

ACTION PLAN

between THE MORO ISLAMIC LIBERATION FRONT (MILF)
and THE UNITED NATIONS IN THE PHILIPPINES
regarding the Issue of Recruitment and Use of Child Soldiers
in the Armed Conflict in Mindanao

SUPPLEMENTAL GENERAL ORDER

for General Order Nos. 1 & 2; and in support of the Action Plan
between the MORO ISLAMIC LIBERATION FRONT (MILF)
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IN THE NAME OF GOD
MOST GRACIOUS, MOST MERCIFUL

ACTION PLAN
BETWEEN
THE MORO ISLAMIC LIBERATION FRONT (MILF)
AND
THE UNITED NATIONS IN THE PHILIPPINES
REGARDING
THE ISSUE OF RECRUITMENT AND USE OF CHILD SOLDIERS¹
IN THE ARMED CONFLICT IN MINDANAO

PREAMBLE

Pursuant to the establishment of General Order Number 1, “*An order promulgating a code of conduct regulating the affairs of the Bangsamoro Islamic Armed Forces, prescribing its powers, duties and functions, and other related purposes.*” of 2005, and General Order No. 2, “*An order amending Articles 34 and 36 of the Code of Conduct of the Bangsamoro Islamic Armed Forces and for other purposes.*” of 2006; and its clear direction of ensuring that no child is recruited² with its armed forces, the *Moro Islamic Liberation Front (MILF)*, reiterates its commitment to not having children³ recruited with its armed forces.

¹ General definition of Child Soldier - Any person, male and/or female, under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists. Child soldiers perform a range of tasks including: participation in combat, laying mines and explosives; scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour; and sexual slavery or other recruitment for sexual purposes (Cape Town Principles, 1999).

² The term “recruitment” refers to three different means by which people become members of armed forces or armed groups: compulsory, voluntary, and forcible (or forced). The lines between “voluntary” and forced recruitment are often blurred. Children may be subjected to various political and economic pressures which mean they have little alternative to enlisting in an armed force or group. Children, by dint of their very minority, are often incapable of discerning for themselves the full range of dangers and responsibilities which will befall them.

³ Please note for the purposes of this document and in line with international rules and regulations a child is anyone, male and/or female, under the age of 18 years.

Stressing acceptance and commitment of the, *Moro Islamic Liberation Front (MILF)*, to the obligations under International Humanitarian Law, International Human Rights Law, specifically the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict, and relevant UN Security Council Resolutions, particularly Security Council resolution 1539 (2004) and 1612 (2005), which call upon parties to prepare concrete time-bound action plans to halt recruitment and use of children, in close collaboration with UNICEF and relevant child protection agencies who are part of the monitoring and reporting mechanism, to promote and protect the rights of the child and other relevant policies and agreements.

This action plan is also guided by the Paris Principles and Guidelines on children associated with armed forces or armed groups of February 2007; and mindful of the commitments made by the MILF as contained in the Joint Communiqué of June 12th, 2007, signed between MILF Chairman Al-Haj Murad Ebrahim and Dr Nicholas K. Alipui, Representative of UNICEF Philippine Country office, and during the visit of the Special Representative of the Secretary-General for Children and Armed Conflict to the Philippines in December 2008.

ARTICLE 1 - SCOPE

1.1 This Action Plan and its Principles apply to *Bangsamoro Islamic Armed Forces (BIAF) of the Moro Islamic Liberation Front (MILF)*.

ARTICLE 2 - COMMITMENTS

2.1 **The Moro Islamic Liberation Front (MILF)** commits specifically to implement effectively the following provisions:

- a) To prevent the recruitment of children, male and /or female, under the age of 18 and to ensure the release and reintegration⁴ of those who may be found in the BIAF in accordance with the action plan laid out herein, to be finalized by 1st August 2009.

⁴ Reintegration refers to a long-term process which aims to give children a viable alternative to their involvement in armed conflict and help them resume life in their communities. Elements of reintegration include family reunification (or finding alternative care if reunification is impossible), providing education and training, devising appropriate strategies for economic and livelihood support and in some cases providing psycho-social support.

