajura Primary School, for example, became a prison for several hundred combatants who fought in support of the Gaddafi regime.[377]

Military training

Schools and universities make ideal locations for military training, fitness programmes and weapons training for new recruits.

- In 2011, anti-Gaddafi forces in Libya conducted training in schools. Journalists documented at least one instance of rebel leaders using a secondary school to instruct soldiers in the use of anti-aircraft guns.[378]

- During 2012, Islamist armed groups controlling northern Mali trained new recruits, including children, in both private and public schools as well as in Koranic schools.[379]

- Children have reported receiving military training in madrassas (Islamic schools) in the border areas of Afghanistan and Pakistan from armed groups active in these areas.[380]

Illegal recruitment of child soldiers

Many non-state armed groups have taken advantage of schools as locations where children gather, to recruit them into their forces.

- In April 2012, mutineers under General Bosco Ntaganda rounded up over 30 male students at Mapendano secondary school, in Masisi territory, DRC. The boys and young men were tied up, taken to a military camp and inducted into Ntaganda's forces.[381]

- The Revolutionary Armed Forces of Colombia (FARC) engaged in child recruitment campaigns in schools. In September 2008, they entered a school in the department of Cauca where 800 students were studying and invited the children to join the group.[382]

- In Somalia, Al-Shabaab militants have systematically used schools as recruiting grounds. They have regularly visited schools and forcibly removed children from classrooms, often at gunpoint. They have lined up students, selected those they deem fit to serve as fighters and suicide bombers, and taken them back to their training camps.[383]

Temporary shelter

Armed forces and armed groups sometimes use schools and university buildings as temporary shelter, either from incoming attacks or simply for protection from the elements.

- In Colombia, army helicopters occasionally use school playing fields and playgrounds as landing sites for the unloading of personnel and weapons.[384]

- In July 2010, the Myanmar government's armed forces temporarily sheltered from the rain in a school in the village of Tha Dah Der, in the north-eastern Karen state. Local residents had already fled the area and the soldiers had burned most of the buildings in the village.

They also tried to burn down the school buildings.[385]

- In South Ossetia, Georgia in 2008, a kindergarten teacher reported to Human Rights Watch that volunteer militias had been hiding in her kindergarten and that Georgian government forces had attacked the building with rockets.[386]

As the preceding analysis shows, educational facilities are used regularly by armed forces in various ways. While temporary physical occupation is the most widely reported form of military use, other overt and indirect forms of use are common. There are instances where schools and universities are being used militarily and educationally at the same time; in other circumstances, military use spells the end of all educational activities. In either case, the effects of military use on education functions are typically adverse.

The negative consequences of military use are many and various. Students and teachers come under fire and are often exposed to physical injury and sexual violence. Students drop out of school or are removed by worried parents who are frightened about the risks to which their children are exposed. School and university buildings are damaged and destroyed – both by attacks precipitated by their use and by the actions of armed forces and groups using them – with many being altered in some way to make them even more suitable for military use. Course notes, textbooks, classroom furniture and a great deal of other educational material are damaged or lost. Students, teachers and support staff may suffer trauma when schools are attacked; merely the fear of attack can undermine the feeling of security that is necessary for a good teaching and learning environment. Schools and universities that are used by the military while carrying on their educational function become overcrowded; there are consequential lower rates of enrolment; the quality of education that is still delivered declines; and the presence of soldiers can seriously undermine general personal security, with girls and women being especially vulnerable.

Provision of security for educational institutions

Not all forms of military interaction with education are motivated purely by military imperatives, nor are they necessarily negative in their impact. Schools and universities in conflict zones are in need of security and protection. Their administrators and military commanders may judge it necessary for military personnel to guard them. Military commanders with a specific mandate to protect civilians as part of a humanitarian mission, for example, may well regard school security as an essential mission objective. Education institutions damaged in war may need rebuilding and essential services may need to be restored. Military units could be physically capable of providing the sort of support necessary to maintain the infrastructure vital for schools to operate effectively. Indeed, military personnel may be the only source of such support during conflict and its immediate aftermath.

