

5.40 Cross-border Population Movements

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5.40 Cross-border Population Movements

Summary

This module offers advice to policymakers and practitioners responding to cross-border movements and the presence of foreign combatants and those associated with armed groups and forces in non-combat roles in the context of armed conflict.

In some armed conflicts, combatants and civilians move across international borders. The increase in non-international armed conflicts, the proliferation and diversity of armed groups, and widespread violations of international humanitarian law are all factors that affect the operational environment on the ground. The presence of foreign fighters in certain conflicts further contributes to the intensity, duration and complexity of these conflicts, and may therefore create risks to their States of origin, transit or destination, as well as zones of armed conflict in neighbouring states. Concerns have emerged about the threats that the presence of foreign combatants might pose to efforts to establish and maintain the civilian and humanitarian nature of asylum.

Lack of a regional dimension to planning that takes these operational realities into account may contribute to the “recycling” of combatants from one conflict to another, within a region and beyond. This module therefore advocates for close collaboration between States, as well as all relevant agencies and other stakeholders, with the view of establishing regional strategies and coherence between DDR processes across a region.

When working with cross-border movements, it should be kept in mind that most people moving across borders during an armed conflict are in fact civilians, many of whom are seeking asylum from persecution, conflict and violence, and have the right to international protection. As such, this module also sets out the basic principles relating to international refugee law and international human rights law, where relevant.

Closely related to this, the module emphasizes the responsibility of host States, with the support of the international community, to preserve the peaceful, civilian and humanitarian character of asylum. To do so, combatants must be identified and separated from civilians at the earliest possible time, and armed individuals must be disarmed. This is essential to ensure the protection and safety of displaced civilians and survivors of rights violations (including children who may have been associated with armed forces and groups); enable humanitarian assistance; safeguard humanitarian staff; and maintain States’ internal and external security. Children associated with armed forces and groups shall be identified and referred to civilian child protection actors immediately and without precondition, even during armed conflict.

The presence of foreign combatants on a State’s territory may contribute to deteriorating security for host communities, jeopardize inter-State relations, and even threaten regional or international stability, peace and security. States must therefore find appropriate solutions, in accordance with international law and applicable standards.

1. Module scope and objectives

This module seeks to provide guidance around the following questions:

- What population groups are moving across international borders during conflict?
 - What legal frameworks and standards govern the treatment of each of these groups, including on issues related to their eligibility for support and rights in relation to DDR programmes?
 - What are the recommendations for action, on both sides of the border?
 - What are the roles and responsibilities of international and national agencies?
- The following groups (categories of persons) will be covered:
- Adult foreign combatants, not including foreign terrorist fighters;
 - Adult foreign persons associated with armed forces and groups who do not have roles as combatants, but who are group members with other supporting roles (see IDDRS 2.10 on The UN Approach to DDR);
 - Foreign children associated with armed forces or groups, as defined by the Paris Principles and Commitments;
 - Civilian family members and other dependants of foreign combatants or associated persons;
 - Abductees or victims; and
 - Community members.

The module considers various phases of cross-border movements in the context of armed conflict: (i) upon crossing an international border, (ii) during the planning and implementation of DDR, (iii) during repatriation, and (iv) during return and reintegration to the country of origin or a third country. It also discusses possible solutions for those who cannot be repatriated (e.g., because they would face persecution, torture or other serious harm upon return) and briefly explores issues related to the prevention of recruitment. In addition to the specific groups highlighted above, in these situations there is often a complex migratory population that may need to be considered, including those practicing transhumance and nomadic pastoralism, as well as cross-border traders, refugees, smuggled migrants and trafficked populations.

Foreign combatants and associated persons may return to different countries and be handled under different frameworks. This module focuses on contexts where return is to countries where a DDR programme will be in place, but it also discusses situations where elements of DDR (for example, disarmament and demobilization) may be carried out in the host country prior to reintegration in the return country or other locations. Additional references are provided in IDDRS 2.11 on The Legal Framework for UN DDR.

Guidance on children associated with armed forces or groups is included where specific issues related to children having crossed an international border need to be highlighted or raised. This should be read in conjunction with the guidance provided in IDDRS 5.20 on Children and DDR.

Issues related to cross-border illicit arms flows are briefly described, and references to sources of guidance on arms control are provided.

The principles and standards set out in this module are focused on DDR programmes. However, the principles also apply in situations where DDR-related tools and reintegration support are implemented in the absence of a DDR programme (see

IDDRS 2.10 on The UN Approach to DDR). In these instances, it will be important to consider the cross-border cooperation and agreements that may be needed.

2. Terms, definitions and abbreviations

A complete glossary of all the terms, definitions and abbreviations used in the series of integrated DDR standards (IDDRS) is given in IDDRS 1.20. In the IDDRS series, the words 'shall', 'should', 'may', 'can' and 'must' are used to indicate the intended degree of compliance with the standards laid down. This use is consistent with the language used in the International Organization for Standardization standards and guidelines:

- a. 'shall' is used to indicate requirements, methods or specifications that are to be applied in order to conform to the standard;
- b. 'should' is used to indicate the preferred requirements, methods or specifications;
- c. 'may' is used to indicate a possible method or course of action;
- d. 'can' is used to indicate a possibility and capability; and
- e. 'must' is used to indicate an external constraint or obligation.

Asylum: The grant, by a State, of protection on its territory to persons from another State who are fleeing persecution or serious danger. A person who is granted asylum is a refugee. Asylum encompasses a variety of elements, including nonrefoulement, permission to remain in the territory of the asylum country and humane standards of treatment.

Asylum seeker: A person whose request for international protection has not yet been finally decided on by the country to which the claim is submitted.

Children associated with armed forces or armed groups (CAAFAG): The definition commonly applied in prevention, demobilization and reintegration programmes derives from the Cape Town Principles and Best Practices (1997), in which the term "child soldier" refers to "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms." In his February 2000 report to the UN Security Council, the Secretary-General defined a child soldier as "any person under 18 years of age who forms part of an armed force in any capacity and those accompanying such groups, other than purely as family members, as well as girls recruited for sexual purposes and forced marriage" (S/2000/101). The Convention on the Rights of the Child (CRC) specifies that a child is every human below the age of 18.

The term "children associated with armed forces or armed groups", although more cumbersome, is now used to avoid the perception that the only children of concern are combatant boys. It highlights that children eligible for release and reintegration programmes are both those associated with armed forces and groups and those who fled armed forces and groups (often regarded as deserters and therefore requiring support and protection), children who were abducted, those forcibly married and those in detention. Access to demobilization does not depend on a child's level of involvement in armed forces and groups. No distinction is made between combatants and

non-combatants so as to avoid unfair treatment, oversight or exclusion (mainly of girls). Nevertheless, the child's personal history and activities in the armed conflict can help determine the kind of support he/she needs in the reintegration phase.

Combatant: Based on an analogy with the definition set out in the Third Geneva Convention of 1949 relative to the Treatment of Prisoners of War in relation to persons engaged in international armed conflicts, a combatant is a person who is a member of a national army or an irregular military organization, is actively participating in military activities and hostilities, is involved in recruiting or training military personnel, holds a command or decision-making position within a national army or an armed organization, 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.

Dependant: A civilian who depends upon a combatant for his/her livelihood. This can include friends and relatives of the combatant, such as aged men and women, non-mobilized children, and women and girls. Some dependants may also be active members of a fighting force. For the purposes of DDR programming, such persons shall be considered combatants, not dependants.

Foreign combatant: A person who meets all the definitions of a combatant (above) but is not a national of the country where he or she is located. This may include someone who arrives in a host country carrying arms or in military uniform or as part of a military structure, or who, having arrived in a host country as an ordinary civilian, thereafter assumes, or shows determination to assume, any of the above attributes.

Foreign terrorist fighter: An individual who travels to a State other than his/her State 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.

Gender: The characteristics of women, men, girls and boys that are socially constructed. This includes norms, behaviours and roles associated with being a woman, man, girl or boy, as well as relationships with each other. As a social construct, gender varies from society to society and can change over time.

Host state or host country: The country in which a non-national stays or resides, whether legally or irregularly.

Internally displaced persons: Persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.

Mercenary: 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 that is not a party to the conflict on official duty as a member of its armed forces.

Non-refoulement: A core principle of international human rights and refugee law that prohibits States from returning individuals in any manner whatsoever (whether directly or indirectly) to territories where they may be at risk of persecution, torture or other forms of serious or irreparable harm. The most prominent expression of the principle of non-refoulement in international refugee law is article 33(1) of the 1951 Refugee Convention. The principle also is part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Refugee Convention. Under international human rights law, the principle of non-refoulement prohibits States from returning any person, irrespective of their status, to a country where they would be at risk of torture; cruel, inhuman or degrading treatment or punishment; or other irreparable harm.¹

Refugee: A person who meets the eligibility criteria set out in article 1A(2) of the 1951 Refugee Convention and does not fall within the scope of an exclusion clause. This definition has been extended through regional instruments, such as the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1984 Cartagena Declaration on Refugees, and the Common European Asylum System's Qualification Directive.

Screening: Screening in relation to DDR is typically undertaken to ascertain if an individual is eligible to participate in a DDR programme (see IDDRS 2.11 on The Legal Framework for UN DDR and IDDRS 4.20 on Demobilization). Age assessment will help identify any children and should take place at the earliest possible moment. However, in situations where the presence of foreign combatants is known or suspected, screening also refers to the processes whereby they are identified and separated from civilians.

Smuggling of migrants: The facilitation, for financial or other material gain, of irregular entry into a country where a migrant is not a national or resident.² The criminals behind this highly profitable business seize the opportunity created by the need or desire of people to escape not just poverty and lack of employment opportunities but also natural hazards, conflict or persecution.

Trafficking in persons: The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.³

3. Introduction

Significant numbers of conflicts have regional and cross-border dimensions. The reasons are multifaceted and often complex, and may include historical ties between groups on either side of a border, the presence of large and porous borders with limited controls and infrastructure, and contestation over natural or other resources. A variety of non-state armed groups may use border areas as a location for their activities due to a limited state presence and the ability to pass quickly between jurisdictions, and

this may cause or exacerbate tensions and conflict between groups on either side of a border.

Armed conflicts in border areas may lead to significant cross-border population movements of both civilians fleeing violence and combatants. Foreign combatants may come from the same community as the general population or may be effectively hiding among them or using them as shields. The identification and separation of foreign combatants from refugee populations or those seeking asylum has presented serious challenges in a number of settings in recent years.

Moreover, the presence of foreign combatants in and around refugee camps has been widely recognized as exacerbating the existing vulnerabilities of refugee populations and exposing them, particularly women and children, to increased levels of violence and insecurity. In some instances, the presence of foreign combatants can pose a threat to wider national, regional and international security and can seriously jeopardize the peaceful, civilian and humanitarian character of asylum. While States may have their own reasons for sheltering foreign combatants/fighters, there may also be a lack of capacity to prevent foreign combatants/fighters from entering a neighbouring country.

Combatants who cross international borders may have a range of reasons for doing so, including to flee attack, regroup, launch cross-border attacks, bring family members and other dependants to safety or visit them, find food and supplies, leave an armed force or armed group permanently, lay down arms and seek asylum, or join armed groups in the country they have crossed into. In some contexts, combatants have even sought to join DDR programmes in neighbouring countries if there were perceived benefits to doing so.

The relationship between civilians and foreign combatants is quite often complex and ambiguous. In some instances, they may enjoy close kinship or other ties with communities and be provided with support. In others, the relationship may be based more on fear and intimidation, with forced or coerced recruitment and communities preyed upon for food and other supplies. It is not uncommon for relationships to change over time.

Particular complexities are involved in situations where foreign combatants cross the border alongside civilians and their status may not be obvious, as many arrive without weapons and in civilian clothes. At the same time, especially in societies where there are high numbers of small arms and light weapons in circulation, not everyone who arrives with a weapon is necessarily a combatant or can be presumed to be. The sheer size of population movements can be overwhelming for a State, sometimes making it impossible to disarm those carrying weapons and conduct screening aimed at identifying combatants/fighters at the point of arrival.