- b) To appoint focal points (5 person panel) of the *MILF*, in cooperation with the relevant United Nations Agencies especially UNICEF and its mutually agreed partners.
- c) To reaffirm our policy and commitment with a supplemental General Order to inform all the commanders and officers of the Bangsamoro Islamic Armed Forces (*BIAF*), that using and recruiting children is not acceptable and laying out the appropriate disciplinary action for those who recruit and use children in the *BIAF*.
- d) To send a clear general order to political and military rank and file to inform about the precise terms of this Action Plan.
- e) In partnership with UNICEF and its mutually agreed partners, ensure training and advocacy with *the BIAF* on child protection and child rights with particular reference to ensuring that using and recruiting children is not acceptable.
- f) To establish, with the technical support of UNICEF, Child Protection Units (CPU) within the ranks of the *BIAF*. This would include the development of specialised training for those within the various CPUs.
- g) If security allows, UNICEF and relevant mutually agreed partners who are part of the monitoring and reporting mechanism will be provided regular and unimpeded access to relevant persons and areas of the *BIAF* in order to monitor and verify compliance.
- h) To ensure UNICEF and relevant mutually agreed partners who are part of the monitoring and reporting mechanism, the security and safety of monitors and witnesses and to see to it that no retaliatory action is taken against them.
- i) To provide records of those enlisted children and register all children that may be found to be recruited with the *BIAF* and ensure in partnership with UNICEF and its mutually agreed partners, that the children are released and start the process of reintegration in order to lead a normal life in their respective community.

- j) In partnership with UNICEF and its mutually agreed partners ensure a wide ranging community advocacy campaign on preventing recruitment of children into any armed forces and groups as well as the impact and long term consequences of armed conflict on children.

2.2 In collaboration with the *MILF*, UNICEF and its mutually agreed partners are committed to providing specific programmatic interventions, including support for the identification, verification, release and reintegration to children which may be found to be enlisted with the BIAF.

2.3 The Office of the Special Representative for Children and Armed Conflict is committed to advocate for necessary funding in support of this action plan, in conjunction with the UNICEF. The Office of the SRSG is also at the disposal of the parties to this agreement for any technical or other issues the parties deem necessary.

ARTICLE 3 - PROCESS

3.1 The following framework constitutes the activities and timelines for the implementation of the Action Plan.

COOPERATION WITH INTERNATIONAL ORGANISATIONS		
ACTIVITY	TIMEFRAME	RESPONSIBLE AUTHORITY
a) Engage with UNICEF and mutually agreed partners who are part of the monitoring and reporting mechanism, in the concrete implementation of this Action Plan (2.1 (a))	Ongoing; Monthly meetings	BIAF-MILF with UNICEF
b) Officially name the 5 person panel with clear and transparent TORs. This panel will be in charge of the day-to-day interactions with UNICEF and mutually agreed partners who are part of the monitoring and reporting mechanism. (2.1 (b))	Immediate	MILF

ACCESS		
ACTIVITY	TIMEFRAME	RESPONSIBLE AUTHORITY
a) Subject to joint security assessment, provide regular and unimpeded access to relevant persons and areas by UNICEF and the mutually agreed partners who are part of the monitoring and reporting mechanism, including timely freedom for travel in coordination with the BIAF-MILF for monitoring and verification of cases, as well as access to any existing documentation relating to cases (2.1 (f), (g))	July 2009 – on-going	BIAF-MILF, in coordination with UNICEF
b) To ensure security and safety of monitors and witnesses, including UNICEF and its mutually agreed partners who are part of the monitoring and reporting mechanism to verify and ensure that no retaliatory action has been taken against witnesses (2.1 (f), (g))	July 2009 and on-going	BIAF-MILF, in coordination with UNICEF
c) Subject to joint security assessment assist and coordinate with UNICEF to give access to conflict areas and allow regular access to all recruitment places, relevant persons and areas by UNICEF MRM staff in order to monitor and verify the absence of children under the age of 18 years (2.1 (f), (g))	July 2009 and on-going	BIAF-MILF, in coordination with UNICEF

PREVENTION OF RECRUITMENT		
ACTIVITY	TIMEFRAME	RESPONSIBLE AUTHORITY
Coordinate with UNICEF to strengthen the birth registration system to facilitate age verification during recruitment (2.1 (a), (e))	July, August, September 2009	MILF and UNICEF
Strengthen general birth registration systems within affected communities (2.1 (a), (i))	July, August, September 2009	MILF and UNICEF

