



**AFRICAN UNION
DISARMAMENT, DEMOBILISATION AND REINTEGRATION CAPACITY
PROGRAM**

FOREIGN FIGHTERS OPERATIONAL GUIDELINE

**AFRICAN UNION COMMISSION
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Abbreviations and Acronyms

ADF	Allied Democratic Forces
AG	Armed Group
APSA	African Peace and Security Architecture
AQIM	Al Qaeda in the Islamic Maghreb (AQIM)
AU	African Union
AUC	African Union Commission
CAAFAG	Children Associated with Armed Forces or Armed Groups
CAR	Central African Republic
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
FDLR	Democratic Forces for the Liberation of Rwanda
FF	Foreign Fighter
FTF	Foreign Terrorist Fighter
IDDRS	UN Integrated Disarmament, Demobilization and Reintegration Standards
LRA	Lord's Resistance Army
LURD	Liberians United for Reconciliation and Democracy
MNLA	National Movement for the Liberation of Azawad
NRA	National Resistance Army
OGN	Operational Guidance Notes
OLF	Oromo Liberation Front
PCRD	AU Post-Conflict Reconstruction and Development Policy
PSO	Peace Support Operation
REC	Regional Economic Communities
RM	Regional Mechanisms for Conflict Prevention, Management and Resolution
SALW	Small Arms and Light Weapons
SOPs	Standard Operating Procedures
TJ	Transitional Justice
UN	United Nations
UNDP	UN Development Programme
UNICEF	United Nations Children's Fund
UNDPKO	United Nations Department for Peacekeeping Operations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
WAAFAG	Women Associated with Armed Forces or Armed Groups

A. PURPOSE OF THIS GUIDELINE

A1 DDR in Africa

Over the past few decades a sizeable number of African countries, drawn from across all the AU regions, have undertaken some form of Disarmament, Demobilization and Reintegration (DDR) process. Effective DDR can be a crucial element of stabilization and recovery interventions and DDR processes are often amongst the fundamental preconditions for establishing stability. Conversely, poorly conceptualised and delivered DDR may undermine stabilisation efforts and even be a cause of further conflict and insecurity. It is important that every effort is made to ensure that DDR interventions are well designed, effectively delivered and properly coordinated with other activities such as Security Sector Reform (SSR) and stabilization, recovery and development frameworks.

DDR interventions have increasingly been called for in complex security and political environments where responses often have to be undertaken in situations where security remains fragile, and that many of the historically stated preconditions for DDR are not present. With many conflicts increasingly having cross border dimensions it is also increasingly important that policy frameworks and approaches are also regional and transnational in nature. This includes ensuring that DDR approaches consider the regional dimensions of conflict and the potential both for the recycling of combatants and the frequent high mobility of armed groups. In recent years DDR programmes have also had to consider issues related to violent extremism and terrorism.

A2 DDR and the African Union

Strengthening capacity within the AU regional security architecture to provide effective support to DDR is viewed by the AU as integral to its objective of promoting peace, security and stability in Africa. The importance and mandate of the AU Commission to support DDR was made in the 2004 Common Africa Defense and Security Policy (CADSP) and then subsequently in the 2006 Post Conflict Reconstruction and Development Policy (PCRDP). The African Peace and Security Architecture (APSA) Roadmap (2011 – 2013) specifically recognised that that DDR must: *“Be integrated into the entire peace processes, from the initial peace negotiations through peacekeeping and follow-on peace building activities”*. Effective and appropriate DDR responses are also important in terms of realizing Aspiration 4, *“A Peaceful and Secure Africa”* of the Agenda 2063 Framework and Objective 8 of the African Governance Architecture. It also recognized that whilst, historically, many DDR programmes have often fallen under the auspices of the UN that there has been increasing demand for a strengthened role of the AU with a growing number of Peace Support Operations (PSO) AU led and including DDR activities.

A3. Operational Guidance Notes on DDR

Following discussions with the Regional Economic Communities, Regional Mechanisms (RECs/RMs) the AU Peace and Security Department (PSD) through its Defense and Security Division (DSD) has developed a series of Operational Guidance Notes (OGN's) as part of efforts to strengthen APSA capacity. The OGN's aim to provide African stakeholders, and particularly APSTA stakeholders, with practical guidance to assist in the planning and implementation of individual DDR programs including those providing support and training to PSO. It is also hoped that the OGN will be useful for a wider

group including colleagues in the Inter-Agency Working Group on DDR and the Integrated DDR Training Group (IDDRTG). While drawing from experiences in Africa and catering to the specific needs of stakeholders on the continent, they are also compliant with international best practice and complementary to existing DDR frameworks including the UN Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS).

As well as being compliant with international standards and best practice the AU OGN series is also cognisant of the aspirations contained within Agenda 2063 on peace and security and work related to the African Governance Architecture (AGA). Specific efforts have also been made to ensure that human rights issues are considered and integrated into the OGN's in line with international and African Human Rights instruments and standards in recognition of the fact that DDR interventions should be designed and built in a manner consistent with normative human rights standards as set out in international treaty and customary international law. This is based on the recognition of the centrality of human rights in the establishment of a sustainable transition to a secure, peaceful and stable society.

The following DDR OGN's have either been produced or are under development;

- DDR and Children
- DDR and National Frameworks
- DDR and Reintegration
- DDR and Foreign Fighters
- DDR and Women
- DDR and Detention
- DDR and CVE
- DDR and M&E

Completed OGN can be downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)

A4. About this OGN

This guideline aims to provide African stakeholders with operational guidelines to assist in considering issues related to the DDR of Foreign Fighters and to effectively plan responses to this within their own operational contexts. The document will consider the different contexts in which Foreign Fighters (FF) exist on the continent, the drivers of and factors associated with these phenomena, and potential responses. It includes an overview of relevant legal and policy frameworks that exist and their provisions.

The AUC welcomes feedback on this OGN from users including suggestions related to additional content, corrections or revision. Comments can be sent to: [\(insert email address or link\)](#).

B. DEFINITIONS AND CONTEXT

B1. Definitions

In this document the term 'host' country refers to the country in which the FF is located. This does not necessarily imply that their presence is supported by the Government concerned or local communities.

Definition of Foreign Fighters
There is no single agreed definition of the term Foreign Fighter although it is generally understood to mean a person who meets all the definitions of a combatant but is not a national of the country where he she finds himself. The Third Geneva Convention of 1949 defines a combatant as; a person who: is a member of a national army or an irregular military organization; or is actively participating in military activities and hostilities; or is involved in recruiting or training military personnel; or holds a command or decision-making position within a national army or an armed organization; or arrived in a host country carrying arms or in military uniform or as part of a military structure; or having arrived in a host country as an ordinary civilian, thereafter assumes, or shows determination to assume, any of the above attributes.

Those falling under the definition above may either be pursuing political objectives or personal interests in their country of origin or in the host country. They may be members of a group operating across a border from their own country or have joined or been enlisted into an armed group (formal or otherwise) of a foreign country. The IDDRS stresses the importance of identifying and understanding the often complex and diverse circumstances which lead to cross border population movements, including those of combatants.

In addition to the overall definition above there are two distinct categories of FF that require specific mention.

Foreign Terrorist Fighters: Under Security Council Resolution 2178 of 2014 Foreign Terrorist Fighters (FTF) fighters were defined as 'individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict'.ⁱⁱ

Mercenaries: The term mercenary is defined within the Geneva Conventions (Additional Protocol I) as 'any person who is especially recruited locally or abroad in order to fight in an armed conflict; and is motivated to take part in the hostilities essentially by the desire for private gain, and is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party'¹. Within Africa the 1977 OAU Convention¹ for the Elimination of Mercenaries in Africa, which defined mercenaries as those who are not a national to the party of the conflict and are driven for material and monetary gains.

Specific issues related to the above groups are considered in sections B5 & B6 below.

¹ The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977)

B2. Historical perspective

The phenomenon of foreign fighters is not new. Studies on the Spanish war that occurred about 80 years ago indicate that in 1937, there were about 41,000 volunteers from fifty countries including Germany, Portugal, Italy and the USA. ⁱⁱⁱ Additionally, though significantly higher in Middle East countries, studies on conflict around the world also show that FFs are not a reserve of the Muslim community.^{iv}

Over the last two decades more than 50% of conflicts in Africa have had cross border or regional dimensions. In a number of cases conflicts within individual national states have extended into neighbouring countries. Conflict linkages on the continent are multifaceted and include political, socio economic and cultural factors often exacerbated by a legacy of colonially imposed borders, disputes over natural resources, humanitarian imperatives and population pressure and movements. In recent years trans-national criminal networks, smuggling and the use of territory by international and regional terrorist groups have also become major concerns. Borders across the Continent are often porous. Given this, it is unsurprising that armed groups on the continent have often also been highly mobile and trans-boundary in nature. The excerpt below shows how conflict in a highly integrated region like West Africa can lead to the movement of combatants across borders.

West African 'Regional Warriors' ^v
West Africa was one region where multiple armed groups operated repeatedly across national borders. In 1989 rebel forces entered Liberia from neighbouring Guinea and Côte d'Ivoire. Then from Liberia, Charles Taylor, initially as a warlord and later as president, backed the Revolutionary United Front (RUF) in its attacks against the government of Sierra Leone. At various times combatants from Liberia, Burkina Faso and other countries fought directly alongside the RUF. Later, two new rebel groups opposed to President Taylor launched a second civil war in Liberia, initially striking from Guinea and Côte d'Ivoire and eventually prompting Mr. Taylor's departure in 2003.

B3. Conflict complexity and combatant recidivism

"There are some of us who can't seem to live without a weapon — anywhere we hear about fighting we have to go,"

-24 year old foreign fighter-^{vi}

As highlighted above an important feature of some of the conflicts seen on the continent has often been their cross-border nature. These have often been associated with complex cross border dynamics, significant population movements and the emergence of trans-national groups involving substantive numbers of FF. In these situations, a number of interrelated factors can produce situations where conflict becomes seemingly intractable. They can have multiple areas of geographical focus and may even be cross-generational in scope in terms of who becomes involved in combat. Some of these situations have witnessed the emergence of an armed group (AG) of FFs who are highly mobile and whose allegiances can rapidly shift and evolve over time, including those that may have been involved with DDR programmes on more than one occasion. In recent years the emergence of FTF on the continent has also brought a number of new dynamics and challenges.

Rapidly growing coverage of and access to communications such as mobile phone networks and the internet has also, in addition to its very real benefits, also provided new means through which armed groups, including terrorist movements and criminal networks, can seek to attract and recruit new members without having to have direct physical contact or communications with them.

Al-Shabaab and the Internet

Al Shabaab has made a quite sophisticated use of the Internet using Internet Chat Rooms, YouTube and Twitter to communicate with its followers and to solicit new recruits. This included real time tweets during its attack on the Westgate mall in Nairobi in September 2013^{vii}.

In the figure below several potential high-risk factors associated with becoming a FF are highlighted (these are also discussed further in Section D1.1). Although a large number of these will be common to many conflict situations, it is suggested that the presence of a number of them would make the emergence of FF as a significant challenge more likely and worthy of investigation and follow up.

