Protecting Civilians in Armed Conflict through Humanitarian Engagement with Armed Non-State Actors
INTRODUCTION

This strategy document sets out Geneva Call’s direction and priorities over the next three years. It builds on previous institutional strategies and Geneva Call’s long experience in engaging armed non-State actors towards compliance with international humanitarian norms. The document serves as an internal roadmap for Geneva Call to plan its work and to measure progress. It is also intended to inform Geneva Call’s external stakeholders, in particular donors and partners.

CONTEXT FOR ENGAGEMENT

Most armed conflicts today involve armed non-State actors (ANSAs), either fighting Government forces or other ANSAs. Violations of international humanitarian law (IHL) are widespread during such conflicts. Examples include: deliberate attacks against civilians and civilian facilities such as schools and medical centers; hostage-taking; torture and other forms of ill-treatment, including sexual violence; summary executions; use of civilians as human shields; unlawful recruitment and use of children in hostilities; indiscriminate use of anti-personnel mines; forced displacement of civilians; looting; obstruction to, or diversion of, humanitarian assistance and attacks on humanitarian workers. Despite being protected under IHL, civilians, particularly women and children, are the primary victims of these and other acts of violence.

Many IHL violations — though by no means all — are committed by ANSAs. Indeed, ANSAs’ lack of compliance with applicable law has been identified by the United Nations Secretary-General as one of the five most critical challenges to the protection of civilians. Yet the State-centric nature of international law poses a challenge. Even though they have obligations under IHL, ANSAs cannot become parties to relevant international treaties, and are generally precluded from participating in norm-making processes.

Consequently, they may not feel bound to respect rules that they have neither put forward nor formally adhered to. Sometimes, they are simply not aware of their responsibilities under IHL. Engaging and training ANSAs is therefore a critical element in any effort to enhance their ownership and respect of existing rules.

Armed non-State actors

The term armed non-State actors (ANSAs) may encompass a variety of entities. In the context of its mission, Geneva Call focuses on organized armed entities that are involved in armed conflict, which are primarily motivated by political goals and which operate outside State control, thereby lacking legal capacity to become party to relevant international treaties. These include non-State armed groups, national liberation movements and de facto governing authorities. In addition, Geneva Call also works with non-recognized States as well as in situations other than armed conflict if it is deemed that its action can positively impact beneficiaries.
Geneva Call is a neutral and impartial non-governmental organization (NGO) dedicated to promoting respect by ANSAs for international humanitarian norms, in particular those related to the protection of civilians, in armed conflicts and other situations of violence.

While initially focusing on the ban on anti-personnel mines, Geneva Call has expanded its work to other protection concerns that deserve particular attention, namely the protection of children in armed conflict – notably from recruitment and use in hostilities – as well as the prohibition of sexual violence and elimination of gender discrimination. Geneva Call also provides trainings to ANSAs on broader IHL rules and advice on how to implement them in practice.

Geneva Call’s key tool of engagement is an innovative instrument known as the Deed of Commitment, which allows ANSAs to formally express their willingness to abide by international humanitarian norms and to be held accountable for their pledge.

To date, Geneva Call has developed three such documents:

- Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action, launched in 2000;
- Deed of Commitment for the Protection of Children from the Effects of Armed Conflict, launched in 2010;
- Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination, launched in 2012.

Since its launch in 2000, Geneva Call has engaged in dialogue with some 90 ANSAs worldwide and sensitized thousands of their leaders and combatants on international humanitarian norms. As of February 2014, 46 ANSAs have signed one or several of the Deeds of Commitment and, overall, have respected their obligations. In addition, a number of other ANSAs have taken steps towards compliance with international standards.

Over the past 14 years, Geneva Call has gained international recognition and support from many quarters - including States, the United Nations, the European Union and the African Union - and is seen today as a global leader and a point of reference in its field. While other organizations also engage with ANSAs, this tends to be primarily to negotiate access to affected populations for the provision of aid and relief. Geneva Call is the only
organization that is exclusively working on improving ANSA compliance with international humanitarian norms. Moreover, its approach has proven to be effective and has been recognized as a successful model by the United Nations Secretary-General in his reports on the protection of civilians in armed conflict.

Geneva Call subscribes to the humanitarian principles of impartiality, neutrality and independence. Transparency is also a core working principle: as a matter of policy, Geneva Call informs stakeholders, including the States concerned, of its engagement efforts with ANSAs.

IHL provides a solid basis for humanitarian engagement with ANSAs by establishing the right for impartial humanitarian organizations to offer their services to the parties to a conflict, including to non-State parties. The need to engage and train ANSAs on IHL is also endorsed in a number of resolutions and decisions of the United Nations Security Council and General Assembly.