Competition over natural resources is a driver of violence and conflict in many settings, a dynamic that is being exacerbated by climate change in several regions, negatively impacting livelihoods and local economies. In some areas, communities and individuals are increasingly turning to armed groups to sustain their livelihoods and to protect them from others. The consequences of climate change therefore do not only include economic hardship but may also cause or exacerbate communal conflicts and tension over natural resources. Armed groups, including those operating across borders, may capitalize on these tensions to entice individuals to join their efforts. Youth and children, in particular, are at increased risk of recruitment in these settings.

Recruitment can involve families or communities handing over community members, including children, out of a sense of obligation or due to pressure from armed groups. Children and adults may also join armed groups due to a lack of other options or coercion. Once associated, they may be prevented from leaving through the use of violence, threats, sanctions and even narcotics.⁴ Children also can be recruited or used by an armed force or group in any capacity, including, but not limited to, fighters, cooks, porters, messengers, spies or for sexual purposes.

Women and girls are often forcibly recruited by armed groups for labour, to be used as smuggling agents for weapons and ammunition, as a sexual reward for men who join the fight, or for the purpose of forced marriage or forced pregnancy (see IDDRS 6.40 on DDR and Organized Crime). All of this typically amounts to human trafficking, as women and girls are recruited by force, fraud, coercion, abduction or abuse of power for an exploitative purpose.⁵ Women and girls may also voluntarily join armed forces and groups for a number of reasons, including to escape narrow gender roles and physical and economic insecurity, to gain respect or leadership opportunities, and to seek personal or family security.

Armed groups may additionally engage in human trafficking in order to obtain financing for their organization or for personal use. They can profit directly through receiving payment for a person or by reaping the benefits of forcing victims into exploitative labour or services.⁶ Groups that have control over a territory that coincides with smuggling routes can also open new markets in the illicit economy within mixed migration flows. They do so either by directly facilitating smuggling of migrants or by requiring migrant smugglers to pay “tolls” for passage or compensation in exchange for security.⁷

The presence and activities of foreign combatants and armed groups that cross borders may also cause disruption and create risks for others who frequently cross borders in pursuit of livelihoods or due to kinship ties. These include pastoralists and those involved in cross-border trade, who may face restriction to their movements, suspicion from communities, harassment from security forces and/or attacks from armed groups in border areas.

The sudden or unplanned return or relocation of foreign combatants may in some cases create tensions at the community level and needs to be properly assessed and then planned for, particularly when this may be taking place against a backdrop of wider population movements and returns. Conversely, a well-planned and -implemented return and reintegration process that is coordinated with wider stabilization and peacebuilding efforts may help to build social cohesion and encourage reintegration and recovery efforts.

At the end of a conflict, support for recovery is needed for all those involved in and impacted by the conflict. This includes the safe repatriation and reintegration of foreign combatants, associated persons, dependants and refugees to their countries of origin as well as support to communities impacted on both sides of the border. Post-conflict support must also include continued identification and ongoing assistance to victims of trafficking. This holistic approach contributes to the process of healing and the capacity to (re-)establish functioning, peaceful communities across a region, thereby helping to prevent the recurrence of conflict and violence.

Any DDR programmes, DDR-related tools or reintegration support should be regional in scope in order to deal with the realities of cross-border conflict. Experience

has shown that DDR directed at nationals of a specific country in isolation have failed to adequately deal with the problems of combatants being recycled from conflict to conflict within (and sometimes even outside) a region, and with the spill-over effects of conflicts. The identification, disarmament, demobilization, separation, rehabilitation, repatriation and reintegration of foreign combatants requires a stronger and more consistent cross-border focus, involving both host countries and countries of origin and, when appropriate, benefiting both nationals and foreign combatants. This dimension has increasingly been recognized by the UN in recent peacekeeping operations. It is essential to ensure coherence between DDR processes in adjacent countries in regions engulfed by conflict to prevent people from moving around from process to process in the hopes of gaining benefits in more than one location.

In all situations, when and how DDR programmes or tools are provided and to whom should depend on a careful assessment of the context that they are meant to address and what is most likely to achieve results. However, as highlighted in this section, regional and cross-border dimensions must always be considered in both programme design and operations.

4. Guiding principles

4.1 Voluntary

Integrated DDR shall be a voluntary process for armed forces and groups, both as organizations and individuals. Therefore, groups and individuals shall not be coerced to participate. This principle has become even more important, but contested, in contemporary conflict environments where the participation of some combatants/fighters in nationally, locally or privately supported efforts is arguably involuntary, for example, following their capture on the battlefield or their being forced into rehabilitation or reintegration programmes under duress. Internment and detention shall not be the responsibility of those running a DDR programme, although DDR personnel may ask to engage with national authorities who carry out such activities. It is important that legal advice is sought and obtained prior to engaging both with those interned and those carrying out internment.

Entry into any DDR programme (or broader DDR process) must always be voluntary, and any repatriation carried out under the auspices of DDR must therefore be on a voluntary basis and in accordance with the principle of non-refoulement as set out in international humanitarian, human rights and refugee law. Outside of DDR processes there may, however, be other legal grounds consistent with international law under which foreign combatants eventually may be returned to their countries of origin, as long as this does not result in a risk of harm that would engage the host countries' non-refoulement obligations.

However, as highlighted in IDDRS 2.10 on The UN Approach to DDR, the nature of conflict environments, and the growing potential for overlap with State-led efforts countering violent extremism and counter-terrorism, have increased the likelihood that the UN and other actors engaging in DDR may be faced with situations in which people have been detained on security grounds or are in situations that amount

to deprivation of liberty. DDR practitioners shall seek legal advice if confronted with surrendered or captured combatants or overt military operations, or if there are any concerns regarding the voluntary nature of DDR. They should also be aware of requirements contained in Chapter VII resolutions of the Security Council that, among other things, decided that Member States shall ensure that any person who participates in the preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice (see IDDRS 2.11 on The Legal Framework for UN DDR).

4.2 Unconditional release and protection of children

Children associated with armed forces and groups, including foreign children, shall be treated primarily as victims of human rights violations. They shall be identified as early as possible and immediately transferred to civilian child protection actors without precondition, even during armed conflict and even in the absence of a peace agreement or a DDR process.

Children who have been associated with armed forces or groups should not be prosecuted or punished, or threatened with prosecution or punishment, solely for their association with those forces or groups. States should take steps to end the detention of children consistent with international law. Children accused of crimes under international or national law allegedly committed while associated with armed forces or groups shall be treated in accordance with international standards for juvenile justice, which emphasize alternatives to detention and prioritize the rehabilitation and social reintegration of the child. Further specific guidance may be found in IDDRS 5.20 on Children and DDR.

4.3 In accordance with the standards and principles of international assistance

Host countries are obliged to handle cross-border population movements in accordance with international humanitarian, human rights and refugee law. This includes respect for the human rights of refugees and migrants, and respect for the principle of non-refoulement. The State may have political sympathies or interests with regard to one of the parties to an armed conflict, which may affect their policies or responses in practice. Even if the host country is not neutral, DDR practitioners shall highlight the obligations of the host country and the benefits of complying with the international law and legal frameworks described in section 5. Awareness raising, training and advocacy, as well as the development of individual country strategies to enhance host State capacity, cooperation and compliance with international law standards, should be carried out.

4.4 Gender responsive and inclusive

The specific protection and assistance requirements of women and girls and men and boys recruited by armed forces or groups need to be addressed, including of those who may be survivors of sexual and gender-based violence (SGBV). This shall include specific consideration of the needs of women who may have performed largely supporting roles, as well as the dependants of combatants/fighters. Their needs will depend on the

context, but will often include, at a minimum, reproductive health services and SGBV support services, including psychological support. In cases where the SGBV amounts to human trafficking, victims must be ensured the protections extended to them under the Trafficking in Persons Protocol,⁸ and these must include appropriate age- and gender-specific psychological, economic and social assistance (see IDDRS 6.40 on DDR and Organized Crime). In many settings, women and girls who are separated from their wider family and social networks may face specific challenges related to their immediate protection and well-being in the host country and during repatriation and reintegration, and these will require special consideration.

4.5 Conflict sensitive

It is recognized that “do no harm” shall be a standard principle against which all DDR programmes, DDR-related tools and reintegration support shall be evaluated at all times. In relation to foreign combatants, particular measures may be required to manage potential tensions between such groups and communities within host countries. Careful assessment will also be needed prior to their return to ensure that they can be safely received and reintegrated and to consider any potential challenges their return may cause. Failure to undertake the necessary measures and assessments can increase conflict and security risks.

4.6 Context specific

The varying reasons for the arrival of foreign combatants in a host country, as well as whether or not that country is involved in an armed conflict, will be among the factors that determine the response of the host country and the international community. For example, foreign combatants may enter a country directly involved in armed conflict, a country that is a neutral neighbouring State, or a non-neutral country not directly involved in the conflict.

4.7 Integrated

No single international agency has a mandate for cross-border movements of foreign combatants, associated persons and dependants, but all have an interest in ensuring that issues are properly dealt with and that States abide by their international obligations. Therefore, DDR programmes should be carried out within inter-agency frameworks. In principle, such structures may also be used to discuss other DDR activities (i.e., DDR-related tools and/or reintegration support) and to coordinate action when these deal with foreign combatants or have cross-border implications. This is particularly important in relation to any support provided by DDR programmes, given the potential risks associated with ex-combatants attempting to access multiple DDR initiatives across international borders.

5. Legal frameworks

5.1 Frameworks and laws of relevance

International law provides several applicable frameworks for dealing with cross-border movements of combatants/fighters and civilians. In particular:

- International humanitarian law (IHL) is applicable to all: combatants and civilians (including asylum seekers, refugees and migrants). IHL includes specific rules on civilians taking direct part in hostilities or contributing to the general war effort, as well as other categories of non-combatants. Relevant IHL norms on the conduct of hostilities should govern the behaviour of foreign fighters, regardless of their nationality. Foreign fighters are thus subject to the same IHL principles and rules that are binding on any other type of belligerent.⁹
- International human rights law is relevant in setting the framework for the treatment of foreign combatants/fighters, as well as civilians, including asylum seekers, refugees and migrants. It includes the obligation to respect the principle of non-refoulement, which precludes States from forcibly removing an individual to a country where there is a risk of torture or other serious harm.
- International refugee law is only relevant for civilians who have submitted an asylum claim and/or have been recognized as refugees. It can, however, include former combatants/fighters for whom it has been verified that they have genuinely and permanently renounced military activities and who have sought asylum. For asylum seekers and refugees, States are bound by the principle of non-refoulement under international refugee law, in addition to relevant obligations under international human rights law.
- During an international armed conflict, the law of neutrality requires a neutral State to intern foreign troops entering its territory. Under the duty of non-intervention and friendly relations between States, as set out in the UN Charter, States are obliged to act with due diligence to prevent the use of their territory by individuals whose purpose is to attack another State.
- International law on transnational organized crime is relevant for ensuring access to justice for victims of crime, including those from mixed migration populations, civilians and combatants. It is additionally relevant in aiding to address illicit financial flows, money laundering and corruption.

Further information on legal frameworks and laws that are particularly relevant when considering issues related to foreign combatants are considered below.

5.1.1 The Charter of the United Nations

Under article 2(4) of the UN Charter, States have an obligation to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations” (this is regarded as customary international law binding on all States).

UN General Assembly resolution 2625 (XXV) of 24 October 1970, which adopted the Declaration on Principles of International Law concerning Friendly Relations

and Cooperation among States in Accordance with the Charter of the United Nations, prohibits the indirect use of armed force, through assisting, encouraging or tolerating armed activities against another State by irregular forces, armed bands or individuals, whether nationals or foreigners.

5.1.2 Law of neutrality

The Hague Convention of 1907 dealing with the Rights and Duties of Neutral Powers and Persons in Case of War on Land is regarded as having attained customary law status, making it binding on all States. It requires neutral States to disarm foreign combatants, separate them from civilian populations, intern them at a safe distance from the conflict zone, and provide humane treatment until the end of the war, to ensure that they no longer pose a threat or continue to engage in hostilities. Neutral States are also required to provide interned combatants with humane treatment and conditions of internment.

Although the convention relates to international armed conflicts, it is generally accepted that it is also applicable to internal armed conflicts in which foreign fighters from government armed forces or opposition armed groups have entered the territory of a neutral State. It also contains an obligation to intern such fighters.

5.1.3 UN conventions on statelessness

The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are complemented by international human rights treaties and provisions relevant to the right to a nationality. They are of relevance to dealing with foreign combatants, as they define and limit the circumstances in which someone can be deprived of their nationality.

