



## THE WHITE HOUSE

WASHINGTON

September 29, 2015

Presidential Determination

No. 2015-13

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination with Respect to the Child Soldiers Prevention Act of 2008

Pursuant to section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c-1) (CSPA), I hereby determine that it is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to the Democratic Republic of the Congo, Nigeria, and Somalia; and to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for the provision of International Military Education and Training, and Peacekeeping Operations

assistance, and support provided pursuant to section 1208 of the National Defense Authorization Act of Fiscal Year 2014, to the extent such assistance or support would be restricted by the CSPA. I hereby waive such provisions accordingly.

You are hereby authorized and directed to submit this determination to the Congress, along with the accompanying Memorandum of Justification, and to publish the determination in the *Federal Register*.

BARACK OBAMA



MEMORANDUM OF JUSTIFICATION  
REGARDING THE CERTIFICATION AND DETERMINATIONS  
PURSUANT TO THE CHILD SOLDIER PREVENTION ACT OF  
2008

Pursuant to section 404 of the Child Soldier Prevention Act of 2008 (22 U.S.C. 2370c-1) (the "CSPA"), the President has determined that it is in the national interest of the United States to waive the prohibition in section 404(a) of the CSPA with respect to the Democratic Republic of the Congo (DRC), Nigeria, and Somalia, and to partially waive the prohibition with respect to South Sudan. The justification for this determination with respect to each country is set forth in this Memorandum.

**The Democratic Republic of the Congo**

The President has determined that it is in the national interest of the United States to waive application of the prohibition in section 404 (a) of the CSPA with respect to the DRC.

The United States seeks to promote a more stable, democratic DRC by supporting the improved capacity and professionalization of its security institutions and providing greater civilian protection to its people. With U.S. support, including training in the areas of human rights, military justice, and civilian control of the military, the DRC will be better equipped and prepared to counter trafficking in persons and drugs, armed robbery at sea, and illegal fishing. In addition, the waiver will allow the United States to provide logistical support, supplies, and services for DRC military units engaged in efforts against the Lord's Resistance Army (LRA).

The Government of the DRC has taken important steps to reduce the number of child soldiers within the Forces Armees de la Republique Democratique du Congo or FARDC (FARDC). In October 2012, the DRC

signed a U.N.-backed action plan to end the recruitment and use of child soldiers that focuses on four pillars: separation, response, prevention, and combating impunity. The DRC appointed a special advisor to the President on sexual violence and recruitment of child soldiers in July 2014, and continued work with child protection actors to separate children from armed groups and prevent them from entering armed forces.

Child protection advocates continue to report greater collaboration with the Government of the DRC. Since signing a new disarmament, demobilization, and reintegration plan in December 2013, the FARDC has actively worked with the U.N. Children's Fund (UNICEF) to set up verification centers at new surrender sites so that the FARDC can expeditiously refer ex-combatants to UNICEF for age verification. The FARDC has also appointed

military representatives to help separate and screen for the recruitment and use of children.

Additional measures taken by the Government of the DRC to implement the U.N.-backed action plan include issuance of two directives that prohibited the recruitment and detention of children; and a Ministry of Defense directive that sanctioned members of the FARDC for recruiting, harming, and detaining children as well as for attacking schools and hospitals, and impeding humanitarian access. In addition, the government's intelligence agency issued a directive requiring that children detained for their association with armed groups be transferred immediately to international child protection organizations. The progress achieved by these efforts was demonstrated when U.N.-conducted random screening of 6,000 soldiers between December 2014 and March 2015 did not identify a single child soldier.

Sustaining these programs would bolster the United States Government's ability to influence and advance further reform of the military and eliminate the unlawful recruitment and use of child soldiers, within both the FARDC and non-state armed groups. Eliminating this assistance at this time would undermine U.S.-supported security sector reforms that are a cornerstone of the Peace, Security and Cooperation Framework committee working to end hostilities in the DRC.

