

The power of
ideas, the force of
action...

Geneva Call

NSA NEWS

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President's message

Welcome to the first edition of the Geneva Call (GC) newsletter. GC is a humanitarian organisation dedicated to persuading armed Non-State Actors (NSAs) to cease using antipersonnel landmines and to facilitate humanitarian mine action in areas under their control. We see this as an important step towards engaging NSAs in other international humanitarian norms as well.

Through our newsletter and other outreach activities, GC hopes to promote discussion on this very important issue. Attempts to inform NSAs about their obligations under international humanitarian law, initially perceived with suspicion and scepticism, are increasingly recognised by states as valuable contributions to the mine ban norm. The devastation caused by landmines and other methods of war leads us to address "all parties to armed conflicts," including NSAs.

The responsibility to educate about the mine ban, international humanitarian law and adherence to these principles, including NSAs who often operate in isolation of the international community, is shared by all. While the success of the treaty¹ banning antipersonnel (AP) mines is clear, it falls short of its full potential, in that it does not address the issue of NSAs.

So, what can be done to influence armed groups to respect the ban on AP mines and other international humanitarian norms?

Geneva Call provides an innovative mechanism to engage NSAs in the practise and development of humanitarian norms, starting with the AP mine ban. It is the only organisation today offering NSAs the possibility to join in this process through signature of a Deed of Commitment, complementary to the international treaty banning AP mines. The authorities of the Republic and Canton of Geneva serve as the guardians of these declarations.

In these pages, we introduce GC's activities in the first half of 2003, as well as some of the humanitarian imperatives driving our work. It is critical to engage NSAs in the AP mine ban: the majority of armed conflicts today are intra-state, involving one or more NSAs, many of whom manufacture, stockpile and use landmines; NSAs are active in or exercise *de facto* control over mined land and people living in these areas often go without the assistance afforded to others living in mine-affected areas and, some governments cite NSA activities as reasons for not acceding to the Convention or for not fulfilling their obligations under it.

We hope that you enjoy reading this first issue of *NSA News*. We welcome your comments or any questions you may have about GC, its programmes and its activities.

Sincerely yours,

Elisabeth Reusse-Decrey, President

Geneva Call nominated for international award

GC was nominated for SOLIDAR's Silver Rose Award for *Social Justice*. The Silver Rose is awarded each year in recognition of outstanding contributions towards a more humane and just society.

Other nominees this year are TAC's Zackie Achmat, Mozambique's Graça Machel, the UK's 'Comic Relief' and France's 'Restos du Coeur.'

Award ceremonies will take place 15 October at the European Parliament offices in Brussels. For more information see www.solidar.org



1) The 1997 "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction" is commonly referred to as the AP Mine Ban Treaty (MBT) or the Ottawa Convention.

Also in this issue...

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Deed of Commitment for Adherence to a Total Ban on Antipersonnel Mines and for Cooperation in Mine Action

Engagement of armed Non-State Actors (NSAs)

- o Aceh/Indonesia
- o Colombia
- o Horn of Africa
- o Nepal
- o Sri Lanka

Followup: implementation support & monitoring of NSA commitments

- o Iraqi Kurdistan
- o Somalia
- o Sudan
- o Somali faction leader appeals to international community for mine action support

Advocacy, Education & Outreach

- o Government roundtable shows promise for progress
- o GC appeals to European Union to facilitate mine action in NSA-controlled areas
- o Outreach



ICRC/CICR

Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action (DoC)

Under the DoC, armed groups commit themselves:

- To a total prohibition on the use of antipersonnel mines and other victim-activated explosive devices, under any circumstances;
- To undertake, to cooperate in, or to facilitate, programs to destroy stockpiles, to clear contaminated areas, to provide assistance to victims and to promote awareness programs;
- To facilitate the monitoring and verification of their commitments by Geneva Call;
- To ensure that the prohibition on use of antipersonnel mines and any other victim-activated explosive devices are communicated to the rank and file.
- To treat this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms.

Engagement of armed Non-State Actors (NSAs)

The characteristics that influence the capacity and willingness of various armed groups to respect humanitarian norms, requires that each group be analysed to assess the potential and the methods for successful engagement and followup. For example, methods used to pressure states, such as economic embargoes or naming and shaming, are of limited use against groups that do not benefit from these activities or do not seek domestic or international legitimacy. A group without a clear leadership and unable to control its members will not have the capacity to enforce its obligations under the DoC. While the structure of still another NSA might allow for this, it may require assistance to implement other obligations under the DoC, such as mine clearance. In depth discussion of the ways and means to engage NSAs is beyond the scope of this newsletter. Additional resources may be found at www.genevacall.org.