RELEASE AND REINTEGRATION		
ACTIVITY	TIMEFRAME	RESPONSIBLE AUTHORITY
a) In partnership with UNICEF and other relevant UN agencies, partners and NGOs, that are mutually agreed, ensure immediate registration and release of children who may be found and assist with the reintegration of these children to start the process of living a normal life in their community. (2.1 (h), (i))	Immediate and ongoing	BIAF-MILF and UNICEF

AWARENESS RAISING AND CAPACITY BUILDING		
ACTIVITY	TIMEFRAME	RESPONSIBLE AUTHORITY
a) Initiate a comprehensive education and awareness raising campaign for the BIAF-MILF, including the reaffirmation of directive not to recruit children and laying out the appropriate disciplinary action for those who recruit and use children in the BIAF; the directive to be distributed throughout the BIAF-MILF no later than 31 August 2009 (2.1 (c), (e))	August to December 2009	BIAF-MILF and UNICEF
b) Establish and train child protection units (CPU) within the ranks of the BIAF-MILF, at each major base / community with one overriding CPU at the highest level and authorize these units to train and oversee compliance of child protection response (2.1 (a to f))	Immediate and on-going	BIAF-MILF and UNICEF
c) Coordinate with UNICEF to begin a wide ranging awareness campaign within its bases / communities on child rights, child protection and the need to prevent military recruitment of children. This would also include Mine Risk Education (MRE) within communities.	July to December – On-going indefinitely	BIAF-MILF and UNICEF

RESPONSIBILITY		
ACTIVITY	TIMEFRAME	RESPONSIBLE AUTHORITY
a) Establish a complaints procedure for incidents of recruitment	August 2009	BIAF-MILF
b) Allow grace period of no more than one month from date of signature of this action plan to accept and evaluate reports of children recruited in the BIAF.	July / August 2009	BIAF-MILF
c) Take appropriate disciplinary action against those who are responsible for aiding the recruitment of children, and to allow for independent verification by UNICEF and its mutually agreed partners who are part of the monitoring and reporting mechanism	Immediate and ongoing	BIAF-MILF with information shared with the UNICEF monitoring and verification staff

3.2 The institutions responsible for ensuring the implementation of this Action Plan are:

- a) MILF and BIAF
- b) UNICEF and relevant mutually agreed child protection agencies who are part of the monitoring and reporting mechanism.
- c) Other UN Agencies, mutually agreed partners, programs, working groups and task forces as appropriate e.g. UN Country Task Force on Monitoring and Reporting.

3.3 The MILF, 5 person panel, focal points (military and civilian) shall undertake coordination meetings on a regular basis or as necessary with UNICEF designated focal points.

3.4 In consultation with the MILF 5 person panel, and with the support of UNICEF, the UN Task Force on Monitoring and Reporting (UNTFMR) shall report on progress achieved, on a quarterly basis, to the Office of the Special Representative on Children and Armed Conflict and shared with the MILF.

ARTICLE 4 - APPLICABLE PRINCIPLES

In implementation of all its work on behalf of children affected by armed conflict, the MILF will be guided by the following overarching principles:

4.1 *Best interests of the child* - All measures to assure the release of children, their protection and the prevention of the recruitment of children shall be determined by the best interests of such children.

4.2 *Participation and respect for the views of the child* - All activities to prevent the recruitment of children and to secure their release of children that may be found, provide protection and reintegrate them into society shall include the active participation of the communities, children and families concerned.

4.3 *Respect for the child's right to release from the armed forces* - The unlawful recruitment or use of children is a violation of their rights; preventive activities must be carried out continuously; the release, protection and reintegration of children must be sought at all times and shall not be conditional on the existence of active conflict.

4.4 *Non-discrimination* - There shall be no advantage given or denied to children based on their ethnicity, their gender, the length of the time they were with the armed forces, the manner of their recruitment or their use within the armed forces, or any other trait, characteristic or vulnerability.

4.5 *Responsibility and transparency* - The MILF will be responsible for implementation of its Commitments to Action; interact transparently with UNICEF and mutually agreed partners who are part of the monitoring and reporting mechanism, and the SRSG-CAAC; will establish and use mechanisms for investigating and taking appropriate disciplinary action on those responsible.

4.6 *Confidentiality* - Personal information related to violations of children's rights including unlawful recruitment or use by the armed forces shall be treated as confidential; the confidentiality of the established Monitoring and Reporting Mechanism will be respected and guarantees of protection for victims, witnesses, families, sources of information and monitors will be agreed to in writing with the MILF and UNICEF. The identities of the released children must be protected at all times including from media and government.

