CHILDREN CAUGHT IN CONFLICTS

THE IMPACT OF ARMED CONFLICT ON CHILDREN IN SOUTHEAST ASIA

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Acknowledgements

FOREWORD

This report stems from a study initiated by the United Nations Children's Fund's East Asia and Pacific Regional Office (UNICEF-EAPRO). The project, which began in mid-2002 and ran until mid-2004, involved collaboration between UNICEF and four academic institutions: the Asia Research Center for Migration of Chulalongkorn University's Institute of Asia Studies in Thailand, the Center for Population and Policy Studies of Gadjah Mada University in Indonesia, the Psychosocial Trauma and Human Rights Program of the University of the Philippines, and the Refugee Studies Centre of York University in Canada.

The objective of the study was threefold: to improve the knowledge base on children affected by armed conflict, to devise protection strategies for children in situations of low-intensity conflict, and to involve participation of children and young people.

Indonesia, the Philippines, and the Thai-Myanmar border were selected as the areas for study because the main conflict areas were located in the three. Ideally, the project would have taken place inside Myanmar as well, but it was felt that the government would not have granted access to the sensitive border area. While the three target countries were agreed upon early in the project, the teams then had to select specific field locations in their respective countries. Three priority areas were identified in each country:

Indonesia
Aceh
Ambon, Maluku
Poso, Central Sulawesi

Philippines:
Basilan Province, Mindanao
Lanao del Norte Province and Cotabato Province, Mindanao
Mindoro Oriental Province

Thai-Myanmar Border
Wiang Haeng, Chiang Mai
Camp 1, Mae Hong Son
Mae La, Mae Sot

The stage of armed conflict in the nine situations differed. At the time, the conflicts in eastern Myanmar, from which refugees in Thailand had fled; Aceh; Mindoro; and Lanao del Norte/Basilan were active. Ambon and Poso had entered the post-conflict stage, though Christian and Muslim communities were still largely segregated in both areas and tension remained. The Moro National Liberation Front and the Government of the Philippines in Mindanao had reached a cease-fire agreement.

In the case of the Thai-Myanmar border, all respondents interviewed were in Thailand, either in refugee camps or mixed among the larger community of undocumented migrant workers. No one was interviewed in their home

villages, though the interviewees were asked about conditions existing there before they fled.

This project was a participatory study that utilized multiple methods of inquiry. A small group of around a dozen young people, who were selected by their peers during national workshops, were involved from the initial planning stage and throughout the field research. A larger group of teens acted as research assistants, a role they had identified for themselves, during the field research process. A still larger group of hundreds of children provided information for this study. The main research tools were a survey that was used with adult caregivers, focus group discussions with children (divided into three age groups, and, for the oldest age group of 15-18, divided again by gender), in-depth interviews, observation, and key informant interviews.

Sampling and Applicability
This study utilized an opportunistic sample through which persons were interviewed through self-identified networks. In strict scientific terms, the information presented here is a comparison between the respondents and may not be used to generalize on this situation of the entire population. Nevertheless, the research team conducted hundreds of household surveys, complemented by in-depth interviews, focus group discussions, key informant interviews, and informal observation to add depth to its understanding of the situation of children in these conflict-affected areas. The team, therefore, believes that the information presented here is a fair representation of some of the patterns that existed in the areas at the time.

Impact and Causality
While this study sought to examine the impact of armed conflict on children, some of the situations cannot be entirely linked to armed conflict. The overall level of economic development in several of these countries is in the low to middle range under the Human Development Index of UNDP. Within the countries, the areas from which most of the respondents came are relatively remote and lacking in basic services.

New Attention to Children Affected by Armed Conflict in Southeast Asia
In addition to many of the issues presented in this report remaining unresolved, the Asian Research Center for Migration decided to issue the report at this time because of the attention Myanmar and the Philippines are receiving from the United Nations mechanism to monitor and report on grave child rights violations in situations of armed conflict. This mechanism, which reports to a working group of the Security Council, monitors six categories of grave child rights abuses: killing and maiming, abduction, attacks on schools and hospitals, recruitment and use of child soldiers, sexual violence, and denial of humanitarian access. The objective of the system is to ensure compliance with international standards on the treatment of children in war-affected areas. The initial phase of the mechanism included the countries of Burundi, Cote d'Ivoire, Democratic Republic of Congo, Nepal, Somalia, Sri Lanka, and Sudan. The next phase beginning in 2007 may include Myanmar and the Philippines, both of which have appeared in the report on children and armed conflict of the UN Secretary-General to the UN Security Council.

Gary Risser
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Content

Acronyms and Terms

AALCC	Asian African Legal Consultative …
AALCO	Asian African Legal Consultative Organization
AFP	Armed Forces of the Philippines
APFNHRI	Asia Pacific Forum of National Human Rights Institutions
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
BRIMOB	Brigade Mobil (Mobile Police Brigade)
CRC	Convention on the Rights of the Child
EU	European Union
EXCOM	Executive Committee of UNHCR
GAM	Gerakan Aceh Merdeka (the Free Aceh Movement)
GDP	Gross domestic product
ILO	International Labour Organization
KNLA	Karen National Liberation Army
KNPP	Karenni National Progressive Party
KNU	Karen National Union
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NPA	New People's Army
NSA	Non – State Actor
RTG	Royal Thai Government
SAARC	South Asian Association for Regional Cooperation
SPDC	State Peace and Development Organization
SSA-S	Shan State Army-South
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council

CHAPTER 1
ARMED CONFLICT IN SOUTHEAST ASIA

The history of Southeast Asia has seen much warfare over the years as local and foreign powers have vied for control. Southeast Asia has suffered the effects of two major wars in recent history. Many of the main battles between the Japanese and the Allied forces during World War II took place in Southeast Asia. Two decades later, the war in Indochina, while fought in the three main states of Viet Nam, Laos, and Cambodia, nevertheless had wide-ranging impact through the region. Most recently, Southeast Asia has once again been labeled a conflict zone with the so-called "War on Terror" affecting several countries. But during and between these high profile conflicts, low intensity armed conflict has carried on for decades in several of the countries of South East Asia in virtual isolation. In several of the areas included in this study, hostility has dragged on over decades.

This chapter is divided into four sections. The first covers a history of the conflicts in the research areas. The second section is a topical review of the roots of armed conflict in the region, while the third identifies a number of facilitating factors that have allowed these conflicts to simmer, for decades in some cases. The last section describes the nature of armed conflict in the region to begin to identify how it affects children, and the civilian population in general.

1.1 BACKGROUND TO THE CONFLICTS

The research took place in three locations in three countries. This section will provide a very brief overview of the history of armed conflict in each of those locations.

1.1.1 Indonesia

Indonesia suffered from instability that has taken on very different characteristics in the areas where it surfaced.

- *Nanggroe Aceh Darussalam Province (Aceh)*

Occupying the northern tip of the island of Sumatra overlooking the strategic Malacca Straits, Nanggroe Aceh Darussalam, or Aceh as it is more widely known, has been fought over periodically throughout much of the history of Indonesia. The only recently concluded conflict between the government and the Free Aceh Movement (GAM), however, traces its roots to 1976 when the GAM emerged. Though a vein of Islamic conservatism ran through the armed opposition movement, at the heart of the GAM's opposition at the time lay the desire to break the province away from Indonesia. Fighting then has been mainly between the GAM and the armed forces of Indonesia. GAM operated in the rural areas, rarely launching attacks on large towns or cities. It also sought to destabilize the enormous international natural gas operations in the province. Fighting intensified in the late 1990s, and, though it was interrupted by a brief cease-fire, was ongoing throughout the period of research until late 2004.

In the early morning of December 26 of that year everything changed. An undersea earthquake registering over 9.0 on the Richter scale struck just off the Acehnese coast. That earthquake generated a tsunami that devastated much of Aceh, killing an estimated 220,000 people, displacing thousands upon thousands upon thousands of others, and reducing much of the capital of Bandah Aceh to rubble. To facilitate the relief efforts, the GAM and Indonesian government called a halt to hostilities. An international outpouring of donations allowed relief to be rushed to the region. The conflict dynamic in Aceh was dramatically altered from that detailed in this report. On August 15th, 2005, a Peace Memorandum of Understanding was signed between the Government of Indonesia and the GAM. This peace was brokered by the Finish government, while the Aceh Monitoring Mission (AMM), the membership of which was drawn from Association for South East Asian Nations (ASEAN) and European Union countries, monitored the peace process, including the disarmament, demobilization, and reintegration (DDR) of former GAM combatants and the release and reintegration of former political prisoners.

- *Ambon, Maluku Province*

During the political and economic upheaval following the fall of the Suharto government, communal violence between Muslims and Christians erupted in the province in 1999, mainly around the capital of Ambon. In 2001, intervention by the Jakarta- based extremist Muslim group, Laskar Jihad, contributed to the fighting and shifted power to the side of Muslim groups. A fragile peace was restored

through the Manilo Peace Pact which was signed in South Sulawesi in 2002, but when the research began, the communities remained segregated, with some villagers still living in camps for the internally displaced. Villagers who crossed communal lines put themselves at risk of physical harm.

- ***Poso, Central Sulawesi Province***

Following developments that closely resembled those in Ambon, violence erupted in the area of Poso city in Central Sulawesi in December 1998 and then again in May 2000. What followed was a series of expulsions where Christians drove Muslims out of one area and Muslims pushed Christians out of others, ultimately leading to the displacement of almost one hundred thousand persons. Though peace had been restored to the province by 2002 through the Manilo Peace Pact, unresolved tension threatened to resurface in another round of violence. While the situation in Ambon has significantly improved by early 2006, almost no incidents having been reported over the preceding year, the situation in Poso remained fragile. Incidents of violence continued to occur, one extreme case being the beheading of three Christian school girls on their way to school in October 2005.
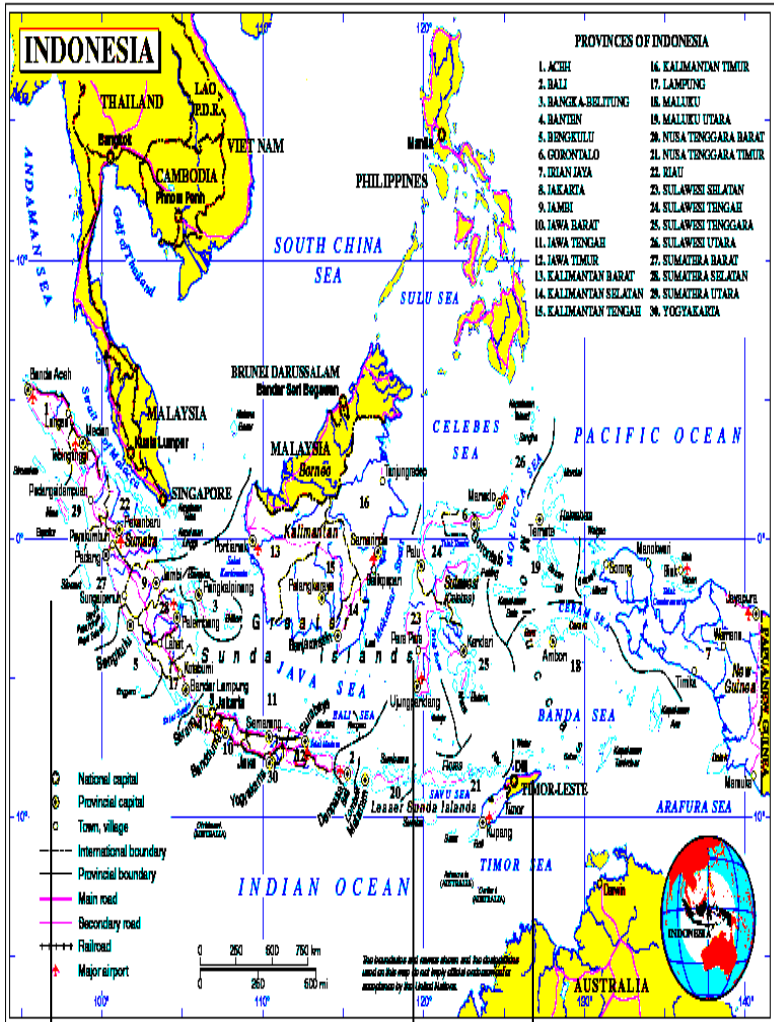
Aceh   Poso   Ambon

1.1.2 The Philippines

The Philippines continues to grapple with armed conflict between the government and severa armed opposition groups. The conflicts trace their roots to a combination of ideological, socio-economic, and religious tensions. The research in the Philippines focused on three main areas, where three different armed opposition groups are fighting the government.

- *Basilan Province, Mindanao*

In 1991, several members of the Moro National Liberation Front split from that group to form the Abu Sayyaf Group (ASG), an armed separatist group seeking to establish an Islamic state in the Philippine's southern province of Mindanao. The ASG has grabbed international headlines over the years when its members kidnapped Filipinos and foreigners for ransom. The group has reportedly targeted civilians in its attacks, particularly during the mid to late 1990s. Fighting in the area has centered on efforts by the Philippines army to destroy the Abu Sayyaf and root out its followers. The United States military as a part of its "War on Terror" has provided technical training and assistance toward this objective.

- *Lanao del Norte Province and Cotabato Province, Mindanao*

The region of Lanao del Norte and Cotabato is the stronghold of the Moro Islamic Liberation Front (MILF), which split from the Moro National Liberation Front (MNLF) in the 1980s, and the Pentagon Gang, consisting of

members drawn from the former two organizations. The MILF is a separatist movement that has called for the secession of the region from the Philippines and the creation of the Moro Islamic Republic. The Pentagon Gang is a criminal organization known for its kidnap-for-ransom operations.

Though no permanent settlement has been reached, the government and the MILF have periodically agreed to temporary ceasefires. Fighting, when it does flare up, has resulted in massive internal displacement, due largely to the government's evacuation of the local populace from the countryside. Few large scale engagements have occurred, mainly because the MILF, though it is believed to maintain in excess of 10,000 soldiers, relies on hit-and-run guerrilla tactics.

The Pentagon Gang suffered the loss of its leader in 2003, but then appeared to continue operations under new leadership. Both the MILF and MNLF have reportedly agreed to help hunt down the members of the Pentagon Gang.

- *Mindoro Oriental Province*

The people of Mindoro Oriental Province for years have had to cope with low intensity conflict between the Maoist New People's Army (NPA) and the Armed Forces of the Philippines (AFP). While it does not appear that civilians living in the more densely populated villages and towns that line the coast have experienced much direct impact from the tension, persons living in rural areas just removed from the towns must cope with a degree of insecurity. Away from the coast, the seven tribes of the Mangyan ethnic group inhabit the slopes of forested inland hills. Because the NPA operates in rural and remote areas and the AFP pursues them there, the Mangyan were believed to be significantly affected by the conflict and counter-insurgency measures, though little information had come from those areas. Upon the release of a high ranking AFP hostage in Mindoro Oriental, one of the NPA leaders thanked the Mangyan people for their help during the time the NPA was moving its prisoner, a statement that made the military suspect greater involvement of the Mangyan with the NPA.

1.1.3 Thai-Myanmar Border Area

Armed opposition to the post-colonial independent national government began even before the country achieved full independence. Members of the Karen ethnic group began their fight against the government in 1947. The group that developed out of the decades of armed opposition, the Karen National Union, continues to wage war in parts of eastern Myanmar to this day. Other groups also took up arms over the decades since independence, but around seventeen have entered cease-fire agreements with the government. The groups that continue to fight the central government are most active in the forested and hilly areas lining the Thai-Myanmar border. Around 140,000 persons displaced by the armed conflict and human rights abuses related to it have taken shelter in camps in Thailand. It is believed that many more live unregistered, outside of

camps, in most ways indistinguishable from the large undocumented Myanmar migrant labor population. Researchers in Thailand collected data in two refugee camps, Mae La and Baan Tractor (Camp 1), and one area in which a large number of undocumented refugees work, Chiang Mai Province's Fang District.

- ***Mae La Center for Displaced Persons, Tak Province***

Mae La, the largest of the nine refugee camps in Thailand, houses over 39,000 refugees from Myanmar, mainly of the Karen ethnic group. The camp lies just across the border from Myanmar's Kayin State where fighting between the armed wing of the Karen National Union (KNU), the Karen National Liberation Army (KNLA), and the Myanmar Army has dragged on for over half a century. The government has employed a number of strategies in its attempts to defeat the KNLA, but its depopulation strategy has had the most significant effects on civilians. Though refugees have crossed back and forth across the border since at least the 1960s, displaced persons were sheltered in camps beginning in 1984. As a result of this protracted displacement, many children were born in the camps and never lived in Myanmar.

- ***Baan Tractor Center for Displaced Persons (Camp 1), Mae Hong Son Province[1]***

Baan Tractor provides shelter to thousands of refugees from Myanmar, the majority of which have fled from Myanmar's Kayah State and come from the Kayah ethnic

group. The camp lays approximately one-hour's drive from the tourist town of Mae Hong Son. In eastern Kayah State, the Karenni Army of the Karenni National Progressive Party (KNPP) has fought the central government for decades. It initially wanted to set up its own state, but has since 2004 said it would be willing to consider other potential settlements. As in the case of Mae La, refugees have fled forced relocation and other abuses into Thailand.

- ***Fang District, Chiang Mai Province***

Villagers from southern Shan State began to flee to Thailand in large numbers in 1996-1998 following the forced relocation to government controlled towns of scores of villages in the region. The Myanmar Army depopulated the area so as to deny the Shan State Army-South (SSA-S) the support of those villagers. The Royal Thai Government (RTG), unlike in the areas farther south, has not permitted the establishment of refugee camps for the estimated more than 100,000 refugees who have fled Myanmar's southern Shan State into the northern provinces of Chiang Mai and Chiang Rai. The vast majority of this population, therefore, has sought work as "illegal immigrants" in Fang District's fruit and vegetable farms and plantations, on construction sites, and in the service sector, including the commercial sex industry.

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[1] Please note that this camp is called Site 1 Ban Kwai/Nai Soi on the map below.

Burmese border refugee sites with population figures: February 2007

	TBBC[1] Feb-07			+/(-)[2]
	Female	Male	Total	Jan-07
Chiengmai Province				
WH Wieng Heng (Shan Refugees)	317	287	604	-
Mae Hong Son Province				
Site 1 Ban Kwai/Nai Soi	9,479	10,260	19,739	66
Site 2 Ban Mae Surin	1,767	1,890	3,657	25
K1 Mae La Oon (Site 3)	7,456	8,248	15,704	(115)
K2 Mae Ra Ma Luang (Site 4)	7,817	8,128	15,945	329
Subtotal:	26,519	28,526	55,045	305
Tak Province				
K3 Mae La	24,180	25,296	49,476	113
K4 Umpiem Mai	9,440	10,161	19,601	18
K5 Nu Po	7,421	7,979	15,400	70
Subtotal:	41,041	43,436	84,477	201
Kanchanaburi Province				
K6 Ban Don Yang	2,323	2,268	4,591	(75)
Ratchaburi Province				
K7 Tham Hin	4,794	5,056	9,850	168
Total for sites in Thailand:	74,994	79,573	154,567	599

State of Origin of Registered Population

62%	Karen	5%	Pegu
13%	Karenni	4%	Unknown
9%	Tenasserim	2%	Other (Chin, Kachin, Irrawaddy, Magwe, Mandalay,
5%	Mon		Rakhine, Rangoon, Sagaing, Shan)

☆ IDP Site
▼ Wieng Heng: Camp Committee
☐ Sites 1 & 2: Karenni Refugee Committee (KnRC)
▲ Camps K1-K7: Karen Refugee Committee (KRC)
● MON - Resettlement Sites[3]

	Female	Male	Total	
M1 Halochanee	1,982	2,134	4,116	(64)
M2 Che-daik	553	501	1,054	-
M3 Bee Ree	1,892	1,912	3,804	(13)
M4 Tavoy	1,374	1,599	2,973	7
Subtotal Mon sites:	5,801	6,146	11,947	(70)
Grand total all sites:	80,795	85,719	166,514	529

Notes: 1. TBBC figures include new arrivals, births & deaths since MOI/UNHCR registration. 2. Change in population since previous 3. MRDC February 2007 population.

1.2 ROOTS OF ARMED CONFLICT

Like the roots of a tree, the roots of armed conflict are multiple and intertwined, no one branch necessarily feeding the strife on its own. In Southeast Asia, the underlying factors that contribute to and facilitate fighting arise out of several political, historical, social and economic processes.

Identifying which one drives an armed group is a tricky business because adequate information on which to base analysis on the motives of groups or individuals is not always available or accurate. Much rhetoric may be used to generate support for a movement that may not actually be in line with the unstated goals of the group.