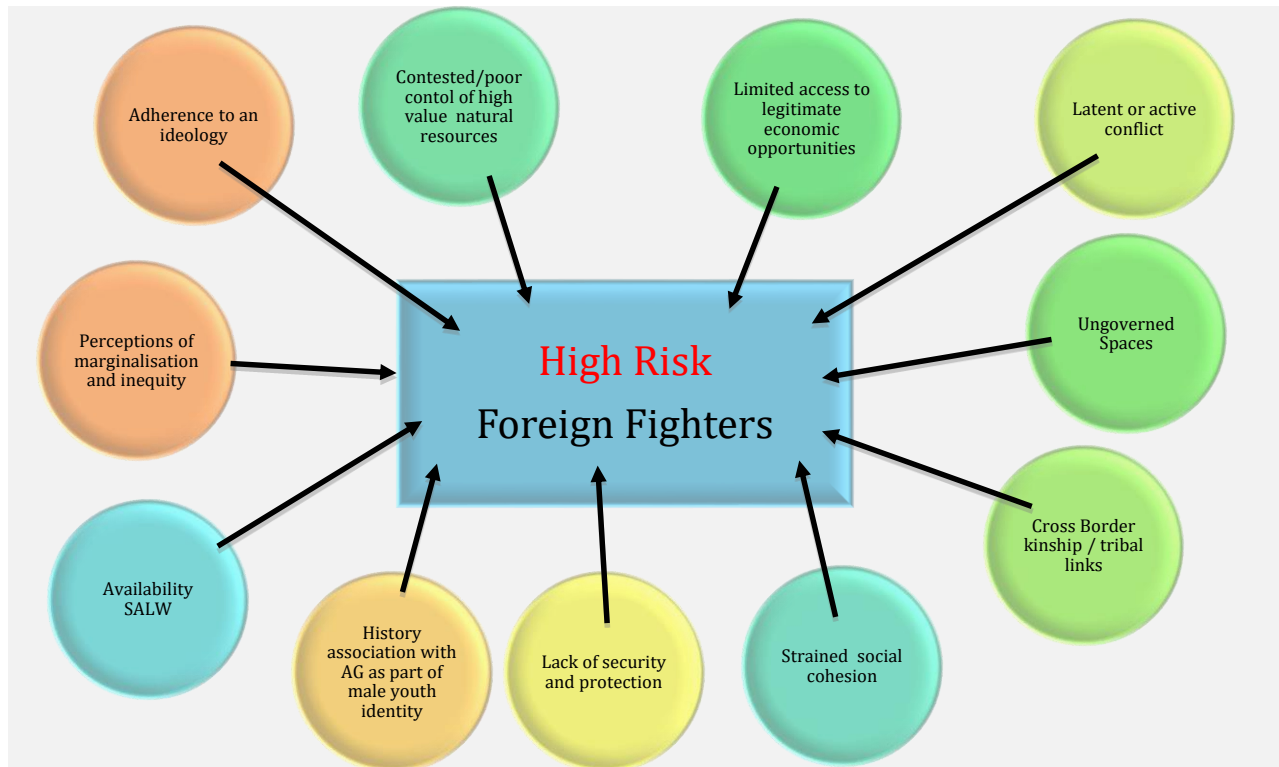


Figure 1: Diagram highlighting multiple potential factors related to the risk of the emergence of FF

B4. The impact of Foreign Fighters on regional security and development

The presence of FFs can have significant negative impacts on both the immediate security environment and the longer-term impacts on regional peace, security and development.

- FFs' presence may threaten inter-state relations between the host country and their country of origin – whether the authorities in that country or their hosts are supportive of their presence. Rwanda and Burundi, for instance, have been 'uneasy neighbours' since the occurrence of the genocide in Rwanda in which one party to the bloody conflict allegedly recruited combatants from Burundi.^{viii}
- Their presence and behaviour can significantly affect relations between communities on either side of the border generating tensions that may continue to have significant impacts even after the conflict has ended.
- Their presence may have detrimental consequences on the safety and human rights and freedoms of other groups that have crossed the border during a conflict – especially refugees,

who may be subject to attack by the AG involved or be accused by others of harbouring FF. The separation of FF from refugee populations has presented challenges in a number of settings in recent years.

- The sudden or unplanned return of FFs to their countries of origin may pose significant risks to stability and security. This is likely to be particularly the case if the group was involved in armed rebellion against their country of origin, but even where previous relationships with their country of origin and communities was benign, the arrival back of such individuals may create new tensions and cause new political and security dynamics.

Impact of LRA activity on cross border trade and relationships
<ul style="list-style-type: none"> • The Lord’s Resistance Army (LRA) originally emerged in Northern Uganda as a group largely drawn from the Acholi ethnic group – although many of the combatants within it were forcibly conscripted and much of the group’s violence has been directed against the Acholi community. From 2002 onwards the group became more widely dispersed and militarily active across several neighbouring countries including South Sudan, DRC and CAR. The group has long been associated with gross human rights abuses and extreme violence against civilians. As violence spread there were a significant number of LRA attacks on non-Acholi communities in South Sudan, DRC and CAR. In South Sudan there were a number of incidents where Ugandan traders and even humanitarian workers of Acholi origin were attacked or threatened by people who associated their ethnicity with the LRA and accused them of being spies for the group. For some time this impacted more widely on cross border relationships and the free flow of people and trade requiring intervention by traditional, religious and political leaders to prevent tensions escalating.
Neighbouring regime collapse as a factor in the reigniting of rebellion in northern Mali
<ul style="list-style-type: none"> • The National Movement for the Liberation of Azawad (MNLA) a Tuareg rebel group led an insurgency against the Malian government in early 2012. Whilst the rebellion was associated with long standing grievances related to political and economic marginalization it was precipitated by the return of Tuareg fighters equipped with military equipment and expertise from Libya following the fall of Gadhafi.

B5. Mercenaries

The use of mercenaries and involvement in mercenary activity is specifically prohibited under International Law, as mercenaries do not enjoy the protection granted to combatants or prisoners of war under International Humanitarian Law. Mercenarism has been condemned through a number of resolutions and conventions both at international and regional level. Indeed, as early as in 1967, the UN Security Council through Resolution 239, condemned ‘any State that persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them’.^{ix} In 1986, Resolution 102 of the General Assembly recognized mercenarism as ‘a threat to international peace and security’.^x

As it relates to Africa, the focus of the Organization of African Unity (OAU) and its successor, the AU, has for the most part been on the phenomenon of mercenaries in Africa during decolonization era and wars of national liberation. The first instrument that dealt directly to the issue of mercenaries in Africa is the 1977 OAU Convention for the Elimination of Mercenaries in Africa, which defined mercenaries as those who are not a national to the party of the conflict and are driven for material and monetary gains.

As FF are discussed, it is important to draw the lines, if any, between a foreign fighter and a mercenary. Neither the OAU Convention, nor the International Convention against the Recruitment, Use, Financing and Training of Mercenaries make a distinction^{xi} and there is no evidence that foreign fighters do not make monetary gains from their role in conflict. It is hereby suggested that just as in DDR, all circumstances and contexts are considered individually. Whereas in some cases an individual may be motivated by the desire for private gain, in many instances the factors underpinning

recruitment are likely to be more complex and multi-faceted. It is for this reason that the labelling of the bulk of the rank or file within a group as mercenaries and attempting to deal with them as such is likely to be both contested and have limited practical utility in many of the conflicts within the continent. It is also worth highlighting the recognition by the Human Rights Council, under Resolution 33/4 of 2016, that ‘armed conflicts, terrorism... inter alia, the demand for mercenaries’.^{xii} In a sense, that alludes to a suggestion that mercenaries are enjoined to a conflict that is already ongoing and thus are not the same as combatants. There are however possible instances when it may be appropriate to define a group or individuals as mercenaries and use the relevant articles of international law as part of a strategy to deal with both them and their backers or sponsors.

Soldier of fortune or victim of conflict?
In Libya immediately prior to the overthrow of Colonel Gadhafi, significant numbers of what were locally described as mercenaries from other African countries were involved in helping support the previous regime. However, the extent to which many of these individuals were purely motivated by financial gain and whether their recruitment was in some cases voluntary or coerced has been contested.

B6. Foreign Terrorist Fighters (FTF)

Following the twin bombings of the United States embassies in Dar es Salam and Nairobi in 1998, considerable attention has been devoted to developing mechanisms for addressing terrorism, and more specifically, the challenge of FTF. The recent upsurge in terrorist groups in different parts of Africa, from Somalia to Mali and Nigeria, brings under the spotlight the flows of foreign terrorist fighters who join in the ranks of groups such as Boko Haram and al-Shabab and take active part in perpetrating acts of terrorism. This new and relatively alien genre to FF necessitate concerted regional action to stem the flow of FTFs in cooperation with REMs and RECs.

Acting under Chapter 7, the Security Council under Resolution 2178 demands that ‘all foreign terrorist fighters disarm and cease all terrorist acts and participation in an armed conflict.’ Moreover, in accordance with their obligations under international human rights law, international refugee law, and international humanitarian law, states shall suppress and prevent the recruitment, organization, transport and equipment of such ‘foreign terrorist fighters’, including by preventing their departure, entry and transit accordingly.

Definition of Terrorist Acts according to The African Model Anti-Terrorism Law^{xiii}
(xxxix) “terrorist act” shall mean an act or omission, actual or threatened, inside or outside [name of country] that is an offence as set out in any of the United 13 Nations and African Union instruments to which [name of country] is a party and includes an act, actual or threatened, that is intended, or can reasonably be regarded as being intended, to intimidate the public or any section of the public or compel a government or international organization to do or refrain from doing any act and to advance a political, religious or ideological cause, if the act; (a) involves serious violence against persons; (b) involves serious damage to property; (c) endangers a person’s life; (d) creates a serious risk to the health or safety of the public or any section of the public; (e) involves the use of firearms or explosives; (f) involves exposing the public to any dangerous, hazardous, radioactive or harmful substance, any toxic chemical or any microbial or other biological agent or toxin; (g) is designed to disrupt, damage, destroy any computer system or the provision of services directly related to communication infrastructure, banking financial services, utilities, transportation or key infrastructure; (h) is designed to disrupt the provision of essential emergency services such as the police, civil defence and medical services; or (i) involves prejudice to public security or national security.

Given that the term FF has sometimes been used very loosely it is important to note that within the context of DDR, not all foreign fighters are terrorists. Authors have suggested that a ‘foreign fighter can be differentiated from the terrorist, who often acts in an area outside the armed conflict and against civilians’^{xiv} and that deradicalization programs are by their nature distinct from the mainstream reintegration.^{xv}

B7. FF and the protection of refugees

The security and protection of those fleeing across the border as refugees is often a particular concern in situations where armed groups cross borders. The presence of FF alongside refugees may give rise to a number of challenges threatening the safety of refugees that requiring urgent attention. AG of FF may seek to infiltrate or attack refugee camps and authorities in either host or countries of origin may accuse refugee populations of harbouring rebels. The excerpt below decries the challenges that drafters of an FF program with refugees in mind would have to tackle, considering that some FFs may actually be in the process of abandoning the war.

- **Combatants and refugee status:** Both the UN and OAU Convention on Refugees make it clear that an active combatant cannot be considered a refugee – although refugee status may be conferred at a later date if it clear that they have genuinely and permanently given up military activities. Civilian family members of combatants can however be treated as refugees and accommodated as such.

- **Ensuring the civilian nature of refugee camps:** In a number of conflict situations ensuring the civilian nature of refugee camps has posed significant challenges. This is important both to ensure the protection of individual refugees and also to maintain the wider integrity of the principles of refugee status. Although it is the responsibility of the host government to provide protection, and where at all possible this should be carried out by civilian police, in a number of situations it has proved necessary to establish specific policing and security units in and around refugee locations. The maintenance of an international or third party presence in refugee camps is often an important means of helping to monitor the security environment and identify emerging risks. Where it is apparent that this is a risk it is essential that this be identified early and that there is effective coordination between those planning DDR and those responsible for refugee protection.

- Safeguarding the institution of asylum should not lead governments to react in ways that expose arrived or arriving of refugees to additional risks. For example, the close of borders and limiting freedom of movement etc.

- As stated by the United Nations High Commissioner for Refugees (UNHCR), ‘any measures taken by a host State to maintain the civilian and humanitarian character of asylum must respect the State’s legal obligations under international human rights law, international humanitarian law, neutrality law (where applicable), refugee law, and domestic law. In particular:^{xvi}
 - i) Non-refoulement and admission to territory (1951 Refugee Convention, Article 33);
 - ii) The right to liberty and security of person and the prohibition of arbitrary detention (ICCPR, Article 9).
 - iii) Humane treatment in detention (ICCPR, Article 10).

