



Office of the Special Representative
of the Secretary-General for

CHILDREN AND ARMED CONFLICT



REPORT

Visit of the Special Representative for
Children & Armed Conflict to

Myanmar

25-29 June 2007

TABLE OF CONTENTS

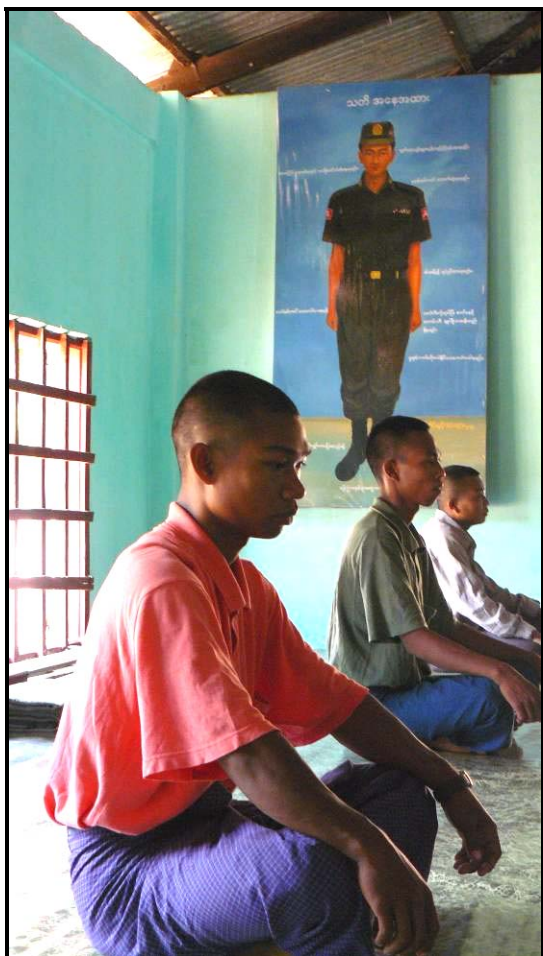
1. **Purpose of the visit** _____ P.3

2. **Interaction with the Government of Myanmar** _____ P.4
 - Monitoring and Reporting Mechanism and 1612 in Myanmar
 - Action Plans
 - Committee for the Prevention of Military Recruitment of Underage Children

3. **Interaction with Non-State Actors Listed in the Annex of the Secretary-General's annual Report on CAAC** _____ P.9
 - United Wa State Army
 - Karen National Liberation Army (KNLA) & Karenni Army (KA)

4. **Follow-up** _____ P.11

1- PURPOSE OF THE VISIT



Following the adoption of the Myanmar country-situation under the 2007 agenda of the Security Council working group on children and armed conflict, the SRSG undertook a visit to the Union of Myanmar at the invitation of the Government. The aim of the visit was to establish the UN task force on children and armed conflict and to discuss modalities of the monitoring and reporting mechanism with Government of Myanmar, the UN country team and child protection partners.

The SRSG was able to meet with the community of child protection partners and UN agencies in Myanmar who wish to engage in the monitoring and reporting mechanism. She also met with key Government ministers, with the Government Committee for the Prevention of Military Recruitment of Underage Children and with acting Prime Minister and Secretary (1) of the ruling State Peace and Development Council (SPDC), Lt.-General Thein Sein. She was also able to meet with one non-state actor listed in the Secretary-General's 2006 annual report on Children and Armed Conflict, the United Wa State Army.

During her mission to Myanmar, the SRSG was able to travel to Yangon, Nay Pyi Taw and Mandalay.

2- INTERACTION WITH THE GOVERNMENT OF MYANMAR

The SRSG met with ministers and government agents relevant to her mandate, including Major-General Maung Maung Swe, Minister of Social Welfare, Relief and Resettlement; U Kyaw Thu, Deputy Minister for Foreign Affairs; and Major-General Ngwe Thein, Director of the Directorate of Military Strength. She was also able to hold a substantive discussion with Committee for the Prevention of Military Recruitment of Underage Children. The SRSG also met with Lieutenant-General Thein Sein, Acting Prime Minister and Secretary-One of the State Peace and Development Council. The SRSG also engaged in discussions with Minister of National Planning and Economic Development, U Soe Tha.

