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Shunning responsibilities and shifting risks: states' responses to the foreign terrorist fighters phenomenon & the limits of public international law

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Following the outbreak of the Syrian Civil War in 2011, tens of thousands of foreigners traveled to Syria and Iraq to join the Islamic State and other terrorist organizations. These individuals have been referred to as 'foreign terrorist fighters' (FTFs). What made the mobilization of such individuals unprecedented was, among other reasons, the extraordinary far-reaching responses by their states of origin. This study focuses on four such responses: (1) prevention of travel; (2) nationality deprivation; (3) (non-) repatriation; and (4) prosecution. It argues that, through these responses, states have essentially shunned their responsibilities and shifted security risks, as well as a burden to counter such risks, to other states and the Syrian Democratic Forces in control of Northeast Syria.

Such practices of pushing away burdens, responsibilities, threats and people perceived as unwanted are, however, neither new nor specific to the FTFs phenomenon, but are rather part of a broader pattern. Similar approaches can, for example, be identified within immigration and asylum policies. Using the FTFs phenomenon in Syria and Iraq as a case study, this study explores the extent to which public international law governs the shunning of responsibilities and the shifting of security risks, as visible in states' responses to this phenomenon.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Exploring the Frontiers of International Law'.

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States' responses to the foreign terrorist fighters phenomenon & the limits of public international law

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