

A Guidance Note on Ex-Combatant & their Families October 2021

Background and Introduction

Since June 2021, numerous reports indicate that a large number of former Non-State Armed Groups (NSAGs) and their family members, handed themselves over to the Nigerian Security Forces in Borno, Adamawa, Yobe (BAY) States. Numbers are estimated to be 8,000 persons¹, as of September 2021. The vast majority of whom are women and children. The cause of the mass surrender has been associated with the death of the former leader Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (JAS) leader, Abubakar Shekau that occurred in May 2021.

Concerns and fears by the community, has led the different actors to recommend ways to support reintegration of the former fighters and their families back into the community.²

Objective

This Guidance Note takes due consideration of the post-surrender concerns by the different fractions and the support required by the ex-combatants and their families to allow them to resume their normal life in safety and dignity. **The note aims at enhancing the response of humanitarian and development partners, in addition to building the national capacity in assisting reintegration of Ex-combatant and their families and to support communities receiving them in working towards peaceful and sustainable re-integration.**

The note also takes cognizant of the Operation Safe Corridor led by the Federal Government of Nigeria and to this end, the Protection Sector recommends as follows:

Terms and Definition

- Disarmament: is the collection, documentation, control and disposal of small arms, ammunition, explosives, and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.³
- Demobilization: is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centers to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or

¹ <https://www.premiumtimesng.com/news/headlines/486107-more-than-8000-boko-haram-terrorists-have-surrendered-goc.html>

² Discourse on Nigerian Reintegration Strategy: A Network of Civil Society Organization in Borno State

³ Secretary-General, note to the General Assembly, A/C.5/59/31, May 2005).

barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion.⁴

- Reintegration: Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance⁵.
- Disarmament, demobilization, and reintegration (DDR): A process that contributes to security and stability in a post-conflict recovery context by removing weapons from the hands of combatants, taking the combatants out of military structures and helping them to integrate socially and economically into society by finding civilian livelihoods.
- Ex-combatant: A person who has assumed any of the responsibilities or carried out any of the activities mentioned in the definition of 'combatant' and has laid down or surrendered his/her arms with a view to entering a DDR process. Former combatant status may be certified through a demobilization process by a recognized authority. Spontaneously auto-demobilized individuals, such as deserters, may also be considered ex-combatants if proof of non-combatant status over a period can be given.
- Participants: All persons who will receive direct assistance through the DDR process, including ex-combatants, women and children associated with fighting forces, and others identified during negotiations of the political framework and planning for a UN supported DDR process.
- Receiving Communities: The communities where the ex-combatants will go, live, and work. Within this concept, the social network of a small community is referred to, and also the bordering local economy.

Guiding Principles

- The State is primarily responsible in verifying and profiling an ex-combatant.
- Reasonable time should be provided prior to the final stance on ex-combatant after renouncing all fighting activities.
- Participation in Disarmament, Demobilization and Reintegration (DDR) is voluntary.
- Compliance with the International Humanitarian Law⁶, International Human Rights Law⁷ and Refugee Laws by the Host State Authorities in treatment of ex-combatants or persons in the DDR facilities and camps.

⁴ Ibid

⁵ Supra note 3

⁶ Geneva Convention of 1949 and two additional Protocols (1977)

⁷ Universal Declaration of Human Rights 1948 (UDHR); International Covenant on Civil and Political Rights 1966 (ICCPR); International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR); Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT); Convention on the Rights of the Child 1989 (CRC) and the Optional Protocol to the CRC on Involvement of children in Armed Conflict (2000); Convention on Elimination of all Forms of Discrimination against Women 1979 (CEDAW); Convention on the Rights of Persons with Disabilities 2006 (CRPD); International Convention for the Protection of All Persons from Enforced Disappearance 2006 (ICPPED)

- Special Protection in respect to members of a particular vulnerable groups including women, children, persons with disability.
- Gender responsive programming, equal access for and participation of women at all stage of the Disarmament, Demobilization and Reintegration (DDR) process⁸
- Consideration of the relevant Domestic legislations/policies on DDR in the Host State.⁹
- Accountability mechanism at the National and International levels for those responsible for international crimes. It's the duty of the State to exercise its criminal jurisdiction.
- Disclosure of any document or information in regard to the participants or beneficiaries to the State. Any information, documentation in possession with DDR actors and/or testimony to participate in any interview or interrogation by the State authorities, , shall not be disclosed or provided without seeking legal advice and receive authorization to do so.

Successful Reintegration

In order to serve the needs of DDR participants and beneficiaries, a clear understanding of them, the roles they play as well as the eligibility criteria used to determine their participation need to be provided. The Protection Sector recommends as follows:

- Provision of the list of ex-combatants and their families that should be desegregated according to the age, gender, and diversity for purposes of planning.
- Clarity of Partners including UN, International, National and Local organizations that are or will be involved as well as the capacities and their limitations to coordinate impact driven activities towards achieving the set goals and objective.
- Demobilization, Reinsertion, and Reintegration are not distinct phases, but rather a continuum of transition from military to productive civilian life. During each of these processes, the ex-combatants and their families have different needs and require different support measures. Partners must therefore connect and coordinate all sets of activities to increase the chance of a successful outcomes.
- Ex-combatants and their families will require material and personal security to successfully reintegrate. Information on reintegration programs in place should also be informed to the ex-combatants including the eligibility, the availability of the programs and how they can be accessed.
- Partners should view the period immediately following demobilization as a transition or reinsertion stage that precedes reintegration. Reinsertion stage will include immediate assistance packages to ex-combatant leaving camps after disarmament and demobilization.
- Reintegration needs both urgency and development components to be effective. The urgency component calls for short-term support to ex-combatant and their families both directly as individuals and indirectly as groups resettled in specific areas. Short term support are hands-on, targeted, and interventionist. The development component calls for medium to long-term government interventions only ex-combatants are harmonized

⁸ Security Council Resolution 1325, 2000

⁹ Operation Safe Corridor 2015 (OSC)

with longer-term national development initiatives focused on the needs of all members of society to help rebuild or reform a community.