Today more than 20 NSAs have signed the DoC. Through GC and its partners, engagements with NSAs have occurred in Aceh/Indonesia, Bangladesh, Burma, Cabinda/Angola, Chechnya/Russia, Colombia, Iraqi Kurdistan, Nepal, the Philippines, Sri Lanka, Somalia, Sudan and Western Sahara/Morocco.

Key engagements this year include:

Aceh/Indonesia:

In March, GC met with the Aceh-Sumatra National Liberation Front (ASNLF)/ Free Aceh Movement (GAM) leaders in Sweden to discuss its AP mine policy and to explore its level of interest in the DoC. An assurance was given to GC that GAM policy is not to use mines because of their negative humanitarian impact. However, recent media reports allege that GAM has used AP mines during the current conflict.

Colombia:

GC, in collaboration with the Colombian Campaign to Ban Landmines (CCCM), assessed possibilities for engagement of Colombian NSAs, particularly the National Liberation Army (ELN) and the Revolutionary Armed Forces of Colombia (FARC). Between 3- 6 May, at the invitation of the Colombian government, GC and CCCM met with Colombian NGOs and indigenous groups, the ICRC, Colombian Vice President Francisco Santos, the Colombian Armed Forces and Observatorio de Minas Antipersonal, the division of the Forces overseeing mine clearance, UN agencies and the office of the High Commissioner for Peace. GC met with ELN spokespersons Felipe Torres and Francisco Galán, both imprisoned at the Itaguí prison, a high security facility in Medellin. At the invitation of the ELN, a second meeting with Ramirez Vargas, ELN Central Command, was organised in Cuba 7 May. Although a total AP mine ban by Colombian NSAs is not feasible at this time, there was broad-based interest and support for the idea of setting up a pilot 'mine free zone' in an area controlled by the ELN. GC continues to move forward with this idea, to monitor developments and to build its base of support in Colombia.



Horn of Africa:

Geneva Call, in cooperation with the Kenya Coalition Against Landmines and the Greater Horn of Africa Mine Action Network (GHAMAN) organised a series of workshops, to engage NSAs active in the Greater Horn of Africa region to the AP mine ban norm. The first workshop, with Nairobi-based NGOs, explored the general concept and practice of engaging NSAs. A second workshop, scheduled later this year, will bring together representatives of NSA groups to discuss the AP mine ban and the Geneva Call mechanism. The workshop series is funded by the Italian Government.

Nepal:

In June, GC participated in the International Campaign to Ban Landmines' NSA Working Group (ICBL NSA WG) mission to Nepal. As part of the delegation, GC met with representatives of the Communist Party of Nepal (Maoist), members of the government and Nepalese political parties, and officials of the Royal Army and police. The delegation called for wording in the Code of Conduct guiding the ceasefire agreement, which forbids the use of mines. GC mission members and the Nepal Campaign to Ban Landmines were able to secure a meeting with Maoist leader Khrisna Bahadur Mahara who said he would discuss with the Maoist leadership a long-term commitment to a total ban on AP mine use through Geneva Call. A follow up meeting is planned for later this year.



From left, GC associate Rafique Al Islam, Non-Violence International SE Asia (Bangladesh), Attny. Soliman Santos, Regional Director for Asia, Geneva Call, Khrisna Bahadur Mahara, Spokesman, Communist Party of Nepal (Maoist) and Purna Shova Chitrakar, Ban Landmines Campaign Nepal. Credit: Rafique Al Islam, Nepal, June 2003.

Sri Lanka:

Following the initiation of the Sri Lanka peace process last September, the Government of Sri Lanka indicated its willingness to accede to the AP mine ban treaty if the Liberation Tigers of Tamil Eelam (LTTE) made a similar commitment under Geneva Call. Soon after the peace process was launched, GC entered into partnership with the Sri Lanka Campaign to Ban Landmines and Landmine Action, a British charity, to promote the mine ban norm with both parties to the conflict. GC held its first meeting with Anton Balasingham, chief advisor and political negotiator for the LTTE, and the LTTE peace delegation in Bern, Switzerland, last December. GC anticipates meetings with the political and military wings of the LTTE in the Vanni region of Sri Lanka later this summer. A workshop with government officials, organised by GC's project partners, is scheduled for 26 July.