- iv) Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (ICCPR, Article 7; UN Convention against Torture).
 - v) Freedom of Movement (ICCPR, Article 12).'
- **Separation between combatants and those associated with armed groups:** An integral component of a DDR program should be to establish clear dividing lines between combatants who have taken active roles in combat and individuals who should be deemed as “associated” with armed groups; vulnerable/dependent individuals such as women and children as well as those who were forcefully recruited such as abductees should be accorded special treatment in DDR.

In reality, during mass population movements across an international border combatants and civilians may become intermixed. It is important in these circumstances that measures are put in place to identify and separate combatants as near as possible to points of entry. This is important both to ensure their disarmament and removal to a location away from the conflict zone and also to ensure that the provision of refugee status to civilians is not compromised. Whilst it is the primary responsibility of the host country to ensure this the provision of technical and logistical support to ensure that this is properly undertaken. Those responsible for DDR will need to work closely with those responsible for the care and protection of refugees, including UNHCR.

Impact of FF on refugee protection in Guinea
During the 1990's Guinea provided shelter for more than 500,000 refugees from conflict in Sierra Leone and Liberia. To begin with the refugee camps were considered to be stable with the environment favourable in terms of both protection and access to basic services. Refugee relations with host communities were considered to be relatively good. However, following a series of attacks within Guinea by Liberian rebels in late 1999 the environment for refugees sharply deteriorated with refugees blamed by the Guinean authorities for harbouring combatants and armed groups on all sides attempting to infiltrate the camps in order to gain control over them. The situation that then ensued had grave implications for the well-being of the refugees, host communities and more widely on attempts by UNHCR to ensure refugee protection across the region.

As stated above any measures taken by states in dealing with separation of combatants from refugees must be in conformity with normative international human rights standards. As such any limitation of rights and freedoms during the process must meet the standards set under international and regional human rights law. The ACHPR under Article 27(2) provides a basis for limitation of rights by stating that ‘rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security and common interest.’

Limitation of rights and fundamental freedoms guaranteed under the ACHPR as stated by the African Commission
In <i>Constitutional Rights Project and Others v Nigeria</i> , ^{xvii} the African Commission pointed out that ‘[41] in contrast to other international human rights instruments, the African Charter does not contain a derogation clause. Therefore limitations on the rights and freedoms enshrined in the Charter cannot be justified by emergencies or special circumstances. The only legitimate reasons for limitations of the rights and freedoms of the African Charter are found in article 27(2), that is, that the rights of the Charter ‘shall be exercised with due regard to the rights of others, collective security, morality and common interest.’
[42] The justification of limitations must be strictly proportionate with and absolutely necessary for the advantages

C OPERATIONAL RESPONSES

C1. Preventive measures

The inclusion of a section on preventive measures may seem to be of little relevance in an OGN on DDR which, by definition, has historically been an activity that is focused on responding to a situation where armed conflict has already occurred. However, it is important to note that DDR responses are increasingly being called for in situations where there may not be a definitive end to conflict and/or regional responses are required. In these instances, the security situation and conflict dynamics may differ widely across locations and areas and it is entirely possible that in one location there will be ongoing DDR activities and in another the focus of efforts might be on preventing new recruitment or recidivism.

For those planning and implementing DDR, an understanding of and engagement with, these issues and ensuring that they are considered in planning and programming may help to prevent recidivism and ensure that wider stabilization efforts are more successful.

C.1.1 Risk analysis and early warning

Identifying and assessing potentially high-risk locations and factors and ensuring that they are properly assessed, and that early warning mechanisms are put in place is an important step in prevention. Whilst these will always be context specific a number of generic factors were previously identified in Figure 1 and are highlighted and discussed further in the table below.

Table 1: Risk factors that may drive emergence FF

Potential Factor	Details
Latent or active conflict	<ul style="list-style-type: none"> The presence of latent or active conflict is an obvious potential risk factor, particularly in border areas where this could result in either the creation of an armed group that uses a neighbouring country as an operational base or draws recruits from across the border, especially cross-border recruits that share ethnic or religious ties with members of armed groups.
Ungoverned spaces	<ul style="list-style-type: none"> The presence of ungoverned spaces not under the effective control of national authorities increases the risk of the emergence of armed groups associated with criminal activity and/or rebellion. This is likely to be a particular risk if these areas are situated along major traditional international transport corridors or routes.
Cross border kinship or other group ties	<ul style="list-style-type: none"> In areas of potential tension or conflict the presence of cross border kinship or other group ties may significantly increase the risk of the recruitment of FFs and the movement of combatants across borders. Whilst recognising this, it is also important to note that these types of links might also present opportunities for action to prevent and curtail recruitment through the fostering of cross border dialogue and links between communities and authorities.
Marginalization & inequity	<ul style="list-style-type: none"> Perceptions, real or imagined, amongst groups, particularly 'youth', that they are marginalized in political, social and economic terms may be a significant driver of recruitment – particularly in the presence of high levels of income inequality and unemployment and limited access to legitimate economic opportunities Inter-communal tensions, for example inter-generational tensions between youth and traditional leadership structures may be a significant factor in individual or group decision making to leave their home areas and cross borders.
Limited access to legitimate economic opportunities	
Strained social cohesion	

Potential Factor	Details
Lack of security and oppression perpetrated by security agencies	<ul style="list-style-type: none"> In situations where state security agencies are unable to provide effective security individuals may choose to leave and join an AG rather than waiting to be attacked or otherwise threatened or mistreated. Abuse or threats by state security agencies against groups are likely to be particularly significant factors in driving recruitment and cross border movement.
History of association with AG as a source of income generation and as a part of male identity	<ul style="list-style-type: none"> Previous association with an AG is likely to be a particularly important indicator of the high risk of fighters recycling and recruitment. In some situations, specific groups within society may have 'traditionally' been associated with involvement in combat or armed activity as a specific livelihood strategy and this can become closely intertwined with perceptions of normative male roles and identity.
Contested/poor control of high value natural resources	<ul style="list-style-type: none"> Situations where there are significant natural resources and where these are contested or poorly governed and controlled represent high risk. Examples have included gemstones and rare earths/metals. Conflict over the control over these resources and their movement and transit across borders can be a significant factor in both attracting foreign recruits into AG and fuelling existing conflict and tensions.
Availability SALW	<ul style="list-style-type: none"> The availability of SALW, arms markets and the cross-border movement and trafficking of weapons is likely to represent a significant risk factor.
Use of ideology to support violence	<ul style="list-style-type: none"> Ideology links a group's guiding philosophy with the beliefs of the individual fighters. Ideological drivers are usually coupled with a feeling of outrage and empathy regarding an individual's perceived understanding of a situation in a given context, which may further fuel his desire to travel and enlist in an AG. Ideological drivers are not limited to religious drivers but also to other forms of identity or beliefs which, for example, might include political affiliation or ethnicity, or indeed a combination of these issues.

In areas where potential risks are identified to be significant, rigorous assessment and analysis should be considered so that appropriate preventive measures might be identified. Given the interconnectedness of issues and potential responses, this is best undertaken as part of wider conflict and political economy analysis that considers in detail the root causes of tensions or conflict and the role and motivations of all stakeholders involved. The role of DDR practitioners in this process is likely to be to assist authorities in identifying risks and considering options for their mitigation. In locations where previous recruitment has taken place this should include not only an assessment of the risks of recruitment but also of recidivism and the capacity and willingness of communities of origin to absorb ex-combatants in the event of their return.

C1.2 Strengthen cross border and multi-agency cooperation and dialogue

In response to the threat posed by FFs, it is important to establish and build effective mechanisms for strengthening cross border information exchange and cooperation. Under the framework of the APSA greater cooperation, information sharing, and the development of mechanisms are already a key priority as is the strengthening of both continental and regional early warning. Moreover, in respect to FTF the African Peace and Security Council issued a communiqué in 2015 after the adoption of UNSC resolution 2178, calling on member states to "Take the necessary steps to ensure that their territories are not used as recruitment grounds and to prevent their nationals from participating in terrorist activities elsewhere on the continent and beyond and, in this respect, to take measures to counter the recruitment methods and propaganda being used by the terrorist groups"

It is important in individual situations to consider practical measures that might help to establish this on the ground. This could include;

- **Improved cooperation between security agencies:** The establishment of more effective mechanisms for cross border information sharing and cooperation between security agencies in areas of risk may provide a useful means for identifying both risk factors and practical response measures. However, in supporting such endeavours it is important to assess the extent to which any actions by security agencies may have exacerbated tensions and their adherence to human rights standards and principles. Dialogue may offer opportunities to raise and address such issues and promote adherence.
- **Cross border civil society links:** Conflict in border areas can quickly cause the development of mutual suspicion and recriminations particularly when cross border groups are involved in violence. The formation of fora that foster cross border dialogue can be an effective means of raising issues of common concern and responding rapidly in the event of incidents occurring. Such groups might involve political, religious and traditional leaders as well as those involved in cross border trade.
- **Regional planning and response frameworks:** Despite increasing recognition of the importance of regional approaches to conflict resolution and stabilisation many interventions and post conflict reconstruction and development frameworks continue to be focused primarily at the national or sub-national level. The development and greater use of regional planning frameworks and approaches may significantly help to address the immediate drivers of conflict including the cross-border movement of AG and also help with the development of strategies that address risk factors.

South Sudan / Uganda – Cross Border Committees

In 2002, attacks by the LRA in both South Sudan and Uganda caused considerable tensions within and between communities on either side of the border. Tensions were significantly exacerbated by a rise in LRA violence in South Sudan against Sudanese communities and some reports of children abducted by the LRA being killed by local communities in South Sudan when they escaped from the group and tried to find their way home. In response to this the authorities and civil society groups on either side of the border established joint committees consisting of representatives from the security agencies, as well as political, religious and traditional leaders and traders. These met regularly but could also be rapidly convened in the event of a major incident. They agreed on common messages to be passed at community level that sought to deescalate tension and established agreed mechanisms for the safe reception and return of LRA abductees.

C1.3 Consider specific interventions to reduce the risk of recruitment

Specific programmes and interventions to address the main potential drivers of recruitment may be warranted. These should always be context specific but might include the following types of responses;

- **At Risk Youth Programmes:** A report done by Graca Machel and adopted by the UN General Assembly in 1996 shed light on the vulnerability of children and youth as far as recruitment into armed conflict, both at home and beyond, is concerned. The excerpt below captures some of the highlights.