Even where information is believed to be good, the rationale for joining an armed conflict, the understanding of conflict, and overall objectives of an elite commander may differ greatly from that of a child soldier. In most of the conflicts covered by this study, the leaders are educated while the ground troops, particularly in the larger organizations, are drawn from the peasantry. These leaders are able to couch concrete local concerns in the more abstract concepts of ethnicity and ideology, an issue that will be discussed below.[2]

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[2] For an example of analysis of elite vs. peasant motivation for joining armed groups, see James C. Scott "Revolution in the Revolution: Peasants and Commissars," *Theory and Society*, Vol. 7, No. 1 and 2 (Jan. – March 1979), pp. 97-134; See also Thomas A. Marks "Ideology of Insurgency: New Ethnic Focus or Old Cold War Distortions?" *Small Wars and Insurgencies*, Vol 15, No. 1 (Spring 2004), pp. 107-128.

1.2.1 State- and Nation-Building: Transition and Power Politics

In part, the conflicts in Southeast Asia are related to the unresolved state- and nation- building that was accelerated under the colonial powers and then continued on in the transition period following the withdrawal of those foreign powers. By the end of the 1800s, Britain had control over most of contemporary Myanmar, while the Netherlands had colonized much of Indonesia. The United States was a major influence in the Philippines as was Spain before it.

During the colonial period, many ethnic groups and kingdoms were drawn together under a single colonial authority – an historical precedent. Though smaller kingdoms or chiefdoms may have paid tribute to the larger kingdoms to ensure their security, they were not administratively one cohesive unit (some paid tribute to more than one stronger power) and therefore enjoyed extensive local autonomy.

To some extent, colonial powers allowed some of the more remote groups to maintain a high degree of local autonomy, but within their governing system. For example, the British in colonial era Myanmar divided the country administratively into Lower and Upper Burma, whereas in the latter local chiefs maintained much authority, in the former mostly ethnic Burmans came under the direct administration of the British. This division also created hostility as one group was given greater power than another. Some ethnic groups were also recruited into the colonial armed forces to the exclusion of others. Some

analysts have divined a strategic purpose from these actions, most commonly expressed through the concept of "divide and rule."

World War II changed the situation in Southeast Asia dramatically. Shortly after the war the colonial states withdrew or were forced out of the region. Though attempts were made in some instances to provide a smooth transfer of power, various local ideological and ethnic political groups nevertheless attempted to create their own political space in the vacuum that followed. Real grievances and rights abuses helped to swell the ranks of the opposition forces, while weapons and training provided during the war provided the material resources necessary to carry out armed struggle and in many cases to match militarily the fledgling state armed forces.

In some cases, strong, charismatic, and often autocratic leaders asserted state authority to keep ethnic and communal tensions largely in check. This was especially the case in Indonesia, where long reigns of autocratic leaders Sukarno and Suharto kept organized violence largely in check. While the insurgency in Aceh (and in West Papua) had been running for decades at low levels, the collapse of the Suharto government in 1998 in the wake of the Asian economic crisis saw the eruption of several violent struggles and the escalation of others throughout the sprawling country. The protests movements that erupted around the country kept the government occupied and allowed many parties the space to mobilize to press their demands. Fighting broke out in Central Sulawesi and

Maluku accompanied by ethnic violence in Kalimantan and Papua New Guinea. The period also saw intensification of the fighting in Aceh, during one episode when attacks were launched against Javanese who had migrated to the province.

1.2.2 Economic Disparities

The reality and perception of economic disparities between regions and groups in these countries has contributed to tension and provided a rallying cry for some of the rebel forces. Two main issues pervade discussions on this topic.

First is the failure of the governments to distribute equitably the benefits of economic growth. Rural farmers in these countries, though having historically formed the backbone of the economy, still live in relative poverty. There is reportedly a feeling among some that national income is being diverted to the elite through corruption and other means while the situation of the poor remains essentially unchanged. Some of the armed groups have utilized this point to raise recruits. As argued in the Philippines country report:

> *It is the promise of a more economically comfortable and just future that convinces many from the farmer class to take up arms against the government or to support the progressive movement.*

The second and related issue is the exploitation of the rich natural resources, legal and illicit, found in some of these conflict areas. One prominent case is Aceh. Just off its eastern shore, lies one of the world's largest reserves of natural gas. While the province has provided 25% of the country's gross domestic product (GDP) local villagers have complained that they have seen little improvement in their welfare. Large corporations moved into North Aceh following the discovery of natural gas, spreading related operations through the other parts of the province. Outsiders dominated these huge corporations. Their displays of wealth alienated the Acehnese, who were largely excluded from the economic gains of industrialisation. "Even in North Aceh, referred to in jest as the petro-dollar region," wrote the Indonesian research team, "70 percent of villages remained officially in the 'backward' category." While the government has over the past few years re-thought the distribution of natural gas profits to the province, the many years of neglect had provided the armed opposition with a real issue.

1.2.3 Ideological Conflicts

Ideological differences have been linked in part to economics and in part to governance. The main ideological conflicts in the region spread during the Cold War when a number of the actors in the region sided with communist forces (either Stalinist or Maoist) or with the Western powers. While the communist movement as a viable armed faction disappeared in Myanmar in the late 1980s and was systematically undermined in Indonesia, the Maoist New People's Army in the Philippines has continued to fight the government and remain viable, in large part because the government has been unable to defeat it militarily, but

equally because many of the issues, particularly economic distribution disparities, remain real problems in the countryside.

1.2.4 Identity Politics

Conflict in the region has also drawn strength from the ethnic and religious divisions within the country. Several of the countries are dominated politically and economically by particular ethnic groups. In Myanmar, political and military power has rested since the end of colonialism in the hands of ethnic Burmans, while in Indonesia it has been the Javanese. In the Philippines, ethnic power structure is less clear, but Christians represent the majority in the leadership structures. The majority in each country has been accused of not treating the other equitably, being repressive, and of attempting to "colonize" their areas through military might or the migration of the majority into those lands. National minorities have in each of these countries sought to protect local areas where their identity group predominates and therefore often refer to themselves as resistance movements. In some cases, the leadership has drawn attention to pre-colonial history at which time many of these smaller ethnic groups had their own local leaders, who, while they may have been in a vassal relationship, maintained much local authority. The Shan in Myanmar had over a dozen princes at the time the British took over, while the Acehnese kingdom was one of the last areas to fall to the Dutch.

Divisions between Christians and Muslims have been a factor in the conflict in Mindanao, Ambon and Poso. Mindanao has a long history of Muslim rulers resisting colonization during Spanish, American, and indigenous control of the archipelago. The leaders of some of the armed groups have called for local autonomy, while others wish to separate entirely from the country. In Ambon, the dynamic was more complex, since Muslims and Christians had for years lived together with relatively few problems. The clashes appeared to have begun more so along ethnic lines, between local of Maluku Christians and migrant Muslims. The lines were later drawn along religious lines with the Muslim extremist organization, Laskar Jihad, playing a role in the conflict. In Poso, analysts have argued that the manipulation of identity politics during the contest of local government contributed to the conflict. The arrival in 2001 of Laskar Jihad ultimately served to tip the balance into the favor of Muslim fighters.

1.3 FACILITATING AND HINDERING FACTORS

Without access to resources, the armed opposition groups of the region would have found it difficult to fight against local governments.

Arms have been readily available in the regions, some at first utilizing those weapons left over from World War II and later from the significant flow of arms that passed through Thailand to the Khmer Rouge at the Cambodian border.[3] Even after the war in Indochina had ended, a large

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[3] For a description and analysis of the trade in contraband arms see Pasuk Phongpaichit, Sungsidh Piriyarangsan, and Nualnoi Treerat,

surplus of weapons remained. Corruption has allowed for these to flow to armed groups along the Thai-Myanmar border and farther abroad.[4] In 2003, during her visit to Thailand, then Indonesian President Megawati Sukarnoputri raised with Thai Prime Minister Thaksin Shinawatra the problem of illicit flows of arms from southern Thailand to GAM in nearby Aceh.[5] Corruption has likewise allowed for arms to be sold internally in several countries, sometimes leaking even coming from a government's own stockpile.

Non-state actors have had to purchase their weapons, requiring that they have access to financing. Some have accumulated wealth through the extraction of natural resources. Eastern Myanmar was for years, and still is in some places, one of the region's top sources of tropical hardwood, the demand for which is high in Japan, China, Thailand, and elsewhere. The area is also rich in precious gemstones and minerals. Timber was at one time sold in

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Guns, Girls, Gambling, Ganja: Thailand's Illegal Economy and Public Policy (Chiang Mai: Silkworm Press, 1998) pp. 127-154.

[4] Weapons believed to be bound for the Liberation Tigers of Tamil Elam (LTTE) in Sri Lanka were seized in the Thailand's island province of Phukent in July 2002. Three Sri Lankan men confessed to the charge of arms trafficking in November 2003 after Thai police arrested them in May that year for possession of several guns and thousands of rounds of ammunition. Arms are also said to flow from Thailand to armed groups operating in India's northeastern states.

[5] "Indonesia's President says Aceh rebels hide in Thailand," ABC Radio Australia, August 30, 2003.
http://www.goasiapacific.com/news/GoAsiaPacificBNA_935352.htm; See also "Indonesia, Thailand reiterate closer antiterror cooperation," *Kyodo*, August 30, 2003.

Thailand, a country which also benefited from the flow of gems across the border to the consternation of the Myanmar government.

Taxation of the local population at the local level and on goods traveling through NSA territory has also been a source of income. The GAM reportedly operated in this way, collecting tax from extractive industries such as oil and timber. NSAs in eastern Myanmar once controlled the main trade gates to Thailand and were able to collect a fee on goods crossing the border.

Illicit activities too have provided badly needed funds. Parts of Myanmar's Shan State form the infamous Golden Triangle, which for four decades has been one of the world's main sources of opium and heroin, and where producers have increasingly diversified into methamphetamines and possibly even some synthetic drugs.[6] Armed groups have played a variety of roles there, from guarding the production sites and shipments to extracting "tax." The GAM was allegedly involved in drug trafficking too, in which its members often worked together with the military and police. Thirty percent of the marijuana in Southeast Asia was believed to originate in Aceh at one time and while it is not possible to estimate what portion of this fell under the operations of GAM, its

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[6] For a history of the links between the drug trade and armed conflict in Myanmar, see Bertil Lintner, Burma in Revolt: Opium and Insurgency Since 1948 (Bangkok: White Lotus, 1994), and Alfred W. McCoy, *The Politics of Heroin: CIA Complicity in the Global Drug Trade*, Second Edition (New York: Lawrence Hill Books, 1992).

"involvement in drug trafficking is directly linked to the arms/drug nexus both regionally and domestically. Marijuana is sold to obtain weapons not only from Cambodia and Thailand, but also from individuals in the Indonesian security forces."[7] GAM and the Abu Sayaff were known to use kidnapping for ransom to secure funds.

Unlike in other parts of the world, the expatriate community does not appear to be a significant source of funds for these groups.

1.4 THE NATURE OF WARFARE IN SOUTHEAST ASIA

While considering the impact of armed conflict on children in Southeast Asia, the nature of the warfare being waged there must be taken into account. To a large extent, the impact links directly to the tactics being employed in the battlefield.

Of the nine areas included in this study, two broad categories of armed conflict are represented. The first is represented by the cases of Ambon and Poso. There, the conflict was mainly fought between communities. So as not to oversimplify, the role of political actors in that violence and the later joining of the fighting by the Laskar Jihad, a Muslim group originally from the island of Java, must be acknowledged, but the conflict was not between an armed opposition and the state, but between Christians and Muslims. In this type of fighting, the role of state forces, mainly the police and army, ultimately was to intervene to restore law and order between the two sides, limiting itself to policing.

A second category of warfare, protracted low-intensity insurgency, characterized the other seven areas covered in this study. In the areas where armed conflict was ongoing during the research (eastern Myanmar, Aceh, part of Mindanao, and Mindoro), armed opposition groups controlled little territory. They employed ambush tactics, striking at government personnel or facilities (and sometimes civilians) and then retreating into the forest or fading into the broader civilian population. In general, they did not attempt to hold fixed positions. The lines between armed opposition fighters and villagers was blurred since only in some groups was soldiering "full time" employment – resources simply did not allow it.[8] Fighters spent some time in the villages, where their families lived, or in other areas to work part time. The armed opposition groups also

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[7] Kirsten E. Schulze, *The Free Aceh Movement: Anatomy of a Separatist Organization*, (Washington, DC: East-West Center, 2004) p. 28.

[8] An exception was the MILF which maintained fixed camps where the families of the soldiers also live. Most worked full time, though some young people who participated in the armed conflict as child soldiers did so occasionally when fighting erupted or during the summer when they did not have classes. They returned to school and their families if they were not needed. Most soldiers of the NPA, reportedly because of security reasons, stayed on full time and relied on villagers and family members for support – food and other personal needs. Though they were promised an allowance in some instances, it was paid irregularly but more often no payment was provided.

depended to a large extent on the support received from civilians, who often come from the same identity group, be it ethnic, religious, regional or some combination of the three. The support, provided willingly out of sympathy for a common cause or out of fear of the penalties for refusal, came in the form of food, funds, shelter, recruits, and intelligence.

As a likely consequence of these linkages, in the areas under study, the majority of the armed opposition groups perpetrated few violent abuses against villagers on whom they depended and who they likely viewed as allies. This was not the case though with villages or other clusters of people who were perceived to be supportive of the government. In Aceh, migrant families, mainly of Javanese origin, became the targets of GAM violence which ultimately displaced thousands of people within Aceh and into the neighboring province of North Sumatra.

State armed forces responded to this situation in the three countries by employing one or more of the tactics common to counter-insurgency efforts: relocation of villagers, travel restrictions (including curfews), destruction or confiscation of produce and livestock, investigation, detention, interrogation, and "hearts-and-minds" programs. While many of these tactics are permitted under international humanitarian law, some, such as some forms of destruction and confiscation of food sources and property, are prohibited, and others must be conducted only after employing the safeguards necessary to protect the civilian population. Even where the safeguards are employed, negative impacts to children are not completely unavoidable. Efforts to make war "safe" can only go so far.

But neither side has been able to achieve an absolute victory. The armed groups have not been powerful enough to breakaway, while governments have been unable or unwilling to defeat them. Force alone has not been successful. It is like stomping on a rain puddle – the water scatters, but eventually flows and reforms. Some of the insurgencies have stretched over decades, affecting generations of children, some of whom are now grown with children and grandchildren of their own.

CHAPTER 2
LEGAL MECHANISMS AND
THE RULE OF LAW

A strong protective environment for children requires a legal infrastructure in which laws intended to shield children from harm are in place and enforced. In Southeast Asia, legal mechanisms that may be used to protect children can be found at three general levels. International mechanisms consist mainly of the body of the international human rights and humanitarian law (the latter known also as the laws of war). The four states covered by this study have ratified and implemented these international codes to varying degrees. At the regional level, legal implements are much weaker, consisting of non-binding principles and agreements. At the level of the state, each of the countries has its own set of domestic laws embodied in the constitution, penal code, and/or military law which are intended to safeguard the lives and well-being of civilians in zones of conflict.

The first three sections of this chapter will provide a description of the relevant laws at each level and the status in each country. The last section addresses the impact that armed conflict has on the rule of law.

2.1 INTERNATIONAL PROTECTION MECHANISMS: THE GLOBAL AND REGIONAL FRAMEWORK

International human rights and humanitarian law provides one layer of protection to children in war-affected areas. In most cases, these international instruments need to be signed and ratified by the states concerned before they may be considered binding on those governments.

As the table below signifies, the four countries under study have signed and/or ratified many of the main international conventions and as such these are legally binding upon these states. All have ratified the Convention on the Rights of the Child and the Geneva Conventions. For other mechanisms, the level of ratification varies. The Philippines, for example, which has the best record in terms of signing international rights instruments, has signed all but the Convention for the Elimination of All Forms of Racial Discrimination. A discussion on ratification of these instruments will follow in the Section 3.3 below.

Table 1: Comparative status of international human rights instruments (2006)

S= Country has Signed. All other indicate Accession or Ratification)

	International Instrument	Indonesia	Philippines	Thailand	Myanmar
1	Convention on the Rights of the Child, 1989 (CRC)	05 Sep 1990	21 Aug 1990	27 Mar 1992	15 Jul 1991
2	Optional Protocol to the CRC on the involvement of Children in Armed Conflict, 2000	24 Sep 2001 (S)	12 Apr 2002	27 Feb 2006	
3	Optional Protocol to the CRC on the sale of Children, Child Prostitution and Child Pornography, 2000	24 Sep 2001 (S)	08 Sep 2000 (S)	11 Jan 2006	
4	Convention on the Elimination of All Forms of Racial Discrimination, 1966	25 Jun 1999			
5	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	28 Oct 1998	18 Jun 1986		
6	International Covenant on Economic, Social and Cultural Rights, 1966		07 Jun 1974	05 Sep 1999	
7	International Covenant on Civil and Political Rights, 1966		23 Oct 1986	29 Oct 1996	
8	Optional Protocol to the International Covenant on Civil and Political Rights, 1966		22 Aug 1989		
9	Geneva Conventions, 1949	30 Sep 1958	06 Oct 1952	29 Dec 1954	25 Aug 1992
10	Protocol I to Geneva Conventions, 1977		12 Dec 1977 (S)		
11	Protocol II to Geneva Conventions, 1977		11 Dec 1986		
12	Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	13 Sep 1984	05 Aug 1981	09 Aug 1985	22 Jul 1997
13	Optional Protocol to CEDAW	28 Feb 2000 (S)	21 Mar 2000 (S)	14 Jun 2000	
14	Statute of the International Criminal Court, 1998		28 Dec 2000 (S)	2 Oct 2000 (S)	
15	C182 Worst Forms of Child Labour Convention, 1999	28 Mar 2000	28 Nov 2000	16 Feb 2001	
16	Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990		5 July 1995		
17	Convention Relating to the Status of Stateless Persons		22 Jun 1955 (S)		
18	Convention Relating to the Status of Refugees, 1951		22 July 1981		
19	Protocol Relating to the Status of Refugees, 1967		22 July 1981		
20	Convention on the Prevention and Punishment of the Crime of Genocide, 1948		7 July 1950		14 March 1956
21	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 1968		15 May 1973		

2.2 REGIONAL PROTECTION MECHANISMS

No binding regional human rights instrument or refugee protection mechanism exists in Southeast Asia. Two documents, both non-binding, provide a foundation on which to consider human rights standards in Southeast Asia. The Bangkok Principles and the Kathmandu Declaration address the problems of refugees and child recruitment respectively.

2.2.1 Bangkok Principles

The Principles Concerning Treatment of Refugees, or the Bangkok Principles as they are commonly known, provides the platform for the states in Asia that have not signed the UN Refugee Convention to address their refugee situations. The Bangkok Principles have gone through several phases of amendment and development since the initial document was produced in 1966.

At the 2001 Fortieth Session of the Asia Africa Legal Consultative Committee (AALCC) held in New Delhi, India, a revised text of the *Bangkok Principles on the Status and Treatment of Refugees* was adopted (See Appendix 1). The Committee was also renamed as Asian-African Legal Consultative Organization (AALCO) and adopted principles on the treatment of refugees that indicate three important features. First was the inclusion of the concept of 'non-refoulement' under Article III and further strengthening of the non-refoulement standard by making provision to allow asylum seekers in the receiving state to seek asylum in a third country. Second, the new version established minimum standard of treatment for refugees under Article IV. Third, and linked to non-refoulement, was the expressed respect under Article IV of voluntary repatriation.

Though the revised Bangkok Principles is not a binding treaty, nonetheless the principles contained therein provide the basis for regional standards to protect refugees and displaced persons. To ensure the principles met international standards, UNHCR extended its full cooperation and played a useful role in informing and facilitating exchange of views among AALCO's member states on the normative and practical issues about displacement as well as refugee law. The challenge, however, has been to ensure that the principles are respected, implemented and enforced. One of the priorities among the future work program of the AALCO has been to assist member states in the drawing up of national refugee

legislation, but in the case of Thailand, Indonesia, and Myanmar, this process has not progressed.

2.2.2 Kathmandu Declaration

The first ever conference on the use of child soldiers in the Asia-Pacific region was held in Nepal in May 2000. The meeting was attended by representatives from sixteen countries as well as a number of NGOs. Officials from Indonesia and Thailand participated at the conference, which closed with the adoption of the *Kathmandu Declaration on the Use of Children as Soldiers*. The declaration stated that the use of any child under 18 years of age by any armed force or armed group is wholly unacceptable. It also called on governments to take a number of measures to protect children, including to:

1. Review national legislation in relation to children to take account of the 18 years age limit to childhood and working with local communities in developing an understanding of this age limit and its importance;

2. Enact laws for the protection of refugees and asylum seekers and to provide access to refugees and internally displaced populations as well as UN agencies and NGOs;

3. Ensure that they have law requiring compulsory birth registration;

4. Fully respect the provisions of international law and in particular in the case of captured, surrendered or rescued child soldiers;

5. Adopt a holistic approach to reintegration of child soldiers, linking education, vocational training, income-generating activities and trauma-counseling, ensuring that the interests of the child – material, physical, psychological and spiritual – are considered within the family and community context;

6. Pay attention to the special needs of girl soldiers.

The participants through the declaration also called upon the media to report on situations of armed conflicts without recourse to the sensationalization of violence and to support efforts to end the use of children as soldiers, bearing in mind the imperative need to protect individual children from stigmatization and to preserve their dignity, safety and self-respect.[9]

Apart from these features, the Kathmandu Declaration also requested ASEAN, the South Asian Association for Regional Cooperation (SAARC) and other regional fora to include this declaration on their agenda. A similar request was made to the representatives of the national human rights institutions attending the conference to present the

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[9] *Kathmandu Declaration on the Use of Children as Soldiers*, adopted on 18 May 2000.

declaration to the Asia Pacific Forum of National Human Rights Institutions (APFNHRI) and requested the forum secretariat to disseminate the declaration to all national human rights commissions as well as to consider measures to monitor the use of under-18s as soldiers.