### **Nigeria**

The President has determined it is in the national interest of the United States to waive application of the prohibition in section 404(a) of the CSPA with respect to Nigeria.

The objectives of U.S. security assistance to Nigeria include furthering regional stability through effective, mutually beneficial military-to-military relations; providing training that augments the capabilities of Nigeria's military forces; and increasing the ability of Nigerian military and civilian personnel to uphold and instill democratic values.

A waiver will allow continued assistance to professionalize the Government of Nigeria's military, including training in the United States in the areas of human rights, military justice, and civilian control of the military. United States Government assistance will also enhance Nigeria's ability to counter the foreign terrorist organization Boko Haram, and fight piracy and oil bunkering in the Gulf of Guinea, as well as ensure that Nigeria can continue providing peacekeepers to important U.N. missions throughout Africa. These

efforts ultimately advance U.S. goals of improving the human rights record of the Nigerian military, eliminating the unlawful recruitment and use of child soldiers, countering violent extremism, and helping to build more professional, reliable Nigerian security forces that are better able to assist in countering threats to U.S. national security interests. Lack of a waiver would block the United States Government's efforts to help reform the Nigerian military and increase its respect for human rights obligations.

### **Somalia**

The President has determined it is in the national interest of the United States to waive application of the prohibition in section 404(a) of the CSPA with respect to Somalia.

U.S. strategy in Somalia is focused on achieving a unified, peaceful, and democratic Somalia with a stable and representative government capable of degrading and defeating the foreign terrorist organization al-Shabaab; preventing terrorists and pirates from using Somali territory as a safe haven; providing for its own internal defense; and facilitating and fostering development, growth, and political inclusion, while progressing towards long-term stability and prosperity. This waiver will allow the United States Government to continue to assist the Federal Government of Somalia to build effective and rights-respecting security forces, which are indispensable in achieving these goals and to build the Somali military's capacity to conduct effective, sustained counterterrorism operations against al-Shabaab.

The Federal Government of Somalia has taken steps towards implementing its U.N.-backed child soldier

action plan including the establishment of a dedicated Child Protection Unit, which is partially funded by the United States. This unit is operational and has begun monitoring of the Somali National Army (SNA), including a recent inspection of the SNA's main training center in Mogadishu. Last year, the Federal Government of Somalia signed standard operating procedures for the reception and handover of children separated from armed groups. The Somali Parliament also approved the Convention of the Rights of the Child. While Somalia has not yet submitted an instrument of ratification and is therefore not yet considered a party to that convention, Somalia's President approved ratification earlier this year. The United States Government intends to continue working with the Federal Government of Somalia and the U.N. to monitor progress and urge additional actions to prevent the unlawful recruitment and use of child soldiers, and to demobilize, rehabilitate, and

reintegrate children identified in the SNA or associated groups, or children previously associated with al-Shabaab.

### **South Sudan**

The President has determined that it is in the national interest of the United States to waive in part the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for the provision of International Military Education and Training (IMET), Peacekeeping Operations (PKO) assistance, and support under section 1208 of the National Defense Authorization Act of 2014, to the extent such support would be restricted by the CSPA.

United States Government assistance to South Sudan will support the implementation of the August 17, 2015, peace agreement, reestablish representative

governance, strengthen the reform processes outlined in the agreement, and support community reconciliation and transitional justice. With this support, South Sudan will be more capable of addressing issues such as trafficking in persons and the unlawful recruitment and use of child soldiers, and contributing to regional efforts to end the threat posed by the LRA. PKO and IMET funds could support disarmament, demobilization, and reintegration of forces that fought in South Sudan's conflict, and bolster important defense sector reform efforts to re-unite South Sudan's fractured military under one transitional government of national unity. PKO funds will also support the ceasefire Monitoring and Verification Mechanism and its planned follow-on body, the Ceasefire and Transitional Security Arrangement Monitoring Mechanism.

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