Note by the UN Secretary General on the Impact of Armed Conflict on Children

In addition to being forcibly recruited, youth also present themselves for service. It is misleading, however, to consider this voluntary. While young people may appear to choose military service, the choice is not exercised freely. They may be driven by any of several forces, including cultural, social, economic or political pressures...The lure of ideology is particularly strong in early adolescence, when young people are developing personal identities and searching for a sense of social meaning. As the case of Rwanda shows, however, the ideological indoctrination of youth can have disastrous consequences. Children are very impressionable and may even be lured into cults of martyrdom. In Lebanon and Sri Lanka, for example, some adults have used young people's immaturity to their own advantage, recruiting and training adolescents for suicide bombings... However, it is important to note that children may also identify with and fight for social causes, religious expression, self-determination or national liberation. As happened in South Africa or in occupied territories, they may join the struggle in pursuit of political freedom. The progressive involvement of youth in acts of extreme violence desensitizes them to suffering. In a number of cases, young people have been deliberately exposed to horrific scenes. Such experience makes children more likely to commit violent acts themselves and may contribute to a break with society.^{xviii}

- In many situations youth are likely to be amongst those groups most at risk of recruitment. Community Violence Reduction Programmes that seek to target youth providing opportunities for economic and social development might play a substantive role in helping to reduce this risk. Evidence suggests that such interventions should be inclusive and not just be narrowly targeted at groups or sections of youth that may be considered militarised or likely to be so. Narrow targeting may create a perverse incentive to be associated with military groups or gangs, increase stigmatization and might risk excluding others who then may in turn become alienated. The impact of such types of programme has also been found to be greater if they are broad in scope and attempt to provide participants with increased social as well as economic skills and opportunities for participation.
- Internationally, the UN adopted the first resolution recognizing the role of youth in both armed conflict and peace building in Resolution 2250 of 2015. The resolution which defines youth as persons between 18 and 29, expresses 'concern over the increased use, in a globalized society, by terrorists and their supporters of new information and communication technologies, in particular the Internet, for the purposes of recruitment and incitement of youth to commit terrorist acts' and recognizes 'the rise of radicalization to violence and violent extremism...amongst youth, threatens stability and development, and can often derail peacebuilding efforts and foment conflict'.^{xix} The resolution behoves States to take specific steps as far as the reintegration of youth in concerned as follows;

Security Council Resolution 2250 of 2015: Disengagement & reintegration

17. *Encourages* all those involved in the planning for disarmament, demobilization and reintegration to consider the needs of youth affected by armed conflict, including, inter alia, such specific aspects as:
“(a) evidence-based and gender-sensitive youth employment opportunities, inclusive labour policies, national youth employment action plans in partnership with the private sector, developed in partnership with youth and recognizing the interrelated role of education, employment and training in preventing the marginalization of youth;
“(b) investment in building young persons’ capabilities and skills to meet labour demands through relevant education opportunities designed in a manner which promotes a culture of peace;“(c) support for youth-led and peacebuilding organizations as partners in youth employment and entrepreneurship programs;

- **Creating spaces for dialogue:** In some situations, the creation of opportunities and mechanisms where issues can be openly discussed might prove extremely helpful in reducing risk factors and identifying solutions. This might involve the creation of platforms and 'safe spaces where communities can discuss security concerns with security agencies without

feeling intimidated and threatened or where inter-communal and intra-communal issues can be raised; for example, the organisation of dialogue between youth and elders., and traditional peace making, and conflict resolution mechanisms discussed and used where appropriate.

Targeted Responses amongst youth at risk in Guinea’s border regions
Between 2005 and 2007 a project in Guinea’s border region targeted communities on which youth were considered to be at risk from involvement in violence including the potential for them to be recruited into armed groups and criminal gangs. The programme focused on the provision of life skills training and the creation of economic opportunities in an attempt to build youth resilience to getting involved in violence. A review of the intervention reported a decrease in youth involvement in violence that the community attributed to the programme.
Community Violence Reduction – Lessons from Darfur ^{xx}
After years of conflict Darfur’s economy was unable to create opportunities for youth with a demonstrated link between lack of productive employment and instability. In 2011 the UN AU Mission to Darfur (UNAMID) developed and implemented a community stabilization and violence reduction programme that aimed to create employment opportunities for youth in areas where their entry into armed groups and militarization was high. The programme delivered a total of 58 projects in 45 communities directly targeting 9, 000 youth and involving them in vocational training and community-based labour-intensive projects.

C2. Disarmament and Demobilization of FF

C2.1. Initial assessment and planning

Any plans for undertaking DDR should start with an analysis of the context in which any programme will have to operate. This is particularly important in the context of the increasingly complex and fluid environments in which programmes may be called for that include DDR during active conflict, where there is no legally binding framework governing DDR and in situations where armed groups sometimes may be associated with VE and terrorism. In relation to FF it is important that a number of specific issues be considered during these assessments.

Table 2: Summary of key information requirements when considering DDR FF

Issue	Indicative information requirements
Consider the conflict and security situation in both host and origin countries	<ul style="list-style-type: none"> • It is extremely important to understand the nature of the political and security situation in which any DDR activities will be carried out. • Is there a peace agreement or ceasefire? – if so is it holding and have all AG committed to it? • If there is ongoing conflict who are the main groups involved and their positions, interests and military capabilities? • Is there a PSO or other mission in place or is one planned?
Type of group and reasons for presence	<ul style="list-style-type: none"> • What type of group containing FF are present, in what numbers and what scale of military threat do they represent, and to whom? What is known about forms of recruitment – i.e. are combatants willing members, coerced, abductees etc.? • What’s the role played by ideological/group identity, as it relates to an individual self-identification with the guiding ideology of a VE group? • Does the group contain CAAFG, WAAFG or other groups of special concern? • Are they parties to conflict in the host country, their country of origin, both? • Do they represent a discrete group or are they embedded within AG within the host country? If so what are the primary motivations for this – support for the objectives of parties to the conflict, financial gain, control over key resources?

Issue	Indicative information requirements
	<ul style="list-style-type: none"> • What are the reasons for their presence in the host country, are they primarily fleeing military action against them in their country of origin? are they seeking to establish operational bases to continue fighting? • Are they engaged and/or accused of gross human rights violations and IHL breaches including terrorism and gender-based violence? • Is the group recognized to be a terrorist organization and/or does it include FTF as defined in sub section B6?
Relationship with host country Government and/or PSO	<ul style="list-style-type: none"> • What is the nature of the relationship of FF with the host country Government, are they involved in conflict in support of the recognised Government, in support of groups involved in conflict against it or neither? • Is their presence openly acknowledged or denied by the authorities? • Are they engaged and/or accused of gross human rights violations and IHL breaches including terrorism and gender-based violence? • Can the group be safely accessed and communicated with – including by members of a PSO where this is deployed? In the absence of safe and reliable contact, or denial of access by host government, are there other channels of communication with them that can be used to ascertain their willingness to engage and discuss issues/concerns?
Relationship with communities	<ul style="list-style-type: none"> • What is the history of relations between communities on either side of the border and on what are these relations based e.g. kinship ties, trade, or violent competition over resources? How has conflict affected this? • What is the relationship between FF and local communities in areas in which they operate? Are they involved in attacks against those communities, do they have ambivalent relations or are they members of groups which communities might see as offering protection against attack from others, including in some cases, state security actors? • What is the relationship between FF and communities in their country of origin? Will they be welcomed back, or will some sections of the community have concerns / issues?
Willingness of FF to engage in DDR	<ul style="list-style-type: none"> • Are FF likely to be willing participants in voluntary disarm and demobilize either as a group or individuals? • Have the FF surrendered, captured or are they defecting? • If a peace agreement is in place does it include provisions related to FF? If so what are these and what is understood about the group's likely reaction to it?
Status of bilateral relations between host and countries of origin	<ul style="list-style-type: none"> • What is the nature and status of relationships between the host country and countries of origin? What initial implication does this have for disarmament, demobilisation and repatriation? Will they become stateless as a result?
Government engagement and commitment	<ul style="list-style-type: none"> • Is the host Government willing to undertake the DD of FF and what is their capacity to do so? • Is the host country willing to offer asylum and/or refugee status to former FFs, and under what conditions? • If FF have been involved in hostilities against the Government what is the preliminary assessment of the implications for security sector integration (SSI) in country of origin and the host country ? <p>Is the Government and/or authorities in the country of origin willing to accept the return of FF and do they have the capacity and political will to ensure their and communities security in areas of return?</p>

Information related to the above should play a key role in informing decision making about the type of interventions that are likely to be both feasible and required within a given context and also identifying which aspects of HR and IHL require consultation and adherence. The following issues are likely to be key priorities in terms of initial actions and planning;

- **Whole group disarmament and demobilisation or individual/small group processes?:** Approaches to the disarmament and demobilization of FF will be driven by practical realities in terms of the whether or not the whole group is willing to voluntarily disarm and demobilize or whether responses will need to take place in the context of a situation where active conflict continues and there is a need to cater for individuals or groups of fighters that have either defected or escaped from an AG or have been captured and have subsequently voluntarily chosen to enter the DDR programme.
- **Presence of Foreign Terrorist Fighters:** The presence of FF will warrant specific measures both in terms of the assessment and screening of individuals and potentially issues related to their disengagement or de-radicalization. **Reference should made to the OGN on Countering Violent Extremism for specific guidance. This can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)**
- **Diplomatic and political action:** Assessments will help to determine what level and type of diplomatic and political action may be required with both host governments and those in the country of origin to ensure that issues related to FF can be successfully dealt with. In some cases, this might range from encouragement to acknowledge that they even exist, agreement to fulfil obligations under international law and the negotiation and discussion of practical measures taking into account constraints and conflict dynamics. This may include discussion around the role, mandate and scope of operations of any PSO in relation to FF and how bilateral relations might be improved through practical confidence building measures.

Administrative processes and agreements: The assessment process will help to ensure that requirements in terms of administrative and legal arrangements to enable safe return are considered at an early stage and put in place. Some of these are discussed in the sections below but they are likely to include; standard operating procedures on issues related to reception, handling and handover of ex-combatants, inter-agency agreements on service provision etc.

Human rights impacts: When identifying potential options for intervention it is the responsibility of those involved in programme planning to also consider the implications of various options in terms of their impact on human rights. This may often need to include consideration of the challenges related to the provision of any support to security forces in the host or origin country where a difficult balance often has to be achieved between supporting stabilisation efforts and national ownership and the risks associated with these groups themselves committing human rights abuses. Assessments should help to identify these risks, potential mitigating measures and assist the identification of procedures and monitoring frameworks required to manage risks.

UN Human Rights Due Diligence Policy – implications for the DDR of FF

In 2011 the UN Secretary General issued a Human Right Due Diligence Policy that aimed to establish principles and measures to mainstream human rights in support provided by UN entities to any non-UN security forces globally, in order to ensure that support was consistent with the Organization’s Purposes and Principles in the Charter and its obligations under international law to respect, promote and encourage respect for international humanitarian, human rights and refugee law. The policy has implications for the provision of support to the security forces of member states and to support to PSO operated by others, including the AU.

MONUSCO in DRC: practical challenges and dilemmas

Recognizing that in eastern DRC that a number of groups made up of large number of FF were proving particularly difficult to engage with and causing significant threats to stabilization efforts the UNSC authorized MONUSCO in December 2008 to adopt a more robust approach to the neutralization of foreign armed groups, one component of which involved more extensive support to the national FARDC (Forces Armées de la République Démocratique du Congo) as well as other efforts which included permission from the Government of DRC to other regional military forces to engage AG militarily. Operations were credited with substantially reducing the threat posed by these groups and providing many of the rank and file with both the opportunity and incentive to break away from the leadership and come forward for DDR. However, there have been a number of instances where FARDC units have themselves been accused of committing grave human rights abuses including torture, inhumane treatment and rape. In response to a number of incidents MONUSCO increased its human rights monitoring and training activities with the FARDC but this example serves to highlight the very practical challenges and dilemmas that may be faced.

C2.2. Initial Steps

A number of important initial steps are likely to be required as any DDR process involving FF is initiated. These are highlighted and discussed below.

- **Confidence building:** The establishment of trust and confidence between groups of FF and those responsible for DDR is likely to be an incremental process. It is important that questions they may have about security and what will happen to them during the DDR process are answered in as straightforward a manner as possible, especially since achieving personal security could have been a pull factor prompting people to join AG to achieve their security. It is therefore important to avoid the creation of unrealistic expectations or the making of commitments that cannot be met. It is important to remember that FF may not be able to communicate in the languages used in the host country and that personnel able to speak their language may need to be specifically recruited.
- **Disarmament processes:** As with other DDR caseloads it is important that disarmament processes for FF are properly planned and carried out. In the case of ongoing conflict individuals or groups emerging either as defectors or by other means may or may not have weapons. Disarmament should involve the documentation of weapons and their safe storage or destruction/putting beyond use. Any other items from the AG that are not weapons should also be documented and safely stored. Personal items should remain with the owner. Discussion may need to take place and agreements reached over who items such as vehicles or other equipment should be eventually handed over to. In this instance it may be authorities in the host country or that of origin. It is important that it is properly agreed and discussed so as to avoid any misunderstandings arising.
- **Location considerations:** Once FFs have been identified and disarmed they will in most cases be placed under the control of either the security forces in the host country or peacekeepers (where a PSO operation is in place) in a location which is secure and away from potential areas of conflict – for example border areas or away from other groups with whom they have been fighting. Important considerations as to the location of these sites will be on whether the group is considered to still represent a threat to local communities, the degree to which these internment or cantonment camps could be protected by security forces, and the extent to which they might be at risk from attack either by other AG or local communities against whom they may have committed acts of violence.