There is, however, a fundamental dilemma to be faced. Military personnel providing the support and security necessary for a school to function could compromise that school's status and lead to it becoming a target for opposing military forces. This may be the case even when a military force is acting in a conflict zone under a humanitarian mandate. The provision of support by the military could have exactly the opposite effect of that intended.

Whether military interaction with education is essentially for military purposes or for the apparent benefit of education itself, it is important that military commanders are aware of the serious dilemmas that result. Their decisions should be consistent with the need to mitigate the impact of conflict on education. Clearly, those decisions need to be informed by an understanding of the relevant legal rights and obligations; military action must remain within legal limits. It is also desirable, however, to do more to protect education than the minimum required by the law. Any military interaction with education should be reduced as much as possible to maximize the benefit to education and to minimize the damage to it.

Options for changing behaviour

Changing military behaviour, especially in order to impose additional constraints on military activity, is a major challenge. The use of educational establishments is a sorry feature of modern warfare. What the law demands is known and it is vitally important that all fighting forces, both those belonging to states and those making up armed non-state groups, are sufficiently well-disciplined and trained to comply. Even if the law as it stands were to be fully complied with, however, it would not result in education obtaining the degree of protection it deserves and requires. Even lawful behaviour by fighting forces can result in serious damage to education. Better behaviour than the current law demands is therefore needed.

A change in the law might be one way forward. Would an education-specific treaty or convention be a sensible step and could the process of achieving this be initiated by a coalition of international organizations and NGOs rooted in civil society? There is evidence that the contemporary normative climate is becoming increasingly conducive to civil society-inspired changes to the law governing the conduct of hostilities and the development of means and methods of warfare. Both the Ottawa and Oslo processes, on anti-personnel landmines and cluster munitions respectively, were initiated by civil society groups, as was the process resulting in the UN negotiations for an Arms Trade Treaty, successfully concluded in early 2013. A convention restricting military use of schools and universities is, therefore, a serious option to consider.

The need to persuade states formally to engage in negotiations and then agree to be bound by resultant treaty provisions may, however, be a challenge too far. Such an approach is likely to result in many powerful or influential states either distancing themselves from the process of negotiation or engaging with the intention of preventing progressive rules that would impose more constraints on military forces. Many states would simply argue that the protection of education is already adequately provided for in existing treaty law. The risk is that states would not be willing to commit in law to a more restrictive set of rules even if they might be prepared generally to adopt

practices that would have the same result while preserving their legal rights.

There has been evidence recently of the advantages of taking a softer and more pragmatic approach that might have a greater chance of succeeding than trying to change the law. An obvious example is the production of both the Montreux Document regulating the activities of Private Military and Security Companies[387] and the subsequent Code of Conduct for Private Security Service Providers.[388] Another is the establishment of Guiding Principles on Internal Displacement.[389] Such documents are not treaties; they are not, therefore, a source of international law and are consequently not legally binding on states – although they do have the potential to change or improve behaviour.[390] Treaty negotiations would be difficult to initiate; by comparison, developing and seeking the adoption of voluntary guidelines would be more achievable, could change the law over time and ultimately might be more effective.

Developing international guidelines

Following wide consultations with states representatives and other experts, GCPEA decided to develop guidelines rather than attempt to initiate international negotiations for a convention that would change the applicable law. A workshop attended by a number of experts was convened at the Geneva Academy of International Humanitarian Law and Human Rights in early 2012. The workshop recommended the development of a set of guidelines for protecting schools and universities from military use during armed conflict. The draft that eventually emerged was shaped around several considerations, namely:

- While any guidelines should aim to effect a change of behaviour, they should respect international law as it stands and not propose changes to it. They should not be legally binding in themselves or affect existing obligations under international law.

- The guidelines should reflect what is practically achievable and acknowledge that parties to armed conflict are invariably faced with difficult dilemmas requiring pragmatic solutions.

- The guidelines should reflect good practice already applied by some parties to armed conflict.

- The guidelines should be produced for the use of all parties to armed conflict, both states and armed non-state actors.

- While the guidelines should be produced specifically for application during armed conflict, they should also be useful and instructive for post-conflict and other comparable situations, including those with the potential to turn into armed conflict.