2.3 COUNTRY SITUATIONS: INTERNATIONAL AND DOMESTIC LAW

While international and regional mechanisms provide strong guidance and their use to bring to justice persons perpetrating crimes against children and other civilians is improving, true deterrence at this time still depends largely on the strength of local laws and the willingness and ability of local authorities to enforce them. The following section will examine each country's commitment to many of the international instruments and regional initiatives discussed above, but it will also examine the level to which those rights have been translated into the domestic legal framework. Each of the countries has its own child protection or child rights law, but the protection afforded by these varies greatly from state to state.

2.3.1 Indonesia

Indonesia is a party to a number of international human rights instruments and as such has undertaken the international obligations (See Table … above). These international obligations undertaken require the support of domestic laws to translate such obligations into reality in Indonesia. There is also the scope for the application of the

customary principles of international law in Indonesia. The membership of Indonesia to some of the regional organizations and conferences may also provide wider scope for the application of international law in Indonesia.

The fundamental law of the land, the Constitution of Indonesia (the *Pancasila*) plays an important role in the promotion and protection of human rights. Many laws, Governmental Regulations as well as Presidential Decrees were issued under this Constitution. The Government of the Republic of Indonesia ratified the Convention on the Rights of the Child (CRC) through its Presidential Decree No. 36/1990. At the time of ratification, Indonesia had reservation on some of the provisions of the CRC and declared that the ratification of the CRC does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligations to introduce any right beyond those prescribed under the Constitution.

Indonesia has also clearly identified three major difficulties it faces in implementing international refugee law. First, the government has expressed concern that domestic legal instruments are inadequate to provide protection for refugees, refugee children in particular, and the internally displaced. Second, the lack of information on the number and condition of refugee children and internally displaced children poses challenges to implementation of laws meant to benefit them. Lastly was the challenge posed by the lack of experienced professionals who have an understanding of the CRC with regard to managing the problems of refugee and internally displaced children.

Based on these factors, Indonesia set two important priorities for the 2000-2006 period. They were to ratify the two Additional Protocols to the Geneva Conventions of 1949 and to draw up national legislation for the protection of refugees, in particular refugee and internally displaced children; and to build the capacity of professional staff in the management of refugee and internally displaced children, including familiarizing them with the various international human rights instruments including the CRC.[10]

- **Republic of Indonesia Law Number 23 (2003) on Child Protection**

The Republic of Indonesia Law Number 23 on Child Protection (hereafter, the Child Protection Law) was adopted by Presidential Decree in 2002. The law defines the child as any person under the age of 18 and contains significant articles for the protection of children affected by armed conflict.

Article 15 states that every child shall be protected from:
  a. Misuse for political activity;
  b. Involvement in armed conflict;
  c. Involvement in social unrest;
  d. Involvement in an event that involves violence; and
  e. Involvement in war.

Article 63 sets out explicitly that "All persons shall be prohibited from recruiting or equipping children for military or similar purposes, and from putting the lives of children in danger."

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[10] Ibid., p. 124

The Child Protection Law in Article 59 also states that the "government or an authorized state institution shall be responsible and accountable for providing special protection to children in emergency situations…" Article 60 then goes on to categorize the types of children who may find themselves in emergency situations and includes:

a. Refugee children [including internally displaced persons;
b. Children who are the victims of social disturbance;
c. Children who are the victims of natural disaster; and,
d. Children who find themselves in the midst of armed conflict.

Lastly, the law calls for the establishment of a Commission for the Protection of Indonesian Children, which has begun to undertake work, including advocacy and plans for monitoring and reporting on the situation of children affected by armed conflict.

2.3.2 Philippines

Two years after the country's ratification of the CRC, then President Fidel V. Ramos stressed that despite the progress made in improving the welfare of Filipino children, there was still much work to be done. In his first State of the Nation Address, the president declared that, henceforth, "Growth will be measured not in terms of statistics, but in terms of people: in the child we save from hunger and raise to a life of dignity and well-being." Thus, he had placed children at the heart of national development agenda with improvements in their situation as indicators of progress.[11]

The Philippines has undertaken international obligations to safeguard the human rights in general and those of children in particular. The country is a party to about twenty international human rights instruments and has much wider obligations when compared to the other states in the South East Asian region. The Philippines is the only country among the four countries covered in the research to have ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Similarly, the Philippines is the only country among the four to have acceded to the Convention Relating to the Status of Refugees its Protocol as well as the 1977 Protocol II to Geneva Convention of 1949. The Philippines has also ratified ILO Convention 182 on the Worst Forms of Child Labour and signed the Statute of the International Criminal Court.

International obligations require the support of domestic laws to translate such obligations into reality in the Philippines. Apart from these specific obligations undertaken through those international treaties, conventions and other instruments, there is much wider scope for the direct application of the customary principles of international law and principles in the Philippines based on the express provisions of the Philippines Constitution.[3] This is a very unique feature of the Philippines Constitution that is virtually absent from the constitutions of the world where additional efforts are to be taken through law to integrate such customary principles into the domestic laws.

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[11] *Initial Report of the Philippines on the Convention on the Rights of the Child*, CRC/C/3/Add. 23, dated 3 November 1993, paragraph 268.

The constitution and a number of laws enacted include provisions that seek to reflect the values of international human rights instruments. The `Preamble' to the Philippines Constitution reflects a number of such values. For example, the preamble included language stating that the Constitution seeks to build a just and humane society as well as promote common good. The preamble also reflects values of 'democracy' , 'rule of law' , 'justice', 'freedom', 'love', 'equality' and 'peace.' Article II entitled `Declaration of Principles and State Policies' provides that Philippines adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation and amity with all nations. Again Section 11 of Article II of the Philippines Constitution provides that `the State values the dignity of every human person and guarantees full respect for human rights.

Section 18 on the Constitution established the Commission on Human Rights (CHR) that is vested with many important powers and functions, including:

1. Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights;

2. Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection; and

3. Monitor the Philippine Government's compliance with international treaty obligations on human rights.[36]

The CHR has so far commented on the Human Rights Bills as well as organized more than twelve training programs, particularly on child rights, to various groups in the Philippines. The establishment of the CHR is likely to reduce the gap between the international obligations undertaken by the Philippines and their domestic implementation. The programs and actions taken by the CHR in the Philippines are geared towards this objective.

Along with these provisions of the Philippines Constitution, a number of laws were passed or amended that seek to implement the CRC. The Child and Youth Welfare Code, Family Code, Barangay Level Total Development and Protection of Children Act, Special Protection Act as well as the pre-ratification (CRC) laws like the Civil Code, Revised Penal Code and Labour Code are all directed towards the implementation of the CRC. The Philippine plan of action for children entitled "The Filipino Children: 2000 and Beyond" was formulated especially to implement the CRC and its five areas of concern, including those on special protection measures. Many administrative guidelines and standards have also been issued which state that all programs and services for children shall be non-discriminatory.[37]

Specifically on recruitment into the armed forces, Article II, Section 4 and Article XVI (4) of the constitution and

Sections 14 and 51 of the National Defence Act, provide the legal basis for compulsory military service for all men between 18 and 25 years of age. The legal protection of children from recruitment is provided for in the Special Protection of Children Against Abuse, Exploitation and Discrimination Act of 1991 (Republic Act No. 7610). This act also provides specific protection for children in situations of armed conflict. Under the implementing Rules and Regulations of this act, a child taken into custody by government forces in an area of armed conflict shall be informed of his institutional rights and be treated humanely. He / she shall not be subjected to torture or to cruel, inhuman or degrading treatment, or be used in a military operation in any capacity. Government forces are required by the law to ensure the physical safety of a child in their custody and perform the following:[i]

1. provide food and necessary medical treatment;
2. remove the child from the area of armed conflict;
3. transfer the child to the higher authorities at the earliest; and
4. inform the parents / guardians of the child as well as the relevant social workers within 24 hours of the child's transfer to a military camp and permit access to officials of the Department of Social Welfare and Development.

The country's international obligations to relating to displaced persons reveal a commitment to internally displaced persons as well. As the Philippines is a party to the UN Convention relating to the Status of Refugees as well as its Protocol, it has an obligation to make necessary law towards realizing those obligations. In the absence of any specific law on this, however, customary principles that those international laws embody have much higher relevance to the protection of refugees in general and refugee children in particular in the Philippines. The Philippines' membership in the Executive Committee (EXCOM) of the UNHCR as well as the EXCOM conclusions relating to refugee and displaced children would also form part of the customary international law as far as the Philippines is concerned. These EXCOM conclusions as well as the UNHCR Guidelines on Refugee Children provide the basis for the 'soft law' relating to the protection of refugee and displaced children. Similarly, the membership of the Philippines in the AALCO and the adoption of the revised text of the 'Bangkok Principles' of 1966 at the 2001 New Delhi Conference pave the way for a much wider scope for the application of customary international law to the Philippines.

2.3.3 Thailand

Thailand was included in this study as the receiving country of refugees from Myanmar. Though it has long experience as a destination for displaced persons in the region, Thailand is not a party to the Convention relating to the Status of Refugees or its 1967 Protocol and has reservations on the CRC article 7 and 22 related to refugee children and statelessness. Some have interpreted this position as one that helps the government maintain flexibility in its policies toward displaced populations, especially because refugees

historically have been seen as a security and strategic issue in addition to a humanitarian one.

Despite its lack of commitments to international mechanisms, there are some international and domestic provisions that should influence the legal framework for protecting displaced children. Like the Philippines, on the basis of Thailand's membership in UNHCR's EXCOM, the annual resolutions of that body as well as the Guidelines on Refugee Children should provide Thailand guidance on the protection of refugee children.

Domestic law, particularly the constitution, also offers some instruments for protection of the rights of displaced children.[12] Thailand adopted a new Constitution in 1997 that was focused in large part on human rights. Section 4 of the Constitution declared that the "human dignity, rights and liberty of the people shall be protected." In the same vein, Section 26 provided that "in exercising powers of all State authorities, regard shall be had to human dignity, rights and liberties in accordance with the provisions of this Constitution." While Section 30 provides for equality before law and the equal protection under the law, Section 53 states that

> Children, youth and family members shall
> have the right to be protected by the State

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[12] Following a military coup in September 2006, the 1997 constitution was dropped. A new constitution was being drafted at the time of writing, but it remained unclear to what extent the new version would draw from the old.

against violence and unfair treatment. Children and youth with no guardian shall have the right to receive care and education from the State, as provided by law.

This provision can very well be interpreted broadly in the context of international obligations undertaken by Thailand in imposing an obligation on the state to protect children as well as the right of the separated or unaccompanied children to receive care and education from the state.

Several provisions of the Constitution speak in terms of 'Non-discrimination' in the form of 'unjust discrimination' that could be applicable to refugee children. For example, Section 30 that provides for equality before the law and equal protection under the law for `all persons', also provides for protection against "unjust discrimination against a person on the grounds of the difference in 'origin', race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view". This can be interpreted broadly so as to include Thai and non-Thai people as well.

One aspect of the constitution that raises questions regarding protection of displaced children is that the constitution seems to have ensured the rights and freedoms to the Thai people in general rather than to "all persons." The constitution does not use the phrase "citizens," but uses the term "persons." However, the use of the phrase "human dignity" in the Constitution can be interpreted so as to include non-Thai people as well. For example, Section 4

provides that 'the human dignity, rights and liberty of the people shall be protected'. Similarly, Section 28 also uses this phrase 'human dignity'. Interpreted broadly, the phrase 'human dignity' can include both Thai and non-Thai people.

Legislation like the 1998 Measures to Prevent and Suppress the Trafficking in Women is relevant to the extent of preventing exploitation of children including separated and unaccompanied among the refugee population. Likewise, the 2003 Child Protection Act the Child Protection Act (2003) provides comprehensive child protection for all children in Thailand and can be interpreted to cover refugees, stateless and migrant children.

2.3.4 Myanmar

Although research for this project was not conducted in Myanmar, it is the source country for refugees in neighboring Thailand. In that context an attempt was made in this research to analyze the nature and extent of the international obligations undertaken by Myanmar relating to international human rights instruments as well as domestic implementation of those obligations, particularly with reference to the children.

Among the four countries taken up for study, Myanmar has ratified the least international human rights instruments. There are many international human rights instruments as well as non-binding regional declarations that are related to the protection of children in particular and on the use of children as child soldiers. However, the application of these instruments depend upon a state becoming a party to each of those international and regional human rights instruments, ably supported by domestic legal regime in translating them into practice within the borders of each state. To this extent, Myanmar has very little role to play.

The limited international human rights obligations undertaken by Myanmar require the support of domestic laws, rules and regulations along with the constitution to translate such obligations. Myanmar has undertaken the initiatives to draft a new constitution through a National Convention process. The constitutional and legal situation at the time of the study, therefore, was somewhat fluid and transitory. Once these initiatives are realized, it would be possible for Myanmar to translate more effectively its limited international human rights obligations into reality as well as undertake other major human rights obligation by acceding to the important international human rights instruments.

Nevertheless, the continued participation of Myanmar at the meetings of 'Children in Asia and the Pacific' organized by UN agencies since 1993 in various countries in the region as well as the workshops, conferences and meetings organized by Myanmar in collaboration with UNICEF since 1995 provide a positive platform for the application of customary international law to Myanmar in the years to come.

2.4 THE IMPACT OF ARMED CONFLICT ON THE RULE OF LAW

Armed conflict commonly has a highly detrimental impact on the rule of law. Indeed, conflict is one of the most blatant symptoms that the legal system has failed, that it is unable to manage disputes between groups or individuals peacefully. This section will explore some of the effects armed conflict has on the legal framework in general.

2.4.1 Imposition of Martial Law

In conflict areas, central governments frequently subject conflict-affected areas to special legal provisions as a part of a counter-insurgency strategy. Though they come under different names, such as security laws or law and order regulations, they essentially constitute martial law when the military is given special administrative powers. In Aceh, the Indonesian government over the years of fighting instituted martial law, military emergency, and civil emergency, during which different regulations applied respectively, but all in which certain rights were suspended and harsher controls on the local population mandated. Likewise, in Myanmar, civilian activities in contested areas have been periodically subject to greater control: travel in parts of the countryside has been restricted, curfews enforced, and investigation and inspections by security personnel permitted. Extraordinary regulations in those areas typically were issued as orders from military officers to village heads.

2.4.2 Abandonment of "the rules of the game"

The second way in which legal safeguards are undermined in conflict areas is by the blatant disregard of laws by parties to the conflict. Some laws are considered non-derogable, such as the right to life; prohibition of torture or cruel, inhuman, or degrading punishment; freedom of thought, conscience and religion; and the prohibition of the taking of hostages and freedom from enforced disappearances, among others.[13] As part of a broader strategy or because of lack of discipline, these laws which apply at all times, even in war zones, appeared in some cases to be ignored in some of the situations under study. These legal safeguards were not officially suspended, but violations were not investigated and may have been encouraged at a certain level in some instances.

2.4.3 Breakdown of societal constraints

Complete or partial state collapse, in which the rule of law and the function of government breaks down, can occur during, or be the cause of, armed conflict. Violent communal confrontation between groups of combatants who have often been mobilized spontaneously and/or may not function within a professional command structure not only changes the rules of the game, but can lead to the type of disorder in which horrendous acts are perpetrated.

In the three counties, this type of societal breakdown, while not as absolute as in some of the famous cases in Africa,

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[13] See CHR General Comment No. 29 on Article 4 of the ICCPR, States of Emergency and Rights Derogation).

occurred to a degree in Central Sulawesi and Maluku.[14] The violence in both sites occurred during a significant weakening of the central government during the transition from the autocratic Suharto government to democracy, as well as during the process of decentralization whereby provinces were granted greater autonomy. State authorities in Maluku failed to intervene in the violence there in 1999 and early 2000 and some elements of the security forces brought from outside of Maluku to quell unrest actually joined in the violence, particularly on the side of the Muslim fighters through the Laskar Jihad.[15] Shops, churches, mosques, and homes were burned; thousands of people were killed, and many thousands more were displaced before the armed forces installed a state of emergency in June 2000.

2.4.4 Armed Opposition Groups: Parallel Structures, Lack of Accountability

Under the United Nations system, those armed groups not forming part of a government force are known as non-state actors (NSAs). They are designated as "non-state" because they are not recognized as legal entities by the governments they oppose or by the United Nations system of which those governments are members. In practice, many NSAs serve all or some of the functions commonly assumed by a

state, such as provision of education and healthcare as well as, in some cases, security.

The problem with international and regional mechanisms is that in most cases those laws do not pertain to armed opposition groups. In nearly every instance, international laws must be signed and ratified by states in order for them to be binding, but NSAs have no access to the signing and ratification procedures. Provisions nevertheless have been made to allow NSAs to make a commitment to international law, particularly in the case of measures to end the recruitment of underage soldiers. In the case of the optional protocol to the CRC, armed opposition groups have issued declarations of intent to adhere to it. Among the groups covered in this study the New People's Army in the Philippines has issued such a statement. In 2006, the Karen National Liberation Army and the Karenni Army met with UNICEF and UNHCR staff in Thailand to express their intent also to adhere to the principles. Internationally, UNICEF and the Office for the Special Representative of the Secretary General on Children and Armed Conflict have cooperated to secure plans of action with NSAs to end child recruitment and demobilize those children still in their forces.

Domestically, while laws may be in effect, armed opposition groups may refuse to recognize the legal authority of the central government over their areas and state authorities may not be able to enforce it. Police officers in many cases would not be able to pursue investigations of any sort.

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[14] The worst case, however, was in Kalimantan in Indonesia where some groups practiced beheadings and cannibalism against their enemies.

[15] International Crisis Group, *Indonesia: The Search for Peace in Maluku*, (Jakarta/Brussels: ICG, February 8, 2002) p. 3, 5-7.

Assuming some of the functions of states, several of the organized armed groups in the region have their own domestic codes that contain provisions to protect children. The Restoration Council of Shan State, the political wing of the Shan State Army-South, has issued a directive prohibiting the recruitment of soldiers under the age of 18 while the Karen National Liberation Army under its army code has a similar regulation. During the conflict, the GAM leadership in exile in Sweden formally announced that the organization has a firm policy against the use of child soldiers.

Overall, not enough research has been done to analyze the strengths and weaknesses of the legal systems of NSAs for the protection of children.

CHAPTER 3
VULNERABILITY TO VIOLENCE AND OTHER SEVERE FORMS OF ABUSE

In a society free of war, the protection of young people from serious forms of harm is achieved through a combination of safeguards rooted in legal mechanisms and their enforcement, community solidarity and customs, the strength of the family, and the knowledge and abilities of the child.[16] During armed conflict, these pillars of the protective environment frequently crumble or are deliberately undermined, exposing children to the all too common harmful byproducts of war.

Some of the most serious effects are killings, torture, and other forms of violence; recruitment of child soldiers; displacement; and separation. The presence of these grave violations and serious harms represent a profound failure of belligerents in conflict areas to protect children, and civilians in general.

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[16] For a description of the concept of the protective environment see Karin Landgren, "Protective Environment: Development Support for Child Protection," *Human Rights Quarterly*, Vol. 27, No. 1, February 2005, pp. 214-248.

3.1 THREATS TO PHYSICAL SECURITY: KILLING, VIOLENCE, AND TORTURE

The relatively low intensity of the conflicts in eastern Myanmar, Aceh, and the Philippines meant that children were rarely exposed to the ferocity of large-scale violence, battles, or complete breakdown of society typical of the situations of Rwanda, Afghanistan, Liberia, Somalia, and Iraq that have so frequently been highlighted by the international news media.

3.1.1 Killing and Grave Injury

Because fighting tended to be of low intensity in eastern Myanmar and the Philippines, the team received few reports of civilian children deaths or conflict-related injuries. Some deaths were reported as the result of shelling of Shan State Army-South positions in Myanmar's southern Shan State and during the street violence in Ambon and Poso. It does not appear, however, that children were subjected to targeted attacks in any of these incidents. In the case of Poso, however, though the violence had subsided, respondents claimed that children had been victimized during its height. According to a religious leader in Lawanga Village, Poso Pesisir, following attacks at Walisongo *pesantren* (Islamic school), many children and women were found among the dead. He claimed that bodies in general had been dumped into the Poso River, but showed the research team the site of an alleged mass grave that was reportedly filled with about 200 corpses. The leader also shared a list of the names of the victims. .

