

Pathways of Foreign Fighters: Policy Options and Their (Un)Intended Consequences

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The phenomenon of foreign fighters is high on international agendas as one of the most pressing transnational security issues of our time. European governments have tried to respond to this development by designing various policies, focusing not only on stopping potential foreign fighters but also on limiting the possible threat posed by returning fighters. In this Policy Brief, ICCT Fellows Dr. Alastair Reed, Ms. Jeanine de Roy van Zuijdewijn and Prof. Dr. Edwin Bakker look at the (un)intended consequences of these policies on the pathways foreign fighters could take once they have arrived in Syria or Iraq. In the first part, the authors identify different possible pathways. In the second part, they provide an overview of the main trends in policies pursued by European governments to deal with these foreign fighters. They specifically focus on four policies: reintegration programmes, prosecution of returning foreign fighters, revoking nationality of foreign fighters and finally, military interventions against foreign fighters. In the final part, the authors use the earlier identified pathways as a conceptual tool to look at the (un)intended consequences of these four policies.

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1. Introduction

In recent years, a great deal has been written about the emerging phenomenon of European foreign fighters in the protracted conflicts taking place in Syria and Iraq. In particular, much of the focus has been on understanding their motivation and on policies to prevent young people from becoming foreign fighters and reaching the conflict zone. Instead this Policy Brief focuses on the question of what happens to foreign fighters once they have arrived in Syria and Iraq. It builds on the previous paper by ICCT Fellows Ms. Jeanine De Roy van Zuijdewijn and Prof. Dr. Edwin Bakker, "Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia", which sought to take a historical look at what foreign fighters have done in past conflicts once these have ended and to describe the pathways that they have followed.¹ However, rather than providing a historical perspective, this Policy Brief explores the possible pathways that are open to today's foreign fighters once they have arrived in Syria or Iraq.

The aim is that by delineating the pathways that European foreign fighters may follow, such a roadmap can be used as a conceptual tool to help analyse the possible implications of the different policies currently being pursued by European governments. The schematic model of the pathways of foreign fighters compiled in this Policy Brief is the product of this thought experiment, and is not intended as the definitive description nor as an exhaustive categorisation of the options available to foreign fighters. Rather, it is a simplified model of the current situation, designed to analyse and probe the implications of existing policies, with the aim of identifying the unintended consequences of pursuing these policies.

The first section of this Policy Brief outlines the different options open to European foreign fighters in Syria, sketching the different pathways that they could follow, based on the assumption that they have already arrived in Syria or Iraq and have joined one of the fighting parties in the conflict.² The next section gives an overview of the main trends in the policies pursued by European governments to deal with those who have left for Syria and Iraq, as well as returnees, in particular highlighting four key policies that are frequently applied i) reintegration programmes, ii) prosecution of returning fighters, iii) revoking nationality, and iv) military interventions against foreign fighters abroad. In the final section, these policies are linked to the foreign fighter pathways as outlined at the beginning of Policy Brief. These policies are analysed with regard to their intended and unintended consequences.

2. Pathways

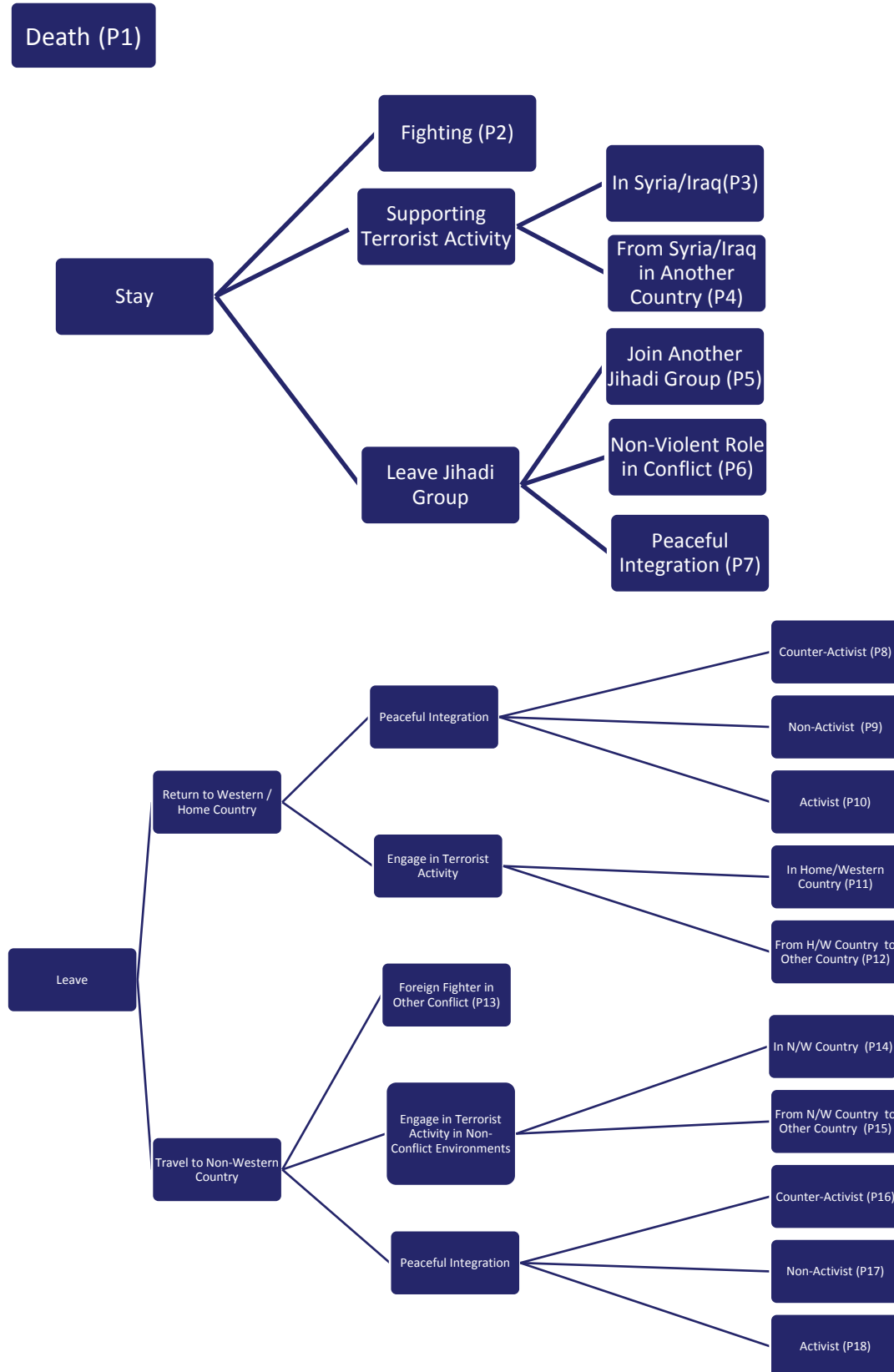
Still relatively little is known about the personal journeys of foreign fighters. The idea of the following schematic is to set out a visualisation of the different pathways that foreign fighters may follow, after they have arrived in Syria or Iraq. It focuses solely on Sunni extremist European foreign fighters who have travelled to Syria or Iraq, where the start point is taken that they have arrived in either country and joined a jihadist group such as Jabhat al-Nusra or Islamic State (IS). The objective is to clearly set out the different options and outcomes that lie ahead.

¹ Jeanine de Roy van Zuijdewijn and E. Bakker, "Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia", *The Hague: International Centre for Counter-Terrorism* (2014), <http://icct.nl/publications/icct-papers/returning-western-foreign-fighters-the-case-of-afghanistan-bosnia-and-somalia>.

² The main fighting groups that will be referred to in this paper are Islamic State (IS), also known by the names Islamic State in Iraq and the Levant (ISIL) or Islamic State in Iraq and Syria (ISIS); and Jabhat al-Nusra (JaN), an Al Qaeda-affiliate.

Figure 1: Pathways Schematic

This schematic plots the possible pathways available to Sunni extremist foreign fighters in Syria and or Iraq.



Death (P1)

Death in the context of this paper is both an end state and a “pathway” (P1). As an end state it simply means the person is no longer alive and his or her “career” as a foreign fighter has ended definitely. To a number of foreign jihadist fighters, it is regarded as a pathway, one that – under certain conditions – leads to “paradise”. To some foreign fighters, death is perhaps the most desired pathway. To others, it is also regarded as the most definite solution to the presence or existence of foreign fighters. Depending on the context, and the ethics and practice of the rule of law of a country, death may or may not be a pathway that can or should actively and aggressively be pursued. In the case of the armed conflict in Syria and Iraq, the practice of targeted killings is generally accepted. Moreover, it has been regarded as acceptable – and to some even a preferred³ – “solution” to deal with foreign fighter, not only by local actors, but also (Western) participants in the coalition against Islamic State. It should be stressed that whether a specific targeted killing is lawful or “allowed” depends on whether the rules of international humanitarian law (including the principles of distinction, necessity and proportionality) have been respected.⁴ In Syria and Iraq, this practice is believed to be “allowed” and is a daily practice executed by way of air strikes and Special Forces’ operations.

