

Pretoria Regional Consultation on the Aftermath of Conflict – Peace, Reconciliation & the Role of IHL

Executive Summary & Consolidated Recommendations

I. EXECUTIVE SUMMARY

The Pretoria Regional Consultation brought together states, experts and humanitarian actors to examine how international humanitarian law (IHL) implementation after the end of hostilities can strengthen peace, reconciliation and non-recurrence of war. It formed part of the IHL & Peace Workstream of the Global Initiative to Galvanize Political Commitment to IHL, co-chaired by Colombia, Ethiopia, Qatar, Bangladesh and Saudi Arabia.

In the introductory remarks, Colombia stressed the centrality of addressing enforced disappearances, a systemic tool of war, and highlighted the role of victims, especially women, in promoting truth, memory and reconciliation. Ethiopia underlined that IHL is essential before, during and after conflict, emphasizing that compliance reduces cycles of revenge, builds institutional legitimacy and anchors transitional justice.

A high-level panel explored four interconnected thematic issues that must be addressed during transitions from war to peace: missing persons, children, return and reintegration of displaced persons, and detention. Experts stressed that the immediate aftermath of conflict is the period in which states must intensify their implementation of IHL, not relax it. How states handle the missing, detainees, displaced persons and children directly shapes social cohesion, institutional legitimacy and the durability of peace agreements.

Three thematic Working Groups discussed practical lessons and generated actionable recommendations for states. Working Group 1 focused on children and post-conflict recovery, emphasizing the primacy of viewing all conflict-affected children as victims and the importance of long-term reintegration systems anchored in communities. Working Group 2 addressed the missing and the dead, calling for stronger documentation systems, forensic and search capacities, inclusive mechanisms and guaranteed family participation. Working Group 3 examined detention during transition periods, highlighting the importance of oversight, documentation, consistency of treatment and lawful release processes.

Across all discussions, three cross-cutting conclusions emerged:

1. **Respect for IHL continue to be crucial in the aftermath of conflict.** The period immediately after hostilities is decisive for clarifying the fate of the missing, ensuring lawful detention and releases, enabling dignified returns and supporting children's reintegration.
2. **Community mechanisms are indispensable for reconciliation.** Long-standing African practices, from elders' mediation to reconciliation rituals, complement state systems and enable acceptance, truth recovery and social repair.
3. **Long-term investment and multi-year programmes are essential.** Children's reintegration, search for the missing, restoration of documentation systems and detention reform cannot be achieved through short-term projects.

The recommendations produced in Pretoria will directly inform the outcome document to be produced by the IHL & Peace workstream as part of the Global IHL Initiative.

II. PANEL RECOMMENDATIONS, REGROUPED BY THEMATIC AREAS

The panel explored four interconnected thematic issues that need to be addressed in post-conflict transitions: the missing, children, displaced persons and return, and detention, highlighting how the implementation of IHL obligations during and after conflict contributes to social cohesion, prevention of renewed violence, and long-term peacebuilding.

A. MISSING PERSONS & RECONCILIATION

Based on the intervention of Ms. **Ntokozo Sibanyoni (ICRC consultant)**

- Addressing the missing is essential for rebuilding trust and social cohesion because unresolved disappearances cause emotional, legal and economic hardship for families and can generate bitterness that undermines reconciliation.
- States must recognize that the issue is politically sensitive, especially where actors implicated in disappearances hold power, and must nonetheless take early, concrete steps to address the fate and whereabouts of missing persons.
- Transitional justice mechanisms often fail or marginalize the missing; post-conflict processes must instead ensure that families' needs and rights are meaningfully addressed.
- Community knowledge and participation are indispensable. Local actors often hold critical information and provide culturally rooted mechanisms, such as traditional recovery practices, elders' mediation or community rituals, that support healing, dignity and reintegration.
- Enabling transparent, inclusive processes reduces the politicization of victimhood, encourages accountability and allows victims and families to move forward.