Deaths and injuries of combatants, however, were more prevalent. The laws of war permit soldiers to attack child soldiers. Clearly, there is no way to confirm the age of a person firing at you. Some of the injuries reported were quite grave. A 12-year-old Indonesian boy spoke to researchers about his time with the Red Group (Christian group) in Poso. In a battle in June, 2000, he was shot when preparing to cross a river in Poso near Malae Village. At that time he was on his way to join the attack on the village of Tongko when government forces opened fire from about thirty meters away. He had gone to help a friend, who had been shot, when he was hit in the side of his head. Two friends pulled him to safety, before leaving him at the edge of the forest. The boy was paralyzed on the right side of his body as a result of the injury.

3.1.2 Impact of Anti-Personnel Landmines and Other Explosive Devices[17]

Globally, landmines, improvised explosive devices, and unexploded ordnance lead to death and injury of thousands of children each year. They are a scourge that lingers long after the fighting ends. Displaced children and their family members returning to their homes or seeking access to their or other fields often do not recognize the risks lying just beneath the surface, or, if they do, choose to ignore them

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[17] Because the landmine issue was covered extensively by the International Campaign to Ban Landmines in its annual report, the research team decided not to focus on this issue in great detail. UNICEF also produced an independent report on the topic in 2003. See United Nations Children's Fund – East Asia and Pacific Regional Office, *Impact of Landmines on Children in the East Asia and Pacific Region* (Bangkok: UNICEF, April 2003).

out of the driving need for food, shelter, or economic resources.

In Southeast Asia, the countries most known for having to address the landmine issue are Cambodia and Laos, where injuries and deaths continue to be reported each year and the dangerous job of demining proceeds ever so slowly. Though they are less known for the problem in the region, landmines did cause problems for children in eastern Myanmar and the Philippines.

The Philippines is a state party of the 1997 Convention on the Use, Stockpiling, and Transfer of Anti-Personnel Mines and On their Destruction (the Mine Ban Treaty). No use by the Philippines military of landmines was reported during this research, nor was it noted in other documents on the issue, such as the annual Landmine Monitor report. Of the armed opposition groups, the NPA, Abu Sayaff and MILF were said to be using the weapons as of 2004.[18] The NPA has said it uses only command-detonated mines, a practice allowed under international law. Over the period of 2002-2004, the Landmine Monitor reported no cases of children killed or injured by landmines in NPA areas.

Myanmar has not signed the convention and was as of 2006 believed to be a landmine producer. In its annual report of 2003, the International Convention to Ban Landmines (ICBL) reported the extensive use of anti-personnel landmines over the course of the war in eastern Myanmar

and some limited use by armed-opposition groups in the Philippines.[19] In Myanmar, the Landmine Monitor report stated the army routinely mined approaches to and the perimeter of its camps and has used them to prevent insurgent penetration of central Myanmar. Some of the former child soldiers interviewed for this project also explained that they used landmines to protect their unit's perimeter while sleeping in the forest during patrols. The army reportedly did not routinely map its minefields, a practice that would certainly render the extraction of the weapons at the conclusion of the conflict much more problematic.

Several non-state armed groups likewise deployed anti-personnel mines and improvised explosive devices (IEDs) – homemade bombs and booby-traps. A senior KNLA official interviewed in 2002 claimed that KNLA troops used common batteries in the design of IEDs, so that once the batteries were depleted the device would be rendered useless.[20] The materials necessary to develop IEDs appeared to be more accessible to these groups given that they involved low-level technology. In the case of the armed groups along the Myanmar border, most had developed an internal capacity to produce these weapons.

NSAs also had apparently limited access to anti-personnel landmines. Observers reported, despite the assertions of the KNLA leaders, having seen American-made landmines

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[18] International Campaign to Ban Landmines, *Landmine Monitor Report 2004* (New York: Human Rights Watch, August 2004), p. 669.

[19] International Campaign to Ban Landmines, *Landmine Monitor Report 2003* (New York: Human Rights Watch, August 2003).
[20] UNICEF interview, 2002.

attached to the uniforms of Karen soldiers during ceremonies in 2002.

Indonesia is a signatory to the Mine Ban Treaty, but had not ratified the convention. Some interviewees reported that the government did not feel a need to ratify it given that it did not produce or deploy the weapons. The research team received no reports of injuries or deaths from landmines or UXO in Indonesia, though a type of bomb-warfare was used in Ambon where explosives were hurled at the enemy. Children were involved in the production of these bombs and sometimes suffered injuries when they detonated accidentally. Among the victims, there have been a fair amount of children. In Aceh, IEDs were reportedly used to attempt to paralyze one side or the other. These weapons were more often used by GAM because of the limitations of their war equipment, compared to the military or police. Children often fell victim to these explosives when they passed through areas they did not realize had been mined.

3.1.3 Torture and Sexual Violence[21]

The prohibition on the practice of torture, in all its heinous forms, is well-founded in international law, so much so that it has achieved a "customary" status – it is banned even if states have not ratified the relevant international mechanisms. Regrettably, however, the practice continues in many conflict-affected countries. Through severe physical and psychological abuse, the torturer seeks to extract information, force a confession, deliver collective punishment, or, in some grotesque situations, commits it as a perverse form of entertainment. The impact on children subjected to it can last for years and can negatively affect their physical and mental growth.

While the research team came across only one case of torture, other reports document allegations of the practice that suggest that it remains a problem in the conflict areas, and, in some cases, more generally, in Indonesia, the Philippines and Myanmar. In the case reported in the Philippines, a sixteen-year-old boy reported that government troops had detained and tortured him as a suspected member of the Abu Sayyaf. He did not detail

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[21] The research team did not address either of these issues in the data collection, though, in one case, it arose during an in-depth interview. During the design of the research tools, it was felt that these issues were too sensitive to be included in a household survey and that researchers should not seek to interview children directly about these experiences. They were included in the Focus Group Discussion Guide in which participants could discuss the issue more generally (as it affected persons in the community) and was a part of the key informant interview question set. The teams also depended on existing secondary sources of information.

what exactly was done to him. In his March 2004 report to the Commission on Human Rights, the UN Special Rapporteur on Torture documented the cases of two boys allegedly detained and tortured by Filipino security forces in Mindanao in connection with the bombing of Davao International Airport and Sasa wharf:[22]

> *The arresting officers, who were believed to be members of the police and/or military, reportedly presented no warrant or explanation for the arrest, and hit the detainees if they attempted to resist. The detainees were reportedly brought to Awang airport in Cotabato City. T.U. [a 16-year-old boy] was reportedly hit several times on the chest with an Armalite rifle and his head was allegedly wrapped in cellophane. Ting Idar was reportedly strangled with rope, kicked and subjected to electric shocks. A metal object was reportedly placed on his lap and he was allegedly threatened that it would explode if he moved from the seat… J.B. [a 15-year-old boy] was reportedly strangled with a belt and told that metal object that had been placed in his lap would*

explode if he left his seat…On 9 April 2003, the five of them [the two boys plus three adults] were reportedly blindfolded and taken to the Criminal Investigation and Detection Group at their Camp Domingo Leonor headquarters in Davao City. On 14 April 2003, they were reportedly charged with multiple murder and multiple attempted murder in connection with the bombing.[23]

The Special Rapporteur documented allegations of four separate cases in 1999 of alleged detention and torture of boys (ages 14, 16, 17, and 17).[24] The boys were reportedly subjected to beatings, and one may have suffered cigarette burns. No new cases were reported for 2003 or early 2004. The research team came across no allegations of torture in Ambon or Poso and it is unclear if either side in those sites took prisoners or used torture.

From the available information, in most instances, torture appears to be a tactic employed by state security forces, not non-state armed groups. If true, this observation may be linked to the fact that armed opposition groups operated mainly in areas where they felt the local populace was their constituency. Civilians in the area were often from the same villages and/or identity group as the soldiers, and, though no accurate approval rating is available, it can be assumed that the NSAs had some level of local support that they wished in no way to undermine through abuse.

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[22] *Report of the Special Rapporteur on Civil and Political Rights, Including the Questions of: Torture and Detentions, Torture and other cruel, inhuman or degrading treatment or punishment, Addendum: Summary of information, including individual cases, transmitted to Governments and replies received*, E/CN.4/2004/56/Add. 1, 23 March 2004, para 1325, p. 271.

[23] Ibid.
[24] Ibid. pp. 145-146,149.

Sexual violence is another terrible by-product of war. Adolescent girls are particularly vulnerable "because they may be physically and emotionally less capable of defending themselves" and because they may be thought to be free of HIV infection.[25] The motives for attacks vary from those of the individual in a sexual assault to systematic attacks on another social group.

The type of sexual violence most often documented in the areas under study, perhaps because of its relative severity, was rape. The place where it has received the most attention and appears to have been most severe is Myanmar, where a report issued by local human rights NGOs based on dozens of interviews documented widespread allegations of rape perpetrated by members of the Myanmar army against women and girls in Shan State.[26] Women were caught in their fields or in villages where they were raped, sometimes repeatedly. Other groups, including the US government and the independent think-tank, the US Committee for Refugees, confirmed the reports and collected information on incidents committed in other parts of Myanmar. The UN Special Rapporteur on the Situation of Human Rights in Myanmar sought permission to conduct an independent investigation of the allegations, but the Myanmar government never granted him

permission to do so. The government launched its own investigation into the allegations, but found little evidence to back the claims.

In the Philippines, few instances of sexual violence were reported. Researchers cautioned, however, that the absence of reports should not be taken as an indication that it was not happening. In socially conservative Philippines, it was felt, women would be reluctant to come forward with such information out of shame.

3.1.4 Witnessing Violence

Children did witness extreme forms of violence. Some saw close relatives killed or tortured, while others had observed neighbors or friends suffering injuries during assaults. Others were present during offensives. Some children who had been kidnapped by the Abu Sayaf reported that they had seen the heads from decapitated male hostages. These experiences had psychological and physiological effects on the children, including nightmares and sleeplessness.

3.1.5 Creation of a Culture of Violence

Two of the reports discussed the creation of a culture of violence and the implications for future fighting. In Ambon, children were found to be playing war more commonly than in the past. The researchers noted that the children would choose sides – Muslims or Christians – almost like American children used to play cowboys and Indians, but with much more serious implications given the volatile context.

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[25] Machel, p. 55.
[26] Shan Human Rights Foundation and Shan Women's Action Network, *License to Rape: The Burmese Military Regime's Use of Sexual Violence in the Ongoing War in Shan State* (Chiang Mai: SHRF and SWAN, May 2002).

In the children's stories in the Philippines, anger and hatred towards the perceived instigator of the conflict or perpetrator of violence was evident. Some children directed their anger to the "perpetrator" for example, the MILF attacked their community therefore all Muslims were bad people. In Cotabato, one boy thought Muslims were arrogant; they stole animals and burned the houses of the Christians. He wanted to be a soldier when he grew up so he could go after Muslims. A girl there was still angry at what happened and would like to become a soldier and avenge her father's death.

The development has two main implications. First, children may increasingly see violence as a legitimate means for managing disputes. It was feared by some that normalization of violence could contribute to a dangerous spiral in the affected communities.

A second more ominous implication in the case of play described above is that it may be reinforcing the image of one group as the cultural "enemy." In places where those divisions reportedly once barely existed, there is now a clear identification of one group as the enemy of another. Christian children may be socialized to see Muslim children as their enemies.

Some civil society, NGO, and UN agencies have sought to neutralize this effect through "peace education" programs and the establishment of joint programs that bring children from both sides together, such as in schools, to bridge the psychological gap between religious groups. The physical division of communities in Ambon and Poso following the conflict, however, may in effect restrict the impact of these projects.

Another effect is that children became accustomed to life in a war zone. In Cotabato, in the Philippines, two of the children reported that they were so used to the conflict in their area that they did not want to leave their homes for the evacuation centers, even if it was dangerous. Hanna who felt numb from the frequent evacuations became used to conflict such that she did not consider moving to another place. During the interview she said, "I'm fed up with evacuation centers." As long as she was home she felt better. Dong who experienced "regular conflict and displacement" was also used to it. He felt afraid but he could calmly be ready to evacuate immediately.

Gen. Ramos of Basilan agreed that violence had become part of the children's everyday lives. It is expected that children would be afraid of gunfire and military encounters. They are expected to run for safety at the first sign of conflict. But according to his observations, the children of Basilan would scramble to the scene of an armed encounter, wait until it was over, and then try to outrun each other towards the fallen combatants in order to grab their firearms or pick up those that were dropped and left behind.

3.2 CHILDREN IN ARMED GROUPS[27]

In her global study of the impact of armed conflict on children, Graca Machel cited an estimate that around one third of the world's estimated 300,000 child soldiers came from the Asia Pacific, found in both state and non-state armed groups. While this study did not seek to establish more accurate figures, it did consider the recruitment by armed groups as a major impact on children in the region.

3.2.1 Patterns of Recruitment in Southeast Asia

Of the states under consideration, the Myanmar Army was the only national military which appeared to have been unofficially but actively recruiting regular soldiers under the age of eighteen, an act prohibited even under domestic law and military directives of Myanmar. From the interviews conducted with former child soldiers, it appears that underage soldiers were still present in army battalions in the country's east as of 2004. As will be described in the section on recruitment below, a pattern emerged from the testimony that strongly suggests that safeguards to prevent underage recruitment were at the time insufficient. Where

they did exist, local recruitment officers, who may have been under pressure to secure enough volunteers to fill the ranks of the battalions, appeared to be circumventing them.

In Indonesia and the Philippines, the situation was less clear. Both have in place legislation that prohibits recruitment and enlistment of children under the age of 18, though the Philippines allows training of children under the age of 18 provided that they will reach the age of majority by the completion of training.[28] More research needs to be conducted, however, on the use of children in paramilitary forces, such as village defense forces. Some anecdotal evidence suggests that children in the Philippines may informally undertake certain roles for village defense forces. A study by the Psychosocial Trauma and Human Rights Program in 2005 revealed that Civilian Volunteer Organizations, initially unarmed village defense bodies set up to defend against insurgents but which were later armed by local political strongmen, did include children in their ranks.[29]

The situation with armed opposition groups varied from group to group. In Myanmar, the Karen National Liberation

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[27] This section is based in large part on the information, including testimonies, collected by researchers for a UNICEF publication entitled *Adult Wars, Child Soldiers* published in 2001. The research team felt that it did not need to duplicate the work for that project, but did collect updates where it could. A question on child recruitment was included in the household survey, but since so many respondents answered that they "did not know," when it was believed by the research teams that the respondents did in fact know what was happening in their areas (and which was subsequently confirmed through qualitative research tools), the question and responses were discarded.

[28] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004* (London: Coalition to Stop the Use of Child Soldiers, 2004) p. 202.

[29] Agnes Zenaida V. Camacho, Marco P. Puzon, and Yasmin Patrice Ortiga, *Children and Youth in Organized Armed Violence in the Philippines: Contextualization, Personal Histories and Policy Options*, (Manila: Psychosocial Trauma and Human Rights Program, University of the Philippines, June 2005).

Army (the armed wing of the Karen National Union), the Karenni Army, and the Shan State Army-South were found during UNICEF research in 2001 to have included in their ranks children under the age of eighteen. The situation was less clear in 2003 when a second round of research was conducted. Researchers interviewed no underage soldiers with the KNLA, though in interviews some senior Karen leaders acknowledged the presence of underage volunteers in their ranks. Leaders of the Karenni Army acknowledged that in 2001 some soldiers under the age of eighteen could be found within their forces, but claimed that they had since been demobilized. The research team was unable to confirm this statement. A senior leader of the Restoration Council of Shan State, the political organization linked to the Shan State Army-South, claimed that the group no longer accepted child soldiers. He admitted though that young orphan boys that SSA-S patrols came across in the forest sometimes traveled with the units until they could be brought to an IDP camp. He insisted that these boys did not join in any combat operations. Persons familiar with the SSA-S expressed doubts that the group had completely ended the recruitment of child soldiers. Several ceasefire groups, such as the United Wa State Army, Democratic Karen Buddhist Army, the Shan State Peoples' Liberation Army, were believed to recruit child soldiers, but the research team received no information on these groups during the course of the study. The research team received no information on the use of girls as combatants within any of these groups.

In Aceh, the GAM as well as the TNI and police reportedly used children, mainly as messengers and spies, and in other support functions. Interviews suggested, however, that GAM did not formally induct children into the organization. Once an oath was given to GAM, the person could not leave the organization, so by not taking the oath the children reportedly were able to retain the option to leave GAM should they so choose. Christian and Muslim groups in Ambon and Poso also recruited and used child soldiers, though none of these groups were active at the end of 2004.

In the Philippines, all armed opposition groups covered in the study recruited child soldiers. The New People's Army claimed it did not, but interviews with former child soldiers of the groups suggested otherwise. The Government of the Philippines reported that the NPA continued to recruit and deploy children as combatants.[30] In an interview with the Coalition to Stop the Use of Child Soldiers in 2004, the group claimed that "not a single combatant under the age of 18 remained in the ranks of the NPA."[31] It was found that girls were recruited into the NPA as a way to entice boys into the organization. The MILF and Abu Sayaf also included children in their ranks. In 2003, two children aged 14 and 15 respectively were killed in action. An ILO study also estimated that between ten to fifteen percent of the

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[30] Coalition to Stop the Use of Child Soldiers, *Philippines*, 2004, http://www.child-soldiers.org/document_get.php?id=875
[31] Ibid.

MILF were child soldiers.[32] Children fighting for Abu Sayaff have been captured or killed by government forces. Two were arrested and put on trial for the abduction of schoolchildren and teachers in March 2000.[33]

3.2.2 Reasons for Joining Armed Groups

As in other situations in the world, children joined armed groups for a host of reasons. Some joined for a means to seek revenge, others out of boredom, others out of solidarity with a people or a cause, and still others as a consequence of conscription or forced recruitment.

Revenge was a common motivation for children to volunteer for armed groups. Boys and girls who witnessed the killing of parents, other family members, or friends often sought out armed groups so that they could take up arms and kill their enemies. One boy in Aceh explained that he wanted to become a soldier after he saw his father kidnapped and his mother raped and killed in front of him. In Ambon, children joined the violence spontaneously because of having witnessed similar events.

Some children also joined in militias out of a sense of duty to protect their communities or property. In Poso, one boy explained that his family was displaced by the violence. He

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[32] Ibid. and Rufa Cagaco-Guiam, *Child soldiers in Central and Western Mindanao: A rapid assessment* (Manila: International Labour Organization, February 2002). The government estimates the MILF strength at 10,000 soldiers, while the MILF itself has claimed it has 120,000 members.
[33] Coalition to Stop the Use of Child Soldiers, ibid.

returned to his village shortly after arriving in a camp for the displaced to join local men in its defense. He said that he carried only a homemade weapon, but others had guns and grenade launchers. While he did patrol the area, he did not join in the fighting. Others in the city reported joining their fathers in defending a housing complex.

> *A lot was done spontaneously because their parents died. They started by throwing rocks and carrying weapons, until finally they could make a bomb themselves. At that point they were exploited by adults who used and coordinated them. When the fighting was done the kids went to hang out at different places, and were intentionally manipulated to act as informants and attackers. There were kids that sneaked around and then burned one or two army mess barracks in Batu Merah and others…. Indeed, quantitatively we don't have data [on the number of children involved]. But empirically I think that the percentage is high. As an example in the Christian group children formed a group on their own initiative and the number was very high. The total in the city and Ambon Island alone is between 1500 and 2000 people. Joining became a trend to compete internally. Kids were also able to contribute in ways that adults could not, like sneaking around.*
>
> Description of the involvement of children in fighting in Ambon by a local activist.

Other children joined armed groups out of boredom. In Ambon, it was reported that some children thought the fighting looked fun or exciting. These children did not have a sense of danger that adults may have had. Civil society leaders in Ambon expressed concern that during the

conflict when children heard gunfire or bomb blasts, some children, instead of fleeing, ran toward the sounds of fighting to recover weapons or other possessions of injured or dead combatants. One senior Karen leader noted that adolescents in the refugee camps also found the fighting an exciting alternative to the boredom of the camps. He said he could not keep his own teenage son away from the fighting because as soon as clashes broke out on the Myanmar side some boys crossed the border to join the battle.

3.2.3 Recruitment Processes

For those attempting to make preventative interventions on behalf of children, knowledge of the recruitment process – the common procedures through which children are enlisted – is critical. As was the case with the reasons that children listed for joining the armed groups, the ways in which they were recruited were various.

- **Voluntary Enlistment**

In each of the three countries, a portion of the children interviewed stated that they had joined the armed groups voluntarily. When they volunteered, they simply approached members of an armed group directly or through a friend or relative and enlisted. Some of the armed groups had a presence in or were based in proximity to communities, while others passed through periodically on patrol, making access to these groups easier for young people. Many of the armed groups formally prohibit the enlistment of underage children in their forces, but still allowed children to tag along and eventually join.