Stays (P2-P7)

For those who choose to stay in Syria and Iraq, and remain in the jihadist group they joined, they can follow a variety of pathways. First, they can play a front line role in the conflict as a fighter (P2). The second option is to take a supporting role (P3). Alternatively they can play a role from Syria or Iraq by supporting terrorism in their home country or a third country (P4). As noted by MI5: “While overseas, these fighters can help terrorist groups to develop the ability to carry out attacks by linking up with extremist networks in the United Kingdom (UK) and providing information about potential targets. In addition to English language skills, which can help these groups with media outreach, some foreign fighters may also have other specialist skills (e.g. scientific, IT) that can be useful to overseas terrorist groups”.⁵

There is however the option that foreign fighters decide to stay in Syria or Iraq but leave the group that they have joined. One option would be for them to join a different group (P5). It has been reported, that as Islamic State moved into Syria many foreign fighters joined its ranks from Jabhat al-Nusra.⁶ Another option would be for them to decide to assume a non-violent function in the conflict, such as contributing to the provision of humanitarian aid (P6). A final option would be for the foreign fighter, to simply follow a path of peaceful integration into Syrian society (P7). Unlikely as this might sound in a war zone, it remains an option for some disillusioned or disabled foreign fighters who fear returning home due to the risk of arrest and prosecution.

Leaves (P8-P18)

○ Returns to Western / Home country

According to estimates by the Rand Corporation, from January 2012 to July 2014 between 1,500 and 2,500 Sunni extremists from Europe arrived in Syria, many of them joining jihadist groups. 300-400 of these have now appeared to have left Syria for European countries.⁷ The question is what pathway will those who have already

³ In a political debate on television at the eve of regional elections, Dutch Prime Minister Mark Rutte said yes to the statement that it would be preferable if Dutch jihadists who travelled to Syria died rather than came back, see

<http://www.dutchnews.nl/news/archives/2015/03/dutch-pm-says-jihadis-should-die-in-syria-rather-than-come-home/>.

⁴ See for more information, Scott MacDonald, “The Lawful Use of Targeted Killing in Contemporary International Humanitarian Law”, *Journal of Terrorism Research*, Volume 2, Issue 3 (2011), <http://ojs.st-andrews.ac.uk/index.php/jtr/article/view/232/255>.

⁵ MI5, “Foreign Fighters”, <https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/international-terrorism/international-terrorism-and-the-uk/foreign-fighters.html>.

⁶ Mariam Karouny, “Insight: Syria’s Nusra Front eclipsed by Iraq-based al Qaeda”, *Reuters*, 17 May 2013, <http://www.reuters.com/article/2013/05/17/us-syria-crisis-nusra-idUSBRE94G0FY20130517>.

⁷ Seth G. Jones, “Jihadist Sanctuaries in Syria and Iraq: Implications for the United States”, Rand Testimony, 24 July 2014, p.2, http://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT414/RAND_CT414.pdf.

managed to return home follow, now they are there? From the perspective of European governments the best pathway for those who return is peaceful integration. However, this may happen along three different pathways, each with their own implications.

Peaceful Integration

Some returnees are far from becoming further radicalised: they may have had the opposite experience and return disillusioned and reject their previous jihadist views. On return, instead of promoting jihad, they could become a counter-activist actively speaking out against their former comrades (P8). Such returnees may prove a crucial resource in countering radicalisation and dissuading potential foreign fighters.⁸ As Richard Barrett of the Soufan Group argues “[a] returning fighter will have a great deal of credibility in radical circles at home, and if he argues against participation in the war, and against the al-Qaeda narrative more generally, this is likely to be more effective than anything a government can do”.⁹

In contrast to those who become activists against jihadism, there are those who return and become militant, but not violent, activists for jihadist/Islamist causes (P9). Often their status and influence as jihad veterans is high among impressionable and vulnerable young Muslims in their home country. Although such activists do not pose a direct security threat, they remain a cause for concern. Their activism can contribute to the widening of the jihadist scene and help create an environment in which other would-be foreign fighters become radicalised. Further, their activist activities may have a wider de-stabilising effect, such as stoking anti-Muslim sentiment in the broader population, which in itself can contribute to the radicalisation cycle. Finally, there are those who simply have ceased any more involvement in jihadist causes - neither violent nor militant. Rather, they have peacefully re-integrated into society and moved on with their lives (P10).

However, in these last two scenarios (P9 and P10) we have to distinguish between de-radicalisation and dis-engagement. The rationale behind the de-radicalisation¹⁰ of an individual as a process is that if an individual can radicalise and adopt a certain belief system that allows someone to see terrorism as an acceptable means to achieve certain goals, then this process can also be reversed. Based on the assumption that terrorism is nurtured and learned, the affected individual can, at least in theory, distance him or herself from this specific violent belief system.¹¹

According to one of the key scholars in this field, John Horgan, de-radicalisation is “the social and psychological process whereby an individual’s commitment to, and involvement in, violent radicalisation is reduced to the extent that they are no longer at risk of involvement and engagement in violent activity”.¹² The term can also refer to a policy or “any initiative that tries to achieve a reduction of risk of re-offending through addressing the specific and relevant disengagement issues”.¹³ This disengagement process is understood by Horgan as a process whereby an individual experiences a change in role or function that usually leads to a reduction of participation in violent activities. It is important to note that disengagement does not necessarily mean that people leave behind their radical ideas. Moreover, some disengaged terrorists might not even leave a movement or group. Sometimes people stay within these movements or scenes for a long time, even after they have become disillusioned about their leaders, the lack of success, the use of violence, or the lack of concrete

⁸ Farish A. Noor and James M. Dorsey, “Responding to the Islamic State’s Foreign Fighters: Retribution or Rehabilitation”, *RSIS Commentary*, No. 176, (2014).

⁹ Richard Barrett, “Foreign Fighters in Syria”, *The Soufan Group*, June 2014, p.30, <http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>.

¹⁰ The term de-radicalisation can mean different things and there is no consensus about the definition of this term among academics or experts. The term can refer to an individual or group process or a (governmental) policy or programme.

¹¹ This is not to say that the process of de-radicalisation is radicalisation in reverse. According to Angel Rabasa (2013) de-radicalisation has its own unique characteristics that can be rather different from the characteristics of the radicalisation process. The two processes are very different indeed. What they have in common is that they are very complex processes, and therefore difficult to define.

¹² John Horgan, *Walking away from terrorism*, (London: Routledge, 2009), p. 153.

¹³ Horgan, *Walking away from terrorism*, p. 153.

action. They might stay for many reasons ranging from not wanting to be seen as a traitor, fear for reprisals, or simply because they have nowhere else to go.

In their previous ICCT Research Paper Ms. De Roy van Zuijdewijn and Prof. Dr. Bakker give the example of a Abdullah Ali, an African American convert, who fought in Afghanistan in the 1980s, returning to the United States (US) (while – in the meantime – also joining Hezbollah in Lebanon for some time¹⁴), resuming ordinary life and eventually becoming a foreign fighter again in Bosnia during the 1990s.¹⁵ This shows the possibility of a foreign fighter who disengaged but did not de-radicalise, and later re-engaged.

Engage in Terrorist Activity

The great concern of Western authorities is not so much the contribution that foreign fighters may make to the conflicts abroad which they join, but that they may also engage in terrorist activities in their home countries upon their return (P11). Although most returnees are unlikely to engage in terrorist activities on their return, the May 2014 attack on the Jewish Museum in Brussels and the January 2015 shoot-out with the police in the Belgian town of Verviers by former foreign fighters who have returned from Syria, highlight how real this threat can be.¹⁶ European and US intelligence agencies have claimed that both Jabhat al-Nusra and Islamic State have been deliberately recruiting and training Westerners to carry out terrorist attacks in their home countries.¹⁷ This claim is strengthened by the issuing of video footage from European militants in Syria threatening their home countries.¹⁸ According to James Clapper, the US Director of National Intelligence, “We’re now seeing the appearance of training complexes in Syria to train people to go back to their countries and, of course, conduct more terrorist acts”.¹⁹

The key concern is the skills and experience that foreign fighters may acquire, and the radicalising effect of fighting abroad, that increases the risk and opportunity that they may engage in terrorism upon their return.²⁰ As MI5 highlights, “[f]oreign fighters can gain combat experience, access to training and a network of overseas extremist contacts. The skills, contacts and status acquired overseas can make these individuals a much greater threat when they return to the United Kingdom, even if they have not been tasked directly to carry out an attack on their return. Experience of fighting overseas with terrorist groups can also promote radicalisation”.²¹ A further concern is the psychological impact of being a foreign fighter on the returnees, in which they may be further radicalised or have become traumatised.²² As much as post-traumatic stress disorder is a problem for returning coalition soldiers, it will also be one for returning foreign fighters. While much is now known about the impact of war trauma on returning soldiers, little is really known about the impact on returning foreign fighters. However, there are a number of reasons to speculate that it may be an even greater problem for the latter group. Firstly, these fighters are not part of a structured organisation like a national army with all the training and support

¹⁴ Matthew Levitt, *Hezbollah: The Global Footprint of Lebanon’s Party of God*, (London: Hurst and Co, 2013), p.147.