- **Separation of commanders from rank and file:** In most circumstances the separation of commanders from rank and file combatants is considered advisable however the immediate feasibility of doing so will depend on the situation. In some circumstances the maintenance of the command structure of the group for a limited period may assist with maintaining discipline and order. However, this will depend on the profile and nature of the group. In groups where it is believed that significant numbers of recruits were either abducted or coerced early separation is an imperative and an important part of the process of providing assistance to these individuals.
- **Safe spaces for reporting:** When dealing with situations where conflict is ongoing It is extremely important to consider how individuals or small groups who decide to leave the group might do so in as safe a manner as possible. This is often a particular challenge when dealing with FF who may have been operating a considerable distance from the border of their own country and have extremely hostile relations with surrounding communities. Language barriers may also pose major challenges in the establishment of contact with local communities. In a number of recent conflicts those ‘escaping’ or defecting from such groups have been extremely harshly dealt with by communities whom have suffered from the predations of FF. It is also important to consider the potential impact of individuals being received by communities in terms of those locations themselves then becoming the focus of retaliatory attacks by the AG or them being seen as collaborators by national authorities. It is critically important to engage with local community leaders when considering these issues and planning potential options. These may range from the designation of specific areas that may be away from civilian population centres where such individuals or groups may safely ‘report’ to military patrols or bases for the purpose of establishing contacts or links within communities for their safe reception. Efforts of this nature need to go hand in hand with a carefully considered strategic communications strategy.

C2.3 Special considerations related to detention or internment

As far as is possible internment or detention should be avoided and if the security situation allows host states may grant freedom of movement to disarmed and demobilised ex-combatants who are no longer participating in hostilities. In some settings even though FF are encamped they may be granted some freedom of movement in the area around the location.

However, it is sometimes both necessary, and indeed is allowed under IHL, for combatants to be detained or interred for both the security and even their own security. However, the circumstances under which this should take place and the standards and rights of those being detained is also carefully prescribed. It would not be expected that internment and detention would be the responsibility of those running a DDR programme, entry into which should be voluntary, but DDR practitioners will almost certainly be engaged in discussions about these processes and will also need to have access to such facilities which will contain people who may enter a DDR process. Key issues and points related to this are therefore highlighted below.

Further guidance should also be sought from the specific OGN on Detentions and in the case of the presence of Foreign Terrorist Fighters from the OGN on CVE. These can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)

Control and management of facilities: Determination of how, and who by any such sites or facilities are controlled and managed needs to be informed by a careful assessment of both the capacity of the host countries security forces, their previous relations with the group and their likely compliance with human rights standards and international humanitarian law.

Where they already exist, careful assessment will help to inform the extent to which cooperation can be extended (for example by a Peace Support Operation) or whether advocacy and engagement is required to effect change.

- **Determine the legal basis for detention:** It is important that the legal basis for detention and who has the right to carry it out is determined in accordance with the national laws of member states. Article 6 of the ACHPR guarantees every individual the right to liberty and security of person. According to the African Commission in the case of *Purohit & another v Gambia (Purohit case)*,^{xxi} 'deprivation of liberty is only acceptable if it is authorised by law and is compatible with the obligations of states parties under the African Charter.' Further the African Commission in *Purohit* case stated, 'no one may be arbitrarily arrested or detained. Prohibition against arbitrariness requires among other things that deprivation of liberty shall be under the authority and supervision of persons procedurally and substantively competent to certify it.'^{xxii} In the case of an AU PSO the grounds and procedures for detention should be established in a document approved at a senior level within the AUC (at least by the AU Commissioner for Peace and Security).

- **Adherence to minimum standards:** It is important to note that in all circumstances those detained continue to have rights under International humanitarian law (Article 75(2), (3) & (4) of Geneva Conventions Additional Protocol I and Article 5 of Geneva Conventions Additional Protocol II), human rights law and refugee law including the UDHR, the International Covenant on Civil and Political Rights Detention, The Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, The African Charter on Human and Peoples' Rights, among other documents. Legal procedures should also be consistent with the domestic law of the host country, but in instances where this is conflict with minimum standards and basic human rights enshrined in international law, international law has primacy. The African Commission in the *Purohit* case also stated although Article 6 of the ACHPR provides that right to liberty may be limited 'for reasons previously laid down in law' it does not mean that any domestic law may justify the deprivation of a person's freedom and 'neither can a state party to the African Charter avoid its responsibilities by recourse to the limitation and claw back clauses in the African Charter. Therefore, any law that purports to violate this right should conform to internationally laid down norms and standards.'^{xxiii} Important principles of relevance to FF include;
 - (a) Non-refoulement – this principle enshrined in international humanitarian, human rights and refugee law (Article 33 of the UN Refugee Convention) prohibits the transfer of detainees where this would subject the detainee to a risk of; torture and cruel, inhumane or degrading treatment or punishment, or arbitrary deprivation of life, including execution after a trial that does not respect internationally recognised judicial guarantees.
 - (b) Foreign detainees must be treated without adverse discrimination. Special consideration must be given to their particular rights and needs.
 - (c) Efforts must be made to identify who are foreign detainees, by asking the detainee and, where necessary, consulting as appropriate with relevant consular officials.
 - (d) International law provides that foreign nationals, refugees, stateless persons and other person under the protection of an international organization must be permitted, if they so wish, to communicate with, and receive visits from, their embassy, consular official or diplomatic representatives,^{xxiv} or relevant international organisations.

(e) Should a foreign detainee be released, consideration should be given to his/her repatriation. Such repatriation must however respect the principle of non-refoulement.

- **Responsibilities of AU personnel:** It is important to note that AU PSO personnel are not only obliged to respect international law themselves, but also to do everything feasible to ensure that others do so. This includes responsibility to take steps to ensure that they do not facilitate violations by others. In situations where armed conflict is still taking place this often poses particular challenges that need to be recognised and addressed. This may be done through the development of procedures and agreements with the host country or others involved in detention (for example security companies and contractors) but should also be backed up by the proactive monitoring of sites where detention is taking place.
- **Ensure logistical arrangements are in place:** In a number of situations encampment sites have faced enormous difficulties as a result of poor planning and insufficient resourcing resulting in major inadequacies in terms of the provision of food, shelter, water and other basic necessities. It is important that adequate planning and provision for the establishment and maintenance of such sites is put in place.
- **Recognise different types of detainees:** It is important to recognise the different reasons that people may be detained or interred and that FF even if they come from the same country of origin or ethnic group may not constitute a homogeneous group. Particular care should be taken to avoid, in most cases accommodating those who have been forcibly detained and those who came forward voluntarily. Attempts must also be made to understand dynamics between and within groups so that risks can be managed. Where groups of FF contain individuals coerced or abducted these people should be identified and accommodated separately. **Issues related to children and women are considered in Section E2.**

Standard Operating Procedures for the LRA Regional Task Force

Standard Operating Procedures (SOP) for “The Handling of Persons Suspected of Involvement in the activities of the LRA by the AU Regional Task Force” was developed for use by the LRA Regional Task Force and were signed by the AU Commissioner for Peace and Security. Their purpose was to ensure that all persons detained were handled in a manner consistent with applicable international law and standards. The SOP included procedures on minimum standards in terms of the use of force, detention, restraint, searches, the use of force, conditions of detention and approaches to questioning. The principle of non-refoulement was specifically included.

C2.4 Strategic communications

Effective communications and messaging are likely to play a vital part in engaging with AG and building confidence in the DDR process. Conversely ineffective or inappropriate messaging may undermine the objectives of DDR and in extreme cases might even cause security risks. Target audiences are likely to need to include the FF themselves, local authorities, leaders and communities.

Information is likely to need to be provided to target audiences on a range of issues including; the DDR process and procedures and methods of presenting for DDR. In situations where the conflict is ongoing information campaigns may also be used to make appeals to AG to enter into dialogue or encourage individuals and small groups to leave the AG and present them for DDR. In the design and delivery of strategic communications approaches involving FF a number of issues should be considered and are highlighted below. The proactive consideration and management of risk should be mainstreamed throughout the process.

- **Language and content:** When designing messaging and information campaigns directed at FF it is obviously important that information is delivered in a language that they can easily understand – preferably their mother tongue. In many situations materials used to target other AG may be adapted for these purposes. However, when doing this it is important that these are properly translated and interpreted and checked for meaning in terms of both language and cultural context and not just literally transcribed from one language to another. This form of literal translation often results in the development of ineffective messages that may be misinterpreted in both linguistic and cultural terms.
- **Sources of information:** Obtaining advice from the FF home areas may prove invaluable and key informants might include civil society organisations, journalists, local leaders and even former combatants themselves. In a number of situations messaging and information campaigns have specifically used ex-combatants and/or opinion leaders from FF home areas to help deliver messages (through radio, mobile phone, etc.) as a means of reassuring combatants of their safety when they pass through DDR. However, when planning to use such resources it is important that risks to both the individuals concerned and any persons closely associated with them who may remain with the group are carefully considered. When planning to disseminate messages in the mother tongue of FF it is important that local communities understand that this will be taking place and the messages origins, objectives and broad content are relayed to them. Suddenly coming across a radio broadcast, receiving an SMS or leaflet in a language that may be associated with a hostile group might spread alarm and panic, particularly in remote communities.

Platforms and delivery mechanisms: The type of delivery platform and mechanism used should be based on an assessment of what is most likely to reach the target audience and is cost effective. In many settings it is likely to include; radio, leaflets, mobile phone messaging, posters and word of mouth. Increasing use has also been made of social media in many situations and this should be considered depending on the specific area concerned. More traditional media such as drama and music involving local groups can also be highly effective.

- **Flexibility:** In these situations, both message content and delivery mechanisms are likely to need to be dynamic and flexible to rapidly changing contexts. It is important to establish means where content is regularly reviewed and adapted according to feedback on the ground about its impact and usefulness. Where multiple delivery channels are used (for example radio stations) that are not under the direct control of DDR programme or wider PSO personnel it is also important to establish means to regularly monitor the output and content of messages to ensure that these remain appropriate.

Example
Use of radio in support of the DDR of FF in Eastern DRC
<p>In Eastern DRC both regional and local radio stations have been used to encourage FF from a number of AG to engage in in DDR with or without the support of their commanders. Broadcasts in their local language have been used to explain the DDR process and to counter propaganda sometimes given by their commanders that they will be killed or mistreated if they choose to come forward. It included the development and use of messages from former combatants who had successfully gone through DDR as well as information and news from their countries of origin. Radio has also been used to promote discussion and inform communities about the objectives of DDR activities. In this region where many areas are inaccessible both due to insecurity and a poor road network radio has provided a means of reaching large numbers of people, including groups whose leadership are hostile to DDR attempts, in a cost-effective manner.</p>

C.3 Repatriation

In most cases the repatriation of FF to their countries of origin is likely to be the most viable and durable solution for the majority of individuals. However, in some circumstances other options may need to be considered and these are highlighted in Section C3.4.

C.3.1 Identification and screening

Measures for determining and verifying nationality should be put in place. Doing this in many contexts is challenging due to the situation caused by conflict but also because in many circumstances people may lack formal identification documents and in the case of ethnic groups who have a presence that spans borders they may be subject to contestation and different interpretation. Particular challenges may also be faced when dealing with armed groups who have been away from their countries of origin for a protracted period and might even include people who were born “in the bush” or have been with the AG since early childhood.