5.1.4 International humanitarian law

In accordance with article 4(B)2 of the Third Geneva Convention of 1949 relative to the treatment of prisoners of war, which is applicable in the context of international armed conflicts, foreign combatants interned by neutral States are entitled to treatment and conditions of internment given to prisoners of war under the convention. Additional Protocol II, Part II, relating to protection of victims of noninternational armed conflicts, provides for humane, nondiscriminatory treatment for those who do not take a direct part or who have ceased to take part in hostilities, whether their liberty has been restricted or not.

5.1.5 International human rights law

The 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contains a broad nonrefoulement provision, which states that “no State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture”.

There are no exceptions to this nonrefoulement provision, so foreign combatants may not be forcibly returned to a country of origin in situations where there are grounds to believe that they would be at risk of torture if returned. “For the purposes of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in

the State concerned of a consistent pattern of gross, flagrant or mass violation of human rights” (art. 3[2]).

Articles 6 and 7 of the International Covenant on Civil and Political Rights also provide important potential protections in terms of the right to life and the prohibition against anyone being subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The United Nations Convention on the Rights of the Child, adopted in 1989, recognizes the human rights of children, defined as persons up to the age of 18 years. Its Optional Protocol on the involvement of children in armed conflict, adopted in 2000, aims to protect children from recruitment and use in hostilities and is of particular importance to this guidance (further information can be found in IDDRS 5.20 on Children and DDR).

The Security Council has made a number of resolutions emphasizing the importance of recognizing and including the concerns of women in DDR. Security Council resolution 1325 (2000) recognizes that women are an asset to both peace and DDR processes and must be afforded the right to participate fully. It encourages all those involved in the planning for DDR “to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants”, and calls on parties to armed conflict to “take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict”. These calls have been reiterated in resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2106 (2013) v and 2122 (2013). Resolution 2122 calls for the full participation and protection of women as part of DDR and security sector reforms.

5.1.6 International refugee law

A refugee is defined in the 1951 Refugee Convention and its 1967 Protocol as a person who is outside his/her country of origin; has a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion; and is unable or unwilling to avail him/herself of the protection of that country, or to return there, owing to the well-founded fear of persecution. Several later regional instruments extend this definition. These include the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and, in Latin America, the Cartagena Declaration of 1984. These extended the definition to cover more broadly those who have been threatened or impacted by violence or conflict, or had their human rights violated. An important principle is that asylum has an inherently peaceful, civilian and humanitarian character.

Military activity is incompatible with asylum, and persons who pursue military activities in a country of asylum cannot be asylum seekers or refugees. As such, only civilians can benefit from the protection that asylum and the granting of refugee status affords. Maintaining the civilian and humanitarian character of asylum is an established and respected international refugee standard and a principle of international protection. It derives from rules in international refugee law, human rights law, international humanitarian law, national law, the United Nations High Commissioner for Refugees statutes, and the UN Charter, and is aimed both at protecting individual refugees and, more widely, maintaining the integrity of the institution of asylum.

An active foreign combatant cannot be considered a refugee, but it is possible that refugee status may be conferred if it is clear that an individual has genuinely and permanently given up military activities, provided that he/she is determined to be eligible for refugee status. Foreign combatants who wish to seek international protection as refugees are therefore expected to go through a process that involves disarmament, separation and verification that they have renounced military activities, enabling a determination of refugee status to be made.

The presence and activities of foreign combatants in refugee settings has been widely recognized as an issue that can exacerbate the vulnerability of refugee populations and lead to increased risks of violence and insecurity, including SGBV, particularly for women and children. Additionally, when the civilian and humanitarian character of asylum is compromised, it often causes tension with host communities and authorities and can impede asylum seekers' access to basic rights. It has also been seen to create increased insecurity for humanitarian personnel and threaten humanitarian access.

Given the fundamental importance of the above to the safety and protection of refugees, asylum seekers and host communities, substantial effort and emphasis must be placed on the maintenance of the civilian and humanitarian character of asylum and the need to ensure the clear separation of combatants/fighters from refugees. Ongoing monitoring will also be required to detect the presence of weapons and ammunition inside refugee sites and, in some circumstances, weapons searches may be conducted. It is recommended that searches should be conducted by police rather than by the military authorities.

Guidance related to the safe and secure collection, registration, storage, transportation and/or disposal of weapons, ammunition and explosives is provided in IDDRS 4.10 on Disarmament and IDDRS 4.11 on Transitional Weapons and Ammunition Management. Written guidelines have been developed¹⁰ covering some of the practical issues related to disarmament, screening to separate combatants from civilians, and assisting in circumstances under which former foreign combatants may be able to renounce violence and, if they wish to seek asylum, be admitted into procedures to determine whether they are eligible for refugee status. This guidance is drawn upon and referenced, where appropriate, in subsequent sections, but draws on the legal frameworks highlighted above and several overarching principles and standards summarized below.

- **Primacy of state responsibility:** The State is responsible for the physical protection of refugees and the civilian and humanitarian character of asylum. While others, including the UN, may offer support, they cannot assume these functions.
- **Access to territory and non-refoulement:** Nothing should prevent persons seeking international protection from accessing the territory where they wish to submit an asylum claim or lead to their refoulement.
- **Right to liberty and the security of persons and the prohibition of arbitrary detention:** State action to ensure security must not lead to arbitrary detention – and both detention and internment may only be undertaken in accordance with and as authorized by national law, and in compliance with international law, including the minimum procedural safeguards.

- **Access to assistance and services:** Those identified as combatants should not be allowed to enter refugee sites or have access to services provided in them until such time as they have genuinely and permanently renounced military activity and have been admitted into asylum procedures. Beyond refugee assistance, it is important to note that this does not free States from responsibilities to provide humanitarian assistance and health care under the tenets of international humanitarian law (see section 5.1.4). Children, irrespective of whether they were combatants, have a right to assistance and protection, as victims of human rights violations.
- **Protection considerations for women:** Women's and girls' specific vulnerabilities and needs should be assessed and met, in particular survivors of or those who are at risk from SGBV. If women and girls are deprived of their liberty, they should be accommodated in separate facilities from men and, as far as possible, be under female supervision, and all security personnel should receive training on sexual exploitation and abuse, gender, and gender-based and sexual violence prevention and response. Clear modalities for reporting violence and seeking assistance should be provided to all, including access to reproductive health care, psychosocial support, etc. Efforts to ensure women and children are accommodated together and/or are reunited as soon as possible should be made (see IDDRS 5.10 on Women, Gender and DDR).

5.1.7 International law on transnational organized crime

According to article 25 of the 2000 UN Convention against Transnational Organized Crime and its Protocols, each State Party is required to take appropriate measures within its means to provide assistance and protection to victims of offences covered in the convention, including but not limited to participation in an organized criminal group, money laundering, corruption, trafficking in persons and smuggling of migrants. State Parties must additionally establish appropriate procedures to provide access to compensation and restitution for victims of offences under the convention and must enable the view and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders.

Furthermore, in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, article 6 calls on States to implement measures to provide for physical, psychological and social recovery of victims of human trafficking, including appropriate housing, counselling and information, medical and psychological assistance, and employment and education opportunities.

5.1.8 Specific legal frameworks and protections for children

Children associated with armed forces or groups shall benefit from special protection and assistance. They shall be regarded primarily as victims, and their best interests shall be a primary consideration. DDR of children is always a priority and should not wait until mechanisms for adult DDR are established. Identification of children should take place at the earliest possible moment. A child protection adviser or agency should be given access to the disarmament site, with children placed under the care of civilian child protection actors as swiftly as possible. Children's immediate protection needs shall be met, and support provided in relation to issues such as food, shelter, and health care, including SGBV concerns. For children outside of their country of origin,

particular emphasis and attention may need to be given to the establishment of services such as interim alternative care and cross-border family tracing.

Children shall receive specialized gender- and age-appropriate support from trained child protection actors, including on issues related to nationality determination and family reunification processes. Legal and protection issues shall be carefully considered, with the best interests of the child as a primary consideration and taking into account issues related to safety and confidentiality, as well as the need to reestablish contact with family members whenever, and as swiftly as, possible.

IDDRS 5.20 on Children and DDR applies to all children, irrespective of age or legal status, and should be consulted for general guidance and information on relevant legal protections. In addition, the following issues related to children who find themselves outside their country of origin should be considered in relation to their legal status and any measures then required. Section 8.1 also provides specific guidance on support to children who may be in this situation.

5.2 Status of and issues related to specific groups or entities

No single definition or typology can be used to describe situations or groups within which foreign combatants may be found. In some contexts, foreign armed groups may cross a border in order to find a safe haven, flee attack or regroup. In other situations, groups may be militarily active on both sides of a border. In some contexts, armed groups may recruit and contain foreign nationals who are either sympathetic to the cause being fought for or who have other reasons for participating in combat. It is important that each context is properly assessed; the importance of assessment is further considered in section 6.2. However, when dealing with situations in which foreign combatants may be present, several groups warrant specific attention, as highlighted in the sub-sections below.

5.2.1 Mercenaries

A mercenary is defined under international humanitarian law (Geneva Conventions Additional Protocol I relating to the Protection of Victims of International Armed Conflicts) as “any person who is especially recruited locally or abroad to fight in an armed conflict and is motivated to take part in 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”. The use of mercenaries and involvement in such activity is prohibited under international law, and mercenaries do not enjoy some of the protections granted to regular combatants or prisoners of war. A Working Group on the Use of Mercenaries was established under the Human Rights Council in 2005.

It is important to consider when examining the role of foreign combatants whether or not groups or individuals may fall under the definition of mercenary. When deciding whether this distinction can be made, it is important that both the context and potential utility of its use are taken into careful consideration. In many cases, an individual may be motivated by the desire for economic gain to some extent, but the factors underpinning recruitment are likely to be complex and multifaceted, and labelling and attempting to deal with the bulk of the rank or file within a group as mercenaries is likely to be both contested and have limited practical utility. However, there may be

circumstances when the use of the relevant articles of international law on mercenarism to target a group's backers or recruiters may prove highly effective.

5.2.2 Private military and security companies

In recent years, concern has grown about the involvement of private military and security companies in conflict contexts and their use of foreign nationals. A private military or security company can be defined as “a corporate entity which provides on a compensatory basis military and/or security services by physical persons and/or legal entities”,¹¹ and the varied services such a company provides range from physical armed guarding to knowledge and skills transfer on security measures and their deployment and use of foreign nationals. Obvious issues arise when groups are involved in combat or aggressive security operations; it may be difficult for their personnel, particularly foreign nationals, to be held to account for their behaviour and lack of respect for human rights.

There have been a few notable initiatives to try and control and regulate the activities of these groups. One is the 2008 Montreux Document, whose development was led by the Government of Switzerland and the International Committee of the Red Cross, and which is intended to promote respect for international humanitarian law and human rights law in contexts where private military and security companies are present in armed conflicts. Out of the Montreux Document process emerged the International Code of Conduct for Private Security Providers. An association of private military and security companies continues to promote dialogue between them on their interests. However, while important, these efforts are voluntary in nature, and attempts to create an internationally legally binding arrangement have remained elusive.

Several States have put in place legislation regarding private military and security companies and their use of foreign nationals. When considering these issues, practitioners should therefore identify and examine the appropriate national legislation for both the country in which the companies are operating and those from which foreign nationals are drawn.

5.2.3 Pastoralists

Pastoralism in its different forms continues to be an important source of livelihood for significant numbers of people. There are an estimated 268 million pastoralists in Africa alone. Pastoralism is critically dependent on mobility and the use of transient resources in areas with often fragile ecosystems, and has evolved and changed over thousands of years. Use of resources often involves the crossing of international borders.¹²

Pastoralists and conflict are often conflated in discussions on border security. While competition and contestation over access to resources such as pasture and water can give rise to conflict between pastoralist groups and those who rely on other livelihood systems, such as settled farmers, the reasons for this are often complex, with pastoralists themselves often negatively affected by other conflict drivers and trends.

In the context of cross-border movements, it is important to recognize existing pastoralist groups as among those with legitimate reasons to cross borders in pursuit of their livelihoods and to try and ensure that security protocols and screening procedures established to manage cross-border security do not impede freedom of movement more than necessary and do not result in specific groups' being singled out for

suspicion or stigmatization. Such restrictions may exacerbate conflict and insecurity rather than prevent it.