In the case of Myanmar, a few of the former child soldiers interviewed said they had enlisted voluntarily, sometimes with the knowledge of their parents and sometimes without. State law prohibits anyone under the age of eighteen from joining the armed forces. From the information gathered from former child soldiers who voluntarily enlisted, it appears that in some cases when they filled out their required paperwork, their documents were not checked to verify their ages while in other cases no documents were presented. The government has explained in some documents that this is in part due to the lack of birth certificates in the country. In response to reports of underage soldiers in the armed forces, the government set up a body to investigate cases of child recruitment. The government also reportedly set out in 2004 new recruitment criteria that included:

- Minimum age 18 years
- Height 5 ft 1 inch
- Medically fit
- Myanmar citizen.

It has claimed that these criteria are being strictly adhered to in all four of the countries recruitment centres and that candidates not meeting these criteria are sent back.

Indeed, some of the armed opposition groups in Myanmar have made the same arguments, stating that they did not know the ages of all new volunteers, so they could not with certainty say if they were underage. In the case of the

government, at the time of the research there appeared to have been little effort to address this problem.

In other cases, leaders of armed opposition groups stated that children sometimes tagged along after units in the forest and refused to leave. In eastern Myanmar, these children tended to be those who had been separated from family and friends or who were seeking revenge for the killing of a loved one. The soldiers reportedly were not sure what to do with them in this case – they could not simply force them away when there was no one to care for them, a leader claimed. Leaders explained that some of these children were brought to the border and placed in boarding homes in the refugee camps. Others continued to tag along with the units and it was the assumption of some observers interviewed for the research that young boys were occasionally armed and equipped.

- **Compulsory Enlistment (Conscription)**

Within state armed forces, no cases of formal conscription of soldiers under the age of 18 were identified. Despite the national laws setting the minimum age of 18, evidence at the time of the research suggested that young soldiers were still being enlisted in the armed forces of Myanmar, primarily in the army. Many of these boys were put under pressure to enlist, either through threat of detention for some minor infraction or by intimidation by the soldiers. While most passed through a formal process of registration, measures were taken to conceal the recruit's real age from the registering officer. In several cases, the boys were instructed by other soldiers to lie about their age. This was

possible since these boys did not have birth registration or identification papers by which to determine their true age. On the side of the recruiters, researchers heard that low-ranking army officers had been ordered by their superiors to fill a quota of new recruits for the battalions. Young people, who were easily intimidated or deceived, appeared to have been a target for recruiters.

- **Abduction**

Abduction, the forcible, physical removal of children for use in armed groups, had been a notable problem in other conflicts, most infamously in northern Uganda where it has been used regularly by the Lord's Resistance Army. The researchers received few reports of abduction of children for use in the armed groups. The one group that was blamed for this practice was the Abu Sayyaf, though it did not appear to be extensive.

3.2.4 Duties in the Armed Groups

While the precise duties of the children once in the armed groups varied from group to group and within groups, those duties fell into three broad categories.

- **Combat**

Though the utility of using underage soldiers in combat is a subject that is debated, even in this research, children were nonetheless found to have been used for combat duties in all of the countries covered by the project. In Poso and Ambon, boys as young as nine reportedly joined the fighting, some hurling bombs at the enemy and others leading boys and adults into battle. Some of these boys said they had felt empowered vis-à-vis adults because they were

helping to defend their communities while the older men watched from the rear. In a "celebrity" case from Myanmar, a set of twin boys led a group of ethnic Karen soldiers in the now defunct God's Army against the Myanmar Army. The boys reportedly stood and fought when others fled the area and also were said to have engineered a number of victorious battles against the army. They continued to have a following even after they were forced to flee their base areas to a refugee camp in Thailand.

Former child soldiers from the Myanmar Army reported having participated in several battles. Some were involved in major assaults on enemy strongholds while others had been caught in skirmishes or ambushes.

Normally when the army travels in rebel areas, if someone runs away we shoot at them. The officers told us we can interrogate people in the villages, but if they run we can shoot them. I saw soldiers shoot a couple once. In 2002, we were patrolling an area. When we approached a farm, the villagers scattered. Two couples ran away – my whole squad opened fire and killed one of the couples. It's a normal thing, to shoot like this. When we went to inspect the bodies I saw only food and tools, so I felt sad. This [killing] doesn't happen that often though. We shoot at the people because they run. We're not sure if they are rebels. When rebels attacked us, they didn't always wear uniforms. Some wore just trousers and a civilian shirt. Some put their guns in a basket and pretended to be villagers – that's why when we see villagers run, we open fire. Sometimes it is a problem that the Shan don't speak Burmese. We yell for them to stop, but when they don't we shoot.

-- Former Myanmar Army child soldier discussing attacks on civilians in contested areas. He fled the army in mid 2003.

- **Intelligence Gathering**

Children are able to move about a community, watching and listening, where adults would appear conspicuous. Because they are able to "hide in plain sight," armed groups have used children to collect sensitive information. In Aceh, children were allegedly used by both sides as spies. A 14-year-old boy from a village near an army base explained that he played in the base and eventually the soldiers there trained him and gave him support and intelligence gathering duties in his village. He was tasked with providing information on GAM members in the village. In another case, two former GAM soldiers explained that after training, they were used as spies, but were also given jobs as sentries.

This practice created a situation in which teenage boys in particular were suspected by both sides of spying, thereby posing risks to all boys in that age group, whether or not they took part in the conflict. Researchers interviewed two boys, one who had been detained and questioned by GAM and the other by the Indonesian army. Both were detained at checkpoints. The boy taken by the army unit reported that he was struck while being interrogated. He was finally released following the intervention of his village head. Fortunately, the commander of the GAM unit that took the first boy knew the boy's father and, therefore, the boy was not treated harshly and was eventually released.

In a case in the Philippines, a sixteen-year-old boy, who, in an interview with a team from Mercy Mission, shared that he experienced severe torture from the military. The boy

had been suspected of being an Abu Sayaff member. He reported that because of his experience, he suffered from body pains, sleep disturbances and loss of appetite, and was more irritable than usual. He lost his job as a tricycle driver and could not help his father support the family anymore and stopped going to school. The boy said he felt hopeless, that his entire future was ruined, and he constantly worried about his parents and siblings.

- **Support Functions**

Children also played a number of support functions for the armed groups. Some were trained as medics or clerical staff while others, particularly young adolescents, were forced to porter for armed units, lugging heavy equipment that included a mix of food, clothing, artillery pieces and ammunition.

For example, in February 2000, the NPA announced that it would no longer accept recruits below 18 years of age, but would allow children below 18 to participate in medical teams and non-combat operations. However, since then, many male and female child soldiers (one as young as seven) have surrendered, been captured and sometimes killed in clashes. Government estimates as of 2003 pegged the proportion of child solders in the NPA between 13-18%. In addition to deployment as combatants, these children served as recruiters of other young people, "tax collectors", couriers, and lookouts.

These activities still place young people at risk from physical and emotional threats. One of the most serious was

being shot during an armed engagement. Though they may not be combatants, should a base area come under attack, these children would likely not be spared from targeting.

3.3 DISPLACEMENT

Displacement is one of the most visible and disruptive effects of armed conflict. Children are forced with their families, or as individuals, to uproot their lives to move to a place within their home country or across an international boundary that is frequently unknown and often offers harsher living conditions than those they had at home.

In Southeast Asia, displacement has become a problem that has spanned several generations. Parents of displaced children were at one time displaced children themselves. Several of the areas under study have been facing over a half century of conflict dating back to World War II. The eastern areas of Myanmar witnessed fierce jungle warfare toward the close of the war as Japanese troops retreated to Thailand. At the time, ethnic Karen fighters were allied with the British – some of those soldiers later became leaders of the Karen National Union. Likewise in Aceh, though it has experienced significant lulls in the fighting, the area has been militarized since the 1970s, and had experienced bouts of heavy fighting long before that.

During the time of the research, the estimated number of displaced persons in the three areas was around one million. Aid groups estimated that 600,000 persons were at the time displaced within Myanmar, mostly in the eastern

region. As of Sept 2005 estimated that in six states of eastern Myanmar, 540,000 people were displaced.[34] (TBBC, 2005, Internal Displacement and Protection in Eastern Burma, Another 140,000 refugees from Myanmar were registered in camps along the Thai-Myanmar border while a population of over 100,000 fleeing the effects of war in Shan State was believed to still be working as undocumented laborers in northern Thailand. In Mindanao in the Philippines over 400,000 were displaced in 2001 due to fighting between the government and the MILF, many of whom remained displaced at the end of 2003. In Indonesia, the displaced population in Ambon and Poso remained somewhat static during the study period because the conflict had ended. A flare up in 2004 in Ambon, however, temporarily displaced 10,000 people there. In Aceh, the number was unknown since the situation tended to be fairly fluid, with villagers fleeing when operations intensified in their areas, but returning shortly after the situation calmed.

3.3.1 Causes of Displacement

While all of the displacement in this study was linked in one way or another to the armed conflict, the causes can be broken down further in the analysis into three main categories.

- **Fighting**

Many of the people interviewed in the course of the research had fled their homes during fighting or the threat of it. When the attacks developed, they did not always have sufficient warning to relocate, so they quickly gathered what they could and moved to a shelter outside of the affected area, be that a formal refugee or evacuation camp, a makeshift site, the homes of family or friends, another plot of land, or in the forest. In Ambon and Poso, communities split along religious lines with Muslims occupying some parts of the city and Christians others. In Mindoro, some of the ethnic Mangyan moved from the hills to the towns because of military operations in their areas that created a general feeling of insecurity.

In some cases, the villagers were able to check on the status of the area and return when it was safe, but in others the displacement became prolonged to the extent that their homes were virtually abandoned.

Fighting was frequently between two armed groups, but at times villages were targeted for attacks. Since the mid-80s, refugees arrived in camps in Thailand having fled attacks on their villages, particularly during the dry season offensives when the Myanmar Army, in what appears to have been a deliberate strategy of depopulation, was said to have burned homes, destroyed crops, and declared certain areas "free-fire zones," in which persons discovered were allegedly assumed to be supporters of the insurgents. In Aceh, under similar circumstances, villagers fled when their homes were burned, though they could not always identify the perpetrator.

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[34] Thai Burma Border Consortium, *Internal Displacement and Protection in Eastern Burma* (Bangkok: TBBC, 2005).

- **Evacuation vs. Forced Relocation**

Another cause of displacement was clearing of civilians from designated areas. In some cases, the movement of civilians from a battlefield is meant for their own protection, particularly when armies anticipate a large-scale attack on an area. International humanitarian law permits the movement of people for this purpose, but imposes restrictions on the procedures parties must follow when doing so. Article 17 of the 1977 Additional Protocol to the Geneva Conventions on the Protection of Victims of Non-International Armed Conflicts (Protocol II), for example, while prohibiting other types of forced relocation, allows for displacement when "the security of civilians involved or imperative military reasons so demand." In the Philippines, it appears that most of the villagers were evacuated. Sometimes the local government or military ordered civilians out of the area of operation and assisted them to move.

Frequently armed groups do not undertake relocation exclusively for humanitarian purposes. The tactic may also be used to establish control over an area and to limit the resources available to armed opposition groups. Regroupment, "strategic hamletting," and other terms commonly refer to this military tactic. Forced relocation was most commonly used in the case of Myanmar. The Myanmar Army has used a counter-insurgency strategy, reportedly called the Four Cuts, through which the military aims to sever supplies of food, funds, recruits and intelligence to insurgents, mainly through removal of the population from a certain area, declaring the areas a free-fire zone, and subjecting it to intensive patrolling and sweeps by mobile light infantry units.

Though it remains a possible scenario, no case of NSAs forcibly relocating villagers was recorded in this study.

- **Socio-economic Disruption**

Other than the direct fighting or attacks on villages, the effects of armed conflict also pushed villagers out of their homes or from one site to another. In eastern Myanmar, though thousands of farmers were sent to relocation sites or forced into the towns, the deleterious effects of being separated from their key economic assets – land, tools, livestock, and seeds – eventually forced them out of the towns back to unsafe areas near their farms, to other parts of Myanmar where they could cultivate, or across the border into Thailand to find work in the so-called dirty, difficult and dangerous occupations or to take shelter in the refugee camps. In most cases, children accompanied extended families.[35]

3.3.2 Characteristics of Displacement

Displacement had some common characteristics and differences throughout the region. Some of these issues will be dealt with in the next chapter which looks at the impact of armed conflict on children's access to basic services and on the livelihood of the family. Here three key variables –

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[35] In the case of Myanmar development induced displacement is also cited as a reason for displacing communities, particularly related to major projects such as hydro-electricity and the impact of forced labour.

distance, frequency and duration of displacement – are briefly examined.

- **Distance**

As a part of the household questionnaires, families were asked how far they had been forced to travel due to displacement. In Indonesia, around 43% said that they had been displaced beyond fifty kilometers, while another 21% claimed to have moved between twenty-one and fifty kilometers. Villagers in Poso were displaced long distances because the because their attackers were pursued them when they ran away. Many people have to hide in the forest first, and then continued to run far from the assailants. In the Philippines, villagers moved much shorter distances with over 85% stating that they had moved less than five kilometers from their homes. The evacuation centers were often in public schools in the community, so they did not have to go far. Also, according to the law, schools are zones where the military cannot and should not maintain a presence. The people also did not want to be too far away so that they could check on their houses and farms during a break in the fighting. Fathers often returned to feed animals that were left or to check their crops to see if they were damaged or not. Nearly all refugees from Myanmar (98%), however, either said they did not know (around 20%) or did not answer the question (78%). Some speculated that the reason for this low response rate indicated that villagers genuinely did not know or did not measure distances in kilometers. For some rural communities, distance is measured by the time it takes to travel to that place not by physical measurements. Refugees from Myanmar could

thus more clearly state that the travel had taken them less than one day or up to one week. Even this was not an accurate measure because some people said they became disoriented and lost their way in the forest at times until they could find someone to give them directions to the border.

- **Frequency**

Because several of the areas under study have faced decades of instability, many respondents had experienced multiple moves before arriving at their current location.

In Myanmar, some families had moved from site to site inside the country before eventually being forced across the border. Displacement was often of short duration but frequent. They would flee to the forest when a patrol came into their area or at the onset of fighting, and then move back to their homes after they felt it was safe. A similar pattern persisted in Aceh in Indonesia.

Some of the respondents experienced infrequent moves. Around half of the refugees from southern Shan State reported that they had been in a relocation site prior to fleeing across the border to Thailand. This suggested at least one prior move, though other reports have pointed to some families experiencing multiple moves in southern Shan State before crossing the border.[36] The height of forced relocation occurred from 1997-1999, so even though displacement may have been of longer duration, new moves

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[36] See Gary Risser, Oum Kher, and Sein Htun, *Running the Gauntlet* (Bangkok: Asian Research Center for Migration, 2003).

were infrequent. Along the Thai-Myanmar border, once refugees were in the camps, they appeared to stay in one place for much longer periods. Though they were not the target of the research, some families had been living in the camps since the mid 1980s when they were first established.[37]

- **Duration**

The duration of displacement varied from group to group. Most in Poso and Ambon had been displaced since the late 1990s when violence erupted there. Communities divided along religious lines and remained that way, not yet reintegrating fully as some villagers still felt insecure at the time of the study. While most of the persons interviewed in the course of the research along the Thai-Myanmar border had arrived three years before the time of the interview, some of the refugees in Mae La camp had been in Thailand since the mid-1980s.

The displaced in Aceh tended to stay for shorter periods. Along the lines of the response of Myanmar villagers, the Acehnese fled when there was a risk near their community, but they would monitor the situation and return when they felt it had improved. Displacement was usually counted in months and not years. The exception though was that of the ethnic Javanese who fled Aceh to northern Sumatra during a bout of ethnic violence in Aceh. While they were not covered in this research, they had not at as of 2003 returned to their home areas in large numbers. Some had been resettled with the assistance of the government or NGOs, while others received a one-off payment from the government that removed them from the official lists of displaced. Many were still living in situations which could be called displacement.[38] Whether the post-tsunami efforts at reconstruction would allow for this group's return remained to be seen.

3.4 SEPARATION OF CHILDREN FROM THEIR FAMILIES

In emergencies, family unity should be preserved as often as possible, but among the confusion of combat and mass flight, children frequently become separated from their parents. This study looked at three categories of children:

- **Unaccompanied Children** (also called unaccompanied minors) are children who have been separated from both parents and other relatives, and are not being cared for by an adult who, by law or custom, is responsible for doing so.

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[37] The study focused on new arrivals along the Thai-Myanmar border so as to collect recent information on the situation inside Myanmar.

[38] See Cynthia Buiza and Gary Risser, *Anywhere But War* (Bangkok: Jesuit Refugee Service Asia and the Pacific Regional Office, June 2003).

"Commuting"

The term "night commuting" was coined to explain the situation in which thousands of children in northern Uganda each evening travel from their homes to safer locations administered by NGOs, the government and international organizations as a means of protecting themselves from abduction by the rebel Lord's Resistance Army.

A similar situation arose in the Philippines where the behavior of one group of displaced persons created questions for the research team. Some villagers traveled back and forth on a daily basis, working in unstable areas during the day and returning at night to the evacuation centers. They often did this as entire families. The team then had questions about whether these people could be considered displaced. It was decided to include them in the number of displaced since they were still living in evacuation centers and had not fully returned to live in their homes or established residence elsewhere.

Another type of commuting was reported by refugees from Myanmar. They said that in some areas, the Myanmar Army allowed farmers in government controlled areas, usually relocation sites, to return to their fields to work with permits of varying duration, though usually not exceeding one week. At the end the expiry of the permit, the villagers had to return to the displacement site to request another. In many cases, a fee was required to secure the permit.

- **Separated Children** are those separated from both parents, or from the previous legal or customary primary care-giver, but not necessarily from other relatives. These may therefore include children accompanied by other adult family members.

- **Orphans** are children, both of whose parents are known to be dead. In some countries, however, a child who has lost one parent is called an orphan.[39]

Separation of children from their families occurred accidentally and deliberately. In the first case, children became lost in the throngs of people fleeing for their lives or in a poorly organized mass evacuation. This happened infrequently in the cases covered by this report. Flight was not usually so sudden that children would lose contact with their family and/or friends. In Poso, though separation was rare, some children were initially split from their families during flight into plantations and forests. In these cases, unaccompanied children initially survived by finding edible plants, bananas or other fruit, but there were almost no children begging on the roads. The fear of the other religious community seems to have been one reason that all residents, including separated children, stayed within their own religious community and did not venture into public places where they could be attacked. The parents of most

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[39] Terminology for this unit is drawn from the following source: International Committee of the Red Cross, *Inter-agency Guiding Principles on Unaccompanied and Separated Children* (Geneva: ICRC, January 2004).

of these children eventually found them in the camps for internally displaced persons.

Children who fall into the second category have been sent to live outside of the conflict zones for their own protection and/or ensure their access to education. In this scenario the parents often stayed behind to safeguard family property and/or to work. While this type of separation was more organized, it too placed strain on the child and the family. In Aceh, the presence of street children was obvious compared to the other research sites. The majority were young boys who had fled from their home villages or whose parents had sent them to Banda Aceh to avoid being labeled GAM members or supporters. Many lived in "open houses," shelters supported by NGOs. As will be discussed below, they mainly depended on charity and resorted to begging to earn money to support themselves.

Along the Thai-Myanmar border a different pattern emerged. In some of the camps, the refugees opened boarding homes for separated children. The children who lived in these homes, however, came from a variety of backgrounds. Some were orphans, who had lost their parents and were brought by others across the border for assistance. Others, however, were sent by their families to live in the camps in relative safety to receive an education. In the hilly remote areas of eastern Myanmar, especially in conflict-affected townships, school facilities were limited. The parents in these cases typically stayed in no-go-areas near their homes to tend their fields and property, but did not want to keep their children in these places. Though

many of children return home during the school holidays, with travel fairly well organized, a future problem may be that a portion of these children will not be able to find their way home. Researchers observed that many of them were very young and do not remember the name of their home area. For now, however, with the ongoing instability and very limited access to affected areas, family tracing and reunification remains difficult. However,

CHAPTER 4
THE IMPACT OF ARMED CONFLICT ON THE WELL-BEING OF CHILDREN

While violence is often the most dramatic impact on children, the damage that armed conflict does to the health of children, psycho-social well-being, access to education, and their families' livelihood assets is frequently excessive. This chapter examines those four categories of impact.

A word of caution, however, is necessary here. While the types of extreme violence and abuse discussed in Chapter 3 were obviously the result of armed conflict, the impact for the issues here was not necessarily so. A number of problems complicate the drawing of causal links between negative (or positive) effects and war. The economies of many of these countries are relatively poor. Their public health and education services in rural areas are therefore limited, as the higher end services tend to be concentrated in larger population centers while the armed conflicts covered here are predominantly in rural areas, the exception being Ambon. Another issue is that in Aceh, eastern Myanmar and Mindanao conflict had been ongoing for decades, thereby limiting the extent to which the state developed basic services in these areas. In some parts of eastern Myanmar, the government has had access for only a decade. Prior to that time, the NSAs operating there provided limited social services. It is best then to understand that there exists a generally poor state of health

and education services in some of these areas that is the result of a complex mix of factors.