- **Processes to determine nationality:** Establishing practical processes to determine nationality should include dialogue with FF themselves and the establishment cooperation with officials from their countries of origin. This might include those responsible for reintegration programming in the country of origin and/or immigration officials and relevant Government departments as well as cooperation with specialised agencies such as UNHCR where appropriate. However, consideration might also need to be given to seeking the assistance of local leaders from countries of origin who may assist in helping to verify individual’s place of origin or extended family and clan networks. Although processes and procedures to determine nationality should be careful to not exclude key group’s and individuals’ potential perverse incentives to fraudulently claim nationality should be recognised and where possible avoided or carefully managed. These might include perceptions that land or other assets may be part of relocation packages for instance.

In situations of ongoing conflict and insecurity the risks associated with identification and screening should be carefully assessed and mitigation factored in to processes and procedures. These might include risks to the ex-combatant or community members from his place of origin who support screening and identification processes.

- **Specific processes and procedures for the identification and screening of FTF will be required. Please refer to the OGN on Countering Violent Extremism for specific guidance. This can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)**
- **Use of biometric data:** Screening and registration processes in DDR programmes increasingly make use of the collection of biometric data (e.g. fingerprints etc.) to ensure that identity can be confirmed and as an important tool in attempts to prevent recycling and multiple registration – including across borders. The use of this technology should be explored but when sharing information issues related to how it may be used by third parties need to be carefully considered. Sharing of information should avoid violating the right to privacy of the individuals concerned and it should be clear how data will be used, stored and who has access to it. Appropriate data protection procedures must be put in place.
- The ICCPR under Article 17 provides that no one should be subject to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Therefore, management and access to information of FFs should be

carried out in line with this provision. In addition, the HRC in General Comment No.16 stated that states should take effective measures to ensure that information concerning an individual's private life does not reach the hands of persons who are not authorised by law to receive, process and use it, and it should never be used for purposes that are incompatible with the ICCPR.^{xxv}

C3.2 Principles and practical steps

As ex-combatants prepare for repatriation it is important that a number of key principles are adhered to and processes put in place to ensure the process is a success. Issues that will need to be considered include;

- **Non-refoulement:** This is an important and overarching principle applicable in all cases. Steps should be taken to ensure that those being repatriated are not at risk of; torture and cruel, inhumane or degrading treatment or punishment, or arbitrary deprivation of life, including execution after a trial that does not respect internationally recognised judicial guarantees. The ICCPR under Article 7 provides that 'no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.' In addition, Article 6 of the ICCPR provides that 'every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
- **Reassurances and confidence building:** Building the confidence of FF that it is safe to return home may take time and ways of doing this should be identified. This is likely to need to include assurances about their legal status, physical security and options for reinsertion and/or reintegration support. Practical steps might include family tracing and the re-establishment of family contacts and in some circumstances visits by local leaders to the locations where FF are being held may be helpful.
- **Repatriation agreements:** The development of agreements covering the issues described above are likely to be an important component of the planning of both repatriation and the initial reinsertion and reintegration of FF in the country of origin. They should include the Governments of the host country and country of origin as well as other key stakeholders involved in repatriation and reinsertion processes. They should include clear descriptions of the role and mandates of all key stakeholders. It is important to note that establishing these types of agreements and ensuring that they can be effectively implemented might be particularly challenging in situations where conflict is ongoing.
- **Safe movement:** It is important that adequate arrangements are made for the safe transit of FF to their countries of origin. This needs to include consideration of security arrangements as well as the provision of shelter, food and water during the journey as well as prior agreement on immigration procedures etc.
- **Family unity** should be preserved where at all possible during movements. This is likely to require close coordination and arrangements with other agencies, including UNHCR and the International Organization for Migration (IOM), in situations where dependents are located in refugee camps or as refugees in host communities. It is however important to put in place procedures and processes to ensure that dependents are returning with the ex-FF voluntarily. This is particularly important in situations where association with the group or individual concerned might have been coerced.

C3.3 Criminal prosecutions

Criminal prosecutions are obviously not the remit of DDR programmes. However, on some occasions arrest warrants and prosecution requests might be made against individuals involved in DDR processes and it is therefore important that DDR personnel have an overarching understanding of some of the issues so that they can engage effectively in discussions about these issues when any such requests or issues arise.

FF accused of committing serious crimes may be returned to their countries of origin to face justice, tried in the host country or at an international court or tribunal. However, the principle of non-refoulement applies with any authorities handing over such individuals still obliged to ensure that they will not face torture, in humane or degrading treatment. The prohibition against torture is *jus cogens* or peremptory norm of customary international law.

The prosecutions must uphold the normative standards of international human rights law on fair trial. The ICCPR under Article 14 provides that everyone is entitled to a fair and public hearing before a competent, independent and impartial tribunal established by law. The Human Rights Committee (HRC) in General Comment No.32 stated that the right to equality before courts and tribunals and to a fair trial is a core element of human rights protection and serves as a procedural means in safeguarding the rule of law.^{xxvi} Further, the HRC stated that although the right to fair trial has not been listed as one of the non-derogable rights under Article 4 of the ICCPR, 'the guarantees of fair trial may never be subject to measures of derogation that would circumvent the protection of non-derogable rights.'^{xxvii}

In practice, this option is usually reserved for those accused of committing the most serious breaches of international or domestic law, including gross human rights violations. In many cases limited amnesties may be offered to rank and file combatants by countries of origin as part of a process of encouraging the majority of individuals to relinquish violence, to return home and to be reintegrated. In a number of African contexts in particular these have been linked with other transitional justice approaches incorporating traditional justice and truth telling.

In regard to prohibition against torture and cruel, inhuman or degrading treatment the International Criminal Tribunal for the former Yugoslavia (ICTY) in *Prosecutor v Furundzija (Furundzija case)*,^{xxviii} stated:

'Because of the importance of the values it protects, this principle has evolved into a peremptory norm or *jus cogens*, that is, a norm that enjoys a higher rank in the international hierarchy than treaty law and even "ordinary" customary rules. The most conspicuous consequence of this higher rank is that the principle at issue cannot be derogated from through international treaties or local or special customs or even general customary rules not endowed with the same normative force.'

Also, the African Charter on Human and Peoples' Rights under Article 5 prohibits torture and cruel, inhuman or degrading treatment. The African Commission in the case of *Article 19 v Eritrea*,^{xxix} stated 'that the right to freedom from torture and cruel, inhuman or degrading treatment cannot be derogated from for any reason, in whatever the circumstances.'

Therefore, the host country should not subject FF to torture or cruel, inhuman or degrading treatment. In addition, the host country or other legitimate authorities (e.g. PSO or missions) may not return FF to their country of origin if they face the risk of being tortured or subjected to cruel, inhuman or degrading treatment.

C3.4 Other solutions

Although return to their country of origin is likely to be the most durable solution for the majority of ex-combatants in situations where individuals or groups are either unable or unwilling to repatriate. In these cases, a number of other potential solutions may be explored and applied.

- **Refugee status in host country:** In some circumstances ex-FFs may be awarded refugee status. However, in line with maintaining the overall integrity of refugee asylum principles this involves the robust exploration and establishment of the following;
 - (a) That the individual has genuinely and permanently given up arms and his status as a fighter, and has become a civilian
 - (b) That they meet the definition of a refugee under the 1951 UN Refugee Convention and/or the OAU Convention (1974)
 - (c) That an individual is not excluded from being offered protection as a refugee according to the exclusion clauses in refugee conventions. According to Article 1(f) of the UN Refugee Convention these may include; crimes against humanity, war crimes, and serious non-political crimes committed outside the country of claimed refuge. It should be noted that an individual cannot be excluded on these grounds just because he or she was a member of a group that committed such acts.
- **Resettlement in a Third Country:** Resettlement in a third country may be an option for a small number of ex-FFs who are unable or unwilling to either return home or remain in the host country. However, it should be noted that third countries are often very reluctant to consider applications of this type from persons who have previously been active combatants.

C4. Reintegration of FF

This section should be read in conjunction with the OGN on Reintegration. The reintegration of Foreign Terrorist Fighters will in some instances require very specific interventions. These are described in the OGN on CVE. Both of these documents can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)

Definition of Reinsertion and Reintegration
<p><i>Reinsertion</i> is the small “r” of the DRR process. It is defined as short-term assistance often provided to ex-combatants immediately after demobilization, as a form of transitional assistance to help cover their basic needs and that of their immediate families before entering a reintegration program.</p>
<p><i>Reintegration</i> is the longer-term process through which an ex-combatant regains a civilian life. In most cases, the reintegration process involves not only the ex-combatant but also their family and community. Reintegration is multi-faceted and includes <i>social reintegration</i> through which they are accepted back into the community; <i>political reintegration</i> whereby they acquire a role in decision-making processes; and <i>economic reintegration</i> which allows them to gain a livelihood through gainful employment.</p>

Once they have been repatriated interventions in support of the reinsertion and reintegration of FF in their countries of origin are not in many respects dissimilar to the reintegration of ex-combatants who did not cross an international border. As highlighted above a separate OGN on Reintegration is available and the contents of this document will therefore not be repeated here. However, when

dealing with returning FF there are a number of issues that are likely to require specific consideration and attention. These are highlighted and discussed in this section.

C4.1. Information gathering and needs assessment

Prior to the repatriation of FFs to their countries of origin it is important that an assessment is undertaken of the situation in areas of return. In Section C2.1 information requirements for programme planning were highlighted. In many respects information requirements and methods of collection and analysis are likely to be similar when planning for the reintegration of an existing group or individuals. However, a number of specific issues should be carefully assessed. These include;

- Security concerns and assurances required for both returnees and local communities
- The identification and exploration of specific challenges associated with social reintegration
- Specific challenges with social, economic and political reintegration

Where existing DDR programmes or broader conflict recovery frameworks exist, it is likely that considerable information will have already been gathered or multi-agency assessment processes undertaken or planned. It is important to the extent possible to make maximum use of information from these and/or to seek to join wider assessment teams if at all possible.

C4.2. Security assurances for FFs

It is important to establish what security assurances are likely to need to be provided in terms of the potential pursuit returnees by state security agencies. Based on due diligence principle risk assessment processes should also be undertaken to determine the likelihood of human rights violations. As highlighted in Section C3.3 it is not uncommon for limited amnesties to be offered to those involved in rebellion or other assurances that they will not be pursued on their return. Determining whether such assurances are in place and their robustness is likely to be a concern of FF.

Minimum standards: Assessing whether guarantees of security are in line with minimum standards as they apply to international law and human rights law is a key requirement when assessing whether safe repatriation can take place.

- **Security assurances do not mean impunity:** Security assurances or limited amnesties should not be intended to provide immunity from criminal prosecution or other forms of accountability for those who have committed gross human rights violations. The focus of assessments should be to determine whether or not returning FF who may be prosecuted will be treated in line with the principles of non-refoulement and whether they are likely to be able to receive a fair trial. Where transitional justice processes have been incorporated into post conflict reconciliation efforts these should be identified and their applicability to FF identified. Transitional justice strategies 'must be grounded in international human rights standards,'^{xxx} and must also be holistic. Therefore, transitional justice strategies applied to FF must be premised on international human rights law and must also be holistic. Transitional justice should also assist to attain justice for victims of mass atrocities and assist societies ravaged by conflict to achieve sustainable peace, security and reconciliation.
- **Consider risks from non-state actors:** When assessing potential security risks to those returning it is also important to consider those that may be posed by non-state actors. These might include; (a) persons associated with state security actors who nevertheless might seek to act extra-judicially, (b) other AG, (c) members of the AG with which the FF was associated

and are still operational in the country of origin or, (d) individuals who feel particularly aggrieved by the actions of the group or individuals. When assessing these risks it is important to consider the practical capability of local security structures or other actors to provide reasonable protection from any such threats and not just whether they appear to or have good intent.