5.2.4 Cross-border traders

Small-scale cross-border trade, which is often informal in nature and dominated by women, is an important means of livelihood in many border areas. It also enables and facilitates contact between communities that may be isolated because of conflict and insecurity. As with pastoralists, it is important that cross-border trade is not impeded more than necessary by procedures related to security and screening. In some instances, cross-border traders may be important sources of information to DDR practitioners on issues related to cross-border movements and associated challenges.

5.2.5 Foreign terrorist fighters

Foreign terrorist fighters are individuals who travel to a State other than their State 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. In situations where foreign terrorist fighters may be present, specific actions and measures will be required by States, but these are not covered in this module. All said measures must be implemented in accordance with international human rights law, international humanitarian law and international refugee law.¹³ Specific references to the international counter-terrorism framework can be found in IDDRS 2.11 on The Legal Framework for UN DDR.

5.3 Notes on internment and its legal basis

Internment is not the responsibility of DDR practitioners but rather the host State. If a national authority seeks advice and support in relation to internment, DDR practitioners shall seek advice and refer to human rights, legal and political affairs personnel. Overall guidance can be found in IDDRS 2.11 on The Legal Framework for UN DDR.

The International Committee of the Red Cross (ICRC) defines internment as a specific kind of deprivation of liberty. Internment refers to the non-criminal detention of a person based on the serious threat that their activity poses to the security of the detaining authority in relation to an armed conflict. It is only lawful when imperative reasons of security require it (paras. 755 and 759, ICRC Commentary on Common Article 3 to the Geneva Conventions, 2020). In situations of armed conflict, it can be ordered by the executive branch – not the judiciary – without criminal charges being brought against the internee. Internment is an exceptional measure that is sometimes used to control or manage foreign combatants. While combatants may be subject to internment on account of their membership in armed forces (for imperative reasons of security), the internment of civilians must only be undertaken on an individual basis. Collective internment based on ethnicity or nationality is prohibited under international law.

If legal requirements are followed, some form of internment or other restrictions of movement may be placed on foreign combatants, including in some instances as a component of peace or ceasefire agreements. Any rules and procedures aimed at avoiding risks posed by foreign combatants or fighters, including restrictions on freedom of movement, places of residence and travel, deprivation of liberty, detention or

internment, must be based on a clear legal framework and are subject to IHL, IHRL and refugee law.

It is important for DDR practitioners to understand the legal basis for internment, as those responsible for DDR are likely to be in contact with both those interned and those responsible for internment. Because of the potential for internment to be abused and, particularly, for it to amount to arbitrary detention, several principles and safeguards must be in place and adhered to. In interactions with those responsible for internment, DDR practitioners must advocate for these principles and safeguards to be upheld. They are summarized in Box 1.

TABLE 1: PRINCIPLES AND SAFEGUARDS FOR INTERNMENT

PRINCIPLES	SAFEGUARDS
<ul style="list-style-type: none"> ■ All those interned must be properly registered and held in recognized places of detention. ■ Internees must be informed of the reasons and grounds and legal basis for their internment, and the grounds and required procedures must be sufficiently clear, transparent and accessible to allow challenge of the initial decision before an independent and impartial body in a language they understand. ■ Procedures must be in place to allow for appeal without prejudice to other proceedings. ■ The legality of internment should be reviewed on a regular basis (at least every six months). ■ National authorities of a person interned must be informed unless a wish to the contrary has been expressed by the person concerned. <p style="font-size: small; margin-top: 10px;">Adapted from Guidance Note on Maintaining the Civilian and Humanitarian Character of Asylum, UNHCR, 2018.</p>	<ul style="list-style-type: none"> ■ Torture and cruel, inhuman or degrading treatment are prohibited in all circumstances. ■ The specific needs and potential vulnerabilities of women, girls and boys, the elderly and the disabled must be considered. ■ ICRC should have access to places of internment in order to monitor in accordance with its mandates and operating modalities. ■ Women should not be held together with men and should, as far as possible, be under the supervision of women, with adequate measures to prevent SGBV. ■ To ensure the civilian and humanitarian character of asylum, combatants/fighters should not be accommodated within a refugee site (even within a section of the site). ■ Possible protection concerns related to the housing of different categories of people together should be carefully considered. ■ Protection from (sexual) violence and harassment should always be ensured, and personnel should receive training on sexual exploitation and abuse. ■ Clearly communicated, confidential mechanisms to report sexual exploitation and abuse, harassment and sexual violence should be established.

Practical issues related to internment are considered further in section 7.2.3, and issues related to children deprived of their liberty are highlighted in section 8.1.



6. Interventions to resolve issues related to foreign combatants

Interventions should always be led by proper planning and the development of evidence-based responses. IDDRS 2.10 on The UN Approach to DDR makes it clear that “do no harm” is a standard against which all DDR programmes, DDR-related tools and reintegration support shall always be evaluated. Proper planning is critical to ensuring that these undertakings can be met and effective interventions appropriate to the context put in place. This is particularly important in the highly complex security environments in which DDR support is often requested, especially in situations involving cross-border population movements.

6.1 Considering potential options

Repatriation and reintegration in the country of origin will be the most tenable and durable solution for the majority of foreign combatants and associated persons, as long as the situation in their country of origin allows. Key actions in support of this outcome are the main focus of section 7. In situations where individuals or groups are either unable or unwilling to repatriate, several other potential solutions may be explored and applied.

6.1.1 Local integration

In some contexts, foreign combatants and associated persons, including dependants, may be offered the right to stay by host country Governments. This option will be highly dependent on the relationship of the group or individuals with local communities and authorities and the conflict situation in the country. If this option is to be considered by host Governments, it should be consistent with wider conflict and peace-building frameworks.

If this option is used, there may be little or no requirement for DDR support or, alternatively, foreign combatants may go through a DDR process offered by the host country, if one exists. If admitted into DDR programmes in the host country, foreign combatants must understand that this is likely to mean they may be excluded from repatriation and reintegration support in their country of origin unless specific arrangements are made. It is also important that their and their families’ legal status is properly dealt with in relation to right of stay and citizenship and access to services, etc.

6.1.2 Refugee status in host country

In some circumstances, foreign combatants who have renounced armed violence may be granted asylum and refugee status. If they wish to do so, foreign combatants can be admitted into eligibility procedures. However, in line with maintaining the overall integrity of the institution of asylum outlined in section 5.1.6, this process involves the robust exploration and establishment of the following:

- a. The individual has genuinely and permanently given up arms and his/her status as a combatant/fighter, and has become a civilian.
- b. The individual meets the definition of a refugee under the 1951 Refugee Convention. This includes a determination that the individual is not excluded from being offered protection as a refugee under refugee conventions. According to article 1F of the 1951 Convention, grounds for exclusion related to a person’s

criminal conduct include crimes against humanity, war crimes, crimes against peace, serious non-political crimes committed outside the country of claimed refuge, and acts contrary to the purposes and principles of the United Nations. It should be noted that exclusion is justified only if it is determined that an individual incurred individual responsibility for one or more of these acts; mere membership in a group that committed such acts is not sufficient.¹⁴

6.1.3 Relocation to a third country

Relocation to a third country may be an option for a small number of foreign combatants and associated persons who are unable or unwilling either to return home or remain in the host country. However, third countries are often very reluctant to consider applications of this type from persons who have previously been active combatants. Such options may be explored by the host country through diplomatic contacts or occasionally by the UN if requested.

6.2 Initial assessment and information requirements

This section highlights several key steps and processes to be considered in planning. Time should be spent considering the range and type of stakeholders and information sources available to answer some of the questions below. As much use as possible should be made of existing data sources. Issues of confidentiality and do no harm must be carefully considered in relation to the access and use of information. Much of the information in this section will be of interest not only to DDR practitioners but all those involved in wider conflict resolution and peacebuilding efforts. Data-gathering using multidisciplinary and inter-agency teams offers the best chance of obtaining reliable and comprehensive information as well as optimizing the use of time and resources. DDR practitioners should ensure, in particular, that available information related to group dynamics and structures is systematically collected and analysed (see section 6.2.2).

6.2.1 Conflict and security analysis

It is crucial to understand both the wider conflict and security context that is being dealt with as well as the specific issues related to the groups involved. It is important that the situation and contexts on both sides of the border are analysed and considered. Some of the issues that require initial assessment and analysis are highlighted in Table 1.

TABLE 2: CONFLICT AND SECURITY ANALYSIS – ISSUES TO CONSIDER AND RATIONALE

ISSUES TO CONSIDER	RATIONALE FOR INCLUSION IN ANALYSIS
Conflict and security context	
<ul style="list-style-type: none"> ■ If there is ongoing conflict (in either country), who are the main groups involved and what are their positions, interests and military capabilities? What are the risks of spillover or further escalation? ■ What are the stated causes and drivers of conflict, and are there other underlying factors/ reasons that should be understood? ■ What are the gender dimensions of the conflict and security context? ■ How many armed groups and affiliations are there? What types of groups are present, and in what numbers? 	<ul style="list-style-type: none"> ■ Analysis of the conflict context and drivers is critical when considering potential options for intervention. Principles of do no harm must be carefully considered. ■ In many contexts in which DDR programmes are requested, conflict dynamics are complex and multifaceted, often involving more than one group with allegiances sometimes shifting over time. An understanding of context will help identify the practical options available as well as risks that must be considered.
Cross-border relationships	
<ul style="list-style-type: none"> ■ Are there historical links and relations between communities on either side of the border, and what is their basis (e.g., ethnic ties, trade, competition/cooperation over resources)? How has the conflict affected these? ■ Are major population movements anticipated, and in what numbers and locations? ■ What is the relationship between foreign combatants, associated persons and local communities in areas in which they operate in the host country? Are they involved in attacks against those communities, or do they have good relations? ■ What is the relationship between foreign combatants, associated persons and communities in their country of origin? Are they likely to be welcomed back, or will some sections of the community have concerns/ issues? <p>What other groups adjacent to the border, or who regularly cross it, are impacted by the conflict and/or may be affected by increased border security measures? What can be done to build trust and cooperation?</p>	<ul style="list-style-type: none"> ■ Understanding cross-border relationships and how these have both affected conflict dynamics and been changed by them is important when considering options for safe return. ■ In some instances, foreign combatants may have such poor relations with host communities that this presents major security risks for foreign combatants and associated persons themselves as well as the communities concerned. In other situations, they may be able to peacefully coexist. In countries of origin, their return may be longed for or feared – or both – and the complexities of this must be understood. ■ Cross-border communities who had historical ties may have become alienated from one another because of conflict, and the actions of armed groups may have been a major component of this. Developing links and dialogue can help build and sustain peace and encourage successful return and reintegration. ■ Identifying legitimate cross-border activity and protecting the rights of those engaged in it may help prevent further conflict.

ISSUES TO CONSIDER	RATIONALE FOR INCLUSION IN ANALYSIS
Position of national authorities	
<ul style="list-style-type: none"> ■ What is the nature of the relationship of foreign combatants with the host country Government? Are they involved in conflict in support of the recognized Government, in support of groups involved in conflict, against it or neither? ■ Is the existence and presence of foreign combatants acknowledged by the authorities on both sides of the border? ■ Has the group involved been listed/ designated as a terrorist organization – domestically, regionally or internationally? ■ What is the nature and status of relationships between the host country and countries of origin at diplomatic and security levels? ■ What is the status of relationships and trust between Governments, their security agencies, and communities on both sides of the border? ■ Does the Government acknowledge that there are women within the armed group? 	<ul style="list-style-type: none"> ■ Relationships between Governments will play an important part in determining the ease of deescalating tensions. ■ Although dialogue at national levels is important, contacts between local authorities on either side of a border can prove extremely useful in identifying practical mechanisms to improve security and establish dialogue, including on issues related to foreign combatants/fighters. ■ Knowing whether a group has been listed as a terrorist organization is important, as it has implications for the handling of both combatants and others associated with the group, including family members/ dependants. Legal advice and guidance should be sought. ■ It is important to consider the nature of relationships between communities, authorities and security agencies. Strained relationships may have contributed to conflict and if not addressed could make reintegration a major challenge.