An initial draft set of guidelines was discussed by representatives of a number of states from regions around the world, as well as UN organizations and NGOs, at a workshop in Lucens, Switzerland, in late 2012. All those who attended were invited on the understanding that their identities would not be disclosed and their input would not be directly attributed to the states and organizations they represented. The states included a cross-section of the international community, ranging from NATO members to developing states that had experienced, or were still experiencing, armed conflicts within their borders.

Content of the Draft Lucens Guidelines

Further drafts and discussions resulted in Draft Guidelines published in July 2013.[391] They remain in draft form and may be amended slightly before being finalised (at some point in 2014). There are six guidelines, as follows:

Preamble: Parties to armed conflict are urged not to use schools and universities for any purpose in support of the military effort. While it is acknowledged that certain uses would not be contrary to the law of armed conflict, all parties should endeavour to avoid impinging on students' safety and education, using the following as a guide to responsible practice:

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, either for immediate tactical advantage or for longer term purposes.

(a) This principle extends to schools and universities that are temporarily closed outside normal class hours, during weekends and holidays, and during vacation periods.

(b) Parties to armed conflict should neither use force nor offer incentives to education administrators to evacuate schools and universities in order that they can be made available for use in support of the military effort.

Guideline 2: Abandoned schools and universities should not be used by the fighting forces of parties to armed conflict for any purpose in support of the military effort except when, 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. Appropriate alternative premises should be presumed to be a better option, even if they are not as convenient or as well positioned for the desired military purpose, although all feasible precautions should be taken to protect all civilian objects from attack. The fighting forces of parties to armed conflict should be mindful that they may not have full knowledge of the potential negative consequences of their use of a school, including its effect on a civilian population's willingness to return to an area.

(a) Any such use should be for the minimum time necessary.

(b) Abandoned schools and universities that are used by the fighting forces of parties to armed conflict in support of the military effort should always remain available to allow educational authorities to re-open them as soon as practicable, provided this would not risk endangering the security of students and staff.

(c) Any evidence or indication of militarization or fortification should be completely removed following the withdrawal of fighting forces, and any damage caused to the infrastructure of the institution should be promptly and fully repaired. All munitions and unexploded ordnance or remnants of war must be cleared from the site.

Guideline 3: Schools and universities – be they in session, closed for the day or for holidays, evacuated, or abandoned – are ordinarily civilian objects. They 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.

Guideline 4: Use of a school or university by the fighting forces of parties to armed conflict in support of the military effort may 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 a school or university that has become a military objective, including warning the enemy in advance that an attack will be forthcoming unless it does not cease its use.

(a) Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the duty of special care for children, and the potential long-term negative effect on a community's access to education posed by the damage or destruction of the school.

(b) The use of a school or university by the fighting forces of one party to a conflict in support of the military effort should not serve as justification for an opposing party that captures it to continue to use it in support of the military effort. As soon as feasible, any evidence or indication of militarization or fortification should be removed and the facility returned to civilian authorities for the purpose of its educational function.

Guideline 5: The fighting forces of parties to armed conflict should generally not be employed on security tasks related to schools and universities except when the risk to those institutions is assessed as high; if alternative means of reducing the likelihood of attack are not feasible; if evacuation from the high risk area is not feasible; and if there are no alternative appropriately trained civilian personnel available to provide security.

(a) If such fighting forces are engaged in security tasks related to schools and universities, their presence within the grounds or buildings of the school should be avoided if at all possible, to avoid compromising its civilian status and disrupting the learning environment.

Guideline 6: All parties to armed conflict should, as far as possible and as appropriate, incorporate these Guidelines into their doctrine, military manuals, rules of engagement, operational orders and other means of dissemination, to encourage appropriate practice throughout the chain of command.

Raising awareness of the Lucens Guidelines

Securing implementation of the Guidelines requires a powerful campaign to raise awareness. This needs to reach out to both states and armed non-state actors. Increased awareness of the practice and consequences of the military use of schools and universities is vital — to prompt recognition of the need for guidance and to increase the political will to secure buy-in from government decision-makers and key stakeholders from the wider domains of both government and civil society.