¹⁵ Jeanine de Roy van Zuijdewijn and Edwin Bakker, “Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia”, *The Hague: International Centre for Counter-Terrorism* (2014), p.6.

¹⁶ Anne Penketh, “French suspect in Brussels Jewish museum attack spent year in Syria”, *The Guardian*, 1 June 2014, <http://www.theguardian.com/world/2014/jun/01/french-suspect-brussels-jewish-museum-attack-syria>; Bruno Waterfield, “Two killed in Belgium police anti-terror raid in Verviers”, *Telegraph*, 15 January 2015 <http://www.telegraph.co.uk/news/worldnews/europe/belgium/11349110/Casualties-in-Belgium-police-anti-terror-raid-in-Verviers.html>.

¹⁷ Lorenzo Vidino, “European foreign fighters in Syria: dynamics and responses”, *European View*, Vol. 13, p. 217-224 (2014); Jessica Stern, “The Continuing Cost of the Iraq War: The Spread of Jihadi Groups throughout the Region”, *The Watson Institute for International Studies at Brown University*, Working Paper No. 2014-19 (2014).

¹⁸ Vidino, “European foreign fighters in Syria: dynamics and responses”.

¹⁹ Jessica Stern, “The Continuing Cost of the Iraq War: The Spread of Jihadi Groups throughout the Region”, *The Watson Institute for International Studies at Brown University*, Working Paper No. 2014-19 (2014).

²⁰ Daan Weggemans, Edwin Bakker and Peter Grol, “Who Are They and Why do They Go?: The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters”, *Perspectives on Terrorism*, Vol. 8, Issue 4 (2014), p.100.

²¹ MI5, “Foreign Fighters”, <https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/international-terrorism/international-terrorism-and-the-uk/foreign-fighters.html>.

²² AIVD, *Annual Report 2013*, <https://www.aivd.nl/publicaties/aivd-publicaties/@3096/annual-report-2013/>, p.3 .

mechanisms that a military organisation can offer. Second, while both sides have experienced the horrors of war, one can only imagine the psychological impact of taking part in some of the many barbaric atrocities committed by the fighters of Islamic State.

Another possible pathway is that those who return home and engage in terrorist activity may not be involved in terrorism against their home country, but use their home base to engage in terrorist activity in a third country (P12). This can include involvement in fundraising, propaganda or recruitment for groups in Syria or Iraq. However, it can also include using their home country as a base from which to launch a terrorist attack against a third Western nation. A concern highlighted by Rand for the US government, is that most returning European foreign fighters will enjoy the benefit of visa free travel to the US. Normally this is not a problem for known violent extremists (as these are already blacklisted), but if foreign fighters manage to return without being detected they will not be on any European or American terrorist watch lists. This is a particular problem in Syria today where the US and European intelligence capabilities are much lower than they were in Iraq or Afghanistan, and where the number of Western foreign fighters is much higher.²³

○ Travels to Non-Western Country

Going home is not the only option for foreign fighters. A phenomenon seen in previous conflicts is foreign fighters moving from one jihadist theatre of war to the next jihadist conflict (P13). Referring to the Chechen conflict in the mid-1990s, Ben Rich and Dara Conduit noted that the “JFF [jihadi foreign fighter] cohorts included a small number of raw young volunteers, with the majority having a background in the Balkans, Tajikistan, Kashmir, and Afghanistan. Most originated from the Arabian Peninsula, with 59 percent hailing from Saudi Arabia, 14 percent from Yemen, and 6 percent from Kuwait”.²⁴

The initial assumption is that arrival of such battle-hardened fighters will only strengthen the local jihadist cause, bringing with them much needed skills and experience, but also access to funding through connections to the wider jihadist community.²⁵ However, as Rich and Conduit argue “[w]hile JFFs may facilitate greater resource mobilization, their impact on the political and ideological aspects of national causes has generally been less positive”.²⁶

An alternative pathway, which poses the risk of much wider geo-political destabilisation, is for foreign fighters to move onto non-Western countries, which are currently un-affected by conflict, to engage in terrorist activity (P14). Through such a pathway, they can assist jihadist groups in spreading their violence and widening the conflict areas. We have already seen IS gain a foothold in Libya²⁷ and Yemen²⁸, whilst there are reports of Egyptian volunteers returning to fight jihad against the Egyptian military government.²⁹ A final option is for foreign fighters to move onto a third country, which they use as a base or safe haven, and from where they plan terrorist attacks in another country, possibly their home nation or another Western country (P15).

²³ Seth G. Jones, “Jihadist Sanctuaries in Syria and Iraq: Implications for the United States”, Rand Testimony, 24 July 2014, p.2., http://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT414/RAND_CT414.pdf.

²⁴ Ben Rich and Dara Conduit, “The Impact of Jihadist Foreign Fighters on Indigenous Secular-Nationalist Causes: Contrasting Chechnya and Syria”, *Studies in Conflict & Terrorism* (2014), p. 3.

²⁵ Kristin M. Bakke, “Help Wanted?: The Mixed Record of Foreign Fighters in Domestic Insurgencies”, *International Security*, Vol. 38, No. 5 (2014), p. 150-187.

²⁶ Rich and Conduit, “The Impact of Jihadist Foreign Fighters on Indigenous Secular-Nationalist Causes: Contrasting Chechnya and Syria”, p.1. Recent research has shown the negative impact such jihadist foreign fighters can have on the local cause, by importing an Islamist ideology that can both ignite splits in the local groups and erode popular support. The impact of these divisions can often outweigh the initial benefits of the jihadist foreign fighters. See Bakke, “Help Wanted?: The Mixed Record of Foreign Fighters in Domestic Insurgencies”, p. 185.

²⁷ Rana Jawad, “How strong is Islamic State in Libya?”, *BBC*, 5 February 2015, <http://m.bbc.com/news/world-africa-31113659>.

²⁸ Barak Mendelsohn, “Islamic State in Yemen: Why IS is seeking to expand”, *BBC*, 21 March 2015, <http://www.bbc.com/news/world-middle-east-31998682>.

²⁹ Stern, “The Continuing Cost of the Iraq War: The Spread of Jihadi Groups throughout the Region”, p.1.

For those foreign fighters who turn their back on violence, there is the possibility of peaceful integration in their new home. As with those who return to the West, those who settle peacefully in a non-Western country can follow one of three routes: become a Counter-Activist (P16), Activist (P17) or Non-Activist (P18).

3. Policies on Foreign Fighters

After this sketch of the possible pathways of foreign fighters in Syria and Iraq, a number of policies taken by European countries with regard to those fighters will be discussed. The number of (European) foreign fighters in Syria and Iraq has increased over the past years, often at an accelerated pace. In January 2015, the latest figures revealed that approximately 4,000 Western-Europeans have gone to fight since the start of the conflict.³⁰ As authorities have been increasingly worried about this high number of foreign fighters, numerous reports were published citing the potential risk posed by returning foreign fighters.³¹ Many high-level meetings were conducted to address this issue, both in local, national and international forums. In some cases, this has led to new “Action programmes” to be pursued, new measures to be adopted or existing powers to be expanded. This section aims to give a brief overview of the most important measures that have been taken as a response to those who are foreign fighters rather than preventing would-be foreign fighters. The preventative aspect of this question – how to prevent radicalisation and mobilisation – truly deserves a study of its own and is an inherently different policy puzzle than the one discussed here: how to respond to the fact that large numbers of Europeans are already fighting in Syria and Iraq.

General trends

With regard to many “complex, multidimensional and transnational security threats”, a favourite formula is that a so-called “comprehensive approach” is needed.³² This entails addressing all different aspects to a certain phenomenon (e.g. political, socio-economic, military) as well as a smart and balanced use of different types of measures at one’s disposal. An often used distinction between measures in the field of security policy is repressive/hard measures and soft measures. As explained by Lorenzo Vidino in his March 2014 study on foreign fighters, it is key to find the right balance between these two approaches. He states that “[e]xcessive repression might be counterproductive, as it might increase the sense of victimization felt by segments of the community”.³³

In the context of policies on (returning) foreign fighters, the general trend is a slow but steady move towards more repressive measures and the prosecution of returnees. Incidents such as the shooting at the Jewish Museum in Brussels in May 2014 by a returnee and the recent attacks in Paris in January 2015 and Copenhagen in February 2015 – although not by Syria returnees – result in high pressure on authorities to take harder measures. However, there are often a number of legal, practical and ethical constraints preventing their application. First of all, countries aiming to prosecute foreign fighters often find themselves confronted with limitations: joining a foreign fighting force is, in some jurisdictions, not seen as a criminal offense in itself.³⁴ Therefore, the United

³⁰ Jack Moore, “Number of Foreign Fighters in Iraq and Syria Reaches All-Time High”, *Newsweek*, 27 January 2015, <http://www.newsweek.com/number-foreign-fighters-iraq-and-syria-reaches-all-time-high-302359>.

³¹ Daniel Byman and Jeremy Shapiro, “Be Afraid, Be a Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq”, *Foreign Policy at Brookings*, Policy Paper No. 34 (November 2014); Jeanine de Roy van Zuijdewijn, “The Foreign Fighters’ Threat: What History Can(not) Tell Us”, *Perspectives on Terrorism*, vol. 8, no.5 (2014).

³² Edwin Bakker, Christophe Paulussen and Eva Entenmann, “Returning Jihadist Foreign Fighters”, *Security and Human Rights*, vol. 24 (2015), pp. 11-32, p. 23.

³³ Lorenzo Vidino, *Foreign Fighters: An Overview of Responses in Eleven Countries*, Centre for Security Studies (CSS) (March 2014), p. 6.

³⁴ See for instance the Netherlands Nationality Act which reads that an adult can lose his Dutch nationality “if he voluntarily joins a foreign army of a state that is involved in encounters against the Kingdom [the Netherlands] or an alliance that the Kingdom is a member of”

Nations Security Council adopted Resolution 2178, which “requires UN Member States to criminalize travel abroad for terrorist purposes and financing and facilitation of such travel”.³⁵ In recent years, more initiatives like these that aim to take away constraints have been adopted.

When it comes to national policies on returning foreign fighters, some important differences can be observed. As explained by Daniel Byman and Jeremy Shapiro, two European countries stand in stark contrast when it comes to their approach to returning foreign fighters. France is mainly focused on repressive measures and systematically prosecutes returnees on charges of terrorism.³⁶ Denmark, on the other side of the spectrum, is more focusing on reintegration programmes. These two measures will be briefly outlined below. Another “hard” measure will be discussed, namely revoking the nationality of returning foreign fighters under terrorism charges. Lastly, the most repressive and direct measure is not directed towards returning foreign fighters but to those currently fighting in Syria and Iraq on the side of the Islamic State: a military approach, specifically in the form of air strikes that are first and foremost aimed to weaken the organisation Islamic State but which in practice – inevitably – also targets foreign fighters. Admittedly, this is just a selection from the broader spectrum of policy measures that have been proposed or adopted. The measures that are discussed below cover both soft and hard measures, and also include the one most often applied (prosecution) and the most controversial one (military approach), thereby hoping to serve as a good starting point for discussing the consequences on the pathways outlined in the first part of this Policy Brief.

1. Reintegration programmes

Reintegration programmes are at the heart of a “soft approach”. Rather than focusing on the prosecution or criminalisation of foreign fighters – a criminal justice sector approach – these programmes aim to get foreign fighters back into society as soon as possible. Denmark, after Belgium the country with the highest per capita rate of foreign fighters in Europe, has become known for the implementation of the so-called “Aarhus model”, named after the city where this was started.

Preben Bertelsen, professor of Psychology at the University of Aarhus explains that inclusion is at the core of this programme: “We’re not stigmatising [returnees] or excluding them. Instead, we tell them that we can help them get an education, get a job, re-enter society”.³⁷ It involves voluntary psychological counselling, help to get employment and education, and returnees get assigned a mentor who guides them in this process.³⁸ It builds on close cooperation between police, intelligence and social services. So far, sixteen of the 31 foreign fighters from Aarhus have returned to the city. Of this group, six have not accepted any help. According to the local police in charge of this programme, some of the returnees involved seem to be highly disillusioned by their experience whereas others still show sympathy for the struggle in Syria.³⁹ This “soft approach” is not immune from criticism. Many in and outside the country criticise it for an alleged naïve picture of foreign fighters and for underestimating the potential threat posed by returnees.⁴⁰

[translated from Dutch], Netherlands Nationality Act, Article 15, 1.E, http://wetten.overheid.nl/BWBR0003738/geldigheidsdatum_15-08-2013.

³⁵ EU Counter-Terrorism Coordinator, 15715/2/14 REV 2, 2 December 2014, <http://data.consilium.europa.eu/doc/document/ST-15715-2014-REV-2/en/pdf>.

³⁶ Daniel Byman and Jeremy Shapiro, *Be Afraid, Be a Little Afraid*, p.26.

³⁷ Elisabeth Braw, “Inside Denmark’s Radical Jihadist Rehabilitation Programme”, *Newsweek*, 17 October 2014, <http://www.newsweek.com/denmark-offers-returning-jihadis-chance-repent-277622>.

³⁸ Andrew Higgins, “For Jihadists, Denmark Tries Rehabilitation”, *New York Times*, 13 December 2014, http://www.nytimes.com/2014/12/14/world/for-jihadists-denmark-tries-rehabilitation.html?_r=0.

³⁹ Jon Henley, “How do you deradicalise returning Isis fighters?”, *The Guardian*, 12 November 2014, <http://www.theguardian.com/world/2014/nov/12/deradicalise-isis-fighters-jihadists-denmark-syria>.

⁴⁰ Anthony Faiola and Souad Mekhennet, “Denmark tries a soft-handed approach to returned Islamist fighters”, *The Washington Post*, 19 October 2014, http://www.washingtonpost.com/world/europe/denmark-tries-a-soft-handed-approach-to-returned-islamist-fighters/2014/10/19/3516e8f3-515e-4adc-a2cb-c0261dd7dd4a_story.html.

2. Prosecution of foreign fighters

The prosecution of returning foreign fighters has become increasingly common in the past years.⁴¹ Whereas the first wave of foreign fighters who went to Syria in 2013 or early 2014 could return virtually without any fear of being prosecuted, this has changed by now. In most countries, it is not a criminal offense to join a fighting party as long as this party is not in direct conflict with the specific country. Therefore, countries generally try to prosecute foreign fighters under terrorism charges whereby they either criminalise the act of joining a designated terrorist organisation or charge foreign fighters for planning or executing a terrorist offence while in Syria/Iraq.

It has only been in late 2014 that the first court cases were concluded. In December 2014, a Dutch court sentenced returnee Maher H. to three years in prison for being guilty of preparing homicide with “terrorist intent” while in Syria.⁴² In Germany, the first court case against a returnee was handled by the “Oberlandesgericht” in Frankfurt in December 2014. Kreshnik B., was arrested upon his return to Germany in December 2013 and was found guilty of joining the Islamic State in the fight in Syria; he was sentenced to three years and nine months in prison for joining a terrorist organisation abroad.⁴³ In France, the first French citizen was sentenced in November 2014. Flavien M. was sentenced to seven years in prison for “association de malfaiteurs en vue de préparer des actes de terrorisme” (conspiracy to prepare a terrorist act).⁴⁴ In Belgium, the trial of 45 members of Sharia4Belgium made headlines for weeks. In February 2015, the judge sentenced all the 45 persons charged with membership of a terrorist organisation. All these members – except for the leader Fouad Belkacem – joined the struggle in Syria on the side of Jabhat al-Nusra or the Islamic State, both designated terrorist organisations.⁴⁵

3. Revoking nationality

A measure that is more repressive than prosecution is the act of revoking citizenship.⁴⁶ This is not the same as confiscating passports which is regularly used to prevent people from travelling to Syria.⁴⁷ The act of taking away the nationality of a person often has drastic consequences: in most cases this means that an individual is no longer able to enter the home country. In many countries, citizenship can only be revoked if it is seen as “conducive to the public good” or when it had been obtained by fraudulent means in the first place, as is the case in the UK.⁴⁸ This approach reflects the idea that returned foreign fighters truly are seen as a threat to national security.

In most countries where this measure is being taken, this can only be done for citizens with dual nationality. An exception to this is the UK that passed a law in May 2014 enabling the Home Secretary to strip citizens of their

⁴¹ “Addressing the Foreign Terrorist Fighters Phenomenon From a European Union Perspective”, *Global Center on Cooperative Security, Human Security Collective and International Centre for Counter-Terrorism – The Hague*, December 2014, http://www.icct.nl/download/file/Dec2014_EU-FTFS_GCCS_HSC_ICCT.pdf.

⁴² Arrondissementsparket Den Haag, *OM eist 4 jaar tegen vrouw die personen ronselde voor Jihad en 3 jaar tegen teruggekeerde Syriëganger*, 4 November 2014, <https://www.om.nl/onderwerpen/jihad-syriegangers/@87116/eist-4-jaar-vrouw/>.