B. CHILDREN & POST-CONFLICT RECOVERY

Based on the intervention of Hon. **Robert Namina (African Committee of Experts on the Rights and Welfare of the Child)**

- Children associated with armed forces or armed groups must be treated first and foremost as victims, and their protection requires the complementary application of IHL and international human rights law.
- Obligations include preventing recruitment and use of children in hostilities, ensuring their protection as part of the civilian population while recognising the additional protections afforded to children under international humanitarian law, preventing and repressing grave violations against children, and guaranteeing humanitarian access. Reintegration must continue beyond the end of conflict; children's protection does not end at the moment hostilities cease.
- Reintegration is a process, not an event. Long-term, community-based approaches are necessary, especially where families or communities may initially reject returning children.

- Effective reintegration also depends on strengthening the broader ecosystem around the child (i.e. education, justice, community leadership structures) and ensuring that child protection standards are integrated into peace processes and post-conflict recovery policies.
- Regional mechanisms, such as those led by the African Union and its Committee of Experts, play a key role in providing minimum standards, guidance and monitoring to support child-responsive peacebuilding.

C. RETURN & REINTEGRATION OF DISPLACED PERSONS

Based on the intervention of Mr. **Senai Terrefe (UNHCR Deputy Representative)**

- The right of displaced persons to return to their homes or places of habitual residence is recognised under international humanitarian law, refugee law and international human rights law. Ensuring that returns are voluntary, safe and dignified constitutes a key starting point for sustainable reintegration. Return must be accompanied by concrete measures that support reintegration in areas of return, including:
 - allocating resources and budgets to areas of return that have been affected by displacement and conflict,
 - restoring and strengthening education, health, social protection and local governance ,
 - restoring or reissuing civil documentation and legal identity documents for returnees, enabling them to access rights, services and livelihoods, ensuring access to basic services and sustainable livelihoods.
- Reintegration affects both returnees and the communities receiving them. Recovery and development measures should therefore benefit both groups, including through investment in services, infrastructure and livelihoods in areas of return in order to preserve social cohesion and prevent renewed tensions. Early warning and conflict-prevention mechanisms, including community-based monitoring and safeguards for housing, land and property rights, are essential components of sustainable peace.
- Tripartite agreements and strong protection monitoring can help ensure that returns are voluntary, safe, dignified and grounded in rights.

D. DETENTION DURING TRANSITION

Based on the intervention of Mr. **Terry Hackett (Head, ICRC Unit for People Deprived of Liberty)**

- Humane treatment of detainees during conflict and throughout transitions is an IHL obligation and a prerequisite for trust, reconciliation and stability.
- Humane treatment includes: adequate living conditions, access to healthcare, water, food, family contact and protection from torture and ill-treatment.
- Accurate, transparent and continuous record-keeping is essential to prevent disappearances and ensure families know the fate and whereabouts of loved ones held in detention.
- Independent oversight, including community engagement and the role of impartial humanitarian organizations such as the ICRC, is critical during transitions to prevent abuse and maintain transparency.
- Detention systems must be included in reconstruction planning, ensuring basic infrastructure such as power, water, roads and communication is restored.

- Releases should be planned and properly communicated and can be facilitated through neutral intermediaries or community-based mechanisms, contributing to reconciliation and reducing overcrowding.
- Respect for IHL in detention during conflict directly influences the possibility of reconciliation and sustainable peace after conflict.

E. CROSS-BORDER DETENTION & REINTEGRATION

Based on the intervention of Ms. **Kaajal Ramjathan-Keogh (Director, International Commission of Jurists – Africa)**

- Individuals detained across borders may face a range of violations, including arbitrary or prolonged detention, lack of access to legal counsel, language and interpretation barriers, inability to notify families, lack of consular access and risks of refoulement. Immigration detention is frequently used by default, including for refugees and migrants, despite international standards requiring it to be a measure of last resort and prohibiting the detention of children for immigration-related reasons.
- States must prevent arbitrary deprivation of liberty in all forms (i.e. immigration, criminal and political detention) and ensure adherence to minimum standards for humane treatment.
- Forced returns, cross-border abductions and other detention practices that disregard legal obligations erode trust between states and within societies.
- Oversight, transparency, judicial independence and access to remedies are essential to ensure accountability and uphold the rule of law in cross-border detention cases.