4.1 THE IMPACT ON CHILDREN'S HEALTH

The violent death of children during fighting or the targeting of civilians is horrific. In scale, however, the impact of war on children's health can claim many more casualties than bullets and bombs. This section addresses the effect the conflicts in the region have had on the well-being of the respondents, focusing on their health, nutrition, and access to clean water, sanitation, and healthcare services.

4.1.1 The Health Environment
The environment in which children live contributes substantially to their overall health. Environmental factors can serve to protect children against disease and other maladies or, where deficiencies exist, can increase their vulnerability. In the nine sites under study, the situation of the health environment in the affected villages was not always good. This was due in part to the overall level of development of countries concerned and the allocation of state resources, the remoteness of some affected areas, and the protracted nature of the conflict in several of the locations. Nevertheless, the research team did seek to explore how the health environment had been altered by armed conflict.

- **Access to Safe Drinking Water**

Many of the displaced villagers reported that the accessibility of water was worse in their home villages than in their current location. Where this was most dramatic was in the refugee camps along the Thai-Myanmar border. Over one third of refugees from Kayin State and over 60% of those from Kayah State reported that in their home areas they drew drinking water from unprotected sources, such as canals, rivers, streams, and ponds. In their home villages, over 65% of the respondents from Kayin State and half of those from Kayah State had to travel more than 500 meters to the source of water, the minimum standard distance under the SPHERE guidelines. In contrast, in Mae La refugee camp and Camp 1, where the respondents were living, wells dug by non-governmental relief organizations provided clean, monitored, drinking and bathing water to the refugee population, thereby increasing dramatically the percentages of families able to access clean water near their shelters.

The condition of water sources in respondents' home villages in the Philippines and Indonesia was much better than those reported in Myanmar. For internally displaced persons, however, the ad hoc nature of some camps/evacuation centers contributed to a poor health environment. In Aceh, for example, IDPs took shelter in public buildings, such as schools, multi-function community centers, and even stadiums. They also lived in abandoned homes or moved in with relatives. In Mindanao, the displaced interviewed for this study were living in evacuation centers run in part by the government but receiving some assistance from NGOs and civil society organizations. From the reports of the respondents, water remained in short supply because of the number of persons sharing one source.

- **Vector Control**

Among the problems cited by children, mosquitoes came up again and again. One of the participants to the first project planning workshop in Bangkok, when asked what he thought about the meeting, said he was just happy to not be harassed by swarms of mosquitoes at night. Mosquitoes were naturally found throughout the area because of the proximity to fields and forests. Poor sanitation and abandoned buildings, in which rain water pooled, probably also contributed to the number of the insects. Many of the areas under study were malarial, a situation that made the prevalence of mosquitoes all the more threatening to the young people. Dengue fever has also been a serious problem affecting communities in the region.

- **Food Supply**

Access to regular sources of food in all areas was at times limited. In their home villages, many of the respondents were farmers, who depended on a mix of what they grew and what they could purchase for food supplies. Refugees from eastern Myanmar said that in their home areas they depended much on the food they could grow or forage from the forest. Following the conflict, sources of food were more limited. Many villagers were pushed off of their farms to more urbanized areas or on to plots of land insufficient in size to provide for a family. In the refugee

camps in Thailand, NGOs provided the camp residents with a nutritional diet. Families supplemented their food supply with foodstuff they bought in the camp market, what they could forage from the nearby forest, and what they were able to grow themselves. Some families in the camps raised chickens and pigs.

- **Shelter**

For families still living in their homes, there was little impact on their shelter, except in the case of those returnees who had to rebuild a home that had been destroyed while they were displaced. Displaced families, however, suffered significant changes in their shelter. As mentioned in the section on access to safe water sources, many were forced to share a shelter with several families in public buildings. In Indonesia, some internally displaced interviewed for the project were living one family to a room. In other areas, camps were established for the displaced in which families each had a small hut.

- **Sanitary Latrines**

The sanitary disposal of human waste is a pillar of the health environment without which deadly disease can spread rapidly, often taking young children and the elderly as the first victims.

Large communities of displaced persons usually require technical assistance in establishing an efficient system where none may exist. This responsibility often falls to governments, but where they are unable to do so independently NGOs often step in to improve response. In

the Philippines, in most cases there was little change in access to private latrines in the home villages and after conflict with around 70% reporting that they had access. Though mos of the displaced had their own private latrines, around 25%, many from Basilan, had to use public facilities. They said that this aspect of the evacuation camp was not well-planned, creating a situation of dirty, clogged toilets. The number of toilets was also insufficient, so children, tired of waiting in line to go to the bathroom, resorted to relieving themselves in the river or in grassy areas around the temporary shelter. Similar conditions were reported in Ambon where residents in temporary camps said the lack of a sanitation system contributed to their discomfort.

Government agencies in Poso improved the physical facilities in camps for IDPs there while NGOs built pit latrines in the camps in Thailand, which created sanitary conditions above those of the home villages.

4.1.2 Reported Health Problems

While the team did not measure the direct impact between children's health and armed conflict, it did ask respondents to list common symptoms children had experienced over the past six months.

In all areas of Indonesia and the Philippines the most common symptoms reported were simple colds, fever, cough, and headache – all likely due to communicable and preventable diseases. Fifty percent of the respondents in

Indonesia and forty percent in the Philippines reported that one or more of their children had had diarrhea.

In a case that stood out from the others, respondents from Aceh reported a high incidence of skin rashes (73%).

Malaria is another problem many of the villagers have to address in rural areas. It was reported as a problem in the communities in the Philippines, in Aceh in Indonesia, and along the forested Thai-Myanmar border. What is not clear from the data is whether conflict-affected villagers suffered disproportionately to other villagers living in similar rural conditions. At a minimum, the presence of camp clinics in the refugee communities meant that access to trained staff was available, while in some remote parts of eastern Myanmar, this was not the case. Mobile medical teams reportedly treated many villagers, but because of the inherent risks involved coverage there was irregular and only for parts of the affected population.

In part, environmental conditions in the conflict-affected communities would appear to have affected children's health status. In Mindanao, congestion, heat, lack of ventilation, lack of safe water, lack of medicines, poor vector control and chaotic conditions likely increased children's susceptibility to illness. Poor and unsanitary conditions lowered their resistance and hastened the spread of illness.

Respondents from Myanmar reported a different pattern. It was difficult also to gauge impact on their health because many were not living in healthy environments in their home areas in Myanmar. The improved health environment for children in refugee camps in Thailand contributed to a much improved health status of children. Infant and under-5 mortality rates among the refugee population were much lower than those reported in the national statistics for Myanmar. For example, in 2001 the camp rate was 4.6 compared to 12 in Myanmar nationally and that of children under five was 9.2 in the camps and 23.9 in Myanmar.

4.1.3 Access to Healthcare

Access to healthcare was an issue before the conflict. Public healthcare services in respondents' communities in each of the three countries tended to be limited for several reasons. First, the villagers came from remote areas where state services did not yet reach. Most of the respondents in the three countries came from rural farming villages, while some, in the case of refugees from Myanmar, came from villages isolated in forests. The level of resources dedicated to development of the health system does not allow for deep coverage in these administrative areas. For example, the budget of one village (*barangay*) in Basilan in the Philippines was less than $200 (10,000 pesos) per year. The lack of funds has had serious implications for the availability of medicine and qualified personnel.

Because of limited resources, the public health system in each country bore strong similarities: large hospitals were situated in provincial capitals; small hospitals (mostly without specialized care capacity and fewer beds) were located primarily at large district towns. Public health centers served a cluster of villages, while outreach staff

(public health officers, including midwives) traveled to the most remote villages, though the frequency of these visits varied from country to country.

The private sector also offered a variety of services to rural villagers prior to their moves. Respondents reported that while private clinics were rare in most cases, some other types of services were available. In Myanmar, uncertified medical practitioners treated patients basing their diagnosis primarily on the visible symptoms. Scope of treatment was limited and there were obvious problems with misdiagnosis and use of inappropriate medications.

Some ethnic groups surveyed in the study had a culture of seeking the services of traditional healers that used herbal and spirit remedies, or a combination of the two, to cure ills. This type of healer was not present in all communities.

For those people that stayed in their homes, the issue of access to healthcare remained largely unchanged, in part because services were so limited prior to the latest round of instability.

For the displaced, however, some things did change. Many were relocated or fled to more urbanized areas where a wider range and higher level services were available.
The displaced were in many cases still unable to access these services for a number of reasons. The main one, however, was the inability of affected villagers to pay medical fees. This was often the problem in the home villages as well when they wanted to receive specialized

care, but the loss of livelihood assets put those services even further out of reach, effectively excluding them from some types of service.

Table 2: Top Three Places Respondents Sent Ill Children for Treatment
(Before and After Conflict) – Percentage of Responses

Type of healthcare facility	Country					
	Indonesia		Thailand		Philippines	
	Before	After	Before	After	Before	After
1. Hospital	13.36	14.1	11.9	50.0	29.3	29.3
2. Private Clinic (medical/dental)	0.0	1.8	5.6	10.6	15.3	14.0
3. "Injector"/Uncertified doctor	13.9	11.3	8.1	0.0	3.3	4.0
4. Traditional Healer (herbalist or spirit doctor)	0.3	0.3	26.9	2.5	48.0	47.3
5. Midwife	5.7	4.4	1.3	6.9	15.3	16.7
6. Community Health Center	63.8	62.7	5.0	25.0	42.7	46.0
7. Community/Volunteer Health Worker	0.8	2.6	1.9	8.1	21.3	22.0
8. Buy medicine/Self Treatment	0.5	1.0	34.4	9.4	48.0	48.0
9. Doctor	0.5	0.8	-	-		
10. *Polindes* (Village Policlinics)	0.3	1.0	-	-		
11. None	0.0	0.0	21.9	13.1	3.3	3.3
12. Others	0.8	0.0	-	-	19.4	19.4

Indonesia n = 389; Thailand n = 160; Philippines n = 150
Before : in place of origin; **After** : in current location

In some places, to overcome this obstacle, different combinations of government offices, private relief agencies, and UN agencies addressed the needs of the villagers. This report did not attempt in any way to evaluate

the service or to identify gaps. In Thailand, there was a noticeable shift away from traditional services, self-treatment, and no treatment, to the use of more formal health care services. This was largely because of the poor quality of healthcare in the refugees' home villages and the access in camps to clinics (researchers believe that some answers of "hospital" actually referred to health clinics in the camps) and to the Thai private and public health system.

In some places, such as eastern Myanmar and the interior of Aceh Province in Indonesia, aid agencies were unable to provide, or were prohibited by authorities from providing, official relief. Local organizations nevertheless attempted to distribute limited food and medical assistance in both places.

In Ambon and Poso, the situation was different because many of the people interviewed came from the town. The obstacle there arose from the segregation of the Muslim and Christian communities following the violence. Ambon city was separated into Christian and Muslim sides (with a neutral zone in between), and movement of a person from one the area of one religion to the side of the other was not permitted at first. Only aid workers (excluding local staff) were allowed to move from one side to the other. Later, immediately following the closure of the barrier and check-points that divided the communities, people were prevented from moving out of fear. If a health care provider was located in a Christian area, a Muslim hesitated to visit that provider out of fear of being attacked. While the two

communities have not mixed in terms of where they live, the situation had largely normalized by 2005 such that people moved willingly and freely between the Muslim and Christian areas.

4.2 PSYCHOSOCIAL IMPACT

Armed conflict often has a negative impact on the psychosocial well-being of children. It causes children to feel great pain, grief, and fear. It can also contribute to dysfunctional behavior. War also affects children's caregivers and the members of the community, who then make decisions based on their feelings that in turn impact the lives of children.

Very clearly, the children involved in this study had suffered much loss – belongings, pets, homes and, worst of all, friends and family members. In North Cotabato, many houses were burned and destroyed. Many crops and trees were destroyed. One boy shared that there were beautiful flowers and the trees were so alive. Another shared that their fields had become neglected and overgrown with bushes and trees. The focus group discussion with girls from the same area confirmed the stories. One girl shared that they had many cats and goats before the conflict, now none of them were left. The children shared the sadness that they felt because they missed how things were before the conflict.

War does, however, affect children differently. These experiences caused children varying degrees of distress.

Their resilience relates to a number of factors, ranging from their own physical health to self-confidence.

4.2.1 Changes in Behavior and Self-Esteem

> *I used to laugh a lot, but now I feel sad and frightened. My father was shot dead and my mother sent me here. I don't feel like laughing as often as I used to. I miss my parents.*
> 13-year-old Kayah girl, Karenni Camp 1, Thailand

Some children lost interest in their daily activities. One girl in Mindoro refusedto goto school and when she did go, she would often cry. After the event, she was prone to pick fights with her classmates. She was often caught cheating in the games the children played at school.

According to parents and NGO workers in Lanao del Norte, some children lost their self-confidence and self-esteem. The adults noted that before the conflict the children were talkative, but during and after the conflict they noticed that the children could not articulate themselves well. The children had difficulty expressing their ideas, even in the local language. In the evacuation centers, adults noted that the children could not relate or interact with other children. They did not want to play and just sat around unless the NGOs came to conduct activities. Parents would sternly tell their children to go and participate in the activities.

The research among the undocumented refugee children in northern Thailand found indications that the ability to work and contribute to the family welfare restored children's self-esteem. A number of them said they were pleased with their responsibility and with being valuable members of the community.

4.2.2 Fear as a Part of Everyday Life

> *"We always worry that any day would be the end of our life."*
> Anne of Basilan, The Philippines

> "*The feeling with the conflict is that you are going to die, other people get shot, but we are the ones who are afraid.*"
> Ten-year-old girl, Aceh, Indonesia

In Mindanao and in all three sites in Indonesia, fear played a significant role in everyday life. In the two refugee camps in Thailand, it was less the case because of the relative physical security the refugees enjoyed there, though some children did say that the continued to be startled by loud bangs. A number of children who had fled to Chiang Mai in the north had fears related to being arrested and forced back across the border to Myanmar. As illegal immigrants under Thai law, they were vulnerable to being swept up and pushed back in the periodic campaigns against undocumented foreign workers.

Some Filipino children felt that fear affected them physically; they shared that they suffered from head and stomachaches, trembling, palpitations, and muscle pains while running for safety or when they had just arrived in the evacuation center. Physical symptoms of psychosocial distress are not uncommon. A former child soldier from Myanmar explained to researchers that he experienced stomach pain and headaches while a soldier and afterwards.

The insecure environment in which children lived and the fear that conflict could erupt again contributed to this effect. In Ambon, up until the time of the research, though widespread and intense fighting had ended, safety was still a concern. The members of different religious communities remained reluctant to interact with members of the other community out of fear of violence.

Some children were afraid of being suspected of being rebel supporters. A boy, who was wounded when a mine exploded in Mindoro, said he was afraid that he would be abducted and killed by the military because when he was hurt his case was well-documented. A girl from the Philippines was displaced with her family because of the conflict, but her terror and fear was compounded by her experience of sexual harassment and molestation by a soldier.

Fear is compounded by children's lack of understanding about the conflict. In the Philippines, the children had questions on the causes of the conflict and why they were caught in the middle of it. In Mindoro, the children expressed that they were unable to understand the causes of the conflict. Adults usually did not take time to explain the events to their children thinking that they were too young to understand, they themselves probably did not understand the cause of the fighting, or the adults feared that talking about the conflict would compromise their security.

Fear has a number of negative effects that then in turn lead to other social problems or pose a barrier to normalization for children:

- **Limited play space**

Because they were afraid of what could happen to their children, parents would place restrictions on where their children could play. In Cotabato in the Philippines, where the respondents lived on farms in rural communities, respondents said that the children did not have enough space to play. This was due to their fear that armed conflict could recur at any time. Parents no longer allowed their children to go and play in the fields. They told the children to stay in their backyards. One girl said that she missed watching TV and hanging out with her friends because they were afraid to go out of their homes. In several cases in Indonesia among the displaced population the lack of space, cleanliness, and sanitation system made the residents very uncomfortable. Children could not find a comfortable place to play. They had to play in dirty places, such as near garbage dumps or in muddy spaces.

- **Schooling delayed**

In some areas, children were kept out of school because their parents felt that it was not safe for them to attend. This was the case in Ambon and in the Philippines. In Ambon, children were initially prohibited from crossing communal lines, but later parents also kept their children out of schools that were located in the area of the other religious group because crossing the border was considered placing oneself at risk. Likewise, there were parents who chose not to send their children to school in the Philippines. Parents who lived in inaccessible communities decided to delay their children's education for around a year because they feared that the conflict would resume anytime and their children would be caught in the cross-fire while going to and from school. Some children interviewed in Balobo in the Philippines felt the same way. One child shared that he still felt "kaba," apprehension or fear, when he walked home from school in the late afternoon.

- **Families moved or relocated**

As detailed in the section on displacement above, fear also drove families to abandon their homes to move to a place they felt was safer. In some cases, multiple moves were involved, resulting in many instances when the children were uprooted from their homes and communities.

- **Bad dreams and sleeplessness**

Children sometimes experienced bad dreams or trouble sleeping as a result of incidents they have witnessed or been a part of. In Indonesia, a number of children explained

> *It was in Sigli where I saw it with my own eyes. A person was bleeding from his cut neck. I shouted to call people. Seeing that corpse is stuck in my memory, and I often dream of it. In my dreams, I see three people wearing masks that surrounded the dead person, choked him and then cut his neck. In the middle of the night I wake up from that dream, then I cry because I am so afraid I can't sleep.*
> 18-year-old boy, Indonesia

that they struggled to fall asleep at night because they could not stop thinking about killings or corpses they had seen. Several reported being haunted by these memories in their dreams, so that they woke up crying. Some of the children interviewed in refugee camps along the Thai-Myanmar border also reported having recurrent dreams about the killing of relatives they had witnessed.

> *My father was arrested. I don't know whether he is alive or not. I'm unable to sleep and I cry often.*
> 15-year-old Kayah girl, Karenni Camp 1, Thailand

- **Celebrations and community gatherings and activities lessened**

Before the conflicts, the communities in each site celebrated cultural and religious festivals regularly. After the conflict, for some communities, the frequency and/or

scale of the festivals declined. In part, this was due to insecurity but it was also related to the lack of resources, since these festivals almost always required money and food.

> *Before, there were many residents, many people. Back then, we were happy, after that incident, everything changed, fewer and fewer people are living in our place. Before we could go caroling right above the north end of town, but now we can't do that anymore, because fewer people live there, unlike before, and it's scary, too.*
> **Girl from Cotabato, The Philippines**

Recreational and informal community gatherings were also affected. In Basilan, people used to gather at the local store to exchange stories; men got together to share a drink and women played bingo and other card games into the evening. Parents in Tairan said that they spent less time hanging out with their friends compared to the time before the tragedy. In Balobo, the parents complained that they did not have time to relax anymore as most of their time was spent watching over their children, accompanying them to and from school. In Cotabato, one interviewee explained that the community was lively, there were games and competitions and dancing. But these stopped because a grenade was thrown during one of the community dances. Muslim boys in a focus group discussion in Cotabato shared that because of the presence of the military in their village and the threat of an MILF attack, traditional ceremonies and practices were no longer held especially since the mosque was bullet-ridden.

4.2.3 Violence as the norm

The issue of normalization of violence was addressed in Chapter 3, but bears repeating here because it is in part a serious psychosocial impact. The researchers felt that guns and violent play in many areas could embed the glorification and normalization of violence in the community. Some organizations have sought to counteract this problem through peace education and other social projects. It remains to be seen to what extent the normalization of violence will take hold among the affected communities versus the desire of children and adults to pursue the peaceful resolution of conflicts.

4.3 IMPACT ON ACCESS TO EDUCATION

Education has come to play a central role in most societies. It can be a crucial asset for children. It serves to transfer knowledge that can open opportunities to new types of employment and helps to provide life skills. Education can add to the quality of life. In her global study of the impact of armed conflict on children, Graza Machel wrote:

> *Education has a crucial preventive and rehabilitative part to play in fulfilling the needs of children in conflict and post-conflict situations. Education also serves much broader functions. It gives shape and structure to children's lives and can instill community values, promote justice and*

respect for human rights and enhance peace, stability and interdependence.[40]

Even before the conflicts, the ability of children to access formal education in some areas was mixed. Most respondents from the Philippines and Indonesia said they had had access to school up to the high school level in most areas. The exceptions were persons coming from remote highlands, mainly persons from the ethnic minority Mangyan of Oriental Mindoro Province in the Philippines.

Rural areas often had available only the lowest end of services, such as primary schools. These schools, even before the conflicts, were not well-resourced. Teachers did not want to come to those areas and school materials were in short supply. Even where they did exist, children did not always attend schools because of the distance from their homes and the fees involved. As with healthcare, some families reported that they could not always meet the expenses that were incurred even in places where education was free. In all of the countries under study, primary education was free. However, students were often required to purchase their own school supplies and uniforms. Some schools required an annual contribution for development of the school and in some remote areas, the villagers had to help support the teachers by supplementing their pay or providing them with contributions of food and shelter.