How will the Guidelines be dealt with by military forces and by relevant government departments in states? Different states will approach the process of implementation, promulgation and achievement of an appropriate degree of compliance in different ways. There will be no hard and fast or universally acceptable means of achieving these things. Civil society organizations will be key partners in this endeavour, alongside those states willing to champion both the reasoning behind the Guidelines and their content. Supportive states will be important but so too will armed non-state actors who will be made aware of the benefits of compliance through support from NGOs.

Implementing the Lucens Guidelines

Each state will have its own ways of applying the Guidelines. This is the case even for NATO members. While NATO is the most sophisticated multinational military organization in the world, with military doctrine, tactics, techniques and procedures promulgated in Allied Publications, individual member states retain publications for exclusively national use. Each will decide how best to ensure compliance and, although there will be similarities, one cannot assume that all will do this in the same way. Some may choose

to incorporate the Guidelines into doctrine, some to include them in relevant manuals (including those dealing with the law of armed conflict) and some might favour reflecting them in command and control arrangements (such as rules of engagement).

Doctrine is essentially 'that which is taught'. It is a guide for military commanders about ways of achieving tactical and operational success. It establishes ways of thinking about operations and also acts as a way of promulgating procedures necessary to make a military force work as a coherent whole. It is important at all levels, from military-strategic to tactical, but for the Guidelines the tactical level will be especially significant. Since doctrine provides the framework and content of tactical training, it would be a good way of ensuring compliance with the Guidelines.

Another way to promulgate Guidelines would be in legal manuals. The Guidelines are not law, however; indeed, they are an attempt to provide more protection for education than the law currently demands. For this reason, some states may include them in legal manuals; others may not. Importantly, many states do not have legal manuals of their own.[392] The more sophisticated military powers do, but most states do not and often rely on commercially published versions – including versions produced by the more established military powers,[393] such as the United Kingdom and German armed forces, for example, which reflect the views of those governments.[394] It would be useful if states with their own legal manuals could be persuaded to adopt the Guidelines and reflect them in their manuals, but it may take some time – the UK's manual was first published in 2004 and is only now undergoing its first review.

A further suggestion is to reflect them in rules of engagement (ROE). There is value in this approach because ROE are a command and control mechanism giving precise instructions to those operating at the tactical level about what they can and cannot do. For example, if a state had adopted the Guidelines and, in so doing, had agreed not to use school buildings for military purpose except in extreme circumstances, high-level commanders could use ROE to either

restrict a tactical commander's choices or allow him to use a school exceptionally if the situation demanded it.

Another issue to consider is enforcement. No international agreement is automatically enforceable, even if it is agreed in a treaty. The Guidelines will not be binding internationally – but this does not mean they cannot be legally binding domestically. Breaches of the Guidelines would be unlawful if they contravene orders issued through the military chain of command. Non-compliance would then represent an offence under the military justice arrangements in the states that adopt them.

Armed non-state groups are most unlikely to use the range of publications and command and control mechanisms common within the armed forces of states. Such groups often emerge or coalesce during crises within states and their command arrangements will often be informal. Although some groups exist for extended periods, many are short-lived coalitions of disparate elements. The most effective and organized will have a command and control process of some sort, however. The Guidelines will require implementation through that. A number of organizations work with armed non-state groups to promote their compliance with international law; these organizations could be encouraged to include the Guidelines in this work.

Conclusions

It is evident that a great deal needs to be done to protect education – students, teachers, academics, administrators and the schools, universities and other establishments in which education is delivered – from the effects of armed conflict. This is particularly the case when it comes to military use of schools and universities. The Draft Lucens Guidelines are consistent with the law but are intended to lead to behaviour on the ground that should provide a greater degree of protection than even the law demands. The Guidelines have been produced through a process that has involved substantial input from the military and defence and foreign ministries of a range of interested states. The process has also taken into account the special demands of the armed non-state actor community. The Guidelines are pragmatic, realistic

and capable of implementation through a range of mechanisms that are already employed to achieve compliance with the law.

Once the final version of the Lucens Guidelines has been produced, they will require endorsement or adoption, implementation and some measure of compliance and enforcement. As GCPEA and other bodies take the Guidelines forward, additional thought needs to be devoted to how the least capable states and armed non-state actors might be advised to proceed and what mechanisms they will need to put in place to ensure compliance.