2.1. Monitoring and Reporting Mechanism and 1612 in Myanmar

In April of 2007, the Security Council working group on children and armed conflict placed the situation of children affected by armed conflict in Myanmar on its agenda. It was decided that the Myanmar situation report would be examined by the working group at its session in November 2007. In order to prepare for this UN-drafted report, and keeping in mind the necessity of maintaining dialogue with the Government of Myanmar as the responsible party for violations perpetrated within the territorial confines of the Union of Myanmar, the SRSG engaged both with the UN country team and the Government of the Union of Myanmar to set in place a framework for the SCR 1612 monitoring and reporting mechanism.

After undertaking discussions with the UNCT on the modalities of the implementation of the UN country task force on monitoring and reporting, the SRSG met with relevant Ministers and with the acting Prime Minister and Secretary (1) of the SPDC, Lt. General Thein Sein, on the framework for the implementation of SCR 1612 in the Union of Myanmar.

In her meetings with the Ministers and the acting Prime Minister and Secretary ⁽¹⁾, the SRSG emphasized that the monitoring and reporting would be undertaken by the UN country team through their SCR 1612 task force, but that close cooperation and interaction with the Government would be necessary to ensure that the authorities, as the responsible parties for the protection of affected children, would be made aware for the purposes of:

- Informing the Government of allegations against parties who are reported to commit one or more of the 6 grave violations under SCR 1612 and requesting any information the Government and other relevant parties may have on the allegations.
- Liaising with the Government and protection mechanisms, including the sub-committee on re-integration, on necessary programmatic response, in conjunction with UNICEF and other protection actors, for affected children, including their re-integration into their communities.
- Taking necessary disciplinary actions against parties and individuals inculcated in grave violations of children to ensure transparent accountability mechanisms which can also be highlighted in the SCR 1612 reporting.



It was also stressed that monitoring and reporting would cover all six grave violations perpetrated against children covered under SCR 1612. These include recruitment or use of child soldiers, grave sexual violence, abduction, killing and maiming, attacks on schools and hospitals and denial of humanitarian access. The mechanism will collect information from all reliable sources and interested parties and will seek to verify and act upon allegations with relevant authorities.

The SRSG recognized the Government's efforts, through its Committee for the Prevention of Underage Recruitment, to address the recruitment and use of children in contravention of international law and the domestic legislation of the Union of Myanmar, and appreciated the inclusion of the issue of child recruitment in their latest child trafficking action plan. However, she noted the concern of child protection actors that the Committee met only from time to time. As the monitoring and reporting mechanism demanded high-level interaction on a regular basis, the SRSG requested that the Government appoint a focal point charged with exchanging with the UN country team on a regular basis on concerns raised through the mechanism. She also informed the Government of the intention of the UN country team to appoint a full-time international officer, under the Office of the UN Resident Coordinator, to coordinate monitoring and reporting efforts of the UN country team and to act as a liaison with the Government.

In her meeting with acting Prime Minister and Secretary 1 of the SPDC, Lt.-General Thein Sein, he responded favorably to the SRSG's suggestion, assigning the Director-General of the Ministry of Social Welfare, Relief and Resettlement to act as the Government focal point on matters relating to the implementation of SCR 1612 and expressing his support for a UN focal point under Office of the Resident Coordinator.



An issue of concern to the effective functioning of the monitoring and reporting mechanism in Myanmar is the issue of access to conflict-affected areas and to other areas where a ceasefire may be in effect (for example Wa areas of Shan state) in a timely manner. Under the current system, national staff of UN agencies and projects must submit to the Ministry of National Planning and

Economic Development who "...coordinate the travel programme and necessary approvals for ... missions from their headquarters (Yangon)"¹. Delays of up to two weeks are apparently the norm for some agencies working in Myanmar. In addition, the guidelines further spell out that "...Official(s) from the Ministry of Planning and Economic Development will accompany them [o]n the trip". This is clearly inadequate to the needs for independent monitoring and verification central to the SCR monitoring

¹ Guidelines for UN Agencies, International Organizations and NGO/INGOs on Cooperation Programme[s] in Myanmar (p. 5).

and reporting practice, and will need to be discussed and modalities worked out for access in a timely and independent fashion for staff working within the framework of the monitoring and reporting mechanism. In this regard, the SRSG was encouraged by Minister U Soe Tha's statement that the Government was committed to facilitating humanitarian access and operations in affected areas.