International humanitarian norms and protection of civilians in armed conflict

International humanitarian law (IHL) is a branch of international law that regulates the conduct of warfare. It seeks to limit the effects of armed conflict by protecting persons who are not, or no longer, taking part in hostilities, and by restricting the means and methods of warfare. Amongst other things, this means that civilians and combatants “hors de combat” must not be the target of attacks or subjected to acts of violence such as killing, maiming, torture and other forms of ill-treatment, forced recruitment and hostage taking. Civilian property must be respected. The forcible displacement of civilian populations is also prohibited unless required for the safety of the population or imperative military reasons. IHL also calls on parties to armed conflict to allow impartial humanitarian relief for populations in need. All parties to armed conflicts – whether States or ANSAs – are bound by the relevant rules of IHL.

In addition, international human rights law (IHRL) may provide further protection. In times of armed conflict, States may suspend a number of human rights in situations of emergency. However, certain fundamental rights, such as the right not to be arbitrarily deprived of life, the prohibition of torture and inhuman punishment or treatment, must be respected in all circumstances. Specific population groups, such as women and children, benefit from additional protection. In addition to this international legal framework, the United Nations Security Council has adopted a number of relevant resolutions, including on the protection of civilians in armed conflict, women, peace and security and children affected by armed conflict.

Geneva Call uses the term ‘humanitarian norms’ to refer to both IHL and those norms of IHRL, which should govern the conduct of ANSAs in situations of armed conflict or armed violence - regardless of their binding nature - in order to improve the protection of civilians and other protected persons and the enjoyment of human rights.
2014-2016 STRATEGIC ORIENTATIONS

In line with its mission, Geneva Call has identified four broad strategic orientations for the coming three-year period.

1. Increase the protection of civilians and other protected persons from the effects of armed conflict

Geneva Call has achieved significant progress during the 13 years of its existence. More than half of the ANSAs engaged by Geneva Call since 2000 have committed to ban anti-personnel mines, to prohibit sexual violence and/or to protect children from the effects of armed conflict. Geneva Call has also broadened its scope of action and increasingly engaged ANSAs on broader IHL issues. In addition, last year it created a « special humanitarian fund » to support forgotten victims of armed conflict living in ANSA areas. Yet, important challenges remain. As with States in respect of treaties, a number of ANSAs are reluctant to adhere to international norms and sign the Deeds of Commitment. Moreover, Geneva Call has not been able to engage with all relevant ANSAs, in particular on child protection and gender issues. Another major challenge is access to the ANSAs themselves, which is limited in some countries due to insecurity and restrictions imposed by concerned States. This affects not only Geneva Call’s engagement work with ANSAs but also the implementation and monitoring of signed Deeds of Commitment.

Over the next three years, Geneva Call will seek ways to address these challenges and reinforce its impact in favour of protected persons. Though the focus will be on the consolidation of existing work, notably on children and gender issues, Geneva Call will also prepare the ground for extension on other thematic areas.

In particular, Geneva Call will:

- establish, subject to potential risks and resources available, dialogue with a majority of ANSAs involved in anti-personnel mine use, violence against children and sexual abuse
- improve its capacity to respond in a swift manner to new armed conflicts or emergency situations involving ANSAs, such as those witnessed over recent years in Libya, Mali, Syria and South Sudan
> reinforce its efforts to increase ANSA awareness of international humanitarian norms and secure 5 to 10 new signings of the Deeds of Commitment or similar undertakings per year
> increase support to the implementation of the Deeds of Commitment by signatory ANSAs, in particular for assistance activities (such as humanitarian mine action, child protection and assistance to victims of sexual violence)
> strengthen its monitoring capacity to ensure compliance with the Deeds of Commitment by signatory ANSAs
> develop strategic partnerships at the global level and invest more effort to build civil society organizations’ capacities to engage with ANSAs and monitor commitments
> improve access to ANSAs by increasing field presence, enhancing collaboration with relevant actors, notably civil society organizations, and adapting, as necessary, its modus operandi
> enhance its capacity to engage and train ANSAs, in particular serious perpetrators of violations, on broad international humanitarian norms
> develop a rationale for future expansion and, in consultation with relevant stakeholders, operationalize potential new areas of thematic engagement

2. Improve the space for humanitarian engagement with ANSAs

The past years have seen significant policy developments with regards to ANSA engagement. On the one hand, States have increasingly recognized the need for engagement by humanitarian agencies with all parties to armed conflict for humanitarian purposes, including for the purpose of enhancing their respect of IHL. On the other hand however, a number of States have adopted measures that prohibit and even criminalize dialogue with ANSAs designated as “terrorist” and/or have introduced no-contact conditions in their funding agreements.

In this strategy period, Geneva Call will pursue efforts with relevant partners to advocate the case for engagement with ANSAs and document the effectiveness and benefits of this approach for civilian protection. The organization will also continue to promote greater understanding of ANSAs’ perceptions of international norms and the specific challenges they face to comply with applicable law. While ANSAs are considered as part of the problem, there is little effort—and some reluctance within the international community—to recognize their potential protective role in respect of civilians.
In particular, Geneva Call will:

> continue to lobby for humanitarian access and seek to gain increased support from States and intergovernmental organizations towards ANSA engagement.
> communicate more systematically its experience, lessons learned and messaging among relevant stakeholders at the global level
> enhance coordination and cooperation on ANSA engagement within the humanitarian community and contribute to the development of best practices
> further contribute its expertise in global processes aimed at strengthening compliance with existing international norms or at developing new norms

3. **Broaden support for Geneva Call and mobilize quality funding**

Over the past years, Geneva Call has made special efforts to broaden its reach, by upgrading its communication material (website, newsletter, flyers, etc.), as well as developing innovative tools (video clips, illustrated booklets, etc.) to disseminate international humanitarian norms more effectively. In parallel, the organization has embarked on a process to enhance its monitoring and evaluation capacities and has begun to use Theory of Change methodologies. This approach enables Geneva Call to better articulate its intervention logic and measure impact, in particular how its work contributes to changes in ANSA knowledge, policies and, ultimately, behaviour. This approach also responds to the need to adapt to donor requirements, to show results mapped over time and to contribute to internal knowledge and learning. Yet, most of Geneva Call’s funding comes from institutional donors and is largely earmarked to specific projects.

In 2014-2016, Geneva Call will strive to broaden support for its work and seek less restrictive funding and diversify its donor base. It will aim also to consolidate its reputation as a trustworthy and effective organization, whose work is focused on results and impact of its actions.

In particular, Geneva Call will

> position itself among new target audiences (for instance private Foundations) and enhance its visibility to the general public and the media, which will not only serve to advance its advocacy goals but also its fundraising opportunities
> aim to secure increased multi-year and unrestricted funding to reduce the administrative burden of managing a large number of earmarked grants and provide the flexibility necessary to respond to often rapidly changing conflict situations
> seek to further expand and diversify its donor base, in particular among the private sector, to enhance financial independence
> further improve results-oriented operational communication to express Geneva Call’s achievements in a more accessible and attractive way
> maintain relations with existing donors by providing them with valuable content on a regular basis
> strengthen the monitoring, evaluation and impact measurement of its projects and ensure compliance with donor requirements
> support continuous learning and adaptive programming in the internal definition and implementation of operational plans

4. Optimize Geneva Call’s governance and performance

From 2010 onwards, Geneva Call has started to review and strengthen its organizational structure and internal processes. Notably it has established an executive body called the Directorate (or Comité de Direction in French), which is responsible for implementing the strategy defined by the Board and for managing the organization’s resources. In addition, an Advisory Council, composed of leading experts in Geneva Call’s fields of interest, has been created to provide advice on specific issues and projects. Geneva Call has also reinforced its financial management capacity and internal control systems. This financial reform notably translated into a drastic decrease in administrative costs and an increase of reserves in cash or equivalent. Geneva Call’s staffing levels have also grown steadily over the past years, while in 2014 the budget has surpassed CHF 4 million for the first time in its history.

For the three years to come, Geneva Call will build on these improvements to further optimize its performance and enhance accountability, both within the organization and vis-à-vis external stakeholders, for human and financial resources dedicated to its operations. Geneva Call aims to raise about CHF 5 million annually to cover its operational costs.

In particular, Geneva Call will:

> continue to manage the organizational resources in a responsible, efficient, and transparent way
> aim to reduce administration costs to 10% and to increase its financial reserve
> develop a capacity of action to ensure availability of resources and efficient management
> develop a financial forecast based on pertinent indicators and put a dashboard in place so as to increase operational reactivity
> reinforce its internal control systems, policies and procedures (including security procedures)
> further improve its competence management system in order to attract, retain and develop staff with the skills needed to ensure the effectiveness of its operations
> invest more in human potential development through coaching and training, knowledge capitalization and management, and seek to deliver excellent working conditions for its staff
> continue to ensure efficient Information Technology (IT) solutions in order to maintain the security of information and maximum availability for operations