Followup: implementation support and monitoring of NSA commitments

GC is pledged to provide support and follow up to NSA commitments. Meeting this objective requires a multi-faceted approach. Activities range from organisation of meetings and workshops with NSAs to promote better understanding among the rank and file of the impacts of mines and the need to ban them, to facilitation of mine action planning and technical support, to urging donors to fund mine action in NSA-controlled areas. GC followup of NSA commitments in the first half of 2003 include:

Iraqi Kurdistan: The Iraqi Kurdistan regional governments, led by the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), signed the DoC last August. In the period leading up to the war, GC called on both groups to respect their commitments and refrain from using mines during the conflict. A GC press statement, released 24 March, appealed to all parties in the conflict to respect the international norm established by the Treaty. There is no evidence that either signatory used AP mines since signing the DoC. Both the PUK and the KDP are considered to be front runners for inclusion in a coalition government to replace deposed Iraqi leader Saddam Hussein. GC is urging

both signatory groups to ensure their commitments under the DoC are carried forward by a new Iraqi central government through its accession to the AP Mine Ban Treaty.

Somalia: Last November in Eldoret, Kenya, 15 factions signed the DoC. GC, in efforts to promote mine action programmes in Somalia and assist DoC signatories to meet their obligations, will send a field mission to Somalia this summer. Prior to the mission, GC met with signatory factions in Nairobi to discuss steps taken to implement the DoC and determine requirements for mine action in areas under their control. The objectives of the field mission are to assess the situation on the ground and the needs of mine affected communi-

ties, to evaluate what supportive role GC and its partners can play to facilitate implementation of the DoC and to explore opportunities to initiate mine action programmes in areas controlled by signatory factions, starting with stockpile destruction.

Sudan: Preparations are now in full swing for the *Mine Ban Education Workshop in southern Sudan*. The workshop, scheduled later this summer, will bring together SPLM/A military commanders, political leaders and civil society representatives, as well as mine action organisations operating in the Sudan to discuss mine action and to facilitate dissemination of the SPLM/A mine ban commitment to its rank and file members as well as to civil society.

Somali faction leader appeals for mine action programmes and support

Somali faction leader Hussen Mohamed Farah Aideed, appealed to the international community for increased support for mine action programmes throughout Somalia. As part of its effort to promote mine action in areas controlled by NSAs who commit to ban AP mines, GC, with financial assistance from the Swiss government, arranged for Aideed's travel to Geneva to address the Intersessional Standing Committee meetings (ISC) on stockpile destruction in May. Abdiraschid Nur Xidig, Secretary General of the Somali Patriotic Movement (SPM), travelled with Aideed.

As a result of the 1977-1978 war with Ethiopia and ongoing civil war, Somalia is severely affected by landmines and unexploded ordnance (UXO). The full extent of the problem is unknown, but almost all regions have been contaminated, especially those along the Ethiopian border. Between 1995 and 2000, about 4,400 landmine/UXO casualties were reported. Anticipating the successful conclusion of current peace negotiations between Somali factions, Aideed told meeting delegates mine action is critical to the future of a united, peaceful Somalia and would be a key objective for any future central government.

"The demining of Somalia shall be one of the first and one of the most important tasks of [a] newly established Government of Somalia, moreover it will become a criterion for the responsibility of this new government. The success of this government, of national unity, will depend on the success of programmes for mine clearing," Aideed said in his presentation. "Neither economic revival of Somalia, nor personal safety of citizens of Somalia can be reached before the process of mine clearing is complete," he said.

Together with 14 other Somali faction leaders, Aideed, Chair of the Somali National Alliance (SNA) and one of five rotating co-chairs of the Somalia Reconciliation and Restoration Council (SRRC), signed the DoC in November 2002, agreeing not to use AP mines, to destroy their stockpiles and to cooperate in clearing mined areas under their control. At the time, Aideed said he would destroy 3,500 landmines, including both antitank and antipersonnel types.

Signatories to the DoC do not have access to the mine action support mechanisms available to states through the AP Mine Ban Treaty.

Aideed outlined a "comprehensive package" for mine action including the formation of an indigenous clearance capacity, comprised of members of all Somali factions involved in the current peace negotiations, the extensive mapping and marking

of minefields and, with foreign assistance, the immediate clearance and destruction of mines.

