

# tool 59 Engagement with Armed Non-State Actors on the protection of children

## Factsheet

Armed non-state actors (ANSAs) play a central role in contemporary armed conflicts. Engaging with ANSAs to comply with international norms on the protection of children is therefore a critical element in any effort to mitigate the impact of conflict on children. However, engagement with ANSAs often remains inadequate and, in some contexts, is actively discouraged or prohibited by states.

Undeniably, the UN-led MRM offers a strong opportunity for systematic engagement with ANSAs to negotiate compliance with international norms on the protection of children. The UN has the mandate to engage in dialogue with all actors, including ANSAs, listed for grave violations against children in the annexes of the Secretary-General's annual report on children and armed conflict. The purpose of the engagement with listed parties is to negotiate time-bound Action Plans to end and prevent violations for which they were listed.<sup>18</sup> Listed parties must comply with the terms of the Action Plan to be removed from the annexes of the Secretary-General's annual report on children and armed conflict.

The "naming and shaming" approach offers a significant reputational incentive for violators to negotiate Action Plans, particularly those that are seeking political legitimacy. Yet the MRM also faces significant challenges, including the reluctance of some governments to grant access to UN agencies, lack of incentive or political will by ANSAs to engage with the UN and difficulties in identifying a clear chain of command and leadership. The political nature of the mechanism may also antagonize some ANSAs which are reluctant to engage in a process they perceive as biased or partial.

In those circumstances, NGOs offer an alternative forum for dialogue with ANSAs on the protection of children.

### Complementary role of NGOs in engaging with ANSAs

To the extent that they are perceived as removed from the interests attributed to states and international organizations, the independence of NGOs can increase their credibility among some ANSAs.

NGOs, especially local groups working on long-term community-based programming, may have developed the knowledge, relationships and access necessary to better design a more targeted engagement strategy with ANSAs. They may have a more developed understanding of the interests and ideology influencing an armed group's ability or willingness to comply with norms on the protection of children. Their understanding of the structure and modes of operation of the ANSA may also allow them to identify more easily the appropriate "gatekeeper" or entry point to initiate dialogue with the most suitable interlocutor.

NGOs also tend to be small in size with a more informal organizational structure that allows them to be flexible in their engagement. They may be able to access remote locations which many international organizations cannot reach. Finally, some NGO leaders may gain legitimacy in the eyes of ANSA leadership based on individual reputation and personal integrity.

<sup>18</sup> United Nations Security Council resolution 1539 (2004) on children and armed conflict, April 22, 2004, para. 5(b).

## Case study: The Experience of Geneva Call

Geneva Call is a Swiss-based NGO dedicated to promoting ANSA compliance with international humanitarian norms. The key tool of engagement that Geneva Call uses is an innovative instrument, the *Deed of Commitment*, which allows ANSAs, as they cannot become parties to international treaties, to publicly commit to respect these norms and be held accountable for their pledge. To date, Geneva Call has developed three such documents: the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action* in 2000, the *Deed of Commitment for the Protection of Children from the Effects of Armed Conflict* in 2010 and the *Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination* in 2012. The *Deeds of Commitment* reflect international standards. They are signed by the ANSA leadership and countersigned by Geneva Call and the Government of the Republic and Canton of Geneva, which serves as custodian of the deposited documents. Geneva Call supports and monitors implementation by signatory ANSAs. In addition to direct engagement, Geneva Call works with civil society and community-based organizations to build their capacities to support the engagement process with ANSAs and assist in monitoring their commitments. In some circumstances, Geneva Call also uses tools other than the *Deed of Commitment*, such as unilateral declarations or codes of conduct. When ANSAs are not prepared to commit to abide by international standards, Geneva Call pursues a step-by-step approach, seeking incremental improvements of their policies and practices.

Geneva Call is in dialogue with about 40 ANSAs worldwide on issues related to the protection of children in armed conflict, notably from recruitment and use in hostilities. To date, 12 have signed the *Deed of Commitment for the Protection of Children from the Effects of Armed Conflict* and have taken measures to enforce their obligations. In addition, several other ANSAs have made similar pledges and adopted new protective rules in their internal regulations.

Geneva Call's constructive and inclusive approach is complementary to the work undertaken by the United Nations and other actors involved in child protection. While many agencies focus on assistance and reintegration, Geneva Call strives to prevent abuses by ANSAs and encourage them to provide children with the aid and care they require, such as access to education or protection from enemy attacks.

### Defining strategic engagement with ANSAs

ANSAs are extremely diverse, ranging from those that are using violence for political reasons and have a strong ideological purpose, to those that are more profit-oriented with criminal motivations. Some are highly centralized with effective hierarchy and chain of command, while others' organizational structure is much more unreliable. Groups may also differ in their level of territorial and social control, their independence from the territorial or neighboring states and responsiveness to the demands of local communities.

Along with these configurations, defining an effective engagement strategy requires an appreciation for the reasons motivating non-compliance or compliance with norms on the protection of children.

Possible reasons for non-compliance:

- ANSAs cannot take part in the development of, or become party to, international treaties and have therefore limited buy-in and ownership.