4.7 *Families and local communities* who have been affected by the armed conflict need to be consulted during planning, implementation, monitoring and evaluation of the child protection programming with the MILF 5 person panel.

ARTICLE 5 - TIMEFRAME AND APPLICABILITY OF THIS ACTION PLAN

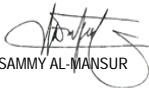
5.1 The activities outlined in the Action Plan will be planned for a period of up to 12 months from the date of signature of this agreement. This agreement may be extended based on a joint review by the MILF or its duly authorised representative and United Nations Country Team.

5.2 This Action Plan may be amended or revised at any time by the mutual written consent of the MILF and the United Nations in the Philippines. Any dispute arising out of or in connection with the Action Plan will be resolved amicably between the MILF and the United Nations Country Team. The parties may seek the advice of the Office of the Special Representative for Children and Armed Conflict in the event of any need for clarification.

5.3 This Action Plan takes effect on the date of signature. In witness whereof, the duly authorised representatives of the parties to this Action Plan have put their signatures on this day being 1st August 2009:

For and on behalf of

**THE MORO
ISLAMIC LIBERATION
FRONT (MILF)**



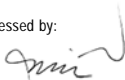
Name: SAMMY AL-MANSUR

Title: Chief-of-Staff
BIAF / MILF

Signature:

Date:

Witnessed by:



Name: EID KABALU

Title: Chief Civil-Military Relations
Department - BIAF / MILF

Signature:

Date:

For and on behalf of

UNICEF



Name: VANESSA TOBIN

Title: Representative

Signature:

Date:

Witnessed by:



Name: NATALIE MCCAULEY LAMIN

Title: Chief of Child Protection

Signature:

Date:

For and on behalf of

**THE UNITED NATIONS
IN THE PHILIPPINES**



Name: JACQUI BADCOCK

Title: Resident Coordinator

Signature:

Date:

Witnessed by:



Name: LEON DOMINADOR FAJARDO

Title: Child Protection Specialist
Children and Armed Conflict

Signature:

Date:

**IN THE NAME OF GOD
MOST GRACIOUS, MOST MERCIFUL**

Supplemental General Order for General Order Nos. 1 & 2; and in support of the Action Plan between the Moro Islamic Liberation Front (MILF) and the United Nations in the Philippines Regarding the Issue of Recruitment and Use of Child Soldiers¹ in the Armed Conflict in Mindanao

Guided by the acceptance and commitment of the Moro Islamic Liberation Front (MILF), to the obligations under International Humanitarian Law, International Human Rights Law, specifically the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict, and relevant UN Security Council Resolutions, particularly Security Council resolution 1539 (2004), 1612 (2005) and 1882 (2009);

Stressing the importance of implementing General Order Number 1, “*An order promulgating a code of conduct regulating the affairs of the Bangsamoro Islamic Armed Forces, prescribing its powers, duties and functions, and other related purposes.*” of 2005, and General Order No. 2, “*An order amending Articles 34 and 36 of the Code of Conduct of the Bangsamoro Islamic Armed Forces and for other purposes.*” of 2006, which directs MILF-BIAF’s base commands to ensure that no child is recruited² with its armed forces;

In support of the implementation of the time-bound Action Plan between the Moro Islamic Liberation Front (MILF) and the United Nations in the Philippines regarding the Issue of Recruitment and Use of Child Soldiers in the Armed Conflict in Mindanao;

¹ General definition of Child Soldier - Any person, male and/or female, under the age of 18 who is a member of or attached to government armed forces or any other regular or irregular armed force or armed political group, whether or not an armed conflict exists. Child soldiers perform a range of tasks including: participation in combat, laying mines and explosives; scouting, spying, acting as decoys, couriers or guards; training, drill or other preparations; logistics and support functions, portering, cooking and domestic labour; and sexual slavery or other recruitment for sexual purposes (Cape Town Principles, 1999).

² The term “recruitment” refers to three different means by which people become members of armed forces or armed groups: compulsory, voluntary, and forcible (or forced). The lines between “voluntary” and forced recruitment are often blurred. Children may be subjected to various political and economic pressures which mean they have little alternative to enlisting in an armed force or group. Children, by dint of their very minority, are often incapable of discerning for themselves the full range of dangers and responsibilities which will befall them.