2.2. Action Plans

The Security Council in its resolution 1539 (2004) urgently requests that all parties to conflict who recruit and use child soldiers engage with the UN country team to devise and implement action plans to halt the practice and reintegrate affected children into their communities. This was further affirmed in SCR 1612 (2005), and a substantial amount of time is spent in verifying and up-dating the Security Council working group on children affected by armed conflict on the status of action plans entered into with parties to conflict. Although the SRSG recognized the efforts of the Government of Myanmar, through its Committee for the Prevention of Military Recruitment of Underage Children, to design and implement an action plan to bring to an end recruitment and use of children by the *Tatmadaw Kyi*, she informed the Committee that it did not meet the international standards and guidelines for action plans as called for in SCRs 1539 and 1612 and in line with the Paris Principles. In particular, the SRSG noted that, though the policies seemed to be in place regarding prevention of recruitment of children, there were numerous reports that local-level compliance needed attention. Furthermore, the SRSG confirmed to the Committee that her Office had received updates on children released and actions taken by the *Tatmadaw Kyi* to prevent recruitment, but that these facts were not able to be verified by the UNCT, which necessitated a new and more open approach to their work. In particular she recommended:

- Working level contact on a regular basis between the Committee for the Prevention of Underage Recruitment and the UNCT on issues of common concern on a regular basis.
- The sub-committee for reintegration of child soldiers, composed of relevant line ministries, begin its work in earnest at the earliest opportunity, and that information on children separated from the *Tatmadaw Kyi* or prevented from recruitment be shared with UNICEF so that they might aid the Government in their community reinsertion with appropriate programmatic response.
- A transparent complaints procedure for incidents of recruitment of underage children be instituted and disciplinary action be taken against responsible parties (both military agents and local *wat* officials or other parties aiding and abetting underage recruitment) and information shared with the monitoring and reporting mechanism.
- Access to UNICEF and the UNCT working on SCR 1612 verification should be given to recruitment centers on a regular basis.
- The current UNICEF child protection training for *Tatmadaw Kyi* recruitment officers be regularized
- Rules and regulations to prevent underage recruitment and modalities of a complaints procedure be made public, including at the village level.

The Committee responded that they would work with the UNCT and UNICEF in devising a new plan of action and requested the SRSG to forward guidelines on minimum standards for the implementation of action plans.

The SRSG also raised the issue that action plans must be engaged with all parties to conflict who are listed in the annexes of the Secretary-General's annual report on children and armed conflict. This is covered in greater detail below.

2.3. Committee for the Prevention of Military Recruitment of Underage Children

The Committee was formed by the Office of the Chairman of the SPDC, by its letter No, 205/Na Ya Ka Oo/ Ka Sa, dated 05 January 2004. The Chairman of the Committee is the Secretary-One of the State Peace and Development Council and it includes as its members:

1. Minister for Home Affairs
2. Minister for Foreign Affairs
3. Minister of Social Welfare, Relief and Resettlement
4. Minister of Labour
5. Deputy Chief Justice
6. Deputy Attorney-General
7. Judge Advocate-General of the Ministry of Defense
8. Vice Chief of Armed Forces Training of the Ministry of Defense
9. Senior Officer of the Ministry of Defense (serving as Committee Secretary)



The Objectives of the Committee are to prevent forced recruitment of under-age children as soldiers and to ensure adherence to orders and instructions issued for the protection of under-age children. Under Directive No. 13/73 of the Defense Council of Burma, dated 8 April 1974, a person must have attained the age of 18 years for enlistment into the armed forces of Burma.

The Committee, at its first meeting in 2004, drew up an "action plan" which included the establishment, in July 2004, of a Directorate of Military strength to "...examine systematically whether recruitment conforms to orders, instructions, rules and regulations issued by the Ministry of Defense...one of the primary functions [of which] is to ensure that no one under 18 years of age is recruited into the armed forces²". The action plan

² It was unfortunate that the sub-committee to oversee the action plan, composed of several ministers from Home Affairs, Foreign Affairs Labor and Social Welfare, did not include the Ministry of Defense as the line ministry responsible for armed forces recruitment.

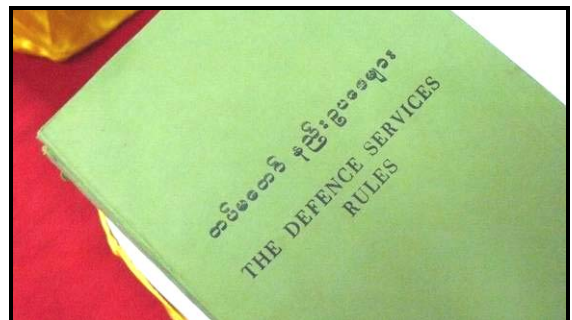
also deals with the discharge from military service of under-age recruits and their re-integration into their homes. Finally, the action plan addresses measures for public awareness regarding prevention of under-age recruitment at the national and local levels. It is worthwhile to note that the action plan also briefly mentions accountability for under-age recruitment, although measures have not been defined to date. The Directorate of Military strength is mandated to report quarterly on its activities and to respond to any other reporting requirements the Committee on the Prevention of Underage Recruitment puts forward.

In her interaction with the Committee, the SRSG stressed the following points:

- The need for a more regular interaction between the UNCT and the Committee regarding the Committee's work
- Though there appeared to be a set of regulations in place to prevent recruitment of children, the action plan as presented by the Committee did not meet international standards; she suggested that the Committee engage the UNCT in re-working their action plan to put it into line with international practice, and to assist them in the implementation of those policies.
- A more intensive public education campaign on the rules and regulations of recruitment needed to be undertaken to inform the public at all levels of the necessity to prevent underage recruitment.
- The Committee needed to engage more substantively with UNICEF in the re-integration of children associated with their forces.
- It was not known how the *Tatmadaw Kyi's* regulations applied to non-state actors present in Myanmar, whether or not they have concluded a ceasefire with the Government or are part of the National Convention process or not.
- Accountability for those who violate recruitment rules and regulations was an important matter and the UNCT should be more closely informed of any actions in this regard.

The committee agreed in principle to put in place a sub-committee to deal specifically with issues of re-integration of former child soldiers. This committee would deal closely with UNICEF in this regard to ensure adequate re-integration assistance is provided.

It was also noted that, under international law and the rules and regulations of the *Tatmadaw Kyi*, no recruitment under the age of 18 years was permissible, either "voluntary" or "forced" and that action on all under-age recruitment was the responsibility of the authorities of the Union of Myanmar.





During her visit to the Mandalay Recruitment Center, the SRSG received the commitment of Committee representatives to forward an annotated list of the approximately 30 military personnel who they claim had been disciplined by the military authorities for violating the Government's recruitment policies with regard to minors as well as a list identifying children discharged and their current addresses.

3- INTERACTION WITH NON-STATE ACTORS LISTED IN THE ANNEX OF THE SECRETARY-GENERAL'S ANNUAL REPORT ON CAAC

The latest Secretary-General's report on children and armed conflict (S/2006/826) lists the following non-state actors, in addition to the Myanmar state army the, *Tatmadaw Kyi*:

- Karen National National Liberation Army (KNLA)
- Karenni Army (KA)
- United Wa State Army (UWSA)

Of the three non-state actors listed in the Secretary-General's 2006 report, only the United Wa State Army has entered into a ceasefire and has engaged in the Government-led National Convention, scheduled to conclude its Constitution-shaping tasks in July of this year. The Government has concluded ceasefires with 17 of the non-state actors and armed groups formerly operating in Myanmar, which the government has designated as joining the "legal fold". Importantly, the Karen National Liberation Army (KNLA) the Karenni Army (KA) are not "within the legal fold"; neither group currently has an agreed ceasefire with the Government or has entered into the National Convention process to date.

However, it is of note that all the main former insurgent groups, such as the United Wa State Army, who have entered the "legal fold" have yet to enter into a formal demobilization process, an important access point for child protection agencies and partners to systematically review the presence of children associated with those groups to aid in their separation from armed units and reintegration into their families and communities. It is hoped that any mutually agreed national reconciliation process with those armed groups taking part will include a systematic separation of any children associated with those forces.

3.1. United Wa State Army



The SRSG met with a representative of the United Wa State Party of northern Shan State in Yangon. In her conversations with the representative, the SRSG raised the issue of the United Wa State Army's (UWSA) presence on the Secretary-Generals' list of parties who recruit and use child soldiers. Though the Wa representative expressed surprise that the UWSA was a listed party, he was frank that, before coming into the National Convention

process and entering into a ceasefire with the Government, there had been children among the Wa forces. However, he explained that, since the ceasefire, the Wa forces are no longer engaged in combat and the UWSA no longer recruits children. The SRSG explained that an action plan on the separation and reintegration of children associated with the Wa forces in northern Shan State was the only means of exiting the list. The Wa representative expressed confidence that the UWSA would be amenable to discussing modalities of an action plan with UNICEF and that they welcomed further development assistance, especially in the realm of education. The Wa representative informed the SRSG that he would communicate the issue to the Wa headquarters in Shan state and remain in touch on modalities of any future cooperation. He also invited the SRSG to visit the Wa National area of northern Shan State.

3.2. Karen National Liberation Army (KNLA) and Karenni Army (KA)

Although there has been an initial engagement with both the Karen National Liberation Army and the Karenni Army, operating in the border areas of Kayah and Kayin state, on commitments for action plans to halt the recruitment and use of children, the Government of Myanmar has been reticent to allow for further dialogue with these non-state actors due to various concerns relating to their status as non-state actors outside the "legal fold". In her meetings with Ministers and with Secretary (1) of the SPDC, General Thein Sein, the SRSG explained that all parties listed must be engaged in order to address violations for which they have been listed. As the KA and KNLA have engaged in initial discussions on the elements of these action plans, it is imperative that the UN country teams involved be allowed to conclude these agreements and access the concerned children associated with these groups for their protection and reintegration. It was noted that this engagement under SCR 1539 and 1612 implies, in no way, a legal or political recognition of these groups however. It was recognized that Security Council resolutions 1539 and 1612 required the UN to develop action plans with all relevant parties to conflict. In this vein, it was agreed that further discussions would be undertaken to finalize arrangements for the relevant country team to engage the KNU and KNPP on action plans to halt the recruitment and use of children.

4- FOLLOW-UP

1. Encourage the timely appointment of a UNCT 1612 focal point and the setting up of a systematic exchange between the Government 1612 focal point and the UNCT.
2. Ensure that access questions are addressed for the proper implementation of SCR 1612, including independent verification.
3. Share guidelines on Action Plan with UNCT and Government of Myanmar to revise current plan in line with international standards.
4. UNICEF to work with Government to institute regular training in child protection for recruitment officers of the Tatmadaw Kyi
5. UNCT to seek to institutionalize regular contact with Committee for the Prevention of Underage Recruitment
6. Encourage the Government of Myanmar to institute a sub-committee on reintegration of the Committee for the Prevention of Military Recruitment of Underage Children with UNICEF participation
7. Aid the Government, through the efforts of the UNCT and the 1612 focal point, in the setting up of a transparent complaints procedure and sharing of information on verifiable actions taken for accountability.
8. Aid the Government in its efforts to mount a broad information campaign on rules and regulations for recruitment and associated complaints procedure.
9. Follow up on Wa Action Plan through UNICEF.
10. Need to further discuss modalities of access for KNLA and KNU to conclude action plans based on initial deeds of commitment.