C4.3 Concerns of local authorities and communities in areas of return

It is important to understand the likely security concerns of both local authorities and communities in areas in which FF are likely to return. These may be different from the publicly stated position of national authorities. Concerns may be driven by a number of factors;

- **Relationship with the group:** The actions and activities of the group towards the local population during the period of conflict will be an important determinant of the extent to which local communities are likely to be ready to receive them back. Groups that have carried out acts of violence against the local population are obviously likely to be less welcome than those who may be generally perceived as persons who were either fighting on behalf of communities or where the relationship was relatively benign.
- **Changes in relationships and social dynamics:** Even if previous relationships were either supportive or benign local authorities or communities may well be concerned about the arrival back of individuals and groups whom they know may have been involved in combat and are militarised. The sudden arrival back of a significant number of FF, particularly in a situation which is just emerging out of a period of conflict is likely to create further social and political dynamics which needs to be understood and planned for.
- **Potential competition over resources and services:** Where numbers of returning FF are significant new tensions may arise over access to both resources and services, particularly if these were severely affected by conflict in the country of origin. In situations where conflict caused mass population displacement and significant population movements are occurring (e.g. the movement back home of IDP's and/or refugees) the situation may be particularly confused and chaotic for a period of time.
- Due to the foregoing concerns, due diligence principle requires that risk assessment processes should be undertaken to determine the likelihood of human rights violations.

C4.4 Social reintegration

In many DDR programmes emphasis has often been placed on attempts to ensure the economic reintegration of ex-combatants. This is very important but evidence increasingly suggests that the success of this, and broader reintegration efforts are highly dependent on how successfully individuals and groups are socially reintegrated. FF may face particular challenges in this regard particularly if they have spent significant periods of time away from their communities of origin.

- **Family ties and dynamics:** Evidence suggests that in many situations families take on the primary responsibility for the long term social support of ex-combatants and that familial acceptance is often a key factor in enabling the reestablishment of wider social networks and capital. However, in a number of situations family structures will themselves have been severely affected by conflict and this needs to be understood and identified and this may be particularly the case for FF who may not always even know the location of their families. In some situations FF may return with new spouses or children or find out that those that they left behind have remarried or entered into new relationships. This can create new tensions

both within the immediate household but also within extended family networks. Efforts and opportunities to support both family tracing and reunification should therefore be prioritised.

- **Psychological trauma:** Those returning with psychological trauma and mental health issues are particularly vulnerable to developing anti-social behaviour. This can exacerbate difficulties in their relationships with their communities and carries an increased risk of them harming themselves and others. In the case of FF trauma related to their combat experiences may be further exacerbated by a sense of disorientation upon their relocation home, particularly as they begin to understand that they are likely to continue to face challenges in rebuilding relationships and securing a livelihood.
- **Home for the first time?** In protracted conflicts it is possible that children and young adults may emerge who were either involved with the AG from a very early age and who have had lost all contact with their original families or in some cases may have even been born “in the bush”. The social status of these individuals may be highly uncertain and in some cases they may face particular stigmatization. Children and young people socialized to violence at an early age are particularly vulnerable to continued patterns of violent behavior.

C4.5. Economic reintegration

In post conflict environments economic and livelihood opportunities are likely to be scarce for the whole population. Returning FF may face a number of particular challenges.

- **Access to land and productive assets:** Across large parts of Africa livelihoods are agriculturally based with access to land a particularly important determinant of the chances of an individual being able to survive and establish a livelihood. In rural areas access to land is often based on customary tenure with land rights based on extended family or clan affiliation. In some cases, returning FF may find that their rights to land may be disputed or that someone else may be using land they previously owned. Women returning home and the foreign spouses of ex-combatants may face particular challenges in securing access to land and security of tenure. It is important to identify who holds rights over land and how this is brokered and understood at the local level. National or local Government promises to gift or provide land to individuals may be fiercely contested and could exacerbate tensions if it is poorly handled.
- **Access to other economic opportunities:** In many post conflict situations the labour market is severely constrained and access to finance for small businesses start up very limited. Returning FF may find that they face particular challenges accessing opportunities due to potential stigmatization but also their comparative lack of social capital and networks, especially if they have been away for a protracted period. This may require specific attention as part of wider labour and market assessments.
- **Relevant skills and qualifications:** Returning FF may find themselves particularly disadvantaged in the labour market as they may lack relevant skills and national level qualifications to compete. Young people or those returning with children may find that they or their dependents find it difficult to access education particularly in circumstances where education is offered in a language that was different from that used in the country in which they were previously based.

C4.6 Political reintegration

Political reintegration is the involvement and participation of ex-combatants or people associated with armed forces and groups—and the communities to which they return—in post-conflict decision—

and policy-making processes at national, regional and community levels. If properly executed, political reintegration will allow for the legitimate grievances and concerns of ex-combatants and former armed groups to be voiced in a socially constructive and peaceful manner that addresses root-causes of conflict. Generally, political reintegration may occur along two broad trajectories, namely at the group level and the individual level, as follows: (a) Group level: At the group level, political reintegration is transformative in that it seeks to transform a group or organization from an illegally armed entity into a legitimate political party or civilian unit operating within the legal parameters of the state; (b) Individual level: At the individual level, political reintegration is restorative in that it involves restoring an ex-combatant's decision-making power within a given community.

- **Consider the need for specific civic education:** In some cases, ex-combatants may need to be made specifically aware of both their rights and responsibilities upon their return, including in how they might be involved in decision making and political processes. The need for this, but also the civic space that's actually available needs assessment. It also needs to be recognized that if reintegration is taking place within the context of ongoing conflict then, as with other aspects of reintegration, opportunities may initially be very limited.

C4.7 Programme Approaches

In principle interventions to support the reintegration of FF should, as far as possible, be mainstreamed into DDR activities being carried out amongst other groups and/or in support of wider recovery processes. At the same time it needs to be recognised that the successful reintegration of this group is likely to be a key priority in terms of wider stabilisation efforts. If reintegration is unsuccessful previous evidence suggests that they may represent the highest risk in terms of recycling and recruitment in the future both in their countries of origin and across the wider region.

- **Coordinate with others:** Where either national DDR programmes or wider recovery frameworks exist close cooperation with these should be established and maintained. If a National DDR institution has been formulated this entity should also assume overall responsibility for the reintegration of FF. Efforts should be directed at ensuring that support for FF is mainstreamed to the extent possible with any specific needs that these individuals have responded to appropriately as components of other planned interventions.
- In addition to the above it is also important to ensure that DDR approaches across regions discuss and coordinate on issues related to the value of cash or in-kind packages that they offer, e.g. as part of reinsertion assistance. In the past there have been instances of individuals or groups of ex-combatants effectively "shopping around" for the best deal and/or signing up at multiple locations in terms of their transfer value, this creates obvious challenges and risks.
- **The forging of new identities and social contracts:** In some cases, considerable effort may be required to effectively broker the re-entry of individuals back into their communities and to help both FF and their communities establish new approaches to community relations and ways of solving problems. Merely expecting a return to previous social structures and order may be both unrealistic and harmful especially if these played a role in creating inter-communal tensions and senses of marginalisation in the first place. Identifying key opinion leaders at community level and enlisting their support will be extremely important.

Potential specific points of emphasis when planning interventions are briefly summarised in the table below.

Table 3: Summary of potential specific reintegration challenges of FF and indicative responses

Component	Potential challenges	Potential responses
Social reintegration	Loss of family contact	<ul style="list-style-type: none"> Establish likely need for family tracing services and put in place/support where required (initiate prior to repatriation if possible). Support from the ICRC and National Red Cross and Red Crescent Societies may be available with these.
	Family support	<ul style="list-style-type: none"> Consider what specific support services may be required to help with family reintegration e.g. counselling services or regular contact with social workers etc.
	No ties / unclear social status	<ul style="list-style-type: none"> Consider feasibility and scope for establishment of other support mechanisms e.g. mentorship schemes as a component of other interventions
	Psychological / mental health support	<ul style="list-style-type: none"> Determine availability of specialised services that can help deal with mental health issues and psychological trauma. Support and advocate for the development and/or enhancement of these services for the population as a whole – including FF
	Need for new social contracts / identities	<ul style="list-style-type: none"> Support establishment of mechanisms involving community leaders where issues can be discussed and brokered. The identification and use of respected local leaders who may help to intervene to prevent or settle disputes may be particularly helpful. Ensure/broker inclusion of FF into any broader youth support programmes/networks – avoid wherever possible standalone interventions with youth who were FF. At the same time consider specific intensive support mechanisms needed for youth who were FF as a component of broader programmes
Economic reintegration	Access to land /productive assets	<ul style="list-style-type: none"> Important to identify early if this is likely to be a problem and how land is managed at the local level. Promote/support discussions to agree on how land issues might be resolved involving both customary and legal custodians of land rights. Identify and respond to any specific challenges that may be faced by returning women or children, particularly foreign spouses or children arising out of relationships during period with AG – noting that in some cases these may have been coerced
	Skills and education	<ul style="list-style-type: none"> Identify any specific challenges FF may have in the labour market and ensure wider programmes incorporate these in their response. Identify any specific barriers to re-entry by FF (or their dependents) into education and what responses may be required – these might include opportunities for further tuition to catch up / language and literacy programming etc.

Component	Potential challenges	Potential responses
Political Reintegration	Access to social benefits	<ul style="list-style-type: none"> • Support access to social benefits through access to identity cards, social security documents, and voter and property registration
	Awareness of rights, responsibilities and decision making structures	<ul style="list-style-type: none"> • This may include providing education or referrals to education opportunities on the nature and functioning of democratic institutions at the national, regional and/or local levels. Civic education on the country's comprehensive peace agreement (where applicable) or peace process should be considered. At the local level, approaches to human rights education that draw from "street law" may be particularly effective. • Communities of return should also receive sensitization related to political reintegration and the accompanying peace process where applicable
	Dealing with Commanders	<ul style="list-style-type: none"> • The support – or at least acquiescence – of Commanders is often critical to implementation of a DDR process. Existing commanders potentially have the most to lose and avoiding or minimizing the risk of them becoming spoilers will require careful attention. • Mapping of armed groups leadership structures should be conducted as a priority and this will need to include some process of vetting for human rights abuses.
	Youth participation and voice	<ul style="list-style-type: none"> • The special needs of youth should be addressed during political reintegration not only because this group may become a security threat, but also because they can act as a major force for positive change in contemporary politics. Youth are often more open to voting for new parties, less loyal to established traditions and more idealistic in their goals for their societies.
	Women's Participation and Voice	<ul style="list-style-type: none"> • DDR processes form an invaluable window of opportunity to enhance women's inclusion in decision-making and political processes. Civil affairs and human rights sections, in addition to civil society organizations and NGOs specialized in gender and women's rights, can support reintegration efforts to include trainings on gender and women's inclusion in political affairs.

C.4.8 Monitoring

The reintegration of FF should be closely monitored and reported on. Mechanisms to do this may involve the establishment of close relationships by the institution with primary responsibility for their return with other groups. These are likely to need to include; foreign fighters themselves, local communities, security agencies (including the Police), those responsible for the provision of basic services (such as health and education), local leaders and local and international civil society providing support for other groups, for example those supporting refugee return.

Immediate concerns are likely to be focused on whether returning FFs are secure, whether they are facing immediate difficulties with access to land or basic services and any issues related to stigmatization. In situations where groups or individuals might be considered to pose an ongoing security risk it is also important that this is regularly assessed although it is important that this is done in a manner which does not create new tensions or threats to their protection.

In the longer term, it is important that the overall success of reintegration efforts is assessed. This should move beyond simply the measurement of outputs in terms of number of people resettled or programmes supported. One approach to doing this is to determine how successfully or otherwise individuals or groups are reintegrated across a number of specific dimensions.

- **Factional:** where the extent to which previous command and control structures have been broken down and/or individuals still closely identify with previous membership of an armed group is explored.
- **Political:** where the ability of ex-combatants to participate in political processes is assessed and their perceptions of these in terms of their ability to participate in decision making are identified
- **Economic:** where the extent to which ex-combatants can generate income through legitimate means is identified and whether they feel that any challenges they face are different to those from the wider community
- **Social:** where the acceptance of ex-combatants at community level and their inclusion and extent of their social capital are assessed.
- **Recidivism:** Where the number of ex-combatants re-joining direct combat and the reasons therein are identified and analysed.
- **Remobilization:** Where the reasons behind and the rate of regrouping into armed groups of ex-combatants who had previously been demobilized are assessed.