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[40] *Impact of Armed Conflict on Children: Report of Graca Machel, Expert of the Secretary-General of the United Nations, Selected Highlights* (New York: United Nations and UNICEF, 1996), p. 20.

In these situations, parallel education systems developed or were already traditionally in use. Buddhist monks or Muslim imams provided education in some subjects. In other places, the local communities would themselves gather the funds necessary to hire a local "educated" person to teach the children.

The outbreak of hostilities in all areas, as in the case of the health care system, proved disruptive to children's education in several ways. One of the most obvious impacts on education was to schools. In resistance or separatist movements where an ethnic group is fighting against what it perceives to be an "invasion," schools may represent a symbol of "colonization." State-run education may offer courses or a view of history counter to that of the armed opposition and might provide instruction in languages other than the local vernacular by teachers of other ethnic groups. It also represents the delivery of a service that may lend legitimacy to the provider, thereby becoming a political asset instead of a humanitarian service. Of the nine areas surveyed, the three in Indonesia appear to be the main locations where schools were targets of attacks, though it was not always clear who had launched the attack. Schools were systematically targeted in Aceh. Interviewees reported that in some cases they returned to their villages to find only the pillars of the school remaining. Documentation revealed that in the weeks following the collapse of the Cessation of Hostilities Agreement in Aceh in May 2003, some 600 schools in Aceh were burned down. The *pesantren* schools, however, were not attacked and became

one of the venues for education in the absence of public schools.

> *Before the military emergency Aceh was safe, there was no checking of national identity cards, there were no corpses, no one carried guns, school buildings were not burned. After the military emergency was declared there are always checkpoints, there are a lot of corpses, everyone carries guns, and there are almost no schools left unburned.*
> 16-year-old child, Aceh, Indonesia

In Ambon and Poso, many schools were also destroyed in the violence, though it is unclear if they were specifically targeted. The other area in which an attack was reported was in Myanmar. One Shan girl reported that her school was shelled and ultimately destroyed when the Myanmar Army attacked a Shan State Army-South position. A cluster of internally displaced persons, unable to establish a camp on the Thai side of the border, had set up shelters near the armed opposition group's base and were caught in the shelling as a result of the attack.

Though the devastation of structures is one of the most visible signs of impact on the education system, teachers and other education personnel also ended up affected by the conflict. In some areas, teachers fled with other civilians to become IDPs or refugees when an area came under attack. In some instances, they resumed instruction within the displaced communities, but in others they were forced to find other lines of work in order to survive.

As sturdy structures with multiple rooms, schools were used to house the displaced in several locations, a decision which obviously rendered education in these buildings impossible. In the Philippines, although public schools were commonly chosen as evacuation sites, children evacuees seldom received any education in them. There were no education programs for evacuees, and for non-evacuees in the community who had attended the schools. Classes remained suspended until the displaced returned to their communities. For protracted evacuations, congestion and chaos made it difficult for children and teachers alike to maintain a good learning environment.

With infrastructure neglected or destroyed and teachers driven out of the countryside, many of the respondents reported that children remaining in the home areas had fewer opportunities to access formal education.[41] In eastern Myanmar and Aceh, this condition contributed to another problem – separation. The combination of an insecure environment and limited education opportunities led some parents to send their children away to seek opportunities in safety. In Aceh, the research team found that many of the street children living in Banda Aceh had left situations such as these. To protect them, their parents sent them out of the countryside to the relative safety of the city, hoping they would be able to find work or an education. Not all were able to attend school, however, and instead begged for money at intersections or restaurants. In eastern Myanmar,

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[41] UNICEF and others sought to remedy this problem by supporting the Muslim mass organization, Muhamadiya which in turn supported *pesantren*, the local Islamic schools.

a similar situation persisted, but in this case adults sent children, some very young, to attend schools in the refugee camps. These young children were taken in by relatives or, if they knew no one, were sheltered in boarding homes. Some of the younger children interviewed in focus group discussions clearly had no idea where their homes were and no documentation existed to link them to adults in Myanmar.

Displaced children faced challenges that resulted in part due to their social and economic status and in part because of their location. While many respondents in this study reported, along the lines of health facilities, that although the presence of education facilities increased, children, however, were not always able to access them. One of the main obstacles was insufficient income. While tuition at the primary school level is socialized in all the countries under study, parents in many cases must cover the cost of several subsidiary fees, such as school materials and uniforms and transportation to the school (if it is not in walking distance). This problem was reported by displaced interviewees in all but the refugee camps along the Thai-Myanmar border where education was provided by humanitarian relief agencies.

In some cases in the Philippines displaced families were living in evacuations centers which often were the schools themselves. In this situation, the children's school needs generally were met. The problem was that the schooling of other children who were not displaced but had been going to that school was affected. The number of available classrooms was immediately cut because some were used as shelters, while the number of students doubled or tripled in some cases, thus affecting the quality of education.

Because IDPs usually were unable to select the location of their shelter, they were not always proximate to a school. Often they were forced into marginal areas where communities had not yet been established and therefore were not conveniently linked to the education system. In the Malukus, former IDPs who were resettled into government allocated sites were experiencing the same problem in 2005.

Another problem for the displaced that continued after the conflict was that the schools in the new area did not always offer instruction in the local vernacular or in minority languages. Even in the refugee camps, one language of instruction prevailed over others. This was in part of a problem of resources. Where it was most obvious was in Camp 1. Because of the mix of linguistic groups, Burman was used as the common language of instruction. Kayah was used as a second language since the majority of the refugees in the camp were ethnic Kayah and the official language of the Karenni National Progressive Party is Kayah. Children from many of the other linguistic groups had little or no formal access to instruction in their mother tongue. This was not a problem specific to the camps, though, since they also did not have access to education in their first languages in Myanmar.

In Ambon, respondents explained that though the fighting had ended they still feared for their children's safety and

kept them out of school. In this case, to reach the school, the children would have had to cross areas controlled by the opposing group. Some schools were also seen as Christian or Muslim, though aid agencies were trying to address this problem by promoting integrated schools.

4.3.1 Child Soldiers and Education
Those children who were recruited into armed groups frequently lost all opportunities to pursue their formal education. Children were taken from their home villages in most instances and could no longer attend school, if they were attending it at all. The education they were provided from that point tended to be combat related or for a particular task within the group.

In some cases, however, a few of the armed groups did provide some education beyond the standard military training. The New People's Army in the Philippines, for instance provided informal education on basic reading, writing and arithmetic with modules discussing the socio-political and economic realities in the Philippines (or the causes of conflict based on a Maoist-Leninist framework of analysis). The teaching modules also included basic agriculture and other relevant subjects for livelihood.

For those child soldiers who demobilized or deserted from the armed groups, the question of education arose again, especially regarding the type of studies former soldiers wished to pursue. Many reportedly felt uncomfortable studying in a classroom with younger children. In response to this problem along the Thai-Myanmar border, former

child soldiers were able to take classes in adult learning/accelerated schools which offered primary education. In these schools they could gain a basic understanding of primary subjects at a quicker pace (or at their own pace) and then could transition into subjects that would provide them with a skill other than firing a gun. Technical training has been provided in other places too so that these young people could find employment to support themselves, and, in some cases, their families.

4.4 THE IMPACT OF ARMED CONFLICT ON LIVELIHOOD
The access of civilians to key livelihood assets is an important determinant of their ability to cope with the impact of armed conflict and provide for their children. For this study, most of the conflict-affected areas that were under study were rural parts of the country that was primarily agricultural. Surveys, therefore, examined the impact of armed conflict on household economic assets, mostly those linked to farming, such as seeds, tools, crops, land, and livestock. Other major inputs, such as access to water sources and irrigation, were not investigated in this study but would be important in future work.

4.4.1 Difficult Adjustments: Impact on Occupation
In many cases the fighting was waged in the countryside, among the farms and forests. The overwhelming majority of the persons interviewed in the three countries were farmers from rural communities (See Table 3 below).

TABLE 3: OCCUPATION OF RESPONDENTS BEFORE AND AFTER ARMED CONFLICT

Occupation	Country					
	Indonesia		Thailand		Philippines	
	Before	After	Before	After	Before	After
1. Farmer	49.9	28.0	80.6	20.0	61.3	0.7
2. Fisher	1.8	1.0	0.6	-	-	-
3. Laborer	6.7	19.0	10.6	5.6	4.0	2.0
4. Merchant	17.7	22.6	3.8	1.3	2.0	2.7
5. Teacher	4.6	4.6	-	1.3	0.7	-
6. Civil servant	5.7	5.4	-	0.6	2.7	-
7. Nurse	-	-	-	-	-	-
8. Unemployed	2.1	6.9	3.1	70.0	11.3	-
9. Private Official	2.3	2.1	-	0.6	-	-
10. Service	4.9	5.9	-	-	-	-
11. Home Industry	3.1	3.1	-	-	-	-
12. Pensioner	1.3	1.3	-	-	-	-
13. Labor	-	-	0.6	-	-	-
14. Gardener	-	-	0.6	-	-	-
15. Medic	-	-	-	0.6	-	-
99. Others	-	-	-	-	19	6.7

Indonesia n = 389; Thailand n = 160; Philippines n = 150

Before : in place of origin; **After** : in current location

In Indonesia, there was a notable exception in that a high number of merchants were interviewed as well as civil servants and other professional and semi-professional workers. This group came mainly from Ambon, and to a lesser extent Poso, where the violence took place in the city and among the persons who had worked there.

In all countries, the conflict was accompanied by a considerable shift away from the agricultural sector into other fields. In Indonesia, this meant a move from farming into labor, but also led to higher reported unemployment. While there were shifts of 50% in all countries away from farming, The case of the refugees along the Thai-Myanmar border is dramatic. Eighty-one percent of the respondents reported themselves as having been farmers previously, but afterwards, 70% said they were unemployed. This situation is due in large part to the Royal Thai Government's policy of prohibiting the refugees from finding work. It was felt that the restriction was put in place to prevent refugees from staying in Thailand permanently instead of temporarily as is intended. This does not mean, however, that people do not work. While trails lead to and from the two large refugee camps, the length of the daily walk is prohibitive, meaning that refugees who are working often spend their time outside of the camp and are unlikely to have been captured in the survey inside the camp. The 20% that reported still being engaged in agriculture were persons not living in camps and working as hired hands in the orchards and vegetable field of northern Thailand.

Displacement had an enormous impact on livelihood in most areas. The hardest impact was reported by those respondents who were displaced to areas where they could no longer farm and in situations where they lost most of their livelihood assets. Many had to abandon their fields, tools, seeds, and draft animals when the fled or were forced to move. In eastern Myanmar, respondents reported that the government forced them to move in many situations, in some cases allowing only a matter of a day to gather their belongings and relocate to a site identified by the army or

to just move out of the area. They could take with them only what they could carry on their backs or, if they owned or could borrow one, in an ox cart or other vehicle.

Questions remain as to the long-term impact the shift might have on the agricultural sector in these areas. There may be little impact in areas where the cause of change in occupation is due to short-term displacement. Some concern, however, was expressed in key informant interviews in the refugee camps along the Thai-Myanmar border that due to the many years of displacement young people were losing the skills necessary to farm in rural Myanmar. Very small scale farming and animal husbandry is permitted in the camps, mainly for the refugees to supplement their diet and engage in some trade and sale of goods. Nevertheless, the community leaders were concerned that the lack of skills could have implications for the ability of these youth to reintegrate after a repatriation home.

4.4.2 Loss of Livelihood Assets

Because the research team predicted that the majority of affected families came from rural farming areas, the research survey sought to see how conflict affected families control over key agricultural assets. Included in the list were tools, seeds and other equipment common to farming; land; and livestock. Had it been a true livelihoods assessment, it could have also included access to water and irrigation and other inputs.

Families that had been displaced during the conflict suffered large losses of their main economic assets. This often occurred during the period they were forced to move. In the instances in which they fled from attacks or from fear of impending violence, villagers often moved unaided, transporting only those items they could carry on their backs, on the backs of draft animals, or by vehicle, depending on which was available. In the instances where governments forcibly relocated civilians, in many cases authorities did not physically assist the villagers to move, again meaning that only those assets that the affected persons could transport on their own were brought along. In the Philippines the local government sometimes, though not always, helped in evacuation by providing dump trucks. Whether this happened seemed to depend on the mayor or governor's initiative. Villagers, in some cases in the three countries, were unable to return to their properties once they moved, so they could not return to carry household items in many trips. The respondents tended to leave behind a combination of tools, seeds, fertilizer, and machinery.

Ownership of livestock among the communities was limited mainly to oxen, water buffalo, pigs, and chickens. Many of the displaced farmers lost livestock when they moved to the new location. Many of the larger animals could not be brought along due to uncertainties about grazing space. In those cases, they were left to roam free back on the farms. Some farmers complained that when this happened, the larger animals often grazed on the crops and trampled the fields.

Theft of livestock and personal property was also a problem reported by some of the respondents. In the Philippines, they said that members of the different armed groups often came to take animals. Refugees from Myanmar reported a similar problem, in which government soldiers would at times demand that a village supply them with meat and other food. In other cases, the troops just took what they wanted.

For farmers, access to land is critical. Displaced farmers in particular were often barred from traveling to their land. Return to their fields in contested areas was too dangerous or was obstructed by travel restrictions enforced by authorities as described above. In some areas, farmers were allowed to return to their fields for limited amounts of time. In the Philippines, some respondents reported that they could work in their fields during the day, but had to return to the camps at dusk. A similar situation existed in parts of Myanmar, where villagers could obtain passes to work at their farms for a certain number of days before they had to return to renew their pass. In Ambon, respondents reported that at the time, they had begun to return to their homes, but had not yet rebuilt out of uncertainty about the future. The feeling there, nevertheless, was that they still owned their properties. What was permitted in these various cases appears to depend to some extent on the local authorities and conditions in those areas.

Many of the displaced had been forced to relatively more urbanized areas, sometimes the main regional city, where land ownership was high. In some areas, those with the means purchased a new piece of land, but this practice appeared to be limited. In others, such as in Aceh, villagers did not seek out new land because the common pattern of displacement was only short term. The displaced instead planned to wait until it was safe to return to their own fields.

Unlike in some areas of the world, land disputes between the internally displaced and persons who occupied their land appears to be relatively limited. The place where respondents raised particular concerns was in Poso where Central Sulawesi cocoa farmers who had fled their fields during the violence reported that others had occupied their farms. Many among the interviewees reported themselves as now landless.

Income also clearly dropped in most cases (See Table 4 below).

Table 4: Income levels

Income	Country					
	Indonesia		Thailand		Philippines	
	Before	After	Before	After	Before	After
No income	-	-	36	46	2	10
Under $US 20/month	6	13	35	36	50	48
$US 21 – 50/month	19	33	13	8	25	17
$US 51 – 100/month	29	26	1	4	14	16
Over$US100/month	46	28	15	6	9	9
Total	**100**	**100**	**100**	**100**	**100**	**100**

In what may seem to be an odd case, income among the respondents in Ambon increased. This is possibly the result

of several factors. First, many persons interviewed there did not depend on farming to earn a living. They were able to adapt more quickly when the situation improved. Second, many were teachers and civil servants with guaranteed salary increases over time. This did not change with the eruption of armed conflict. Third, even farmers who fled to the city were earning more cash income as laborers (though they were not necessarily in better living conditions). And finally, Ambon was an area that, while still suffering some instability, was beginning the recovery phase, unlike some of the other areas under research, and therefore economies had begun to function and return to normal.

4.4.3 Impact on Access to Services

Livelihood data is often analyzed in the context of food security since the shocks to a family's source of income and/or regular food sources can have negative effects on their ability to access new sources of food. Food may be available in the market, but families may not be able to afford it.

This research did not investigate food security systematically, but it may be worth closer attention in future studies. Southeast Asia is perceived as a "land of plenty" so it food security issues may not be immediately obvious. One question the teams did ask adult caregivers was whether they felt their children had enough food. In the three countries, in Indonesia 86% of the respondents answered that they did, but in Thailand and the Philippines, only 59% and 53% felt their children had enough to eat.

In the Philippines, the staple food is rice. It was felt that during conflict if, for example, parents substituted root crops or corn for rice the villagers will still consider that they do not have enough to eat even, if the amount is a sufficient carbohydrate substitute. Since most of the respondents are farmers who plant root crops and corn – making these more accessible and more practical than expensive rice – these become part of the everyday diet. Another key potential explanation noted, and perhaps the primary one, was that the conflict areas were often poor municipalities where the majority of villagers is small farmers who often survive on a hand to mouth existence.

Beyond access to food, the impact on livelihood can also affect children's access to basic services. Education is one of the services children may be unable to access if the family has suffered the loss of household income. In the four countries, education is free, but the fees associated with uniforms, school supplies, transportation, and "school development" can in some cases prove prohibitive. Some children said they could not enter school because they could not cover these fees. Higher level services were available in some areas, but the people could not access them due to lack of money.

Traditional and community structures that normally may have allowed people with lower incomes to cope in the villages, though reproduced in some displaced communities, were also often disrupted by conflict.

4.4.4 Coping Strategies

Conflict-affected villagers have not in some circumstances sought to rebuild or restore what they lost. The uncertainty that peace will hold, a feeling that was strengthened by lessons time and again of where it did not, has meant that some people are unwilling to invest in long-term socio-economic activities.

As was mentioned earlier in the section on the impact on occupation, some displaced families took up new jobs. In most cases, for farmers, this meant work in some sort of manual labor. What was unclear from the study, was the level of participation of affected community members in less obvious occupations. The teams did not interview domestic workers. With the thriving sex industry in the region, it is possible that some women, girls, and boys would have been trafficked into or elected to enter into the commercial sex. Some of the areas from which people fled or were still living are zones where poppy and marijuana are grown and where increasingly other types of narcotics are produced. Research teams did not seek to document where affected villagers might have become involved in these practices out of necessity or because they offered better economic returns. There is a well-documented flow of drugs from northern Myanmar, particularly out of the areas from which displaced persons in Fang District would have fled, but the team did not come across documentation to suggest that the displaced were involved in the transport of narcotics.

Some families, as reported in Aceh, resorted to begging and dependence on charity where land was not available and alternative sources of employment hard to come by. Separated children interviewed for the research also used begging to survive while they lived in "open houses." Children in Aceh who are forced to live separate from their parents generally find money by begging (giving envelopes to people that walk by and waiting for money to be put in the envelopes and returned to the child). Some children work alone, meaning that they beg alone and they use all of the money they receive by themselves, but some work under to coordination of other children. Those who work alone have to find a place to live alone, while those who work in a group in general get a place to stay with their group. Some of those who begged in groups rented their own rooms, but these tended to be unsafe.

In some cases children worked to support themselves or their families. Separated children in Ambon in general still lived in their community and earned money by helping their neighbors. Some helped in food stalls, some help with housework, and some sold products by walking door-to-door. After work, they returned to the camp. Children who fled into northern Thailand from southern Shan State also often helped their parents work in the fields. Because of the strong commercial sex sector in Thailand, more information should be collected on the recruitment of children from conflict-affected areas into this occupation. There is a considerable risk that girls have been drawn into sex work in this area.

Some conflict-affected people relied on aid from a variety of sources. Direct aid was being delivered in some places, particularly to the camps in Thailand. In other places, there was much less. In Aceh, some NGOs had been helping internally displaced persons identify sources of aid from the government because not everyone knew what was available or how to access it.

Another strategy some families adopted was to sell of their belongings in the hope that they would be able to bridge hard times with this money. Some displaced families in Thailand explained that they had been forcibly relocated to towns in Myanmar where they were unable to find work. They sold most of their belongings until they had nothing left, hoping that the period of displacement would soon end and that they would be allowed to return to their farms. When they had nearly nothing left of value remaining, they crossed the border into Thailand to find work.

Some displaced families risked return to their home areas. Those who returned often lived with continued instability and threats. Some were exposed to looting or other theft of their property, including fruit, vegetables, and livestock and/or demands for contributions of food and material to one or more sides to the conflict.

Another group of displaced attempted to return to their home areas to work their field in secret or to forage in the forest to supplement their diet or to find natural products to sell in the market. Some return within a day, but others, such as those in Kayin and Kayah States in Myanmar, live

clandestinely in the vicinity of their farms. In eastern Myanmar and parts of the Philippines, this coping strategy placed people at considerable risk, since those same areas were still under "no go" restrictions. Numerous rights reports have illustrated that villagers caught in these free-fire areas can be detained on suspicion of supporting an armed opposition group or be shot on site.[42]

Some others have utilized a number of other strategies. Some live with family members. In Aceh, the displaced frequently went to stay with relatives or neighbors outside the conflict area. Others resettle in order to re-establish themselves elsewhere.

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[42] See the reports of the UN Special Rapporteur on the Situation of Human Rights in Myanmar, the Karen Human Rights Group, Amnesty International, Human Rights Watch, and the Shan Human Rights Foundation.

CHAPTER 5
REDUCING THE IMPACT OF CONFLICT ON CHILDREN: RECOMMENDATIONS

This report has provided an overview of the many ways in which armed conflict has negatively affected children in Southeast Asia. While the ratification of the body of international laws meant to protect children and civilians in general has in most of the cases been strong and domestic laws have been put into place to protect children, violations persisted, suggesting that enforcement mechanisms in conflict areas required strengthening. Likewise, many of the children covered in this research were living below national standards, often in great difficulty with limited access to education and health services. Displacement remained a problem not easy to resolve in the face of insecurity and ongoing military operations. Play space was limited. In some communities a culture of violence and conflict was apparent.

The protection of children needs to be built on a strong foundation through which many layers of security surround young people. Governments and armed groups need to make sure strong measures are in place to protect children so that their tactics do not cause excessive harm and their troops remain disciplined. Communities, families, and children themselves need to be equipped to defend against grave abuses and cope with war's impact.

This chapter provides a set of recommendations that could help to protect children in times of war. Armed conflict, however, cannot be made wholly child-friendly. It also must be

acknowledged that this research project was not intended to be a needs assessment. No survey of programs or existing response was undertaken. It should not then be assumed that nothing is happening to remedy and prevent the problems described in this report. Some of the activities in the recommendations, therefore, may already be underway.

PROTECTION OF CHILDREN FROM VIOLENCE AND GRAVE ABUSES

Parties to the armed conflict need to ensure the protection of children, and that of the broader civilian population. They should internalize the concept of "children as zones of peace."

To all parties to the conflict:

- **Ratify and implement international human rights and humanitarian law**

Myanmar, Thailand, Indonesia, and the Philippines should ratify international human rights and humanitarian law. Governments should ensure that the standards from these international instruments are reflected within domestic law. They must also ensure that allegations of abuse are investigated and that the alleged perpetrators are tried. Building or reinforcing the legal system with the police, military, and national human rights bodies should aim to enable those actors to undertake investigations into alleged violations.

Non-State Actors, while they cannot formally ratify international conventions, should also guarantee that their internal regulations are such that they protect children. In the case of Optional Protocol II of the Convention on Child Rights these groups should issue a deed of commitment that they will abide by the

protocol and not recruit children under the age of 18 into their forces. These groups should guarantee that their internal regulations stipulate that there shall be no recruitment of children and set out the penalties should the rule be violated.

All parties to the conflict should cooperate with those who intend to monitor the implementation of these standards.

- **Ensure that children's issues are included in peace talks**
Though the GAM has already reached a peace agreement with the Government of Indonesia, peace negotiations are ongoing or may be launched in a number of locations. The Government of the Philippines and the MILF in early 2007 were to begin another round of peace talks. It is imperative that children's issues are represented in these talks and in any final agreements.

To the concerned governments:

- **Establish a child protection/welfare focal point in the military**
The inclusion of a child protection focal point could help to mainstream children's issues within armed forces. The responsibilities of this office would include to ensure child rights are integrated into military guidelines, to act a focal point for questions on the treatment of children by the armed forces, and, in cooperation with military and civilian investigators, initiate inquires into reported abuses. The head of the office should be of sufficient rank to allow the officer to influence military behavior effectively.

- **Invite the Special Representative of the Secretary General on Children and Armed Conflict to undertake a mission**

The SRSG-CAAC has not yet undertaken a mission to Southeast Asia. Myanmar and the Philippines should invite her as soon as possible so that she may begin discussions on the ways in which to reduce the negative effects of armed conflict on children. o should be seen as a way to push forward the

To non-governmental agencies and international actors:

- **Engage with Non-State Actors**
United Nations agencies and non-governmental organizations should open dialogue with non-state actors to discuss the protection of children during armed conflict. This activity should not be perceived as legitimizing the NSAs, but should instead be viewed as an important step toward securing the protection of children. The UN Country Team in collaboration with the Office of the Special Representative of the Secretary-General on Children and Armed Conflict should seek to secure a plan of action from the NSAs that sets out the steps the group will take to end child recruitment, demobilize and reintegrate current child soldiers in their rosters, and otherwise protect children in the areas in which they operate. A visit of the SRSG-CAAC to the region could help to move this process forward.

- **Place the protection of children affected by armed conflict on the agenda of the Association of Southeast Asian Nations**
In his statement before the UN Security Council in 2004, Special Representative of the UN Secretary General for Children and Armed Conflict Olara Ottunnu aid that "regional and sub-regional organizations have a significant contribution to make to the realization of the 'era of application'. The UN should encourage and cooperate with these organizations in their efforts to strengthen their advocacy programme activities, develop regional initiatives to curb cross-border activities harmful to

children, integrate child protection into their peace and field operations, and develop monitoring and peer review mechanisms."

UNICEF has in recent years had a cooperative program with ASEAN on the issues of child protection and early childhood development. ASEAN should consider inviting UNICEF to provide input on children affected by armed conflict.

ASEAN partners should consider placing children and armed conflict issues on the agenda of the ASEAN Regional Forum, and in ministerial and post-ministerial meetings. The current drafting of the ASEAN Constitution offers an opportunity to make ASEAN a "child soldier free zone."

- **Sensitize journalists**

Journalists often report extensively on the armed conflicts in the region. Increasing their awareness of the issues that affect children in war zones may result in an increase in coverage of the topics which subsequently could raise awareness of the problems among the general public.

Journalists should not only be given the substantive material, but should also be trained in the proper way of interviewing and reporting on child protection cases.

- **Educate and empower affected communities and children**

Communities offer one layer of protection to children. The capacity of communities to do this can be strengthened if they have access to information. They should understand the relevant policies and laws as well as be aware of accessible services. This can be achieved through a public information campaign that could include, among other strategies, the production of billboards or public announcement boards with messages

promoting children's rights as well as delivery through various other types of media, such as traditional theater, radio, and puppet troupes.

Local communities also have their own methods that can be strengthened. Those interested in protecting children should try to tap local knowledge and beliefs in their campaigns. There is a need to better understand and assess protective mechanisms and coping strategies employed by communities and children and to reinforce them where possible. The capacity of existing community structures and traditional systems should be built.

In some places, a local Children's Crisis Center could be established to respond to the difficulties that are faced by children.

- **Establish programs and mechanisms to prevent gender-based violence, and protect vulnerable groups, such as girls who are displaced by armed conflict, from becoming involved in prostitution**;

- **Improve monitoring**

Monitoring of the policies and behavior of armed groups can help bring abuse to an end. Civil society must be involved in this process and could be called upon to submit to local government periodic reports on implementation/non-implementation of laws and policies on children.

The United Nations has also developed a new system to monitor grave abuses of child rights in conflict-affected areas. The Monitoring and Reporting Mechanism (MRM) reports to a UN Security Council working group on children and armed conflict, which has the power to recommend action in order to move

governments and non-state actors toward compliance with international norms. The system currently focuses on six categories of abuse: killing and maiming; abduction; attacks on schools and hospitals; recruitment and use of child soldiers; sexual violence against children; and denial of humanitarian access to children. In 2007, the system looked ready to expand to Myanmar and the Philippines. UN agencies, NGOs, and other civil society groups should consider how best to link with that system so as to maximize the benefit for children.

USE AND RECRUITMENT OF CHILD SOLDIERS

To all parties to the conflict:

- **End child recruitment and begin disarmament, demobilization, and reintegration programs**

Armed actors must end all recruitment of children. Armed groups ensure that all units are informed of the legal age limit or relevant policy and the penalty to which officers found to have violated the standard would be subject. Armed groups, with the cooperation of qualified international and domestic organizations, should disarm, demobilize, and reintegrate into civilian society all child soldiers.

- **Issue proper identification papers for children and young people**

The lack of documents to identify a child's age has been an excuse used by several armed groups to explain why underage soldiers can be found among their ranks. Universal coverage for birth registration and the provision of identification papers for young people will help to eliminate this problem. Because many children have not received birth registration, this process must also be done retroactively to protect this group from recruitment.

- **Reorient and educate key agencies and community towards a paradigm shift - from viewing child soldiers as victims and not offenders;**

Child soldiers should be treated as victims when they are captured or demobilized. Communities should also be sensitized to this issue through public education campaigns as a part of DDR or broader protection programs.

To Non-State Actors:

- **Issue a deed of commitment to Optional Protocol II of the CRC**

NSAs should issue a deed of commitment, pledging to adhere to the standards set out in Optional Protocol II. They should adjust their internal policies as necessary, issue a directive for clarification to commanders, and bring to justice persons found violating the policy. In cases where policies already exist, they should be enforced.

EDUCATION

Education was disrupted by armed conflict in many ways, placing conflict-affected children at a disadvantage in comparison to many other children in their countries.

- **Ensure access to education**

A number of potential strategies can be explored. The report suggested that access was partially blocked because of lack of funds, particularly among those families who had lost their traditional sources of livelihood. Governments could wave school "development" fees and provide an education stipend to families. Other forms of cash assistance might be able to help families to cope and ensure that children can attend school. For those children who live far from school, transportation could be provided or teachers be placed in distant communities and among populations of the displaced. Attention must also be given to separated children and orphans to ensure they have access to education.

- **Schools as zones of peace**

Schools, along with health facilities and religious structures, must be recognized as protected places. Soldiers should not occupy them, launch attacks from them, or attack them.

- **Continue or initiate peace education**

PSYCHOSOCIAL WELL-BEING

- **Prioritize and fully implement holistic and integrated psychosocial programs and interventions**,

Programs should involve the family and community, draw on the expertise of local traditional healers, and utilizing helpful indigenous practices. The services and interventions should include peace building components.

- **Rebuild and strengthen relations between divergent communities**

To resolve biases and prejudices, organizations should invest in programs that help members of conflicting groups to recognize the linkages between them and help gradually draw conflicting groups back together.

- **Improve the quality of psychosocial activities, and make them appropriate and more responsive to the need of specific groups, such as orphans**

HEALTH

- **Ensure access to healthcare**

One of the main obstacles to access to healthcare, as was the case with education, appeared to be an inability to pay for services. This was not a problem unique to conflict-affected communities in these countries, but the impact that conflict had on livelihood and income did exacerbate the problem in some of the situations. Here again a number of strategies could be considered, including cash assistance and health aid.

LIVELIHOOD

The restoration of livelihood will help families to help themselves while dampening the impact of armed conflict on children. The ability to pay has a documented impact on access to education and healthcare, while it may also influence a family's capacity to purchase food.

- **Assist villagers to transition to a sustainable livelihood**

Many families lost their principal economic assets and will need help to reconstruct their homes and restore their farms. Micro-credit, cash assistance, and/or material assistance can help families to bridge the gap until they are able to recover. Aid providers should undertake a risk assessment to make certain that cash assistance will not be diverted to armed groups to help fuel the conflict, disrupt local economies, or create new conflict between communities.

- **Provide skills training**

In some cases, families may be unable to return to their homes or resume their former occupation. These people could benefit from skills training that would better enable them to earn a living in their new circumstances.

- **Train displaced and conflict-affected persons on how to access state and private aid**

- **Provide training in new skills for those who may be unable or may not wish to return to their farms or who can otherwise not resume their former occupation**

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Appendices

"FINAL TEXT OF THE AALCO'S 1966 BANGKOK PRINCIPLES ON STATUS AND TREATMENT OF REFUGEES"

AS ADOPTED ON 24 JUNE 2001 AT THE AALCO'S 40TH SESSION, NEW DELHI, INDIA

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Article I Definition of the term "refugee"

1. A refugee is a person who, owing to persecution or a well-founded fear of persecution for reasons of race, colour, religion, nationality, ethnic origin, gender, political opinion or membership of a particular social group:

(a) leaves the State of which he is a national, or the Country of his nationality, or, if he has no nationality, the State or Country of which he is a habitual resident; or,

(b) being outside of such a State or Country, is unable or unwilling to return to it or to avail himself of its protection;

2. The term "refugee" shall also apply to every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

3. A person who was outside of the State of which he is a national or the Country of his nationality, or if he has no nationality, the State of which he is a habitual resident, at the time of the events mentioned above and is unable or unwilling due to well founded fear thereof to return or to avail himself of its protection shall be considered a refugee.

4. The lawful dependents of a refugee shall be deemed to be refugees.

5. A person having more than one nationality shall not be a refugee if he is in a position to avail himself of the protection of any State or Country of which he is a national.

6. A refugee shall lose his status as refugee if:

(i) he voluntarily returns permanently, to the State of which he was a national, or the Country of which he was a habitual resident; or

(ii) he has voluntarily re-availed himself of the protection of the State or Country of his nationality;

(it being understood that the loss of status as a refugee under this sub-paragraph will take place only when the refugee has successfully re-availed himself of the protection of the State of his nationality;) or

(iii) he voluntarily acquires the nationality of another State or Country and is entitled to the protection of that State or Country; or

(iv) he does not return to the State of which he is a national, or to the Country of his nationality, or if he has no nationality, to the State or Country of which he was a habitual resident, or if he fails to avail himself of the protection of such State or Country after the circumstances in which he became a refugee have ceased to exist.

(Provided that this paragraph shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality).

(v) if it becomes evident to the country of refuge that the refugee acquired the refugee status on the basis of false information, incorrect documents or cheating which influenced the decision of national authority to grant him refugee status.

7. A person who, prior to his admission into the Country of refuge, has committed a crime against peace, a war crime, or a crime against humanity as defined in international instruments

drawn up to make provisions in respect of such crimes or a serious non-political crime outside his country of refuge prior to his admission to that country as a refugee, or has committed acts contrary to the purposes and principles of the United Nations, shall not be a refugee.

Article II   Asylum to a Refugee

1. Everyone without any distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution.
2. A State has the sovereign right to grant or to refuse asylum in its territory to a refugee in accordance with its international obligations and national legislation.
3. The grant of asylum to refugees is a humanitarian, peaceful and non-political act. It shall be respected by all other States and shall not be regarded as an unfriendly act so long as its humanitarian, peaceful and non-political nature is maintained.
4. States shall, bearing in mind provisions of Article X, use their best endeavours consistent with their respective legislation to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.

Article III Non-refoulement

1. No one seeking asylum in accordance with these Principles shall be subjected to measures such as rejection at the frontier, return or expulsion which would result in his life or freedom being threatened on account of his race, religion, nationality, ethnic origin, membership of a particular social group or political opinion.

The provision as outlined above may not however be claimed by a person when there are reasonable grounds to believe the person's presence is a danger to the national security or public order of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.
2. In cases where a State decides to apply any of the above-mentioned measures to a person seeking asylum, it should grant provisional asylum under such conditions as it may deem appropriate, to enable the person thus endangered to seek asylum in another country.

Article IV Minimum standards of treatment

1. A State shall accord to refugees treatment no less favourable than that generally accorded to aliens in similar circumstances, with due regard to basic human rights as recognised in generally accepted international instruments.
2. The standard of treatment referred to in paragraph 1 shall include the rights relating to aliens contained in the Final Report of the Committee on the Status of Aliens, to the extent they are applicable to refugees.
3. A refugee shall not be denied any rights on the ground that he does not fulfill requirements which by their nature a refugee is incapable of fulfilling.
4. A refugee shall not be denied any rights on the ground that there is no reciprocity in regard to the grant of such rights between the receiving State and the State or Country of nationality of the refugee or, if he is stateless, the State or Country of his former habitual residence.
5. States undertake to apply these principles to all refugees without discrimination as to race, religion, nationality, ethnic origin, gender, membership of a particular social group or political opinion, in accordance with the principle of non-discrimination.
6. States shall adopt effective measures for improving the protection of refugee women and as appropriate, ensure that the needs and resources of refugee women are fully understood and integrated to the extent possible into their activities and

programmes.

7. States shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Principles and in other international human rights instruments to which the said States are Parties.

8. States shall give special attention to the protection needs of elderly refugees to ensure not only their physical safety, and to the extent possible, the full exercise of their rights, including their right to family reunification. Special attention shall also be given to their assistance needs, including those relating to social welfare, health and housing.

Article V Expulsion and deportation

1. Save in the national or public interest or in order to safeguard the population, the State shall not expel a refugee.

2. Before expelling a refugee, the State shall allow him a reasonable period within which to seek admission into another State. The State shall, however, have the right to apply during the period such internal measures as it may deem necessary and as applicable to aliens under such circumstances.

3. A refugee shall not be deported or returned to a State or Country where his life or liberty would be threatened for reasons of race, colour, nationality, ethnic origin, religion, political opinion, or membership of a particular social group.

4. The expulsion of a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before the competent authority or a person or persons specially designated by the competent authority.

Article VI Right of return

1. A refugee shall have the right to return if he so chooses to the State of which he is a national or the country of his nationality or if he has no nationality to the State of which he is a habitual resident and in this event it shall be the duty of such a State or Country to receive him.

2. This principle should apply, inter alia, to any person who because of foreign domination, external aggression or occupation has left his habitual place of residence, or who being outside such place desires to return thereto.

3. It shall be the duty of the Government or authorities in control of such place of habitual residence to facilitate, by all means at their disposal, the return of all such persons as are referred to in the foregoing paragraph, and the restitution of their property to them.

4. This natural right of return shall also be enjoyed and facilitated to the same extent as stated above in respect of the dependants of all such persons as are referred to in paragraph 1 above.

Article VII Voluntary repatriation

1. The essentially, voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.

2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation.

3. The country of origin, shall provide all necessary documents to expedite their return on receiving back refugees, facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.

4. Refugees who voluntarily return to their country shall in no

way be penalised for having left it or for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the relevant universal and regional organisations inviting refugees to return home without risk and to take up a normal and peaceful life without fear of being disturbed and punished, and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum.

5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every possible assistance by the country of asylum, the country of origin, country of transit, voluntary agencies and international and intergovernmental organisations to facilitate their return.

Article VIII International Co-operation on comprehensive solutions

1. Voluntary repatriation, local settlement or third country resettlement, that is, the traditional solutions, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution. To this effect, States may undertake, with the help of inter governmental and non-governmental organizations, development measures which would underpin and broaden the acceptance of the three traditional durable solutions.

2. States shall promote comprehensive approaches, including a mix of solutions involving all concerned States and relevant international organizations in the search for and implementation of durable solutions to refugee problems.

3. The issue of root causes is crucial for solutions and international efforts should also be directed to addressing the causes of refugee movements and the creation of the political, economic, social, humanitarian and environmental conditions conducive to voluntary repatriation.

Article IX Right to compensation

1. A refugee shall have the right to receive compensation from the State which he left or to which he was unable to return.

2. The compensation referred to in paragraph 1 shall be for such loss as bodily injury, deprivation of personal liberty in denial of human rights, death of the refugee or of the person whose dependant the refugee was, and destruction of or damage to property and assets, caused by the authority of the State or country, public officials or mob violence.

3. Where such person does not desire to return, he shall be entitled to prompt and full compensation by the Government or the authorities in control of such place of habitual residence as determined, in the absence of agreement by the parties concerned, by an international body designated or constituted for the purpose by the Secretary-General of the United Nations at the request of either party.

4. If the status of such a person is disputed by the Government or the authorities in control of such place of habitual residence, or if any other dispute arises, such matter shall also be determined, in the absence of agreement by the parties concerned, by an international body designated or constituted as specified in paragraph (3) above.

Article X Burden Sharing

1. The refugee phenomenon continues to be a matter of global concern and needs the support of international community as a whole for its solution and as such the principle of burden sharing should be viewed in that context.

2. The principle of international solidarity and burden sharing needs to be applied progressively to facilitate the process of durable solutions for refugees, whether within or outside a particular region, keeping in perspective that durable solutions in certain situations may need to be found by allowing access to refugees in countries outside that region, due to political, social and economic considerations.

3. The principle of international solidarity and burden sharing should be seen as applying to all aspects of the refugee situation, including the development and strengthening of the standards of treatment of refugees, support to States in protecting and assisting refugees, the provision of durable solutions and the support of international bodies with responsibilities for the protection and assistance of refugees.

4. International solidarity and co-operation in burden sharing should be manifested whenever necessary, through effective concrete measures where major share be borne by developed countries in support of States requiring assistance, whether through financial or material aid (or) through resettlement opportunities.

5. In all circumstances, the respect for fundamental humanitarian principles is an obligation for all members of the international community. Giving practical effect to the principle of international solidarity and burden sharing considerably facilitates States fulfillment of their responsibilities in this regard.

Article XI Obligations
A refugee shall not engage in subversive activities endangering the national security of the country of refuge, or any other country or in activities inconsistent with or against the principles and purposes of the United Nations.

Article XII Rights granted apart from these Principles
Nothing in these Articles shall be deemed to impair any higher rights and benefits granted or which may hereafter be granted by a State to refugees.

Article XIII Co-operation with international organizations
States shall co-operate with the office of the United Nations High Commissioner for Refugees and, in the region of its mandate, with the United Nations Relief and Works Agency for Palestine Refugees in the Near-East.