The MILF-Bangsamoro Islamic Armed Forces (BIAF) hereby reaffirms its strict policies to ensure the compliance of all commanders and officers of the MILF-BIAF, that *no child³ shall be admitted into the BIAF*;

This supplemental general order reiterates General Order Nos. 1 and 2, particularly Article 36 (As amended by G.O. No. 2), clarifies the policy on non-recruitment of children within the MILF-BIAF, and provides the necessary sanctions for non-compliance.

Policy on Non-Recruitment of Children. Reaffirming General Order Nos. 1 and 2, particularly Article 36 (As amended by G.O. No. 2), this supplemental general order clarifies the policy on non-recruitment of children within the MILF-BIAF.

XXX XXX XXX

3. *No child shall be admitted into the BIAF.*

The BIAF shall not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.⁴

The BIAF shall ensure that persons under the age of 18 years who were recruited or used in hostilities are officially released from service. The BIAF shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.⁵

In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities. Internally displaced persons shall be protected against discriminatory practices of recruitment into the BIAF or other groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.⁶

XXX XXX XXX

³ Please note for the purposes of this document and in line with international rules and regulations a child is anyone, male and/or female, under the age of 18 years.

⁴ Based on Article 4 of the OPAC.

⁵ Based on Article 6 of the OPAC

⁶ Based on Principle 13 of the Guiding Principles on Internal Displacement.

Sanctions for Non-Compliance. This supplemental general order also further strengthens General Order Nos. 1 and 2, particularly Article 36 (As amended by G.O. No. 2), to provide the necessary sanctions for non-compliance.

***ARTICLE 64-A. Recruiting Children.** Any person who recruits or uses in hostilities, or permits to take part in hostilities, a person or persons under the age of 18 years shall, upon conviction, suffer the penalty of dismissal from the service, a fine of Php 3,000, and imprisonment of 3 months, or both as may be determined by the MILF-BIAF leadership. The same penalty shall be imposed upon any person who compels compliance or punishes non-compliance with recruitment of a person or persons under the age of 18 years.*

Grace Period. Setting the age of maturity at the onset of puberty is a religious practice among the MILF. However, for the purpose of the UN-MILF Action Plan, “a child” has been defined as any person below 18 years of age. As such, it is anticipated that there may be children that may be found in the ranks of the MILF-BIAF.

Disciplinary attention shall be administered to MILF-BIAF commanders and officers who would knowingly recruit and use children, after the designated grace period of six months (180 days), which would start a day after the receipt of the supplementary general order pack and orientation on the UN-MILF Action Plan.

Child Protection Units (CPUs) within the MILF-BIAF. Pursuant to Article 2.1 paragraph f of the UN-MILF Action Plan, this supplemental general order provides for the establishment of Child Protection Units (CPUs) within the ranks of the MILF-BIAF. The details of which shall be dealt with by the General Staff.

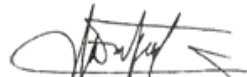
Procedure for Handling Children. MILF -BIAF commanders and officers, who upon inspection of their ranks, with the help of mutually agreed entities, would find that certain members of their command are below eighteen years of age, and are thereby considered as children based on the UN-MILF Action Plan, are requested to:

1. Register the MILF-BIAF members who may be found to be below eighteen years of age using the Rapid Registration Forms;
2. Inform the concerned front commander of the results of the rapid registration, and the names and camp/location of children that may be found in their ranks;
3. Bring the completely filled-out Rapid Registration Forms to the mutually agreed coordinating office of the parties, for prompt endorsement via fax and/ or email to UNICEF Office in Manila; and
4. Until joint notice is received and/or joint field assessment is conducted by UN and MILF teams, keep these children who may be found, within the communities they were located. Ensure that these children are no longer involved in combat and ancillary duties.

The MILF, in partnership with the United Nations, shall provide necessary rehabilitation and reintegration services to the said children, and basic services to all children in the communities and camps of the MILF-BIAF.


Approved and adopted this 20th day of January 2010, at Camp Abubakre As-Siddique, Bangsamoro Homeland.

Certified True and Correct:



SAMMYAL-MANSUR
Chairman, General Staff

APPROVED:



AL HAJ MURAD EBRAHIM
Chairman/ Commander-in-Chief