

Geneva Call position paper

The EU-Africa Strategy and the humanitarian engagement of armed non-State actors

Geneva Call is an international humanitarian organization dedicated to engage armed non-state actors (NSAs) to respect and to adhere to humanitarian norms, starting with the ban on anti-personnel (AP) mines. Both the European Union (EU) and the African Union (AU) have repeatedly acknowledged the importance of this work and welcomed Geneva Call's efforts. Taking into account the benefits of engaging NSAs for building human security in Africa (with implications for the EU's own security), Geneva Call would like to appeal the EU and the AU to further support these efforts and promote the case for NSA engagement towards compliance with international humanitarian law (IHL) and human rights. Below are more specific proposals that could hopefully be incorporated into the EU-Africa Strategy.

Past acknowledgments of the EU and AU

Since September 2001 and through a number of resolutions¹, the European Parliament (EP) has recognized the need to engage NSAs in the landmine ban and called on the international community to support efforts made by specialised NGOs such as Geneva Call to obtain commitments to an AP mine ban from NSAs. To this end, Geneva Call has developed an innovative mechanism - the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action* (hereafter the “*Deed of Commitment*”) – which enables NSAs, who by definition cannot accede to the 1997 Ottawa Convention to subscribe to its norms. In 2005 again, in another resolution, the European Parliament reiterated its support to NSA engagement work. It “calls on all NSAs to sign the *Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*, urges the Council and the Commission to continue in their efforts to persuade NSAs to enter into commitments in this area” (art.13), “calls for increased resources to be made available for humanitarian mine clearance, stockpile destruction, mine risk education and the care, rehabilitation and social and economic reintegration of mine victims in areas under the control of NSAs” (art.14) and “calls on all states in a position to do so to support politically and diplomatically the work done by specialised NGOs dealing with NSAs, like Geneva Call and the national campaigns of the International Campaign to Ban Landmines” (art. 15).

Moreover, the European Union has regularly expressed its political support, notably during the meetings of State Parties of the Mine ban Treaty. This endorsement has recently been reiterated in November 2007 at the 8th MSP to the MBT in Amman: “*The EU recognizes the importance of engaging non-state Actors with the objectives of this Convention, and therefore supports the work of the organisation Geneva Call and its efforts to bring non-state actors in compliance with the provisions of the Convention. The European Union stresses the importance of continuing the support, as appropriate, to mine action in order to assist affected populations in areas under*

¹ After the first European Parliament resolution on this issue, *Measures to Promote A Commitment by non-State Actors to a Total Ban on Anti-Personnel Landmines*, on 6 September 2001, two others followed in 2004 and 2005: *Review of Ottawa Treaty on anti-personnel mines*, 22 April 2004, and *A World without Landmines*, 7 July 2005.

*the control of armed non-state actors*². This support is corroborated by the provision of financial contributions to Geneva Call.

Likewise the AU has acknowledged the importance of the inclusive approach adopted by Geneva Call in engaging NSAs to ban landmines, calling upon all NSAs “to respect the international norm established by the MBT and welcomes efforts by NGOs to engage those actors.”³ In April 2005, Geneva Call was invited to present its mission and activities to the Peace and Security Council of the AU. In addition, the African Union has endorsed Geneva Call’s recurring and long-term efforts towards a landmine-free Africa, notably through the engagement of Somali factions.⁴

In the same way as the fore mentioned statements by the EU and the AU have brought significant support, Geneva Call would like to invite the AU and EU to jointly restate and expand their support towards the engagement of NSAs on humanitarian issues into the EU-Africa Strategy.

Humanitarian engagement of NSAs and the EU-Africa Strategy

As in the rest of the world, the vast majority of armed conflicts affecting the African continent are intra-state in nature, involving one or more NSAs fighting against State forces or other NSAs. Like other belligerents, NSAs’ conduct generate human security threats, amongst which are the use of AP mines, the recruitment and use of child soldiers, the misuse of small arms and light weapons, and the practice of torture and abduction.

Efforts must be pursued to ensure that NSAs are engaged on the norms and rules regulating warfare in order to both minimize impact on civilians and maximize development prospects. While IHL and to some extent human rights law provide a basis for regulating the way conflict is carried out, existing instruments primarily target States and are less effective with respect to NSAs, which may not be aware of their existence or not feel bound by them.

It is therefore of prime importance that both the EU and AU reiterate their support for the respect of IHL and human rights by NSAs and support engagement of NSAs by NGOs on human security issues such as the use of AP mines, the recruitment and use of child soldiers, the misuse of small arms and light weapons, and the practice of torture and abduction.

Therefore Geneva Call would like to outline a range of measures that both the EU and AU could consider incorporating into their joint strategy:

- The EU and AU should jointly call on all NSAs to sign the *Deed of Commitment under Geneva Call for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*.

² Statement by Portugal on behalf of the European Union at the 8th meeting of States Parties to the Anti-personnel Mine Ban Convention, Amman, 18 November 2007

³ African Union, *Common African Position on Anti-Personnel Landmines*, adopted at the 2nd Continental Conference of African Experts on Landmines, 17 September 2004.

⁴ Statement by Mr Alpha Oumar Konare, Chairperson of the Commission of the African Union, Addis Ababa, 1 November 2005.

- The EU and AU should jointly call for increased resources to be made available for humanitarian mine clearance, stockpile destruction, mine risk education and the care, rehabilitation and social and economic reintegration of mine victims in areas under the control of NSAs.
- The EU and AU should jointly support the engagement of NSAs on humanitarian norms and should call on all States to support the work done by specialised NGOs dealing with NSAs, on issues such as the use of AP mines, the recruitment and use of child soldiers, the misuse of small arms and light weapons, and the practice of torture and abduction.

Results and impacts in Africa

Since the launch of Geneva Call in 2000, significant progress has been made in engaging NSAs in the landmine ban. To date, in Africa, 20 groups from Burundi, Somalia, Sudan and Western Sahara have signed the *Deed of Commitment*. In some countries, NSA mine ban commitments facilitated the launch of new mine action programs by specialized organizations, as well as the accession of their respective States to the Mine Ban Treaty, thus further universalizing the mine ban norm. Beyond the landmine issue, NSA engagement work has contributed to peace by building confidence among parties to conflict in several countries. It also served as an entry point for dialogue on wider humanitarian and human rights issues. Geneva Call is currently exploring this possibility regarding the non-recruitment and non-use of child soldiers. By reducing the humanitarian impacts of armed conflict on the African continent, such action has not only improved the human security of civilians in Africa, but has also generated positive development impacts.

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