In spite of differences between factions on other fronts, Aideed said one area of agreement is the clearance of Somalia. "Mine clearing of Somalia is the most crucial step towards overcoming consequences of ten years of military actions, chaos and disorder, which ruined the country," he said. "Despite some political differences between various groups and factions at the Peace Conference, we all are united on the issue of urgent necessity of the demining of our country, and mine clearance can and should begin now, even before formation of the government of national unity."

One day prior to Aideed's appeal, the European Commission allocated 1.5 million euros (US \$1.73 million) to support the second phase of a nationwide landmine impact survey for Somalia. Phase one of the project was carried out in Somaliland between 1 May 2002 and March 2003. Phase two will be carried out in the self-declared autonomous region of Puntland and southern Somalia, particularly in the Baidoa area, by the UN Development Programme and the UN Office for Project Services, security and access permitting. The current round of peace negotiations began in October 2002 and continue under the auspices of the east African regional organisation, the Inter-Governmental Authority on Development (IGAD).

Advocacy, Education & Outreach

Roundtable with governments shows promise for progress



Geneva Call attaches great importance to its efforts to inform states of the reasons and methods for engaging NSAs in the AP mine ban process. Credit: Katherine Kramer, Geneva Call, February 2003.

GC attaches great importance to its efforts to inform States of the reasons and methods for engaging NSAs in the AP mine ban process. Coinciding with the Intersessional Standing Committee (ISC) meetings, GC and the ICBL NSA WG organised a roundtable discussion where states could express their views, concerns and experiences on the engagement of NSAs in the mine ban. During the roundtable, two important proposals were put forward that will stimulate much needed discussion in this area: 1) the issue of NSAs be included on the agenda of the Fifth Meeting of States Parties (5MSP) in September and 2) a "contact group" on NSAs be established leading up to the 5MSP. An informal discussion arising from these proposals took place in June.

The roundtable was significant in that it revealed many states see the relevance of the engagement process and, in some cases, are willing to help facilitate parts of it. In his opening remarks, Cornelio Sommaruga, President of the Geneva International Centre for Humanitarian Demining (GICHD) and a former president of the International Committee of the Red Cross (1987 - 1999), reflected on the importance of securing NSA commitments and stated his support for GC efforts in this area. In response to concerns expressed by some governments, he stressed that under the Geneva Conventions, engagement of NSAs does not confer legal status or undermine the authority of the State(s) where NSAs operate.

Representatives of the Philippines and Sri Lanka spoke favourably of efforts to engage NSAs in their countries. The representative of the Philippines said that while his government saw enforcement of domestic and international law as the purview of States, there are "practical benefits" in securing NSA support for these. He echoed earlier assurances that under the Geneva Conventions the legal status of belligerents is not influenced or affected through adherence to international norms. Another participant noted the Sudanese government welcomed the renunciation of AP mine use by the SPLM/A as this allowed mine action programmes to be implemented.

An important element of the discussions focussed on monitoring and verification of commitments made under the DoC and mechanisms to enforce non-compliance. As explained by GC, the DoC is not a legal instrument and while implementation depends largely on moral and political pressure it does contain some mechanisms for monitoring, such as annual compliance reports by signatories, observations and incidence reports from field based operations, Landmine Monitor², NGOs and other actors, and verification missions by GC and its partners.

The representative from the Philippines emphasised the need for governments to cooperate in verification efforts and said his own government would provide better support to any future GC missions to verify compliance by the Moro Islamic Liberation Front (MILF). The MILF was reported to have used AP mines after signing the DoC in March 2000. An effort by GC to provide independent, third party evaluation of the allegations was compromised by travel restrictions placed on foreigners by the Department of Defense.

See SUPPORT on page 6

2) Landmine Monitor is an initiative of the ICBL to monitor and report on implementation of the AP Mine Ban Treaty.

Working group on NSAs proposed at government workshop

SUPPORT from page 5

Other comments from the floor noted that prohibitions on mines contained in ceasefire or peace agreements could contain implementation and monitoring components based on legal foundations depending on the agreement itself and the processes through which it was formulated. The UN is working on language for inclusion in peace agreements and ceasefires that would prohibit AP mine use and advance humanitarian mine action. Such language would be comparable to Geneva Call's DoC in that it contains specific clauses requiring NSAs to facilitate mine action and the monitoring and verification of their commitments.