- Demobilization must link to reintegration: Reintegration should eventually convert to development efforts. The best way to smoothen this transition, is to start integrating the most fundamental aspects of development in the beginning of reintegration instead of initiating them at a later stage.
- Funding and donor involvement: Assisting the demobilization and reintegration processes, requires a well-structured, well-planned, and integrated programme that is funded for this purpose.
- A civilian agency established as a central coordination body to help plan, implement, monitor and follow up on the DDR programs. This will entail coordination within government and between government and other relevant actors to maximize the effectiveness of programmes interventions. Combined Central coordination balanced by decentralized implementation authority to the LGAs constitutes an effective institutional structure.
- Community based approaches such as community violence reduction, community security, economic recovery and community development models for the community to establish new or modified social compact.
- Ex-combatant and their families as persons with specific needs group:
 - a) Awareness and self-reliance: The ex-combatants will require awareness about human rights, civil rights and responsibilities, the workings of democratic Government and familiarity with financial self-reliance.
 - b) Education and skills: There is need for formal education and experience in marketable skills depending on age.
 - c) Employability: With appropriate skills through training and addressing barriers that may hinder employment of ex-combatant, may help address issues of employment for Ex-combatant.
 - d) Health: Medical checkup and clearance during demobilization will address both physical and mental health problems of ex-combatants and their families. Chronic conditions can be diagnosed as well as infectious diseases that may affect the community during reintegration processes. Mental health issues such as domestic and social violence or withdrawn and anti-social behavior should be addressed through case management by health and protection partners.
 - e) Financial resources: Programs should be instituted to support ex-combatants to obtain credit, capital and assets to enable them to resume their lives socially and economically.
 - f) Shelter and land: Partners involved in shelter and housing land and property, should device ways to address the needs of the ex-combatants and their families and any barriers hindering them from accessing them.
- Benefits and programs must benefit both ex-combatant and the receiving community to avoid tensions and hamper or delay the reintegration. Reintegration requires measures that diminish the perception of former combatants as special class and help the community to accept them as members.

- Eligibility and screening mechanism: A criteria to be devised for ex-combatants eligible for DDR including participants and the beneficiaries. Establishing eligibility criteria requires a balance between security and equity despite the primary focus being those who pose the greatest threat to peace. Fair treatment and non-discrimination approach should be used for members such as children, women and the PWDs
 - a) Unarmed members of armed groups are not eligible for disarmament but should be eligible for demobilization and reintegration benefits.
 - b) Dependents are not eligible for disarmament and demobilization benefits but should be included in reintegration activities.
 - c) Children and abductees may need to be disarmed but should not be formally demobilized and should qualify to receive adequate assistance corresponding to their specific needs.
- Registration and screening after eligibility criteria has been determined: This should be carried out individually with separate lines of men, women, and children in the demobilization camp/ facilities. This helps to reduce false information and help identify those who are forced or coerced into the program in a safe setting. The aim of screening is
 - a) Establish eligibility of the DDR candidate to enter the process
 - b) Screen out non-combatants
 - c) Gather background information on the candidate to customize reintegration.
 - d) Identify those with special needs (Psychological and medical, information on sexual exploitation and abuse, female demobilized ex-combatant, wives of ex-combatants and widows
 - e) Family tracing

Screening should be gender-sensitive and may include different questions for male and female ex-combatants and their families. Normally men will screen men and women will screen women.

- Programs should integrate women into all phases and partners should reflect this in their policies and strategies.
- Needs and distinct issues of demobilized female ex-combatant, wives of demobilized ex-combatants and war widows should also be considered in planning and implementation of demobilization and reintegration programmes.
 - a) Physical/sexual abuse/psychological trauma as a result, some of them maybe returning home with unwanted children, sexually transmitted diseases including HIV/AIDS that may affect the ability of the women to reintegrate back into the community. Cultural beliefs and attitudes may affect girl's opportunities for marriage resulting to girls moving away or turning to prostitution.
 - b) Multiple wives married separately before and after combat with one having lived in the community and the other in the combat, may arise economic and social difficulties for both the women and the man.
 - c) Discrimination: Women may result to traditional role that they were not used to in combat.
 - d) Low education/few job skills: Women may find themselves as heads of households and economic providers, yet they cannot read or write or have any form of literacy. This may hinder them from opportunities.

- e) Abandonment: Some women maybe abandoned or rejected by their husbands or prospective companions out of fear and out of assumptions regarding their nature of their role as combatants. Divorce rate and stress is likely to be high.
 - f) Poverty and Legal rights: When women loose their spouses, they often loose their livelihoods and sink to the lowest economic levels of society. They may also be unaware of their rights limiting them access to lands rights, economic rights, and upward mobility.
- Separate encampment facilities or holding facilities to reduce women and girls' exposure to physical and psychological violence they may otherwise suffer at the hands of the male counterparts while awaiting demobilization. Services offered in the facilities could include vocational training, offer gender-appropriate household items in support of the family unit, health care and family tracing
 - The Youth ex-combatants will need "catch up" educational programs separate and distinct from children while undergoing skills or vocational training as part of adult programming. A multi-faceted socioeconomic reintegration of formally armed youth is required to improve their employability, promote local economic development, and job development in the community.
 - Children Associated with Armed Forces or Armed Groups (CAAFAG)- A guideline currently being developed by the Child Protection Sub-Sector will support the DRR for these children.