III- WORKING GROUP RECOMMENDATIONS

WORKING GROUP 1 — CHILDREN & POST-CONFLICT RECOVERY

Chapeau:

States should recognize that all children who have participated in armed conflict are, first and foremost, victims and not criminals.

Recommendations

1. States should recognize that the way children formerly associated with armed forces or armed groups are treated in the post-conflict period can influence reconciliation and long-term peace, and should therefore promote community sensitization and awareness to prevent stigmatization and renewed tensions.
2. States should sensitize all stakeholders involved in reintegration — including armed forces, security actors, the judiciary and community leaders — on the realities and needs of children affected by armed conflict.
3. States should develop specific protocols and methods on how armed forces and security actors engage with children.
4. States should engage communities and provide training to facilitate acceptance of children returning from armed conflict.
5. States should implement cross-sectoral training programmes (judiciary, armed forces, security forces, grassroots organisations) on child protection and IHL obligations.

6. States should operationalize handover and reintegration procedures through clear SOPs between armed forces, state authorities and civil society.
7. States should develop child-sensitive early warning systems for attacks on schools, displacement patterns and other protection risks.
8. States should adapt school curricula to avoid re-traumatization of children affected by armed conflict.
9. States should ensure that displaced and refugee children have access to flexible education systems enabling continuity of learning despite crisis or movement.
10. States concluding peace agreements should include reintegration protocols, procedures and programmes for children associated with armed forces or armed groups.
11. States should strengthen inter-ministerial and inter-agency coordination to avoid duplication and ensure optimal use of resources in child protection and reintegration.

WORKING GROUP 2 — MISSING PERSONS & THE DEAD

Preventive Measures

1. States should strengthen civil registries, vital statistics systems and identity management through modernization and digitalization, with full respect for data protection and privacy.
2. States should develop national investigative, forensic and legal capacities through training, awareness and capacity-building in line with IHL and international law.

Responsive Measures

3. States should strengthen communication channels with families — including through consular services, defence attachés and administrative points of contact — to provide timely information.
4. States should domesticate IHL obligations related to the right of families to know by adopting national SOPs for the search, documentation and management of missing-person cases.

Community Engagement

5. States should promote collaboration between authorities, civil society, families, traditional leaders and community structures to consolidate information, support families and strengthen trust in institutions.
6. States should ensure inclusive decision-making in transitional justice mechanisms by integrating the perspectives of families of the missing and the dead, as well as traditional and community leaders.

Policy Integration

7. States should integrate IHL obligations related to missing persons into transitional justice frameworks, including duties to clarify fate and whereabouts and provide financial, administrative and psychosocial support to families.

WORKING GROUP 3 — DETENTION IN TRANSITION

Chapeau:

States should adopt a broad definition of detainees that includes all persons deprived of liberty during armed conflict and should reaffirm that humane treatment is non-negotiable under IHL and international human rights law.

Recommendations

1. States should ensure that detention infrastructure and management comply with the Nelson Mandela Rules and the Bangkok Rules.
2. States should provide training for detention personnel, ensure proper maintenance of facilities, and strengthen the professionalism of security and detention staff.
3. States should establish strong, independent oversight mechanisms to ensure compliance with minimum standards and monitor detention conditions.
4. States emerging from conflict should seek technical assistance from neutral actors, such as the ICRC, to uphold IHL obligations, strengthen accountability and prevent impunity.
5. States should rebuild and reinforce institutions such as the judiciary and military to promote rule of law, accountability and respect for IHL.
6. States should maintain accurate, up-to-date detention records, official registers and databases to prevent disappearances and safeguard vital information.
7. States should ensure detainees can maintain family contact through physical visits wherever possible, and through remote communication technologies where needed.