The Colombian representative said NGOs have met with the ELN to discuss a ban but not the FARC, a considerably larger NSA group, and applauded these efforts as small steps and important in the process of NSA engagements. He said while the government itself would not be directly involved in securing NSA commitments to a ban, it is favourable to a process, complementary and parallel to the international AP Mine Ban Treaty, for NSAs.

Turkey was adamant in its condemnation of efforts to engage the Kurdistan Workers Party (PKK), which is designated as a terrorist organisation by Turkey, the US and the EU, and said that Turkey itself might soon accede to the Treaty but would never relax its opposition to "terrorist organisations." One member of the Italian delegation said efforts to engage NSAs in the AP mine ban are based on humanitarian needs and successful engagements would require all stakeholders in the process to remain depoliticised and impartial. Officials from Colombia, Sri Lanka and the Philippines, each with armed groups of their own, continued to express support for NSA engagements in the AP mine ban and indicated support for GC efforts in their respective countries. It was generally agreed that NGOs, with proper experience, are most suited to engage NSAs.

The ISC meetings are international in scope and take place between annual meetings of States Parties to the Convention to facilitate its rapid universalisation and implementation. The intersessionals cover four thematic areas: General Status and Operation of the Convention, Victim Assistance and Socio-economic Reintegration, Mine Clearance, Mine Awareness and Mine Action Technologies and Stockpile Destruction.

GC calls on European Union to facilitate mine action in NSA-controlled areas

The European Parliament's Working Group on Non-State Actors convened its first meeting of 2003 on 19 March. Geneva Call and the British Mines Advisory Group (MAG), a humanitarian mine clearance agency, were invited to make presentations to the Working Group. Both organisations appealed for support of mine action work in NSA-controlled areas.

Following a brief presentation, the Working Group commended GC for its efforts to promote NSA engagements in pursuit of a global ban on AP mines and as an example for NSA adherence to other international humanitarian norms. Members urged GC to participate in other events where the activities of NSAs are factors in conflict or post-conflict recovery, in addition to mine-related events. Bob van den Bos, Chair of the Working Group, offered support for GC field-work, particularly during the engagement process and implementation of the DoC.



Members of the EP Working Group on Non-State Actors listen attentively during a GC presentation in Brussels. GC efforts to support NSA commitments, such as technical assistance for implementation of mine action programmes and verification of compliance, are compromised when funds are delayed. Credit: Mehmet Balci, Brussels, March 2003.

GC told Working Group members that NSAs often operate in isolation of the international community and what may be considered common knowledge among states is sometimes poorly understood or may not be readily apparent to some armed groups. Information sharing, programme implementation and verification of NSA commitments are compromised while funding works slowly through bureaucratic systems. While acknowledging the challenges of providing funds for projects in NSA-controlled areas, GC urged greater effort to facilitate the release of funds.

MAG described its work in mine-affected areas controlled by NSAs, in northern Iraq, Sudan and Sri Lanka. In northern Iraq, GC and MAG worked together, an effort that led to both Kurdish governments signing the DoC in 2002. GC efforts to support NSA commitments, such as technical assistance for implementation of mine action programmes and verification of compliance, are undertaken in partnership with the Swiss Foundation for Mine Action (FSD).

For information on the Working Group contact Mr. Bob van den Bos, Chair, email: bvandenbos@europarl.eu.int

Geneva Call is an international humanitarian organisation dedicated to engage armed Non-State Actors (NSAs) in respecting and adhering to humanitarian norms, starting with a landmine ban, thereby contributing to peace building. Geneva Call facilitates this process through the provision of a mechanism whereby NSAs, which are not eligible to sign or accede to the AP Mine Ban Treaty, can sign a “*Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*” (DoC) or, deposit their own mine ban declarations. The Government of the Republic and Canton of Geneva serves as guardian of the DoCs and similar unilateral declarations.

GC efforts to promote discussion of NSA engagement and securing States’ support for these activities proceeds on many levels and in various forms. GC speaks to civil society organisations and the public as readily as to the military, government officials and the media. GC networks with NGO coalitions, international organisations, academics and experts in international law. It is developing an exhibit on NSAs and the mine ban for use in its outreach activities.

Requests for presentations and suggestions for networking, engagements or partnerships are welcome.

*bringing humanitarian norms
to new frontiers*



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Financial contributions to support the work of Geneva Call can be made through the address above.