6.2.2 Assess group dynamics and structures

As detailed information as possible will need to be gathered and processed on the group(s) that need to be engaged with. This will help facilitate tailored responses to their specific challenges and needs as well as an understanding of the risks involved in interventions with the group. Key issues are highlighted in Table 2.



TABLE 3: ISSUES TO CONSIDER INVOLVING GROUP STRUCTURES, DEMOGRAPHY, HEALTH AND SOCIAL STATUS

ISSUES TO CONSIDER	RATIONALE FOR INCLUSION IN ANALYSIS
Structures and motivations	
<ul style="list-style-type: none"> ■ Do foreign combatants represent a discrete group, or are they embedded within other armed groups operating within the host country? If so, what are the primary motivations for this – e.g., support for the objectives of parties to the conflict, financial gain, control over key resources? What are their command-and-control structures? ■ 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 parties to conflict in the host country, their country of origin or both? ■ What are the motivations and rationale for women who are part of the structures as combatants, associated persons or dependants? Are they there voluntarily or forcibly? ■ Is sexual violence used by the armed group against others? ■ Is sexual violence occurring within the armed group/associated groups/family members? ■ What is known about forms of recruitment used by the group – are combatants/fighters willing members, coerced, abductees, etc.? ■ Are foreign combatants likely to be willing participants in DDR? ■ Are they surrendered, captured or defecting? ■ How many of the group are combatants, and how many may be considered to be associated persons? What is the nature of association and what roles do they perform? ■ Does the group include family members and dependants, and are they travelling with the group or are they located some distance away? 	<ul style="list-style-type: none"> ■ Understanding group motivations, command-and-control structures and combatants' reasons for being present in another territory is critical to planning appropriate responses. ■ Forms of recruitment used will provide vital information about the group and its likely resilience to pressure and willingness to engage in dialogue. ■ Knowing if groups are seeking or are likely to seek a negotiated exit, or whether they will emerge in small groups or as individuals, will help determine required levels of preparedness and support as well as potential risks and needs in terms of internment and the protection of vulnerable groups and surrounding communities. ■ It is important to try to understand who within a group are combatants and who may be considered associated persons. Understanding how individuals can be described and whether they include family members and dependants can be complex and difficult but is important. How individuals and groups are defined and described is likely, in many instances, to be highly context and group specific and sensitive.

ISSUES TO CONSIDER	RATIONALE FOR INCLUSION IN ANALYSIS
Demographics, health, and social status	
<ul style="list-style-type: none"> ■ What information is available about overall numbers of people involved and locations of origin? Is the group homogeneous in terms of cultural and linguistic characteristics? ■ Are there allegations that children are being associated with the armed groups? ■ What is known about the number of children, their gender and any roles they have been fulfilling? ■ If children are allegedly associated with armed groups, what is known about the forms of recruitment? ■ Are they in the group alongside their parents or separated from usual caregivers/unaccompanied? ■ What proportion of the group are thought to be women, and what were their roles/functions, i.e., active combatants, support functions, forced sexual partners, etc.? ■ What is known about the overall health status of the group – are there any estimates of the number of sick, injured or disabled members? Are there pregnant women? 	<ul style="list-style-type: none"> ■ Information on numbers is essential for all forms of planning both in host countries and areas of return/origin. It may also be difficult to obtain accurate information, as groups may be unwilling to divulge it. Triangulating estimates from a variety of sources may prove the most reliable method. ■ Information on the age and gender composition of the group is important to plan services, including the need for segregated accommodation, etc., and, alongside information on recruitment modalities, may also give an early indication of the scale of needs for SGBV services and support. ■ Information on the presence of children and their roles within the group will help determine the nature and scope of services to be established to plan an appropriate response and meet their needs. ■ Information on health and disability among the group is vital for initial planning and for long-term service delivery. This is important both to help plan for immediate needs, including during any periods of internment or gathering and during transportation in the case of return, but also for long-term planning for reintegration support and service provision in countries of origin (see also IDDRS 5.70 on Health and DDR and IDDRS 5.80 on Disability-Inclusive DDR).

6.3 Eligibility for DDR and issues related to specific groups

Establishing eligibility criteria is important for DDR but is notoriously difficult. In the case of foreign combatants, it is particularly important to ensure that processes are put in place to verify nationality prior to repatriation and any access to associated benefits or support that may follow. In general, DDR should be open to all persons who have taken part in conflict, including foreigners and nationals who have crossed international borders, with arrangements within programmes then established to determine options available for foreign nationals. Sensitization is needed both in countries of origin and host countries to ensure that all persons entitled to participate in DDR programmes are aware of their right to do so. Special attention shall be given to ensuring



women are aware of their rights and opportunities to enter programmes. Entry into DDR programmes shall always be voluntary.

In situations where conflict is ongoing, and individuals or groups may be emerging because of being captured in battle or surrendering, issues around eligibility can become particularly complex. In some instances, individuals may even be re-recruited or rejoin armed groups, and there may be strong arguments for denying such people access to DDR or support. At the same time in some contexts, recruitment methods such as abduction and coercion may also feature highly, and individuals may have limited choices or agency. Eligibility criteria must therefore be developed based on the context faced, and status determination should be undertaken by relevant national and local authorities with support from UN missions and agencies. Special attention should be given to children at all times (see IDDRS 5.20 on Children and DDR). While it is important that the eligibility criteria are context specific, it is equally important that they are clear, compatible with relevant legal frameworks (see section 5), and consistently and unambiguously applied.

6.3.1 Mercenaries

As highlighted in section 5.2.1, not every foreign combatant meets the definition of a mercenary. In reality, it may sometimes be difficult to distinguish between mercenaries and other types of foreign combatants. Even when a foreign combatant may fall within the broad definition of a mercenary, this does not limit the State's authority to include such a person in DDR despite any legal action States may choose to take against mercenaries and those who recruit them or assist them in other ways. It is important to provide viable options and exit strategies in order to break the cycle of recruitment and weapons circulation and provide the majority of individuals with sustainable alternatives so that the rank and file of such groups may often be included in programmes. DDR practitioners may consider establishing specific criteria to deal with such cases. Issues to consider might include:

- Who is employing and commanding mercenaries, and how do they fit into the conflict?
- Do mercenaries pose specific risks to the peace process, and are they factored into peace accords or frameworks?
- If there is resistance to account for mercenaries in peace processes, what are the underlying political reasons, and how can the situation be resolved?
- How can mercenaries be identified and distinguished from other foreign combatants/fighters?
- Do individuals have the capacity to act on their own? Do they have a chain of command?
- If so, is their leadership seen as legitimate and representative by the other parties to the process and the UN? Can this leadership be approached for discussions on DDR?
- Do its members have an interest in DDR?
- If mercenaries fought for personal gain, are DDR benefits or activities likely to be large enough to make them genuinely give up armed activities?
- If DDR is not appropriate, what measures can be put in place to deal with mercenaries, and by whom — their employers and/or the national authorities and/or

the UN? Depending on the context, it may be appropriate to have different options available for the rank and file and leaders/recruiters, etc.

6.3.2 Foreign terrorist fighters

As mentioned in section 5.2.5, foreign terrorist fighters are individuals who travel to a State other than their State 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. DDR practitioners need to be aware that Member States have specific obligations under the international counter-terrorism framework, and that this may have implications for screening and repatriation processes in particular. Specific references to the international counter-terrorism framework are contained in IDDRS 2.11 on The Legal Framework for UN DDR.

6.4 Criminal prosecutions and transitional justice

Criminal prosecutions are not the remit or responsibility of DDR practitioners. At the same time, it is important that DDR should not be construed or perceived as providing pathways to impunity for international crimes and serious human rights violations and abuses.

DDR practitioners need to be aware that some foreign combatants and associated persons may be subject to legal processes, particularly where they are accused of serious crimes and may be prosecuted in host countries, or returned to their countries of origin or to third countries to face justice. It is also important to note that the principle of non-refoulement applies, with those handing over individuals still obliged to ensure that they will not face torture or inhumane or degrading treatment if being repatriated.

In many contexts, transitional justice approaches may be used to help ensure accountability for victims and promote truth seeking, reparations and guarantees of non-recurrence. Applied appropriately, transitional justice and DDR can support each other by helping to reinforce community security and social cohesion. To achieve this, close consultation and interaction is required at all stages of planning and implementation. Those responsible for planning DDR processes, including those dealing with foreign combatants, should seek early and regular consultation with those working on transitional justice. Further guidance may be found in IDDRS 6.20 on DDR and Transitional Justice.

7. Design and implementation of interventions

7.1 Identify and strengthen policy and coordination frameworks

Identifying relevant policy and coordination frameworks in the region affected and at country levels is an important step in planning, as it will help to determine potential responses and priorities for further action and development. Close coordination and links among all those working on DDR and related issues in a region are essential. There should be regular coordination meetings on DDR among UN missions, national commissions on DDR or competent government agencies, and other relevant agencies.

TABLE 4: ISSUES TO CONSIDER – POLICY COORDINATION FRAMEWORKS AND PROCESSES

ISSUES TO CONSIDER	RATIONALE FOR INCLUSION IN ANALYSIS
<ul style="list-style-type: none"> ■ Is there a peace agreement or process in place, and, if so, does it include reference to or clauses related to foreign combatants? Do they recognize foreign women? ■ Are there specific institutions or groups with responsibility for DDR in the host country and country of origin? ■ Is there a DDR or reintegration process in operation on both sides of the border, and are foreign combatants/fighters eligible for DDR – or is there a wider regional framework in place? What is the entrance criteria? ■ Where national DDR processes are in place on either side of the border, do they have similar provisions and support packages? ■ If DDR is not in place, is there scope for the use of DDR tools or reintegration support – and how will these apply in terms of cross-border cooperation and coordination in practical and legal terms? 	<ul style="list-style-type: none"> ■ In situations where a formal end to hostilities occurs, peace agreements may include clauses related to DDR, including foreign combatants and specific measures put in place to support particular groups, e.g., children. ■ In instances where DDR commissions or similar entities exist, this will make dialogue on practical issues easier. Where they don't, it will be important to determine which part of Government is given responsibility for handling and coordination of issues related to these groups. ■ DDR tools and reintegration support should respond to the context where they are needed. However, if within a region they provide significantly different levels of support, this can create problems associated with recycling or double dipping, with individuals and groups attempting to benefit from multiple programmes.

Specific agreements surrounding the repatriation of foreign combatants and protocols related to this are discussed and considered in section 7.2.

7.2 Issues to consider within the host country

7.2.1 Entry into DDR

As highlighted in section 6.1, the establishment of options for foreign combatants and associated persons should follow a detailed analysis of the context in the host country and country of origin as well as of the groups involved, including their composition. As noted previously, return to their country of origin will be the most tenable and durable solution for the majority of people. However, in situations where individuals or groups are either unable or unwilling to repatriate, asylum may be granted where it can be verified that they have genuinely and permanently renounced military activities, provided it is determined that they are eligible for international protection as refugees or under international human rights law.

In all these circumstances, some form of DDR – whether a formal programme, a DDR-related tool or reintegration support – is likely to be needed, with its precise scope and components determined by the context. Entry into or referral to such programmes may take different forms depending on the situation. In some circumstances, large groups may be offered entry into a DDR process as part of negotiations or formal

agreements; in other cases, individuals or small groups may self-refer or be referred by others.

Entry into DDR shall be voluntary, with an individual making an informed choice to participate. It should also be based on an assessment as to whether an individual meets the eligibility criteria and that there is no reason for their exclusion (see IDDRS 2.11 on The Legal Framework for UN DDR).

Trust in a process may take time to establish. Foreign combatants are likely to have specific concerns about security and what will happen to them during DDR and, in particular, about repatriation to their country of origin. It is vital that questions of this nature are answered honestly and as fully as possible by all those concerned. It is also important that expectations are managed carefully from the outset. Information and communications with stakeholders need to be tailored to address their specific concerns. Further guidance on strategic communications can be found in section 8.5 of this module and in IDDRS 4.60 on Public Information and Strategic Communication in Support of DDR.

7.2.2 Disarmament

It is important that disarmament of foreign combatants is carefully planned and implemented, as it should be for any other group. Whether or not individuals and groups being dealt with have weapons will depend on the context. Small groups or individuals leaving armed groups may not always do so with their weapons. In some cases, groups may be disarmed at the border of the country to which they will return.