⁴³ “IS-Kämpfer zu mehrjähriger Haft verurteilt”, *Süddeutsche Zeitung*, 5 December 2014, <http://www.sueddeutsche.de/politik/urteil-in-frankfurt-is-kaempfer-zu-mehrjaehriger-haft-verurteilt-1.2253458>.

⁴⁴ Charlotte Oberti, “Le parcours chaotique du premier Français accusé de jihad en Syrie”, *France 24*, 18 October 2014, <http://www.france24.com/fr/20141017-france-parcours-chaotique-premier-francais-accuse-jihad-syrie-flavien-moreau-justice-proces/>.

⁴⁵ “Fouad Belkacem veroordeeld tot twaalf jaar, Jejoen Bontinck tot 40 maanden met uitstel”, *Nieuwsblad*, 11 February 2015, http://www.nieuwsblad.be/cnt/dmf20150211_01523271.

⁴⁶ Christophe Paulussen and Laura van Waas, “UK Measures Rendering Terror Suspects Stateless: A Punishment More Primitive than Torture”, *ICCT Commentary*, June 2014, <http://www.icct.nl/publications/icct-commentaries/uk-measures-rendering-terror-suspects-stateless-a-punishment-more-primitive-than-torture>.

⁴⁷ See for instance “France seizes first passports of Syria bound citizens”, *France 24*, 23 February 2015, <http://www.france24.com/en/20150223-french-passports-confiscated-first-time-syria-terrorism/>.

⁴⁸ Victoria Parsons, “Government release number deprived of British citizenship since 2013”, *The Bureau of Investigative Journalism*, 19 December 2014, <http://www.thebureauinvestigates.com/2014/12/19/government-release-number-deprived-of-british-citizenship-since-2013/>.

nationality even when they do not have dual citizenship. This effectively renders them stateless.⁴⁹ Despite this possibility, this measure has not yet been applied to citizens without dual nationality, possibly also to avoid heavy criticism on its ethical difficulties.⁵⁰ In the year 2014, seventeen individuals with dual nationality saw their British nationality being revoked although it is not clear how many of these cases were related to national security.⁵¹ In Belgium, in January 2015, it was also announced that the authorities planned to expand powers to revoke citizenship of Belgians with dual nationality although legal experts doubt whether this will be accepted since it contradicts a number of existing laws.⁵² In Canada and Austria, amendments to nationality acts have already been made.⁵³ This policy is also being considered or expanded in the Netherlands, Australia, France and Norway.⁵⁴

4. Policies when abroad – military approach

A fourth policy option for European countries to deal with those who have left for Syria and Iraq is closely linked to the activities of the anti-Islamic State coalition in general and the US-led air strikes in particular.⁵⁵ It is an option to kill those who have joined Islamic State or other jihadist groups by way of air strikes or by missions by Special Forces on the ground. The latter activity is not openly acknowledged, except by the UK, Australia and the US. In November 2014, UK defence sources indicated that SAS troops had eliminated “up to eight terrorists per day” in the daring raids, carried out in autumn 2014.⁵⁶ The use of air strikes against Islamic State and its foreign fighters is, however, a daily practice in both Iraq and Syria. In fact, according to the Syrian Observatory for Human Rights, US-led air strikes against the Islamic State have killed more than 1,600 people in Syria between 23 September 2014 and 23 February 2015. Moreover, almost all of those killed were fighters from Islamic State (1,464 killed) and al Qaeda's Syrian affiliate Jabhat al-Nusra (73 killed), most of them non-Syrians.⁵⁷ The numbers of casualties among foreign fighters (in general) in Iraq might be even higher given the higher number of air attacks in that country.

The primary aim of these attacks is to weaken the organisation of Islamic State, but it also deals with the potential threat of (returning) foreign fighters. Of course this policy option is a sensitive one and not one that is publicly mentioned as a deliberate and direct way to deal with those who have left for Syria and Iraq. However, it is a daily practice and the increasing number of fatalities among foreign fighters may not only decrease their current numbers, but the attacks may also have an impact on the appeal of Islamic State as a victorious group

⁴⁹ Katrin Bennhold, “Britain Expands Power to Strip Citizenship From Terrorism Suspects”, *New York Times*, 14 May 2014, <http://www.nytimes.com/2014/05/15/world/europe/britain-broadens-power-to-strip-terrorism-suspects-of-citizenship.html>.

⁵⁰ For an overview and explanation of these ethical difficulties, see: Christophe Paulussen and Laura van Waas, “UK Measures Rendering Terror Suspects Stateless: A Punishment More Primitive than Torture”, *ICCT Commentary*, June 2014, <http://www.icct.nl/publications/icct-commentaries/uk-measures-rendering-terror-suspects-stateless-a-punishment-more-primitive-than-torture>.

⁵¹ Parsons, “Government release number deprived of British citizenship since 2013”.

⁵² Hannes Cattebeke, “Twaalf terreurmaatregelen plots niet meer zo haalbaar”, *Nieuwblad*, 21 January 2015, http://www.nieuwsblad.be/cnt/dmf20150120_01485416.

⁵³ Stewart Bell, “Canadian government begins invalidating passports of citizens who have left to join extremist group”, *National Post*, 20 September 2014, <http://news.nationalpost.com/2014/09/20/canadian-government-revoking-passports-of-citizens-trying-to-join-extremist-groups/>; Gerd Valchars, “Bill to denationalise Austrians fighting in armed conflicts passed by Parliament”, *EUDO Citizenship*, 11 December 2014, <http://eudo-citizenship.eu/news/citizenship-news/1318-bill-to-denationalise-austrians-fighting-in-armed-conflicts-passed-by-parliament>.

⁵⁴ “Australia to toughen citizenship laws to combat terrorism”, *BBC News*, 23 February 2015, <http://www.bbc.com/news/world-australia-31579804>; “Opstellen: jihadistien vaker Nederlanderschap afpakken”, *NOS*, 28 January 2015, <http://nos.nl/artikel/2015972-opstellen-jihadisten-vaker-nederlanderschap-afpakken.html>; “Courts Ok taking French nationality from jihadist”, *The Local*, 23 January 2015, <http://www.thelocal.fr/20150123/jihadist-french-nationality-court>; Gianluca Mezzofiore, “Norway ‘to Make Citizens Fighting for Isis Stateless’”, *International Business Times*, 27 August 2014, <http://www.ibtimes.co.uk/norway-make-citizens-fighting-isis-stateless-1462776>.

⁵⁵ Participants in the US-led coalition soon grew to include the United Kingdom, France, Australia, Canada, Germany, the Netherlands, Bahrain, Jordan, Saudi Arabia, Turkey, Qatar and the United Arab Emirates, see Jessica Stern and J.M. Berger, *ISIS: The State of Terror* (New York: HarperCollins Publishers, 2015), p.49.

⁵⁶ Mark Nicol, “SAS quad bike squads kill up to 8 jihadis each day...as allies prepare to wipe IS off the map”, *Daily Mail*, 22 November 2014, <http://www.dailymail.co.uk/news/article-2845668/SAS-quad-bike-squads-kill-8-jihadis-day-allies-prepare-wipe-map-Daring-raids-UK-Special-Forces-leave-200-enemy-dead-just-four-weeks.html>.

⁵⁷ “US-led air strikes on Syria ISIL targets ‘kill 1,600’”, *Al Jazeera*, 23 February 2015, <http://www.aljazeera.com/news/2015/02/led-air-strikes-syria-isil-targets-kill-1600-150223095226393.html>.

that until recently could claim victory after victory. The estimates of the fighting force of Islamic State vary. If we take it to be ten thousands of whom about a few thousand are from European countries⁵⁸, European foreign fighters make up about ten percent of the total force. And if we assume that their casualty rate is the same as among Islamic State forces in general, this means that already more than one hundred of them have died in air attacks by the international coalition against Islamic State.

4. Impact of Policies on Pathways

1. Reintegration programmes

Reintegration programmes are specifically designed to stimulate peaceful integration once foreign fighters have returned to their home country. The case of Denmark shows that these programmes are first and foremost focused on disengagement but also clearly aim at “rehabilitation”, which involves “a transition away from radical milieus and [the promotion of] reintegration into society”.⁵⁹ As explained above, this does not necessarily entail de-radicalisation. Therefore, a returned foreign fighter completing a reintegration programme could either be a counter-activist, non-activist but also activist (P8, 9 and 10), as long as this activism is confined to the use of peaceful advocacy.⁶⁰ Sometimes it is a thin line between campaigning for victims of the struggle in Syria and Iraq and stimulating people to go to fight with a jihadist group themselves. The latter, however, would be perceived in many countries as crossing this line between activism and terrorism and could result in charges for being involved in recruitment for terrorist organisations or incitement to terrorism.

The existence of reintegration programmes could also stimulate more foreign fighters still fighting in Syria or Iraq, who would otherwise have remained fighting or travelled to another country, to return to the home country. Whereas the prospect of being prosecuted could lead to lower numbers of fighters actually returning, the prospect of being able to enter a reintegration programme and benefit from all the services offered, could serve as a strong stimulus to return. Participation of returned fighters in these programmes would ideally not only result in a lessened security threat, but also in greater insight into the motivations of returned fighters and thus provide information needed for making more accurate risk assessments of the threat posed by these returnees. That, however, raises an unwanted prospect with unintended consequences. Participation in these programmes is seen by some critics as a potential cover for returned fighters to engage in terrorist planning.⁶¹ There is, according to critics, no guarantee that those involved in reintegration programmes are not also involved in terrorist planning (P11, P12).

A possible unintended consequence of such programmes could thus be that higher numbers actually return (which requires more resources to manage this) and that these returnees – worst case scenario – could be involved in terrorist plotting with relative freedom. Also, reintegration programmes do not by themselves contribute to preventing activist young people from actually becoming a foreign fighter. There is no deterrent effect in rehabilitation programmes on prospective foreign fighters as is the case for the harder policy options like prosecution, revoking of nationality or even death following military operations. Reintegration programmes rather signal that the decision to fight abroad does not have any long-term consequences that cannot be reversed. On the contrary, the decision to fight might eventually be rewarded by being incorporated in a

⁵⁸ For an estimate of the number of fighters of Islamic State, see Daveed Gartenstein-Ross, “How Many Fighters Does the Islamic State Really Have”, *Foundation for Defense of Democracies*, 9 February 2015, <http://www.defenddemocracy.org/media-hit/gartenstein-ross-daveed-how-many-fighters-does-the-islamic-state-really-have/>.

⁵⁹ Rachel Briggs and Tanya Silverman, “Western Foreign Fighters: Innovations in Responding to the Threat”, *Institute for Strategic Dialogue* (2014), p. 47.

⁶⁰ See Alex Schmid, “Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review”, *ICCT Research Paper*, March 2013.

⁶¹ Faiola and Mekhennet, “Denmark tries a soft-handed approach to returned Islamist fighters”.

programme that helps former foreign fighters to obtain education or open the door for employment.⁶² However, if these programmes are able to attain what they wish to attain – peaceful integration and preferably even counter-activist engagement (P8) – that could definitely be seen as the “best-case scenario” for Western countries.

2. Prosecution of foreign fighters

The dilemmas and unintended consequences of prosecuting returning foreign fighters is best highlighted by a recent court case in the UK. In December 2014, Yusuf Sarwar and Nahin Ahmed were sentenced to nearly thirteen years in jail each, for conduct in preparation of terrorist acts, following their arrest on return from Syria.⁶³ What is special about this case is not just the harshness of the sentences, but that the boys’ parents alerted the police that they had gone to Syria and co-operated with the authorities fully, only then to be left distraught at the length of their convictions. One objective of such prosecutions is to act as a deterrent to those thinking of going to Syria (as well as locking up dangerous jihadists on their return). The unintended consequences of such a policy are best articulated by the words of Majida Sarwar, mother of Yusuf, “The police say ‘mothers come forward’, you can trust us, we will help. But now they will see what happened to my son. What kind of person would go to the police if they think their son will get 12 years in prison? Nobody wants to do that. I did not want that”.⁶⁴

A policy of prosecuting returning foreign fighters can have two potentially unintended consequences. Firstly, family and friends, as well as members of the wider community are deterred from passing on information to the police regarding those they know or suspect of having travelled to fight in Syria. This can severely undermine the police and security services intelligence gathering capabilities; for all the use of modern surveillance techniques, human intelligence from within the community is still central. The net result is that it increases the chances of more returning foreign fighters arriving undetected to the UK, and in the worst case scenario these returnees might continue to engage in terrorist activities (P11, P12).

Secondly, fear of prosecution on return may not only deter potential foreign fighters, but also deter those who are already in Syria or Iraq from returning. From the perspective of the UK and other European countries, this may seem like a positive outcome⁶⁵, reducing the number of potentially dangerous returnees. However, the knock on effect is that it will change their pathways, closing down one avenue and redirecting foreign fighters towards another. Those deterred from returning, can then stay in Syria and Iraq, or move onto a non-Western country, possibly to join another conflict (P13) or to a non-conflict zone to start a terrorist campaign there (P14, P15). All of these options could potentially worsen the situation in Syria and Iraq, or assist in spreading destabilisation in a wider region. As a result, this leaves peaceful integration in a non-Western country as the only option for those who have become disillusioned with jihad and wish to avoid prosecution (P16, P17, P18).

3. Revoking nationality

The act of revoking nationality could in principle be done at any of three stages: before departure, during fighting, or upon return. Whereas it has become increasingly common to revoke travel documents when authorities notice there is a serious intent to become a foreign fighter, revoking nationality is more likely to be pursued for those already fighting or having returned. This would make it more difficult for them to either peacefully reintegrate and follow the related pathways (P8, P9, P10) and to become involved in terrorist activity from their home

⁶² It must be said the authors of this paper feel that the scenario of someone becoming a foreign fighter only to be able to make use of these services upon return is probably a bit too far-fetched and cynical.

⁶³ Melanie Hall, “Mother who alerted police to British jihadists son feels ‘betrayed’ over his 12-year sentence”, *The Telegraph*, 7 December 2014, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11278868/Mother-who-alerted-police-to-British-jihadist-son-feels-betrayed-over-his-12-year-sentence.html>.

⁶⁴ Tracy McVeigh, “‘Police betrayed me,’ says mother of imprisoned British jihadi”, *The Observer*, 6 December 2014, <http://www.theguardian.com/world/2014/dec/06/yusuf-sarwar-mother-british-jihadist-police-betray-syria>.

⁶⁵ However, this would be a rather short-sighted perspective, considering that terrorism is a cross-border problem, and one which the international community has committed itself to fighting wherever it takes place.

country (P11, P12). Individuals who see their nationality revoked when fighting might prefer to stay in the conflict zone or leave for another non-Western country that they are able to enter. It must be said that this is perhaps already the preferable option for the fighters regardless of whether their nationality has been revoked, as historical examples of foreign fighters show that many of them do not even want to return.⁶⁶ It has also been reported that many foreign fighters in Syria and Iraq burn their passports upon arriving, indicating the irreversibility of their act.⁶⁷

Whereas this might limit the chances of a returned foreign fighter becoming involved in terrorist plotting at home, this still means plots could be made or pursued elsewhere. Foreign fighters unable to return might instead decide to become or stay involved in terrorist activity in the country where they were fighting (P3, P4) or to travel illegally to another country that has a more cooperative stance towards foreign fighters. This individual could still be in contact with others in the home country and support terrorist activity (P15) or become involved in terrorist plots in other countries (P14). It could be said that this measure simply shifts the problem and possible threat to another location without addressing either the causes or offering solutions. Furthermore, it could also be the case that the foreign fighter cannot easily peacefully reintegrate in other countries because their status as foreigner does not enable them to easily settle down in most countries. This could stimulate a move into illegality and an underground existence, which makes the possibility of monitoring by Western intelligence agencies – and thus the chances of detecting terrorist activity – smaller.

Also, it must be taken into account that the act of revoking nationality could result in serious grudges against the actor or country responsible for this decision. It signals that an individual is no longer seen as part of the society and could thus increase (already existing) animosity and incite possible acts of retribution.

The act of revoking the nationality of a person can potentially have a deterrent effect on prospective foreign fighters as it shows that there is simply “no way back”. At the same time, this also effectively removes the possibility of peaceful reintegration in the home country, something that the majority of returnees were able to do following past conflicts.⁶⁸

4. Policies when abroad – military approach

The military approach by the coalition against Islamic State – and others – includes targeted killings that result in Pathway 1, “death”. When foreign fighters die, obviously, all other pathways are no longer an option, also the perhaps more preferable ones related to peaceful reintegration into the home country or other societies. Hence, the military option in general and that of targeted killings in particular provide a very clear and drastic “solution” to the issue of foreign fighters when abroad. There are however a number of negative consequences and limitations to this policy, especially if it is deliberately aimed at killing at foreign fighters and not Islamic State forces in general.

First of all there are legal and ethical issues to be considered in relation to the killing of foreign fighters as part of a military campaign. Think about the thin line between a military campaign and a campaign of targeted killings, and where to draw that line? And what about the use of intelligence and target selection: should the planners of attacks take nationality of the Islamic State fighters into account or not. And if so, should, for instance, UK pilots, primarily attack Islamic State fighters from the UK or rather go for other targets? Of course assuming these attacks comply with the *jus ad bellum* (and the requirement of imminence⁶⁹). Other relevant questions

⁶⁶ Roy van Zuijdewijn and Bakker, "Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia".

⁶⁷ Tom Wyke, "Three French ISIS jihadists burn their passports and urge others to 'poison non-believers food and run over them with your cars' in chilling new propaganda video", *Daily Mail*, 20 November 2014, <http://www.dailymail.co.uk/news/article-2841698/Three-French-ISIS-jihadists-burn-passports-urge-poison-food-run-cars-chilling-new-recruitment-video.html#ixzz3VDrTd9ue>.

⁶⁸ Roy van Zuijdewijn and Edwin Bakker, "Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia".

⁶⁹ For more on this subject, see the ICCT commentary by Christophe Paulussen and Kinga Tibori Szabó on US self-defence arguments against the Khorasan group in Syria, <http://www.icct.nl/publications/icct-commentaries/testing-the-validity-of-us-self-defence-arguments-against-the-khorasan-group-in-syria>.

include how do the air strikes relate to the mandate of the military intervention and other relevant restrictions or agreements between parties opposing Islamic State? An important question of a different kind that needs answering is the impact of killing foreign fighters. Can it indeed be considered a successful way of dealing with foreign fighters once in Syria or Iraq, or does it turn them into martyrs and a useful instrument of propaganda to others to recruit even more foreign fighters? Or does it perhaps incite others to seek revenge and to stage an attack at home (P4, 11, 15), for instance against military personnel of the countries that contribute to the coalition against Islamic State, or elsewhere (P2, 13, 14)?

Those killed in air strikes and other attacks by the coalition have been portrayed as martyrs. Yet, it remains to be seen if their death will encourage others to join the ranks of Islamic State and Jabhat al-Nusra now that these organisations are being hit hard by the military intervention and fighting forces such as the Kurds that are supported by the US and other countries. In fact, it could also result in a rather different effect, with more foreign fighters deciding it is safer to leave the battlefield and to return home (P8-12) or to move elsewhere (P14-18), either to live in peace or to continue the violent jihad. Given the various potential side effects and unanswered questions, it does not seem appropriate to call the use of air strikes or other type of military action against foreign fighters a solution to the problem posed by other fighters. At the same time, it cannot be denied that the killing of these fighters does contribute to the military weakening of Islamic State and hence its ability to commit war crimes on a massive scale. And of course it leads to a decrease of the number of potential returnees. Therefore, at least in the short run, it could be regarded a policy that decreases the problem posed by foreign fighters.

Conclusion

In this Policy Brief we have looked at the main pathways that could be taken by foreign fighters currently fighting in Syria and Iraq. Next we discussed four policies that are being implemented by European authorities to address the challenge of returning foreign fighters. These policies – reintegration programmes, prosecution, revoking nationality and a military approach – were linked to the pathways identified earlier to see what the possible implications could be. This Policy Brief identified a number of potentially unwanted and unintended consequences with relation to these four particular policies.

Reintegration programmes primarily focus on what could be called the “best-case scenario”, namely the peaceful reintegration of former foreign fighters into their home country’s society. However, it is feared that this “soft approach” could lead to a relatively higher risk of terrorist attacks compared to the other three options because it might result in higher numbers of persons wanting or daring to return home. This increase in numbers makes this group more difficult to monitor and it may also include persons who do not want or cannot be peacefully reintegrated. Moreover, this policy option has no deterrent effect on prospective foreign fighters. In other words, it could exacerbate the problem in the long run.

With regard to prosecution, two possible unintended consequences were identified. Firstly, it has a negative impact on the willingness of family and friends to share information about persons fighting in Syria and Iraq. This could lead to more attempts to try to return undetected, which also means less opportunities to monitor those returnees. Secondly, the fear of prosecution might also deter those who are already in Syria and Iraq from returning. Whereas this might limit the chance of a terrorist attack being prepared in a Western country, it might stimulate fighters to move to other conflict zones and spread destabilisation or engage in terrorist activity in other countries, possibly also directed at the interests of a Western country.

The act of revoking the nationality of a (suspected) foreign fighter could have the same deterrent effect on returning as prosecution has. It does not address the possible threat posed by foreign fighters but only shifts it towards a different location as foreign fighters could also be involved in terrorist plotting elsewhere. Both these

pathways effectively block the avenue of returning and peaceful reintegration. As the act of revoking nationality has such an enormous impact on an individual, this could lead to increased animosity and possible acts of revenge against those held responsible.

Finally, with regard to the most controversial policy option, the military approach in general and air strikes in particular, the dilemmas are obvious. First of all, there are many pressing ethical and legal questions that currently remain unanswered. Moreover, whereas this policy does limit the threat posed by returnees to European countries in the short run – the killed individual simply cannot be involved in terrorist activity anymore – it could, in the long run, also have many negative consequences. One question is the extent to which these martyrs stimulate further recruitment. Also, it could possibly inspire others to engage in acts of revenge, in Syria or Iraq, the home country, or elsewhere.

In conclusion, this Policy Brief aimed to show that policies designed to encourage (reintegration programmes), discourage (prosecution, revoking nationality) or exclude (military approach) certain pathways need to take into consideration the possible impact that these may have on other pathways. In addition, each policy option has a wide variety of other (un)intended side effects. Awareness of these possible unwanted and unintended consequences helps policymakers to weigh costs and benefits of certain approaches and to determine the best policy option(s) to deal with the phenomenon of (returning) foreign fighters. With regard to the current situation, it is clear that there is no “quick fix” or “magic bullet”. Nevertheless, real bullets, bombs and rockets, seem to be the most direct and drastic policy option in the short run, although it can produce a great deal of collateral damage. However, the main point of this Policy Brief is that policymakers should also take into account the indirect and long term side effects of their policies, as some may lead to a displacement effect leading to more trouble. In the worst case, some policy measures might provide a breeding ground for a new generation of foreign fighters. Against this background, we believe the concept of pathways could provide a valuable framework for policymakers to identify preferred outcomes and to subsequently select those policies that help to deliver these desired objectives, whilst limiting or mitigating their possible negative side effects and, of equal importance, by preventing the most undesirable outcomes.

Bibliography

- “Addressing the Foreign Terrorist Fighters Phenomenon From a European Union Perspective”, Global Center on Cooperative Security, Human Security Collective and International Centre for Counter-Terrorism – The Hague, December 2014, http://www.icct.nl/download/file/Dec2014_EU-FTFS_GCCS_HSC_ICCT.pdf.
- AIVD, *Annual Report 2013*, <https://www.aivd.nl/publicaties/aivd-publicaties/@3096/annual-report-2013/>.
- Arrondissementsparket Den Haag. *OM eist 4 jaar tegen vrouw die personen ronselde voor Jihad en 3 jaar tegen teruggekeerde Syriëganger*, 4 November 2014, <https://www.om.nl/onderwerpen/jihad-syriegangers/@87116/eist-4-jaar-vrouw/>.
- “Australia to toughen citizenship laws to combat terrorism”, *BBC News*, 23 February 2015, <http://www.bbc.com/news/world-australia-31579804>.
- Bakke, K. M. “Help Wanted?: The Mixed Record of Foreign Fighters in Domestic Insurgencies”, *International Security*, Vol.38, No. 5 (2014), pp. 150-187.
- Bakker, E., C. Paulussen and E. Entenmann. “Returning Jihadist Foreign Fighters”, *Security and Human Rights*, vol. 24 (2015), p. 11-32.
- Barrett, R. “Foreign Fighters in Syria”, *The Soufan Group*, June 2014, <http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>.
- Bell, S. “Canadian government begins invalidating passports of citizens who have left to join extremist group”, *National Post*, 20 September 2014, <http://news.nationalpost.com/2014/09/20/canadian-government-revoking-passports-of-citizens-trying-to-join-extremist-groups/>.
- Bennhold, K. “Britain Expands Power to Strip Citizenship From Terrorism Suspects”, *New York Times*, 14 May 2014, <http://www.nytimes.com/2014/05/15/world/europe/britain-broadens-power-to-strip-terrorism-suspects-of-citizenship.html>.
- Braw, E. “Inside Denmark’s Radical Jihadist Rehabilitation Programme”, *Newsweek*, 17 October 2014, <http://www.newsweek.com/denmark-offers-returning-jihadis-chance-repent-277622>.
- Briggs, R. and T. Silverman, “Western Foreign Fighters: Innovations in Responding to the Threat”, *Institute for Strategic Dialogue* (2014).
- Byman, D. and J. Shapiro, “Be Afraid, Be a Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq”, *Foreign Policy at Brookings*, Policy Paper No. 34 (November 2014).
- Cattebeke, H. “Twaalf terreurmaatregelen plots niet meer zo haalbaar”, *Nieuwblad*, 21 January 2015, http://www.nieuwsblad.be/cnt/dmf20150120_01485416.
- “Courts Oks taking French nationality from jihadist”, *The Local*, 23 January 2015, <http://www.thelocal.fr/20150123/jihadist-french-nationality-court>.
- EU, *Counterterrorism Legislation*, http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_terrorism/l33275_en.htm.
- EU Counter-Terrorism Coordinator. 15715/2/14 REV 2, 2 December 2014,

<http://data.consilium.europa.eu/doc/document/ST-15715-2014-REV-2/en/pdf>.

Faiola, A. and S. Mekhennet, “Denmark tries a soft-handed approach to returned Islamist fighters”, *The Washington Post*, 19 October 2014, http://www.washingtonpost.com/world/europe/denmark-tries-a-soft-handed-approach-to-returned-islamist-fighters/2014/10/19/3516e8f3-515e-4adc-a2cb-c0261dd7dd4a_story.html.

France 24, “France seizes first passports of Syria bound citizens”, 23 February 2015, <http://www.france24.com/en/20150223-french-passports-confiscated-first-time-syria-terrorism/>.

“Fouad Belkacem veroordeeld tot twaalf jaar, Jejoen Bontinck tot 40 maanden met uitstel”, *Nieuwsblad*, 11 February 2015, http://www.nieuwsblad.be/cnt/dmf20150211_01523271.

Gartenstein-Ross, Daveed. “How Many Fighters Does the Islamic State Really Have”, *Foundation for Defense of Democracies*, 9 February 2015, <http://www.defenddemocracy.org/media-hit/gartenstein-ross-daveed-how-many-fighters-does-the-islamic-state-really-have/>.

Hall, M. “Mother who alerted police to British jihadists son feels ‘betrayed’ over his 12-year sentence”, *The Telegraph*, 7 December 2014, <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/11278868/Mother-who-alerted-police-to-BritishJihadist-son-feels-betrayed-over-his-12-year-sentence.html>.

Henley, J. “How do you deradicalise returning Isis fighters?”. *The Guardian*, 12 November 2014, <http://www.theguardian.com/world/2014/nov/12/deradicalise-isis-fighters-jihadists-denmark-syria>.

Horgan, J. *Walking away from terrorism*, London: Routledge (2009).

“IS-Kämpfer zu mehrjähriger Haft verurteilt”. *Süddeutsche Zeitung*, 5 December 2014, <http://www.sueddeutsche.de/politik/urteil-in-frankfurt-is-kaempfer-zu-mehrjaehriger-haft-verurteilt-1.2253458>.

Jones, S.G. “Jihadist Sanctuaries in Syria and Iraq: Implications for the United States”, *Rand Testimony*, 24 July 2014, http://www.rand.org/content/dam/rand/pubs/testimonies/CT400/CT414/RAND_CT414.pdf.

Karouny, Mariam. “Insight: Syria's Nusra Front eclipsed by Iraq-based al QaedaReuters”, *Reuters*, 17 May 2013, <http://www.reuters.com/article/2013/05/17/us-syria-crisis-nusra-idUSBRE94G0FY20130517>.

Levitt, Matthew. *Hezbollah: The Global Footprint of Lebanon's Party of God* (London: Hurst and Co, 2013).

M15, “Foreign Fighters”, <https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/international-terrorism/international-terrorism-and-the-uk/foreign-fighters.html>.

McVeigh, T. “‘Police betrayed me,’ says mother of imprisoned British jihadi”, *The Observer*, 6 December 2014, <http://www.theguardian.com/world/2014/dec/06/yusuf-sarwar-mother-british-jihadist-police-betray-syria>.

Mezzofiore, G. “Norway ‘to Make Citizens Fighting for Isis Stateless’”, *International Business Times*, 27 August 2014, <http://www.ibtimes.co.uk/norway-make-citizens-fighting-isis-stateless-1462776>.

Moore, Jack. “Number of Foreign Fighters in Iraq and Syria Reaches All-Time High”, *Newsweek*, 27 January 2015, <http://www.newsweek.com/number-foreign-fighters-iraq-and-syria-reaches-all-time-high-302359>.

Nicol, M. “SAS quad bike squads kill up to 8 jihadis each day...as allies prepare to wipe IS off the map”, *Daily Mail*, 22 November 2014, <http://www.dailymail.co.uk/news/article-2845668/SAS-quad-bike-squads-kill-8-jihadis-day-allies-prepare-wipe-map-Daring-raids-UK-Special-Forces-leave-200-enemy-dead-just-four-weeks.html>.

- Noor, F.A. and Dorsey, J.M. "Responding to the Islamic State's Foreign Fighters: Retribution or Rehabilitation", *RSIS Commentary*, No. 176, (2014).
- Oberti, C. "Le parcours chaotique du premier Français accusé de jihad en Syrie", *France 24*, 18 October 2014, <http://www.france24.com/fr/20141017-france-parcours-chaotique-premier-francais-accuse-jihad-syrie-flavien-moreau-justice-proces/>.
- "Opstelten: jihadisten vaker Nederlanderschap afpakken", *NOS*, 28 January 2015, <http://nos.nl/artikel/2015972-opstelten-jihadisten-vaker-nederlanderschap-afpakken.html>.
- Parker, A. "Terrorism, technology and accountability", Address by Director General of the Security Service to the Royal United Services Institute (RUSI), 8 January 2015, <https://www.mi5.gov.uk/home/about-us/who-we-are/staff-and-management/director-general/speeches-by-the-director-general/director-generals-speech-on-terrorism-technology-and-accountability.html>.
- Parsons, V. "Government release number deprived of British citizenship since 2013", *The Bureau of Investigative Journalism*, 19 December 2014, <http://www.thebureauinvestigates.com/2014/12/19/government-release-number-deprived-of-british-citizenship-since-2013/>.
- Paulussen, C. and L. Van Waas, "UK Measures Rendering Terror Suspects Stateless: A Punishment More Primitive than Torture", *ICCT Commentary*, June 2014, <http://www.icct.nl/publications/icct-commentaries/uk-measures-rendering-terror-suspects-stateless-a-punishment-more-primitive-than-torture>.
- Penketh, Anne, "French suspect in Brussels Jewish museum attack spent year in Syria", *The Guardian*, 1 June 2014, <http://www.theguardian.com/world/2014/jun/01/french-suspect-brussels-jewish-museum-attack-syria>.
- Rich, B. and D. Conduit. "The Impact of Jihadist Foreign Fighters on Indigenous Secular-Nationalist Causes: Contrasting Chechnya and Syria", *Studies in Conflict & Terrorism*, p.1-19 (2014).
- Roy van Zuijdewijn, J. de and E. Bakker. "Returning Western foreign fighters: The case of Afghanistan, Bosnia and Somalia", *The Hague: International Centre for Counter-Terrorism* (2014).
- Roy van Zuijdewijn, J. de. "The Foreign Fighters' Threat: What History Can(not) Tell Us", *Perspectives on Terrorism*, vol. 8, no.5 (2014).
- Schmid, A. "Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review", *ICCT Research Paper*, March 2013, <http://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf>.
- Stern, J. and J.M. Berger, *ISIS: The State of Terror* (New York: HarperCollins Publishers, 2015).
- Stern, J. "The Continuing Cost of the Iraq War: The Spread of Jihadi Groups throughout the Region", The Watson Institute for International Studies at Brown University, Working Paper No. 2014-19 (2014).
- "US-led air strikes on Syria ISIL targets 'kill 1,600'", *Al Jazeera*, 23 February 2015, <http://www.aljazeera.com/news/2015/02/led-air-strikes-syria-isil-targets-kill-1600-150223095226393.html>.
- Valchars, G. "Bill to denationalise Austrians fighting in armed conflicts passed by Parliament", *EUDO Citizenship*, 11 December 2014, <http://eudo-citizenship.eu/news/citizenship-news/1318-bill-to-denationalise-austrians-fighting-in-armed-conflicts-passed-by-parliament>.

Vidino, L. *Foreign Fighters: An Overview of Responses in Eleven Countries*, Centre for Security Studies (CSS) (March 2014).

Vidino, L. “European foreign fighters in Syria: dynamics and responses”, *European View*, Vol. 13, p. 217-224 (2014).

Waterfield, Bruno, “Two killed in Belgium police anti-terror raid in Verviers”, *Telegraph*, 15 January 2015
<http://www.telegraph.co.uk/news/worldnews/europe/belgium/11349110/Casualties-in-Belgium-police-anti-terror-raid-in-Verviers.html>.

Weggemans, D., E Bakker and P. Grol. “Who Are They and Why do They Go?: The Radicalisation and Preparatory Processes of Dutch Jihadist Foreign Fighters”, *Perspectives on Terrorism*, Vol. 8, Issue 4 (2014).

Wyke, T. “Three French ISIS jihadists burn their passports and urge others to 'poison non-believers food and run over them with your cars' in chilling new propaganda video”, *Daily Mail*, 20 November 2014,
<http://www.dailymail.co.uk/news/article-2841698/Three-French-ISIS-jihadists-burn-passports-urge-poison-food-run-cars-chilling-new-recruitment-video.html#ixzz3VDrTd9ue>.