- Non-compliance of their opponent and the fear of losing a strategic military advantage by limiting means and methods of warfare – e.g., the use of child soldiers in particular can be seen as vital in an imbalanced/asymmetric military confrontation.
- Lack of interest in establishing/increasing political legitimacy among the local population.
- Lack of knowledge and understanding of particular norms and how to enforce them.
- Low judicial or political accountability for non-compliance.
- Local belief about children's mystical protective powers against the enemy.

Possible reasons for compliance:

- ANSAs desire to be recognized, along with their cause, as legitimate by international actors.

## TOOL 59

- Improving their reputation among their allies and gaining popular support.
  - Fear of prosecution under international criminal justice mechanisms and the loss of judicial privileges under transitional justice agreements, which most often exclude those responsible for international crimes.
  - Reciprocity and a desire to influence the opponents' behavior towards increased protection of children.
  - Limited capacity to monitor the commitments made by armed actors, which may have little willingness and/or ability to comply, especially in remote locations with restricted access.
  - Operational limitations due to lack of financial and/or logistical resources, as well as limited technical knowledge.
  - Difficulties in overcoming ANSAs discriminatory attitude towards certain groups which may translate into selective protection.
  - Understanding and adapting to the particular idioms of the targeted ANSAs in cross-cultural contexts in which different world views and communicative styles may influence receptivity.
- Key challenges faced by NGOs in engaging with ANSAs:**
- Restrictions on access to ANSAs by the local government based on concerns that the engagement would legitimize the group.
  - Undermine the neutrality of the NGO which may translate into security risks or limits on access and possibly compromise other programmatic activities.

## Case study: National NGO Engagement With ANSAs in DRC

A national NGO in eastern Democratic Republic of the Congo (DRC) uses community-based child protection committees to monitor and report grave violations within the framework of the MRM. Given the longstanding relationship with community leaders and authorities, the NGO has developed the contacts and knowledge to access the leadership of a local self-defense militia. With the help of local authorities and community leaders, the NGO engaged the armed groups on compliance with international norms on the protection of children.

At the early stages, the main goal of the engagement was to raise awareness and disseminate norms through dialogue and trainings on the protection of children. Knowledge and ownership of the norms was at first limited but the exercise served to build confidence and created opportunities to persuade the ANSA to slowly commit to key protection principles. By ensuring the participation of local leaders in the process, the NGO fostered local ownership, improved its capacity to monitor compliance and improved accountability.

When the armed group eventually agreed to release children, the NGO worked closely with partners including the child protection section of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), Congolese national institutions responsible for coordinating disarmament, demobilization and reintegration (DDR) activities and other child protection actors. Field missions are organized with child protection actors specialized to identify children, conduct age verification and refer separated children to transit centers offering care and assistance to facilitate their reintegration.

Local authorities and leaders often already enjoy a certain level of access with the leadership of armed groups with whom they address their concerns and grievances. Therefore, empowering local leaders to make clear demands for the protection of children is another approach for greater compliance. It is also common that some community members consider the recruitment and use of children as legitimate in some circumstances. In other cases, reintegration efforts are hindered by stigma and discrimination against former child soldiers. Therefore, participation of the broader community was an important part of the NGO's overall strategic engagement with ANSAs.

TOOL 59






### Key lessons:

- There is little opportunity for ANSAs to express their willingness to abide by humanitarian norms, which may limit their incentive to respect them or put them into practice.
- While armed actors are often reluctant to accept norms that are imposed on them, they are usually more inclined to enforce commitments that they have negotiated and agreed to on their own.
- The participation of local communities in defining commitments can ensure local ownership and improve the capacity to monitor compliance with commitments and promote accountability.
- Engagement should prioritize the needs of children who are particularly vulnerable.
- Anticipate and capitalize on “windows of opportunity” when belligerents are more accessible or more inclined to comply with international norms.
- Humanitarian norms often have roots in the values, ethics and morality common to various cultures and traditions. Referring to similarities between norms and the ANSA’s culture may increase incentives for compliance.

### Conclusion:

NGOs’ efforts to engage with ANSAs reveal limitations and challenges, but also offer new avenues for improving these groups’ compliance with international norms. With greater support from states and international organizations, NGOs’ contribution could become more substantive and complement other ongoing efforts to address grave violations against children by ANSAs.

### related tools

-  [tool 11 – Q&A ‘Action plans’](#)
-  [tool 16 – Factsheet ‘NGO participation in the MRM: potential challenges and limitations’](#)
-  [tool 35 – Factsheet ‘Opportunities and challenges of engaging with communities to monitor and respond to grave violations’](#)
-  [tool 39 – Case study ‘Village child protection committees in Eastern DRC’](#)
-  [tool 56 – Case study ‘Options for local advocacy in Eastern DRC’](#)

### other resources:

- *Engaging Non-State Armed Groups on the Protection of Children: Towards Strategic Complementarity*, International Peace Institute (IPI) and Geneva Call, April 2012.
- *Rules of Engagement: Protecting Civilians through Dialogue with Armed Non-State Actors*, The Geneva Academy of International Humanitarian Law and Human Rights, October 2011.
- *Engaging Armed Non-State Actors to Protect Children from the Effects of Armed Conflict: When the Stick Doesn’t Cut the Mustard*, Jonathan Somer, *Journal of Human Rights Practice*, 4 (1), 2012.
- *Engaging Armed Non-State Actors on Humanitarian Norms: Reflections on Geneva Call’s Experience*, Pascal Bongard, *Humanitarian Exchange Magazine*, July 2013.