Disarmament should involve the collection and registration of weapons and their safe and secure storage, transportation and disposal in line with international guidelines and standards. Discussion may need to take place and agreements reached over whom items such as vehicles or other equipment should be eventually handed over to. It may be authorities in the host country or the country of origin. It is important that it is properly agreed and discussed between the Governments and authorities concerned.

In addition to the sections below, IDDRS 4.10 on Disarmament and IDDRS 4.11 on Transitional Weapons and Ammunitions Management may be referred to for further guidance.

7.2.3 Screening and verification

The overall objective of screening in relation to DDR is to ascertain if an individual is eligible to participate in DDR (see IDDRS 2.11 on The Legal Framework for UN DDR and IDDRS 4.20 on Demobilization). In situations where the presence of foreign combatants is known or suspected, screening will also be intended to help separate foreign combatants from civilians.

Initial screening: In an ideal situation, initial screening to identify foreign combatants should be done at or near the border or other entry points, with separate screening areas for women. In most circumstances it is the responsibility of the host State to do this. In practice, in some contexts this may prove to be almost impossible, and might even increase the risk of violence; depending on the context, the initial screening may occur farther away from the border or at a later point in time.

Practicalities associated with the initial screening need to be carefully considered by all involved, including those from UN agencies and missions who may be involved in monitoring and the provision of technical advice and training on disarmament and

screening to host Governments, including their security forces or agencies. Maintaining safety and security and upholding the civilian and humanitarian nature of asylum will be important considerations when determining the extent and nature of screening processes. Much will depend on relationships between the countries involved and cross-border communities, and for this reason the overall background and conflict context must be carefully analysed and understood (see section 6). Advice and guidance contained in the Human Rights Due Diligence Policy on United Nations Support to Non-UN Security Forces must also be carefully considered and followed.

It is important that procedures and processes are thought through and are not perceived as obviously discriminatory, particularly if these appear to be based on ethnicity or religious affiliation. Issues related to data protection and the use of information from a protection and do no harm perspective must be carefully considered. As far as possible, self-determination and reporting should be encouraged. However, additional criteria and checks are an important mechanism for identifying and avoiding any possible perverse incentives associated with potential later admission to DDR and the inflation of group numbers in order to obtain actual or anticipated benefits. Given that being identified as a foreign combatant may lead to a high degree of stigma, the burden of proof required to assign the status of foreign combatant should be high and mechanisms for appealing decisions should be in place. Potential techniques for identifying foreign combatants are summarized in Table 4.

TABLE 5: POTENTIAL TECHNIQUES FOR IDENTIFYING FOREIGN COMBATANTS/FIGHTERS

Self-identification	<ul style="list-style-type: none"> ■ Especially in situations where it is known that the host Government has facilities for foreign combatants/fighters, some combatants/fighters may identify themselves voluntarily, either as part of military structures or individually. Providing information on the availability of such facilities to combatants/fighters may encourage self-identification. However, it is important to consider the safety and security of such sites and surrounding areas.
Appearance	<ul style="list-style-type: none"> ■ Military uniforms, weapons and arriving in troop formation are visible signs of combatants/fighters. Even where there are no uniforms or weapons, those with military and security experience may recognize military and security personnel – from appearance, demeanor, gait, scars and, in some instances, wounds.
Statements and behaviour	<ul style="list-style-type: none"> ■ Use of military language and commands can indicate possible membership in armed groups. Statements of intention or wish to return to country of origin to fight, past participation in military or armed activities, and statements of support to specific armed groups or armed forces may also be relevant. ■ Long or repeated absences or returns to the country of origin (without credible explanation or reasons) can also be indicative of membership.
Identification by third parties	<ul style="list-style-type: none"> ■ In some instances, host communities or refugees may provide information about the identity or presence of foreign combatants or strangers. Information from third parties should be carefully verified, and potential risks to all concerned about acting on such information considered.

Screening procedures and criteria shall be tailored to age and gender, including the specific needs of women and girls. Children, including children associated with armed forces or armed groups (CAAFAG), must be given priority for processing in accordance with the guidance provided in IDDRS 5.20 on Children and DDR. This will include the presence of child protection actors during the screening process, as well as separate arrangements during the screening and the provision of ongoing protection and interim care of children unless they are accommodated with a parent/caregiver, and this has been determined to be in the child's best interests.

It is particularly important to prioritize and screen for victims of human trafficking, as they may suffer re-victimization if treated as criminal offenders rather than victims of a serious crime. Those involved in determining and implementing identification procedures should be aware of the complex victimhood and vulnerabilities of persons trafficked and not operate according to stereotypes.

Verification of nationality: Processes and procedures to determine nationality will be required prior to any repatriation process. Establishing practical processes to determine nationality should include dialogue with the persons involved and officials from their countries of origin. It might also include those responsible for reintegration programming in the country of origin and/or immigration officials and relevant government departments, as well as cooperation with specialized agencies, where appropriate. In some situations, support might also be usefully sought from local leaders in countries of origin who may be able to assist in verifying an individual's place of origin or extended family and clan networks. In situations of ongoing conflict and insecurity, the risks associated with screening should be carefully assessed.

Health and vulnerability screening: This is normally a component of demobilization processes and includes physical health, including reproductive health, HIV/AIDS and STIs, sexual violence, and mental health. It is essential to plan for maternal health services availability on site in case of pregnant or lactating mothers (see IDDRS 4.20 on Demobilization and IDDRS 5.10 on Women, Gender and DDR). Whether an in-depth health screening is carried out in the host country or is undertaken in the country of return or relocation will to some extent depend on the context and security situation. However, at a minimum it is important that health status is ascertained, and any vulnerabilities are identified and catered for prior to travel.

Documentation and registration: Screening and registration processes increasingly make use of the collection of biometric data (e.g., fingerprints), which can be an important tool in attempts to prevent recycling and multiple registration. The use of this type of technology is widespread, but when sharing information, issues related to how it may be used by third parties need to be carefully considered. Appropriate data protection procedures must be in place, and those being screened for entry into a DDR programme should give their informed consent for the collection of biometric data. Particular care must be exercised in the capture and use of data on children, and information collected for humanitarian purposes should not be shared for military or intelligence purposes.

7.3 Safe repatriation

As previously highlighted, the repatriation of foreign combatants is the preferred solution if they do not have a legal basis for remaining and as long as their return is not

in violation of the principle of non-refoulement. Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

7.3.1 Confidence building

It may take time to build confidence that it is safe to return. Foreign combatants and associated groups may wish to receive assurances regarding their legal status, physical security and options for reinsertion and/or reintegration support. In addition to the provision of accurate information, including about the situation in return areas, support might be offered to family tracing and the re-establishment of family contacts. This needs to be undertaken carefully, and in line with do no harm principles. In some contexts, and depending on the security situation, visits by local leaders from the country of origin to the locations where foreign combatants are located may be helpful. Specific protection risks and threats to women's return shall be planned for with viable options that prioritize do no harm.

7.3.2 Repatriation agreements

As part of regional DDR processes, agreements should be concluded between countries of origin and host countries to allow both the repatriation and the incorporation into DDR programmes of foreign combatants and associated groups. UN peacekeeping missions, where present, national Governments and regional organizations all have a key role to play in carrying out such repatriation agreements, particularly in view of the sensitivity of many of the issues involved. They should include clear descriptions of the roles and mandates of all key stakeholders.

Agreements should contain guarantees for the repatriation in safety and dignity of those concerned, bearing in mind, however, that States have the right to try individuals for criminal offences, unless they have declared amnesties on specific issues. Guarantees in this context may include an amnesty for desertion or an undertaking that no action will be taken in the case of former combatants/fighters from the government forces who laid down their arms upon entry into the host country. The UN does not endorse provisions that include amnesties for genocide, war crimes, crimes against humanity and gross violations of human rights, and relevant Security Council resolutions relate to Member States' obligations to bring those responsible for terrorist crimes to justice. Those facing potential prosecution in their home countries are likely to be returned under additional legal agreements, including extradition arrangements in some cases, and not under the auspices of DDR programmes. If there are doubts or concerns about the status of individuals or their rights, specific legal advice should be sought or referral made.

Repatriation agreements may also provide the basis for determining nationality in line with requirements highlighted under section 7.2.4. This would include methods of determining the nationality of those involved, deciding on the country in which those involved will participate in a DDR programme and determining the country of eventual destination. Additional considerations need to be made where civilian spouses and children are of different nationalities than the foreign combatants, taking into account their views and wishes and the best interests of the child.

Repatriation agreements should also acknowledge the right of civilians to apply for asylum and to have their refugee claims determined by the competent authorities in line with international legal standards.

7.3.3 Travel as a component of DDR

Safe and secure travel should be properly planned for and resourced. Governments and UN missions will be responsible for repatriation movements of foreign combatants/fighters and their families. Such movements should be based on informed consent and will require pre-departure and travel support, including internal transportation, assessments to identify conditions of public health significance and determine fitness to travel, and provision of medical escorts where necessary. Although it should already have been considered and discussed, an assessment of any risks of ill treatment, persecution or other human rights violations that could result from the return to country of origin must be conducted. Foreign combatants and associated persons should be screened against a set of criteria, including medical status, documentation and vulnerabilities.

Authorities in both locations should agree on travel documents required and how immigration will be facilitated. Movements in the context of voluntary return and repatriation should broadly consist of the three phases highlighted in Table 5.

TABLE 6: REPATRIATION PHASES AND KEY CONSIDERATIONS

<p>Pre-departure</p>	<ul style="list-style-type: none"> ■ Consists of identification, screening and selection processes, including confirmation of the voluntary nature of return. It may also include family tracing/reunification and bio-data collection. ■ Individual health assessments as well as “pre-embarkation checks” should be conducted to ensure the travelers are fit to travel. If medical conditions are identified, appropriate measures are to be taken, such as treatment and medical escort or support during travel. ■ Pre-departure “orientation” should explain the process and procedures, and there should be an opportunity for Q&A, overview, briefing and preparation in advance of the travel so that those involved know what to expect. ■ In the case of unaccompanied children, special age- and gender-appropriate protection measures shall be undertaken, in coordination with child protection actors.
<p>Travel</p>	<ul style="list-style-type: none"> ■ Organization and issuance of appropriate individual (or group) travel documents and identification or government-issued laissez-passer. This includes organization of transportation (land, air, sea or some combination) and luggage tagging and respecting volume/weight limits, as well as provision of operational and medical escorts. ■ Depending on the routing or type of travel, there may be transit assistance at airports or other locations by the assisting agency in these locations. ■ In the case of unaccompanied children travelling alone, a social worker/child protection actor should accompany him/her.
<p>Arrival</p>	<ul style="list-style-type: none"> ■ Reception at port of entry with immigration and customs formalities, retrieval and distribution of luggage, accommodation and catering. ■ Referral and follow-up on any health needs. Post-arrival orientation should include appropriate officials from the country of return. ■ In the case of unaccompanied children, safe interim care and family reunification where in children’s best interest.



Every effort should be made to ensure that family unity is preserved in repatriation movements. UN missions, where existing, should support the Governments of the host country and country of origin by assisting with the logistics, including transportation. Where foreign combatants have family members or other dependants in refugee sites and settlements, there should be close consultation with relevant entities so that the voluntary repatriation of family members can be coordinated. Maintaining family unity during repatriation is normally in the best interest of the child and should be respected. In cases where it is not possible to repatriate combatants and family members as family units, mechanisms to reunite the family upon return should be established and proper interim alternative care, preferably with extended family, should be ensured for children, consistent with their best interests. However, it is important to note that in some instances women, in particular, may have been coerced into relationships with foreign combatants, and in these cases separate arrangements for safe return and reintegration will be needed.

Spouses (including of traditional marriages) and their children who are not citizens of the country to which they are travelling should be allowed by the Government concerned to enter and live in that country as a family unit with an appropriate legal residence status consistent with relevant immigration laws if that is their wish, having been informed of all available options.

7.4 Issues to consider in the country of return or relocation

7.4.1 Situation analysis in return areas

The successful reintegration of foreign combatants and associated persons is likely to be a key priority in wider efforts to build and sustain peace. If it is unsuccessful, some among the group may be at a high risk of recycling and recruitment in the future, both in their countries of origin and across the wider region. Prior to return, it is therefore important that assessments are made of the situation in the country of return. Planning for reintegration support should be based on a broad range of conflict-, gender- and age-sensitive assessments conducted with sufficient time to allow for careful programme design. Several key issues will need to be examined and are highlighted in Table 6; however, comprehensive guidance on assessments for reintegration can be found in IDDRS 4.30 on Reintegration and in IDDRS Level 3 modules on Structures and Processes.

TABLE 7: KEY ISSUES TO CONSIDER IN AREAS OF RETURN

<p>Security concerns of those returning</p>	<ul style="list-style-type: none"> ■ Understand what safety and security assurances are likely to be needed for those returning, including children who might have been associated with armed groups. Consider whether guarantees of security, including freedom from prosecution, are in line with standards as they apply to international and human rights law. Where transitional justice processes are in place, their applicability to those involved in DDR should be identified and understood. ■ Consider the potential for physical threats from state or non-state actors. When assessing such risks and their mitigation, consider the practical capability of local security structures or other actors to provide protection from any such threats, and not just their apparent willingness to do so. ■ Consider stigma or exclusion by communities, including for returning women and those with children born out of wedlock. ■ Consider threats related to sexual and/or gender-based violence or domestic violence.
<p>Security concerns of communities and the authorities</p>	<ul style="list-style-type: none"> ■ Spend time considering the potential security concerns of both local authorities and communities, and recognize that these may be different from the stated position of national authorities. The actions and activities of the armed group in question during conflict will be the main driver of community concerns. 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 in a positive light or seen as benign. ■ Even if previous relationships were generally positive, communities may be concerned about the return of individuals and groups whom they know may have been involved in combat and have become militarized. The sudden arrival of a significant number of foreign combatants and others, particularly in a situation that is just emerging from a period of conflict, is likely to create further social and political dynamics that will need to be understood and planned for.
<p>Availability of resources and need for services</p>	<ul style="list-style-type: none"> ■ Particularly where numbers of potential returning people are significant, it is important to anticipate the impact their arrival will have on available resources and services, bearing in mind that there may be returning refugees or internally displaced persons as well as host communities whose views and needs also need to be considered. ■ The findings of these assessments need to be factored into both immediate and longer-term plans for service delivery. As well as being important for the overall success of reintegration, tensions may arise over access to both resources and services, including economic, health issues including living with disabilities or chronic illness, and psychosocial needs including trauma-spectrum support, particularly if these were severely affected by conflict. ■ Determine the ability to support resiliency¹⁵ programs, including those aimed at rebuilding social support networks, family networks, livelihoods recovery and ties with local community.



Extensive efforts may be required to prepare the ground for the arrival of foreign combatants and associated persons and to establish new approaches to community relations and problem solving. A return to previous social structures may be unrealistic and even undesirable, especially if these played a role in conflict dynamics in the first place. Differences between groups based on political, religious, ethnic or other grounds may have impacted social cohesion and could have been further impacted or affected by conflict.

Identifying key stakeholders and enlisting their support for both DDR and wider efforts to sustain peace will be extremely important. In some cases, substantial work may be required to prepare the ground for reintegration efforts and to ensure that interventions help to promote and underpin peace. See also IDDRS 2.30 on Community Violence Reduction and IDDRS 4.30 on Reintegration.

7.4.2 Reintegration support

In addition to the sections below, IDDRS 4.30 on Reintegration may be referred to for further specific guidance.

Reintegration is a process, not a single event or point in time. Its overall success is dependent on a variety of interrelated factors that include social, economic and political aspects, some of which are considered in Table 7.

TABLE 8: FACTORS UNDERPINNING SOCIAL, ECONOMIC AND POLITICAL REINTEGRATION

Social reintegration	<ul style="list-style-type: none"> ■ Social reintegration and acceptance is an important part of this process, but foreign combatants may face particular challenges if they have been away from their country of origin for a lengthy period of time or if they are settling in a new country context. In some instances, previous family relationships and networks may have been lost or broken down, or foreign combatants may be returning with new families. This can cause new tensions within immediate households and extended family networks. Psychological trauma and challenges may be exacerbated. ■ At the community level, the provision of support to family units can be important, along with the creation of opportunities to join new groups. Support from local leaders may be sought. For some individuals, one-on-one informal mentoring might be helpful. ■ Life skills programmes are a key component of social reintegration, because such skills are critical for employability and other aspects of social and political reintegration (see sections 9.2 and 9.3 of IDDRS 4.30 on Reintegration). Examples of life skills that can be developed are self-value and self-respect, self-awareness and self-management, interpersonal skills, social and emotional intelligence, critical thinking, problem solving and decision-making, adaptability and flexibility, resilience, civic awareness, non-violent coexistence, negotiation and basic financial management. ■ Due to the intersectionality of gender identities and norms in all aspects of the reintegration process, reintegration support should include culturally appropriate training/discussions or other community mobilization activities on gender and work to actively shift harmful norms, including violent or militarized gender identities.
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<p>Economic reintegration</p>	<ul style="list-style-type: none"> ■ In post-conflict contexts, economic opportunities are often severely constrained for the whole population. Given their absence, returning foreign combatants and associated persons may have particular challenges accessing opportunities due to limited social capital and networks. This may require specific attention as part of labour and market assessments and training opportunities/placements. ■ In a significant number of contexts, livelihoods are likely to be largely agricultural or natural resource-based, with access to and ownership of land or other productive assets a major aspect of a viable livelihood. Returning foreign combatants and associated persons may find that their land rights are the subject of dispute. Women and the foreign spouses of ex-combatants may face particular challenges in securing access to land and security of tenure. National or local government efforts to gift or provide land to may be fiercely contested and could exacerbate tensions if badly handled. Brokering dialogue on these issues at the community level is likely to be important as a means of both securing land rights/access and resolving any tensions that arise. ■ It is imperative that reintegration support not only enable former members of armed forces and groups to earn a living, but that the livelihood is enough to disincentivize their return to any illicit activities they may have conducted (see IDDRS 6.40 on DDR and Organized Crime).
<p>Political reintegration</p>	<ul style="list-style-type: none"> ■ In some contexts, it may be helpful for groups of those returning to be made specifically aware of their rights and responsibilities, including in how they might be involved in decision-making and political processes in the future. Whether this is needed and the availability of the political space for it to happen will require careful assessment.

8. Cross-cutting issues

8.1 Responding to the needs of children

In addition to the brief specific points made below, IDDRS 5.20 on Children and DDR and IDDRS 5.30 on Youth and DDR should be referred to for further specific guidance.

In situations of armed conflict, children continue to be recruited and used by parties to conflict, including armed groups designated as terrorist organizations by the UN. All persons under the age of 18 who are affected by armed conflict, including children associated with armed forces or armed groups, must be considered primarily victims of human rights violations. The best interests of the child should be a primary consideration in all decisions taken about them. Issues related to the DDR of foreign CAAFAG are likely to pose specific challenges that will need attention, including from child protection specialists. Foreign CAAFAG are likely to be particularly vulnerable, and restoring links with their families and communities may prove especially challenging. Under the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, States must provide children special protection and assistance



when deprived of their family's care. States shall not discriminate against children or deprive them of their rights to protection and assistance based on their race; colour; sex; language; religion; political or other opinion; national, ethnic or social origin; property; disability; birth; or other status of the child or their parent, guardian or caregiver.

Foreign CAAFAG should be repatriated as soon as possible to their country of origin, if in their best interest. However, the determination about whether to do this depends on many factors, including the security context within their country of origin and an assessment of protection issues related to their return, both for them and their wider family and community, including issues of non-refoulement. Experience suggests that organizing and facilitating return can be a complex process that requires the support of multiple stakeholders. Specific processes and agreements will need to be put in place and standard operating procedures will be needed to formalize processes between and among the different actors to help to guarantee the security, safety and well-being of each child, and to ensure that their views are considered. All repatriations must be voluntary.

When required, States should support long-term reintegration options for children, and care and guardianship arrangements should be formalized in line with national child protection systems and alternative care principles, including the best interests of the child. Specialist advice should be sought and, where States lack capacity, support should be provided to help build it.

Children shall not be deprived of their liberty unlawfully or arbitrarily. Children associated with armed forces and groups must not be detained solely for their association with armed forces or groups. Member States should adopt protocols for the handover of children allegedly associated with armed forces and groups to civilian child protection actors, in order to prioritize their reintegration. Member States should also end the military detention of children and adopt formal protocols for the handover of children from military custody to civilian child protection actors. If DDR practitioners become aware that children are being interned, the United Nations Children's Fund (UNICEF) shall be notified and, where there is a mission, any designated child protection adviser or focal point.

If there is evidence that a child has committed an illegal act, the child shall be treated in accordance with international juvenile justice standards, which emphasize alternatives to detention and prioritize the support and social reintegration of the child. Irrespective of the circumstances of the arrest, detention or imprisonment, all efforts shall be made to end the detention of children, using it only as a measure of last resort and for the shortest appropriate period of time. Children shall not be held with adults when detained, and alternatives to detention that could contribute to children's reintegration must be prioritized.

Facilities where children are deprived of liberty must be equipped with personnel who are trained in child protection and specialize in education and psychology, and access should be facilitated for child protection actors, such as the United Nations and the ICRC.

8.2 Considerations for family members and dependants in refugee sites

Foreign combatants and associated persons may be traveling with family members or other dependants. Sometimes family members may independently make their way to the host country. If the family members have entered the host country to seek asylum, they should be considered asylum seekers or refugees after and if their claim for refugee status has been considered and accepted.

If foreign combatants mix with or stay near refugee populations and sites, this is likely to impact negatively on the security and other rights of refugees and host communities. Therefore, it is essential to do all that is possible to ensure that refugee sites and settlements do not become militarized, as this may lead to security problems, including military attacks. Conversely, sites established for the encampment or even internment of foreign fighters should not become settlements for those displaced from across the border.

Several good practices related to refugee sites and settlements are highlighted in Table 8.

TABLE 9: ISSUES TO CONSIDER REGARDING REFUGEE SITES/SETTLEMENTS AND ACCOMPANYING FAMILY MEMBERS

Location	<ul style="list-style-type: none"> ■ United Nations High Commissioner for Refugees (UNHCR) standard procedure is to locate refugee sites at a safe distance from the border (at least 50 km), as well as at a sufficient distance from conflict zones and other potentially sensitive areas (such as military installations) or other encampments.
Security arrangements	<ul style="list-style-type: none"> ■ Involve refugees in promoting their own security and dialogue with authorities. ■ Ensure visible and effective presence of police and law enforcement around camps to deter infiltration, enforce law and order, and prevent activities incompatible with camps' humanitarian character. ■ Prohibit all military activities in refugee sites and camps, including recruitment, training, propaganda and providing support to combatants/fighters. ■ Prohibit the holding, trading and bringing of weapons and ammunition to camps. ■ Carry out accommodation and housing placements with due regard to protection concerns (e.g., family members of a combatant should be protected from other refugees who may be victims of the group to which the combatant belonged). ■ Ensure all relevant actors are trained to identify all forms of human trafficking, giving particular attention to indicators of trafficking for the purposes of recruitment and forced marriage.
Social cohesion	<ul style="list-style-type: none"> ■ Ensure that leadership and coordination structures are democratically chosen and encouraged to promote and maintain the humanitarian character of camps. ■ Promote female representation in camp leadership and coordination structures. ■ Work with and train the security sector and organizations on sexual and gender-based violence issues, including the protection of women and girls, as well as on child protection issues.
Humanitarian access	<ul style="list-style-type: none"> ■ Ensure prompt, unhindered and safe access for UNHCR and other humanitarian organizations.



In practice, achieving the conditions outlined in Table 8 can be very difficult and complex, particularly in situations where conflict may be ongoing and security challenging, and where the control of the host State over territory and armed groups may be tenuous. While the primary responsibility for security and dealing with these issues rests with the host State, a multi-stakeholder approach is often required to provide appropriate advice and support. Considering the increasing complexity of armed conflicts and cross-border movements, engagement with a broad network of stakeholders is more important than ever. This may include, when appropriate, all pillars of the UN (human rights, development, humanitarian, and peace and security), other international and regional organizations, other States and other relevant actors, such as the ICRC.

In these circumstances good practices may include the establishment of structures such as Inter-Agency Task Forces to bring together all relevant actors under the leadership of the host State and the development of plans, including those specifically related to the maintenance of the humanitarian and civilian character of asylum and those dealing with foreign combatants. When considering the nature of technical and practical support and cooperation with host country security forces, Human Rights Due Diligence Policy guidance and principles must be followed.

It is important to try to maintain family links between refugee family members housed in refugee sites and settlements and combatants who may be in internment camps or other places of detention. Family links can be maintained through family tracing, exchanges of messages and family visits to internment camps.¹⁶ At the same time, it is important to recognize that some relationships within an armed group, including marriage and intimate relationships, may have been forced, and the interests and wishes of those concerned need to be carefully considered. Women and girls who have been forcibly abducted and are married under circumstances not recognized by customary or national law have the right, with their children where applicable, to be safely separated from their so-called husbands (see also IDDRS 5.10 on Women, Gender and DDR).

8.3 Gender considerations

In addition to the sections below, IDDRS 5.10 on Women, Gender and DDR should be referred to for further guidance.

It is important that the specific challenges faced by women and girls and men and boys are considered when developing the required responses. In many situations, women and girls are survivors of high levels of sexual and gender-based violence and may have been forced into relationships. When they return home, they often face high degrees of stigmatization and denial of their rights, including property and access to services and opportunities. Several specific issues need to be considered and included when planning interventions. These are outlined in Table 9.

TABLE 10: SPECIFIC ISSUES TO CONSIDER RELATED TO THE NEEDS OF WOMEN AND GIRLS

<p>Status and agency of women and girls in an armed group</p>	<ul style="list-style-type: none"> ■ Assessments of the group should include specific analysis of the status of women and girls and the type and range of roles they perform as well as how they came to be recruited. ■ These assessments should include gender roles and identities before the conflict in communities of origin and shifts within armed forces and groups, as well as norms in communities of resettlement. ■ Especially if coercion and abduction were primary recruitment methods, the early separation of women and girls from men may be warranted. In these circumstances in particular, women may need space and support to consider their future options. In these situations, it is important to enlist the support of those with appropriate training and knowledge of the groups involved.
<p>Internment and detention</p>	<ul style="list-style-type: none"> ■ As previously highlighted, DDR practitioners are not responsible for internment. However, where this is occurring, they should advocate for proper standards and practices to be in place and upheld. These include separate accommodation and sanitation arrangements. Where there is a need to carry out searches and questioning of women, this must be conducted in the presence of female personnel who are appropriately trained. ■ Access to maternal and reproductive health services, including sexual violence recovery services, is essential alongside prevention of protection risks while in internment or detention.
<p>Reintegration challenges</p>	<ul style="list-style-type: none"> ■ On their return, female dependants may face particular reintegration challenges, including stigmatization and non-acceptance and difficulties in securing access to land or other property rights. ■ Depending on the cultural and social context, children born while women and girls were away may not be fully accepted by extended family members or the wider community. These issues should be specifically explored and identified, and appropriate interventions put in place. The support of local communities and organizations will be particularly important. ■ Gender norms in communities of resettlement may be narrower than within armed forces and groups and cause significant changes to women’s freedoms, positions of respect and leadership, economic, and/or protection within an armed group. Programmes to address these issues for both returnees and communities should be implemented as part of community-based reintegration support. ■ Girls may require specialized responses and services, particularly if they were sexually abused, are pregnant or have children. The design and implementation of release and reintegration services should account for these differences.

Dramatic changes in roles during DDR may also profoundly affect men and boys, as loss of a sense of control or purpose can be powerful feelings that, if not addressed, can lead to significant challenges in terms of loss of self-esteem and poor mental health,



and may make re-recruitment, domestic violence and substance abuse much more likely for some individuals. This effect may be more pronounced among some who, in addition to leaving the group, may have to relearn and, in some senses, renegotiate roles in their families or communities. Young men who have largely grown up in an armed group might never even have lived in their “country of origin” and may find this transition particularly difficult.¹⁷ Specific responses to these types of challenges might include mentorship and life skills training alongside efforts to involve such individuals in broader community activities and groups as well as livelihood support.

8.4 Those who are chronically ill and with disabilities

Further guidance can be found in IDDRS 5.80 on Disability-Inclusive DDR and IDDRS 5.70 on Health and DDR.

Ex-combatant groups often have significant issues with poor health and disability. In the case of foreign combatants, several issues need to be taken into account during the initial support provided in the host country, during repatriation and in support of reintegration in their countries of origin.

The disability and health profile of the armed group in question should be ascertained as early as possible in the planning process. It is important to know what types of disability are present and the main diseases and illnesses affecting the group, not only so that proper health care and disability support can be provided immediately, but also so that medium- and longer-term service provision and reintegration support can be planned for and safe repatriation arrangements ensured.

Those returning to an area who have significant health needs and who require support in the short and longer term will have an impact on health and social services in their countries of origin, and this needs to be properly planned and catered for, both to ensure appropriate care can be provided but also to avoid potential resentment in receiving communities who may feel that existing facilities are being swamped with new arrivals.

In the case of communicable disease, understanding disease profiles among groups and in return areas will help to ensure that any risks can be identified and catered for. This should include attention to issues such as HIV transmission as well as care and treatment. However, it is important to avoid stigmatizing groups who may be affected or at risk. Principles of safety, confidentiality, respect and non-discrimination are of paramount importance.

8.5 Public information and strategic communication requirements

Further guidance can be found in IDDRS 4.60 on Public Information and Strategic Communication in Support of DDR.

Effective communication and careful messaging are important when engaging with foreign combatants and associated persons, and with host communities in areas of origin and return. At the same time, poor communication can undermine the objectives of DDR and even, in some instances, cause security risks and harm.

Information will need to be provided on a range of issues, including the DDR process and procedures and methods of presenting for DDR. In situations where the conflict is ongoing, messaging may also be used to make appeals for groups to enter

into dialogue, to release children or to explain to individuals or groups their options if they decide to come forward for DDR or associated programmes. The proactive consideration and management of risk and do no harm considerations should be mainstreamed throughout the process. Public information campaigns and programme support should foster non-violent, healthy expressions of masculinities and femininities.

Obtaining advice and input from stakeholders in areas of origin may prove invaluable, and key informants might include civil society organizations, journalists, local leaders and even former combatants themselves. In some situations, messaging and information campaigns of this nature have used such approaches specifically as a means of reassuring combatants of their safety when they pass through DDR and as a mechanism for engaging with communities and having dialogue on issues related to return. However, when planning to use such techniques, risks to both the individuals concerned and any persons closely associated with them must always be carefully considered.

The type of delivery platform and mechanism used for messaging should be based on an assessment of what is most likely to reach the target audiences. In many settings, it is likely to include radio, leaflets, mobile phone messaging, posters and word of mouth. Message content and delivery mechanisms likely need to be dynamic and adaptable to rapidly changing contexts and needs. It is important to remember that foreign combatants and associated persons may not be able to communicate in the languages used in the host country and that personnel able to speak their language will be required.

8.6 Prevention of recruitment

In border areas where there is a significant risk of recruitment, assessment and analysis might help to better identify and understand risks and possible preventive measures. This is best undertaken as part of broader approaches to conflict analysis that seek to explore the underlying causes of tensions and conflict and the role and motivations of stakeholders. When undertaking this type of analysis, it is important to avoid stigmatizing communities and groups and to be aware of potentially difficult or strained relationships between communities and authorities. Practical measures that might be considered following careful assessment are briefly outlined in Table 10, and further guidance can be found in IDDRS 4.30 on Reintegration.

TABLE 11: PRACTICAL MEASURES THAT MAY BE CONSIDERED TO PREVENT RECRUITMENT

<p>Strengthened monitoring and early warning</p>	<ul style="list-style-type: none"> ■ Considerable investments have been made in early warning systems in a number of regions. Potential indicators of recruitment or rising tension in border areas should be identified and tracked. ■ Dialogue with those responsible for early warning systems may help to identify data sources or indicators that may be incorporated into systems and help to monitor situations of concern.
<p>Cross-border cooperation</p>	<ul style="list-style-type: none"> ■ Mechanisms for cross-border information sharing and cooperation can provide a useful means for identifying both risk factors and practical responses in areas of tension. A range of stakeholders should be included, drawn from communities and local leaders as well as security agencies. ■ When establishing such mechanisms, spend time understanding the relationship between security actors and other stakeholders and their adherence to human rights standards and principles. Dialogue may offer opportunities to raise and address challenges and promote adherence and better relations.
<p>Programmes and interventions targeted towards those at risk of recruitment</p>	<ul style="list-style-type: none"> ■ Specific programmes to address key drivers of recruitment may need to be considered in some situations. These might include community violence reduction initiatives that target youth employment and opportunities as well as issues related to social cohesion, life skills and sexual and gender-based violence. They should always be context specific and address issues faced. ■ Interventions should be inclusive and not just target one group or section of the population. Narrow targeting may create a perverse incentive, result in stigmatization, or exclude others who may then feel alienated.
<p>Specific responses to prevent the recruitment of children</p>	<ul style="list-style-type: none"> ■ Ensuring family reunification for separated/ unaccompanied children (if considered to be in their best interests), and/or that suitable alternative care arrangements are in place is an important protective measure – including against recruitment. ■ Ensuring that children stay in school is one of the best ways of mitigating against child recruitment. Ensuring that schools remain safe spaces for children, facilitating after-school events such as sports and recreational activities for children and youth, and continuously monitoring drop-out rates (as a potential proxy indicator of recruitment) are also important measures. ■ The availability of appropriate training and skilling, including life skills, for school leavers can play an important part in mitigating against recruitment. It is, however, important that training is appropriately linked to opportunities in the labour market or support for small business development.

Annex A: Abbreviations

CAAFAG	children associated with armed forces or armed groups
ICRC	International Committee of the Red Cross
IHL	international humanitarian law
SGBV	sexual and gender-based violence
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime

Endnotes

- 1 Under international human rights law, the prohibition of refoulement is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as a number of regional instruments.
- 2 Protocol against the Smuggling of Migrants by Land, Sea and Air – Supplementing the United Nations Convention against Transnational Organized Crime, 2000.
- 3 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – Supplementing the United Nations Convention Against Transnational Organized Crime, 2000.
- 4 UNODC, “Global Report on Trafficking in Persons 2018, Booklet 2: Trafficking in Persons in the Context of Armed Conflict”, Vienna, 2018.
- 5 UNODC, “Countering Trafficking in Persons in Conflict Situations” Vienna, 2018.
- 6 Ibid.
- 7 Financial Action Task Force, *Money Laundering and Terrorist Financing Risks Arising from Migrant Smuggling* (Paris, 2022).
- 8 UNODC, “Countering Trafficking in Persons in Conflict Situations”.
- 9 ICRC, “The Applicability of IHL to Terrorism and Counterterrorism”, 2015.
- 10 UNHCR, *Guidance Note on Maintaining the Civilian and Humanitarian Character of Asylum* (Geneva, 2018); and ICRC and UNHCR, “Aide Memoire: Operational Guidance on Maintaining the Civilian and Humanitarian Character of Sites and Settlements”, 2017.
- 11 This reflects the working definition used by the Working Group on the Use of Mercenaries in their report “Mercenarism and Private Military and Security Companies”, Geneva, Office of the High Commissioner for Human Rights, 2018.
- 12 Governance and Social Development Resource Center, “Cross-border Pastoral Mobility and Cross-border Conflict in Africa – Patterns and Policy Responses”, January 2022.
- 13 See, among other relevant references, OP5 of Security Council resolution 2178 (2014).
- 14 See UNHCR, “Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees”, 2003, para. 19; and UNHCR, “Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees”, 2003, paras. 57-62.
- 15 Resilience is the ability to adapt, rebound and strengthen oneself in the face of adversity and risk. For DDR participants, and often for people living in conflict-affected communities, it is the ability to overcome traumatic experiences, establish social networks, avoid negative coping mechanisms (such as substance abuse), regulate their nervous systems, adopt non-violent approaches to conflict resolution, and resist re-recruitment into armed groups or recruitment into criminal groups or gangs. At a community level, resilience can affect, and be affected by, economic, social, psychosocial and political factors.
- 16 ICRC and national Red Cross societies may be particularly useful in helping to set up family tracing and messaging.
- 17 United Nations Development Programme and the United Nations Inter-Agency Working Group on Disarmament, Demobilization and Reintegration, “Blame It on the War? The Gender Dimensions of Violence in DDR”, 2012.