

FOREIGN FIGHTERS: DUAL NATURE AND RESPONSE

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Phenomenon

- Foreign fighters challenge Europe's security and legal norms.
- This presentation explores their dual identity and policy responses.

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What is a Foreign Fighter?

- Individuals joining armed conflicts abroad, typically ideologically motivated.
- Different from mercenaries—more driven by belief than money.

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Foreign fighter or foreign terrorist fighter?

- **Foreign Fighter (FF):** Joins armed conflict abroad, often ideologically or politically motivated.
- **Foreign Terrorist Fighter (FTF):** Legal/policy term implying intent to commit terrorist acts.
- **Key Distinction:** Not all foreign fighters are terrorists.
- **Why It Matters:** Labeling shapes prosecution, surveillance, and reintegration.

Foreign fighters in Ukraine

- **Ukraine Conflict:**

- Since 2014, volunteers from 50+ countries joined both sides.
- Some fight for liberal-democratic ideals, others for ultranationalist or extremist causes.

- **Legal Ambiguity:**

- Western volunteers often praised as heroes.
- Others face prosecution depending on national policies and affiliations.

- **Implications:**

- Oversimplification hinders effective policy.
- Need for context-sensitive approaches to foreign fighter assessment.

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Ten years after the 2015 terrorist attacks, France is still in shock

It is deplorable that 'Je suis Charlie' has given way to relativism on freedom of expression and the right to blasphemy. The anniversary of the 2015 attacks should serve as a reminder of the fragility of the universalist legacy of Enlightenment values.

Case Study: Paris Attacks (2015)

- Attackers included returnees from Syria trained by ISIS.
- Exposed vulnerabilities in EU's internal border system.

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Dual Identity: Citizen and Threat

- Rights: Freedom of movement, legal protections.
- Threats: Combat experience, extremist ties.

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Legal and Ethical Dilemmas

- Right to Return: Under international law, states cannot make individuals stateless.
- Legal Limits: The 1961 UN Convention on the Reduction of Statelessness restricts arbitrary revocation.
- Policy Tool: Some EU states revoke citizenship for dual nationals involved in terrorism.

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Human rights concerns

- Human Rights Concerns:
 - Discriminatory application (often targeting ethnic minorities).
 - Lack of due process and judicial oversight.
 - Risk of breaching non-refoulement obligations.
- Alternative Measures:
 - Passport seizures, administrative detention, and rehabilitation programs.

Measures against FTF

- **Directive (EU) 2017/541:**
 - Criminalizes travel for terrorist purposes, recruitment, training, and financing.
 - Requires Member States to harmonize national laws.
- **UN Security Council Resolution 2178 (2014):**
 - Mandates states to prevent and prosecute foreign terrorist fighter travel.
 - Encourages international cooperation and border security reforms.
- **Legal and Political Impact:**
 - Shift from reactive to preventive counterterrorism.
 - Raises issues of proportionality, evidence, and civil liberties.

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Border and Intelligence Measures



Cooperation

SIS & Europol
data-sharing



Systematic Checks

at Schengen
external borders
since 2017

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FTF Rehabilitation & Reintegration in the EU

- **Tailored Programs in Select States:**

- Denmark: Aarhus model (exit programs, mentorship, social support)
- Germany: HAYAT initiative (family-focused prevention)
- Netherlands: Municipal reintegration tracks

- **Primary Objectives:**

- Prevent recidivism and secondary radicalization
- Rebuild trust with communities
- Reintegrate returnees into lawful, non-violent life

- **Challenges:**

- Stigma and public opposition
- Measuring long-term impact
- Balancing security with inclusion

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Borderless Europe in Crisis?

•Crises Testing Schengen:

- Terrorist attacks (e.g., 2015–2017)
- Migration surges (2015–2016, 2021+)
- COVID-19 pandemic border closures
- Russia's war on Ukraine (2022–)

•Reactions:

- Temporary reintroduction of internal border checks
- National-level security responses undermining EU unity

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- **Core Tension:**

- How to safeguard free movement **without** undermining collective security

- **Ongoing Reform Goals:**

- Enhanced interoperability of databases (SIS, VIS, EES, ETIAS)

- Coordinated return and asylum policies

- Resilient crisis management under new Schengen Strategy (2021)

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Conclusions – Navigating the Foreign Fighter Challenge

- **Low-Probability, High-Impact Threat:**
 - Most returnees do not commit violence, but some do — with deadly consequences.
- **Dual Identity Complicates Responses:**
 - Returnees are citizens with rights, but also potential combat-trained threats.
- **Balancing Security and Rights:**
 - Overreaction risks violating civil liberties and fueling further radicalization.
- **Need for Multi-Layered, Context-Sensitive Policy:**
 - Prevention, prosecution, rehabilitation, and international cooperation must all work in tandem.

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