D. CROSS CUTTING ISSUES

D1. Women and girls

This section should be read in conjunction with the OGN on DDR for Women. The OGN on Reintegration also contains specific guidance. Both of these documents can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)

The document borrows from and relies on ideals pronounced by international and regional law such as Article 10 of the Maputo Protocol which calls on States to ensure that women participate, among others, in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels. Similar inspiration is drawn from the Convention on the Elimination of All Forms of Discrimination against Women which asserts that ‘the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields’.

The Committee on the Elimination of Discrimination Against Women in General Recommendation No.28 pointed out that states have an ‘obligation to respect, protect and fulfil the right to non-discrimination of women and to ensure the development and advancement of women in order that they improve their position and implement their right of de jure and de facto or substantive equality with men.’^{xxxii}

Women and girl foreign combatants and dependents are likely to face particular challenges during DDR. In many situations women and girls may have been subjected to high levels of Sexual and Gender Based Violence and forced into coercive relationships. A number of specific issues need to be considered and included in programme responses;

- **Status of women in the armed group:** Assessment of the group’s structure and dynamics should include specific consideration of the status of women within the group and how they came to be there. If large numbers of them were abducted or otherwise coerced arrangements for the early separation of women from male combatants is likely to be warranted.
- **Detention arrangements:** Any women being detained must be provided with support that meets their specific needs. This may include separate accommodation and sanitation arrangements in some circumstances. Where there is a requirement to carry out searches and questioning of women this should be conducted in the presence of female personnel.
- **Space to consider future options:** Although the preservation of family unity is an important principle that should be upheld wherever possible in situations where it is not clear whether women associated with an armed group as either combatants or dependents are there voluntarily it can be important that they are provided with some time to consider potential alternative options which might include independent return or settlement in the host country in some circumstances.
- **Challenges with reintegration:** As highlighted in Section D.4 female ex-combatants and dependents may face particular reintegration challenges including’ stigmatization and non-acceptance and in particular in securing land or other property rights. These issues should be specifically explored and identified in the local context and interventions put in place to deal with them.

According to the IDDRS specific female-specific interventions should be developed, for example: ‘Resources should be allocated to train female community members, ex-combatants and supporters to understand and cope with traumatized children, including how to help abducted girls gain demobilization and reintegration support. It is unfair to burden women with the challenges of reintegrating and rehabilitating child soldiers simply because they are usually the primary caregivers of children.’^{xxxii}

D2. Children

This section should be read in conjunction with the OGN on DDR for Children. The OGN on Reintegration also contains specific advice and guidance. Both of these documents can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)

Reference is also made to Articles 3 of the CRC and 4 of the ACRWC which requires that all decisions made and activities engaged in as pertaining to a child, are in their best interest. Article 39 of the CRC, for instance, provides that the reintegration of a child who has been a victim of armed conflict recruitment ‘shall take place in an environment which fosters the health, self-respect and dignity of the child.’

In particular, the Committee on the Rights of the Child in General Comment No.14 asserted that the principle of best interests of the child is linked to the other cardinal principles, namely; non-discrimination (Article 2 of CRC), the right to life, survival and development (Article 6 of CRC) and the right to be heard (Article 12 of CRC). Reintegration of child ex-FF should therefore, be done in line with the principles of best interest of the child, non-discrimination, right to life, survival and development and the right to be heard.^{xxxiii}

Definition of Children Associated with Armed Forces or Armed Groups (CAAFAG)

The term Children Associated with Armed Forces or Armed Groups (CAAFAG) is used to describe children of interest and concern in relation to DDR. CAAFAG refers to any person below 18 years of age who is or was used by an armed force in any capacity. This includes the use of children as fighters, cooks, porters, messengers, spies, servants or for sexual or any other purposes. The term CAAFAG is more expansive than the term “child soldier” as a CAAFAG does not have to have taken a direct part in hostilities.^{xxxiv}

Issues related to the DDR of foreign child ex-combatants or dependents are likely to pose particular challenges and require specific attention. Tensions may particularly arise in respect to children rights under the Convention on the Rights of the Child and security considerations in instances where child soldiers may in some cases represent a serious security threat both to the wider community and themselves. FF who are also children are likely to be particularly vulnerable as in many cases re-establishing contact with their families and communities may prove challenging. It is important that children are identified early during screening processes and in most cases separated from adult combatants. The support and advice of specialist childcare agencies should be obtained throughout both the planning and implementation of DDR processes. Information on the specific handling of children should be provided to all those who may be involved.

As a general rule, foreign CAAFAG should be repatriated as early as possible. However, this obviously depends on the security context within their country of origin and an assessment of the possible protection issues related to their return, both for them and their wider family and community. Past experience suggests that organising and facilitating return can be a complex process needing the support of multiple stakeholders. In a number of situations, the assistance of UNHCR, ICRC and IOM has been particularly important. Before repatriation, the transferring authority should contact the relevant counter-part within the country of origin and agree on the procedure. SOPs may formalize

the process and help to guarantee the security and well-being of each child. All repatriations must be voluntary. If an individual is detained and transferred against their wishes, such transfers must at a minimum respect international law, in particular the principle of non-refoulement.

Repatriation of CAAFAG from the Lord's Resistance Army (LRA)

Each of the forces under the AU's Regional Task Force against the LRA operating in the Central African Republic, the Democratic Republic of the Congo and South Sudan had a child protection component who was responsible for providing a secure environment for CAAFAG from the LRA. Additionally, SOPs on the Reception, Safekeeping and Transfer of Ex-Combatants and Dependents were developed with each of the contributing military forces who were briefed on procedures in accepting LRA CAAFAG. When CAAFAG came into their custody, they were disarmed, given shelter and food and protected in a secure area. A DDR focal point for child protection was contacted. In cases where there were doubts as to an individual's age, the focal point was responsible for assessing it. The focal point and a local partner documented each case. Once verification and documentation had taken place, CAAFAG were handed over to the relevant child protection partner in the country of origin. In situations where this was not possible, resources of the United Nations were called upon to facilitate their return.

D3. Vulnerable Groups

This section should be read in conjunction with the OGN on Reintegration. This document can be accessed and downloaded via the Defense and Security Division DDR web pages at: [African Union OGNs on DDR](#)

Ex-combatants frequently have significant health problems that range from acute illness to chronic conditions and high rates of disability. On average, this may constitute at least 10% of a given group but higher prevalence rates have often been seen. Untreated wounded, sick and disabled individuals may constitute the most violent and difficult groups within a post-conflict situation and will also face more difficulties in becoming self-sufficient and productive.

- Particular consideration is likely to be needed with both the demobilization and repatriation arrangements for wounded and sick ex-combatants to ensure that this is carried out safely and with dignity.
- Reintegration programmes should consider the specific needs of sick and disabled ex-combatants with disabilities. In the case of FF it is important that this information is passed early to those responsible for programme planning in the country of origin.
- Reintegration should also focus on promoting independent living of FFs with disabilities within the society. The CRPD in Article 19 provides for the rights of persons with disabilities to live independently and be included in the community, with freedom to choose and control their lives. The Committee on the Rights of Persons with disabilities in General Comment No.5 provided the state obligations to repeal or reform discriminatory policies, laws and practices that hinder persons with disabilities from living independently and participating in the community.

ⁱⁱ UN Security Council Resolution 2178, Adopted by the Security Council at its 7272nd meeting, on 24 September 2014, 2. Available on http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf

ⁱⁱⁱ Dietrich Jung, *The Search for Meaning in War: Foreign Fighters in a Comparative Perspective* (2016), 16 *Institute of International Affairs*, 7. Available <http://www.iai.it/sites/default/files/iaiw1602.pdf>

^{iv} See Chapter 4 of Stuart Casey-Maslen, *The War Report: Armed Conflict in 2013* (2014) New York: Oxford University Press.

^v Ernest Harsch, *Setting foreign fighters on the road home* (2009) 23 *African Renewal* 2. Available on <http://www.un.org/en/africarenewal/vol23no2/232-foreign-fighters.html>

^{vi} *Ibid.*

^{vii} Al-Shabaab and Social Media: A Double-Edged Sword, Menkhaus \Ken <https://www.questia.com/magazine/1P3-3574993671/al-shabaab-and-social-media-a-double-edged-sword>

^{viii} <http://www.dw.com/en/uneasy-neighbors-rwanda-and-burundi/a-18679369>

^{ix} <http://www.un.org/documents/ga/res/41/a41r102.htm>

^x *Ibid.*

^{xi} The International Convention against the Recruitment, Use, Financing and Training of Mercenaries devotes an entire Article to the definition of a mercenary as defines any person who:

(a) Is specially recruited locally or abroad in order to fight in an armed conflict;

(b) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;

(c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;

(d) Is not a member of the armed forces of a party to the conflict; and

(e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.

2. A mercenary is also any person who, in any other situation:

(a) Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:

(i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or

(ii) Undermining the territorial integrity of a State;

(b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;

(c) Is neither a national nor a resident of the State against which such an act is directed;

(d) Has not been sent by a State on official duty; and

(e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

^{xii} The Human Rights Council, General Resolition 33/4: *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self determination* (2016), 2. Available on <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/211/08/PDF/G1621108.pdf?OpenElement>

^{xiii} <http://www.peaceau.org/uploads/african-model-law-on-counter-terrorisim-final-version-as-endorsed-by-the-17th-session-english.pdf>

^{xiv} Inmaculada Marrero Rocha, *Foreign Fighters And Jihadists: Challenges For International And European Security* (2015) 86.

^{xv} Georgia Holmer and Adrian Shtuni, *Returning Foreign Fighters and the Reintegration Imperative* (2017) Washington DC: United States Institute of Peace, 7. Available on <https://www.usip.org/sites/default/files/2017-03/sr402-returning-foreign-fighters-and-the-reintegration-imperative.pdf>

^{xvi} UNCHR, *Emergency Handbook: Civilian and humanitarian character of asylum*, <https://emergency.unhcr.org/entry/44591/accessed> 12 December 2017).

^{xvii} (2000) AHRLR (ACHPR 1999).

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- ^{xviii} The United Nations General Assembly, *Impact of armed conflict on children: Note by the Secretary-General* (1996). Available on <https://www.un.org/documents/ga/docs/51/plenary/a51-306.htm>
- ^{xix} See the preamble of Resolution 2250 of 2015. Available on <http://www.un.org/press/en/2015/sc12149.doc.htm>
- ^{xx} Elzarov, Z., (2015). Community Stabilization and Violence Reduction: Lessons from Darfur. *Stability: International Journal of Security and Development*. 4(1), p.Art. 7. DOI: <http://doi.org/10.5334/sta.ex>
- ^{xxi} (2003) AHRLR 96 (ACHPR 2003), para 64.
- ^{xxii} Para 65.
- ^{xxiii} Para 64.
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- ^{xxv} Para 10.
- ^{xxvi} Human Rights Committee, General Comment No. 32 UN Doc. CCPR/C/GC/32 Para 2.
- ^{xxvii} *Ibid* para 6.
- ^{xxviii} Case Number. IT-95-17/I-T), Judgment, 10 December 1998, para 153.
- ^{xxix} (2007) AHRLR 73 (ACHPR 2007) para 98.
- ^{xxx} UN OHCHR, *Rule-of-law Tools for Post-Conflict States, National Consultations on Transitional Justice*, 2009, p9.
- ^{xxxi} Para 16.
- ^{xxxii} *Integrated Disarmament Demobilization and Reintegration Standards* (2006) Section 5.10, p20
- ^{xxxiii} PART B.
- ^{xxxiv} Based on *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups* (2007), <http://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf>