




Legal documentation for persons living under the control of non-state armed groups: Humanitarian needs and responses

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Responsibility for any errors in this report remains with the authors.

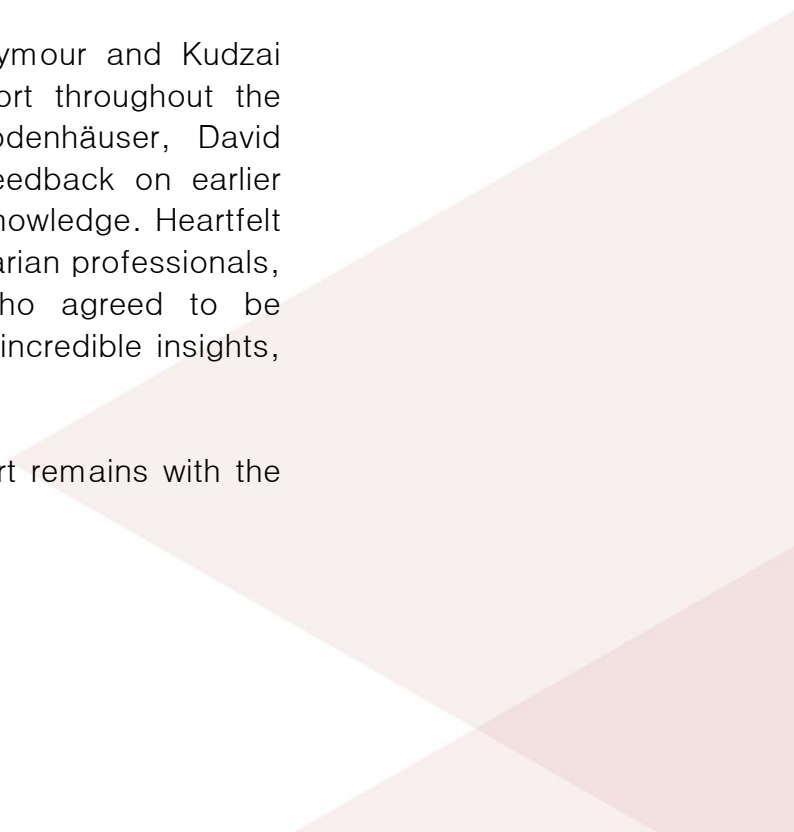


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Executive summary

In areas under the control of non-state armed groups (NSAGs), the State's ability to provide services is often limited. In these situations, NSAGs might move to fill the vacuum left by the State by setting up a state-like administration. Legal documentation plays a critical role in these administrations; it is necessary to access essential services and rights, such as freedom of movement, and access to education or health. Whether NSAGs engage in the field of legal documentation, and if so to which degree, impacts civilian access to both the State and other humanitarian actors that provide legal identity through documentation.

Purpose

This report seeks to understand the humanitarian challenges associated with obtaining documentation under the control of NSAGs. It also addresses mitigating circumstances and strategies on the part of governments, humanitarian organisations, and NSAGs. The study aims to provide guidance to humanitarian practitioners working on/in such contexts.

Methodology

This report relies on desk-based research as well semi-structured interviews on five case studies: the

Central African Republic, Colombia, the post-Soviet space, Sri Lanka, and Syria and Iraq. It draws on primary and secondary sources from various disciplines and in different languages (including English, French, Spanish, Arabic, and Russian). This information is complemented with twenty-three semi-structured interviews with actors working on/in the relevant contexts (including humanitarian professionals, academics, and former members of NSAGs).

Main findings

The case studies analysed in this report highlight the diverse ways in which legal documentation is governed under the control of NSAGs. It is thus crucial to *analyse and respond to humanitarian challenges in context-specific ways*. Beyond this, the report reveals the following main findings:

First, the influence of NSAGs in the field of legal documentation (and the related humanitarian challenges) are *primarily associated with the strength of the administrative structure before the conflict*. If the administrative infrastructure is not well-functioning, NSAG-control over certain areas has a minimal effect on legal documentation.

Second, besides direct control (e.g., issuing certain documents

themselves), *NSAGs sometimes exercise indirect control over legal documentation*, for example by coercing civilians into obtaining their documentation.

Third, *the relationship between legal documentation and mobility is mutually reinforcing*: civilians' mobility is oftentimes limited due to a lack of (the right type of) documentation. On the other hand, limited mobility prevents civilians from accessing legal documentation.

Fourth, *legal documentation remains a central issue after a conflict ends*. Violence often leaves local administrative structures damaged and records destroyed.

Fifth, *if NSAGs issue legal documentation, this might cause harm to civilians when the territory is claimed back by the government*. Civilians

carrying legal documents issued by NSAGs are potentially suspected of forming part of the group and face retaliation by the government.

Sixth, *a well-working administrative structure is the main mitigating circumstance*. If this is the case, NSAGs might appropriate existing and accessible administrative architectures, which allows communities to register life-cycle events and access services.

Seventh, *governments are sometimes hesitant to engage in mitigating strategies while the conflict is ongoing*. In these cases, the role of humanitarian organisations is even more important. National governments resume a central role once the conflict has ended.

RECOMMENDATIONS TO MITIGATE CIVILIAN HARM		
The State should:	Humanitarian Orgs. should:	NSAGs should:
<ul style="list-style-type: none"> • Universalise access to legal documentation through legal reform. • Support reconciliation and mediation to minimise the risk of retaliation for civilians who obtained NSAG-issued documents. • Provide essential services (incl. health services, education, and legal services) to those without identity documents. 	<ul style="list-style-type: none"> • Support the government in its effort to address legal documentation issues. • Provide essential services to undocumented civilians. • Allocate more financial resources to programmes tackling legal documentation. 	<ul style="list-style-type: none"> • Support the co-existence of alternative forms of legal documentation. • For NSAGs with strong administrative capacities, provide essential services to civilians under their control. • Maintain an open-door policy and dialogue with humanitarian organisations.

I. Introduction

Most of today's conflicts are non-international (Bellal, 2019; ICRC, 2021, p. 3), i.e., they stem from violence between government authorities and non-state armed groups (NSAGs), which often strive to gain control over a part of the state's territory. In the areas under the control of NSAGs, the State's influence is often limited and the services that the State is able to provide to its citizens are often reduced. In these situations, NSAGs at times step in to fill the vacuum left by the national government, typically by setting up a state-like *de facto* administration that provides legal documentation, an often-necessary requirement for the enjoyment of basic rights and essential services, such as freedom of movement, access to local justice, education and health or humanitarian aid, social protection (Fortin, 2021; Hampton, 2019; Sosnowski & Hamadeh, 2021). They do so with varying degrees of success, largely depending on a number of factors including the group's willingness and capacity to provide services, the group's internal organisation, and the strength of administrative structures before the group gained control over the territory.

The ICRC estimates that in 2020 more than 50 million people were

living under the exclusive control of NSAGs, where their interactions with the *de jure* government and its administrative services are very limited (Rodenhäuser, 2020). This impacts their access to legal identification documents (such as ID documents, birth certificates, marriage certificates, death certificates, and property/land attestation) that are officially recognised by actors within the state and in the broader international system. The degree to which state services are held up under the administration of NSAGs affects the everyday life of people living in the area, both during and after the group's control. Losing access to services and goods may cause considerable harm to the civilian population, especially in situations of active armed conflict or in the period following such violence.

Despite several prominent examples of NSAG control and governance (e.g., Abkhazia, the FARC, the LTTE, and the Islamic State), little work has been done to bridge the gap between academic and practitioner understandings of NSAGs and legal documentation to develop a broader understanding of the humanitarian consequences and the operational and policy approaches to address them.

This report examines situations where people are living under NSAG control through the lens of legal documentation. It aims to uncover how NSAGs govern legal documentation and the problems and challenges that result from their practices. The report analyses five case studies which include contexts where legal documentation results in a range of humanitarian challenges.

This report is structured as follows. The project's methodology and guiding research questions are presented in the first part. Then, the five case studies are introduced and the main findings for each of them are presented. The concluding part of the report discusses and analyses these findings. The document closes with policy recommendations for (national) governments, humanitarian organisations, and NSAGs to mitigate humanitarian challenges.

II. Methodology

i. Research questions and objectives

This study investigates different types of legal documentation (birth certificates; marriage and death certificates; proof of property ownership; documents needed to access services such as healthcare, education, and humanitarian aid) (and a lack thereof) and their consequences on people's lives. It aims to reveal how NSAGs administrate legal documentation and the problems and challenges related to their practices. To this end, this report discusses five case studies that aim to represent diverse contexts and emphasise the various issues that can arise in relation to legal documentation. The selected case studies are the Central African Republic, Colombia, the post-Soviet space, Sri Lanka, and Syria and Iraq.

Based on the five case studies selected, this report addresses the following research questions:

1. Where are legal documentation issues occurring for people living under the control of NSAGs, and are there exceptions?
2. What are the main humanitarian concerns that may arise related to (a lack of) legal documentation?
3. How do the experiences of (the lack of) legal documentation vary across contexts, and why?
4. Where have there been workable and practical solutions employed to avoid issues linked to documentation?
5. What are responses to legal documentation issues by different actors (states, NSAGs, NGOs, UN agencies, humanitarian organisations, etc.), and what can be improved?

ii. Research design

This report is based on desk-based research as well as semi-structured interviews. On the one hand, the study draws on primary and secondary sources from different disciplines (such as political science, history, law, sociology, and economics) and in different languages (English, French, Spanish, Arabic, and Russian). On the other hand, the information from the literature review is complemented by twenty-three semi-structured interviews with different actors working in the selected contexts, such as humanitarian professionals, academics, UN staff, former members of NSAGs, as well as civilians.

iii. Ethical considerations

Compliance with ethical principles and academic integrity was a central concern for the project team. The team held several rounds of consultation with academic advisors and ICRC staff to ensure both.

Considering the sensitive nature of the research, this report anonymises interviewees and all collected data was encrypted and shared with research partners and advisors only. Before each interview, the participant information sheet and project overview were shared with the interviewees. Informed consent was again actively acquired before the start of the interview. To minimise any potential harm to interviewees and their communities, our interview questions were formulated to obtain relevant information while providing a safe environment.

iv. Research limitations

The present study has several limitations. Firstly, the time and resources for this project were limited so that only a small number of contexts could be analysed. In light of this, this report does not intend to generalise findings for all areas with NSAG activities. Instead, its purpose is to reveal patterns of humanitarian challenges related to legal documentation in areas under NSAG-control and to

provide guidance for humanitarian professionals working in such areas. Due to budgetary and time limitations, fieldwork could not be conducted. Therefore, only people with internet access could be consulted and/or interviewed. Thus, the findings presented in this report are biased toward (international) humanitarian professionals and scholars and may not always reflect the lived reality of affected communities.

III. Case studies

The humanitarian challenges connected to legal documents depend on how legal documentation is governed in the context. To get a broad understanding of this connection, five case studies are explored in detail in this section. Each case study is structured as follows. The introduction provides necessary background information on the context and legal documentation. The second part then highlights the various humanitarian challenges that arise (or arose) in relation to legal documentation. Finally, each case study features the circumstances and strategies that mitigate those challenges.



i. Central African Republic¹

The Central African Republic (CAR) has witnessed various cycles of violence that worsened the situation of civilians in much of the country (European Commission, 2016; NRC, 2018). In the aftermath of the coup d'état led by François Bozizé in 2003,

a number of NSAGs emerged in rural areas (Carayannis & Lombard, 2015). In 2013, an alliance of different groups (the *Séléka*) led to another successful coup d'état. Since then, new NSAGs mobilised and took control of significant parts of the country outside the administrative centres. The intensified crisis since then (El Abdellaoui, 2014) resulted in high numbers of internally displaced people (IDPs) (over 690'000 as of December 2021 (IDMC, 2022)).

The CAR is only sparsely populated and a general lack of infrastructure makes moving around the country difficult (Interview 11, 12 October 2022). Even before the crisis, administrative control was limited to urban areas and mostly absent in the periphery of the country (Carayannis & Lombard, 2015; Lombard, 2014; Agger, 2014). The already weak administrative control of the government has been severely damaged by armed violence and many administrative buildings were destroyed (HRW, 2014; Agger, 2014). The administrative system, including its judicial pillar, lacks basic capacities and infrastructure (El Abdellaoui, 2014; ILAC, 2017; NRC, 2018).

Access to legal documentation has thus been a structural problem.

¹ All figures in this section have been generated using <https://www.mapchart.net/world.html>.

Outside the capital Bangui, obtaining legal documentation is very difficult (Interview 11; Interview 10, 12 October 2022; Interview 16, 21 October 2022), although, in theory, administrative processes are decentralised. For example, birth registration should take place at the place of residence of the parents (Interview 16). However, this is hampered by the lack of financial, technical, and human resources of the different civil administration offices (Tafakossi, 2013; Interview 16). Furthermore, birth registration should be provided for free according to national law, but many offices require parents to pay a fee to compensate for the lack of financial resources provided by the government (Interview, 16). These obstacles result in relatively low levels of legal documentation: in 36% of households no member is in the possession of a birth certificate or other identity document and more than 60% of minors do not have any document proving their identity (Molnar & Agullana, 2022).

Even though NSAGs control significant parts of the Central African Republic, they do not provide legal documentation (Interview 10; Interview 11; Interview 16). They understand legal documentation to be the State's responsibility and, even though the State is not present in many rural areas, NSAGs do not intend to take on such

responsibilities. Instead, they focus on providing security (Le Noan & Glawion, 2018). In most cases, they allow the government to continue to provide services such as legal documentation or education (for the latter, see Le Noan & Glawion, 2018).

Humanitarian consequences

Since the State has been absent in parts of the country for many years, the communities in these parts have had access to very few services even before the current crisis. Thus, humanitarian issues do not arise due to the control of NSAGs over a certain territory. Instead, it is the general lack of administrative service that is responsible for these challenges. Nevertheless, the presence of NSAGs increases the likelihood of violence which, in turn, makes obtaining legal documentation more difficult for civilians. As previously stated, many civil administration centres have been destroyed during the period of violence and the (exclusively analogue) registries along with them (HRW, 2014; NRC, 2018; Interview 16). Civilians that lose their documents thus face issues replacing them (Tsolakis, 2018).

The resulting challenges are manifold. According to national legislation, children require birth certificates to attend secondary education and above (NRC, 2018).

Students without birth registration thus face difficulties enrolling in secondary school and obtaining exams that would allow them to pursue higher education, as well as training and employment opportunities (Tsolakis, 2018; NRC, 2018). Proof of ownership for land and property is also oftentimes unavailable (El Abdellaoui, 2014). In case of a dispute and in the context of return after displacement, it is often unclear whether civilians have the use rights or have purchased the land (El Abdellaoui, 2014).

As previously mentioned, moving across the country is difficult due to a lack of infrastructure. For civilians who do not possess any form of legal documentation, travelling is even more complicated: unless they are children, persons without legal documentation are often suspected of being part of NSAGs, including from neighbouring countries (Interview 10; Interview 16). They are thus subjected to security controls by both government actors and NSAGs.

Mitigating circumstances and strategies

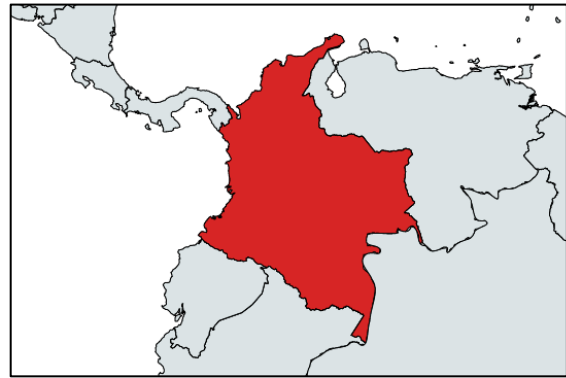
In light of these challenges, humanitarian organisations are providing

services without requiring legal documentation (Interview 10; Interview 11; Interview 16). NSAGs, on the other hand, are accomplishing certain state-like functions not through legal documentation but by virtue of relationships and networks: personal relationships are used to allow or deny civilians access to certain services (Interview 11).

To further mitigate the harm caused to civilians due to a lack of legal documentation, humanitarian organisations could invest in mobile administrative units that can reach more rural areas (Tsolakis, 2018), for example, to support registration or collect testimonies. According to interviewees, international actors should also support the government in obtaining more detailed statistical information on the topic (Interview 16) and push for a legal reform to allow birth registration to take place everywhere in the country (Interview 16). Another potential solution is the setting up of centralised (and potentially digitalised) archives that store copies of legal documents. Such copies could be relied upon in cases where the original documents have been destroyed.²

² Building safe archives requires considering a number of issues that cannot be elaborated on here. For more information, please consult the International Council on Archives' resources on preserving archives and digital records and archives management (International Council on Archives, 2016a; 2016b).

The case of the Central African Republic shows that in the context of continuous violence, NSAG control over a certain area not always has a direct impact on legal documentation. Importantly, however, the crisis that results from different groups fighting for territorial control does. During periods of violence, already weak administrative systems break down and are destroyed, and the little service that was available before becomes even more difficult to access for vulnerable populations. Central impediments to legal documentation under these circumstances are the cost of acquiring certain documents, the time needed to do so, the inability to travel due to security concerns, and the forced displacement of big parts of the population (Tsolakis, 2018).



ii. Colombia

In Colombia, issues around legal documentation arise from the context of ongoing armed conflict, impacting primarily IDPs, children of migrants, and indigenous communities (Carvajal Martínez, Guzmán Rincón & Jiménez Amorocho, 2019). Today, five armed conflicts are ongoing in Colombia (ICRC, 2022),³ perpetuating violence and humanitarian challenges. Rural communities are the most affected and are thus unable to carry out their livelihood activities or access basic services due to the presence of armed groups (ICRC, 2022). The increasing power and control of NSAGs over many areas transformed Colombia into the country with the highest number of IDPs in the world (UNHCR, 2022).

³ These are: (1) Colombian government vs. National Liberation Army (ELN); (2) Colombian government vs. Autodefensas Gaitanistas de Colombia (AGC); (3) Colombian government vs. Former members of FARC-EP not currently covered by the Peace Agreement; (4) Former members of FARC-EP not currently covered by the Peace Agreement vs. Segunda Marquetalia; (5) Former members of FARC-EP not currently covered by the Peace Agreement vs. Comandos de la Frontera – EB.

This report focuses on people living under the FARC (Revolutionary Armed Forces of Colombia), historically the oldest and largest guerrilla group in the Colombian conflict. In light of the 2016's peace talks with the Colombian government, studying the FARC allows the analysis of how civilians' needs related to legal documentation potentially changed before and after the peace talks. Formed in the aftermath of the Colombian civil war, this group advocates for the interests and concerns of the rural population, supporting the redistribution of wealth while condemning the negative influence from multinational companies and foreign governments (Britannica, 2019). In 2002, the FARC lost its legal status and peace talks across the next decade allowed the group to move toward its current status as a political party (the Revolutionary Alternative Common Force) starting with the 2016 Peace Agreement (CISAC, 2019).⁴ Until today, the group and some of its dissidents issue legal documentation to civilians living in areas under its control, with the objective to prevent government intelligence officers from entering into the territory (Interview 5, 4 October 2022; Interview 18, 25 October 2022).

Humanitarian consequences

The control exercised by the FARC in most areas is limited since government authorities can still provide certain civil services such as registration, documentation, and health services. However, some NSAGs issue identification documents for civilians in areas under their control, with the objective of controlling that no new persons enter the territory for intelligence gathering purposes (Interview 5, 4 October 2022; Interview 18, 25 October 2022). Still, the groups' control has important humanitarian consequences. For one, only people who have the *cédula comunitaria* issued by the FARC are allowed to live and work in areas under their control.

For example, in November 2021, communities in three municipalities in Bajo Cauca and two in northeastern Antioquia voiced their concern about the circulation of a pamphlet signed by FARC dissidents. The population in Antioquia received news that their personal data is being collected to establish a new 'community card'. According to the document, the group planned to collect information including the full names and ID numbers of the inhabitants, pseudonyms, places of birth and residence, the

⁴ However, some former guerrilla fighters have refused to disarm and have carried out terrorist operations under the original FARC banner (Mapping Militant Organizations, 2019).

name of the community to which they belong and the telephone number of a member of the board of directors of their respective *Junta de Acción Comunal*.⁵ The population fears that this document will link them directly with the FARC dissidents (Peñuela, 2021).

The FARC is most active in rural areas where the government has no power, influence and reach to intervene. Civilians living in those areas thus have to travel long distances to access government registration offices (Interview 18). Some of them do not possess travel documents, which makes obtaining government legal documentation even more difficult. The Colombian armed conflict therefore exacerbated the existing rural-urban divide.

As a result, Colombia's indigenous population is particularly affected by consequences that relate to legal documentation, not only because they mostly live in rural areas where the conflict is ongoing but also because they underestimate how important registration is (Interview 19 & Interview 21). The level of birth registration among indigenous communities is thus comparatively

low (UNICEF Innocenti Research Centre, 2007).

In line with their main objectives, the FARC aimed to issue legal documentation to implement land distribution. In practice, however, they only managed to do this in very few cases (Interview 9, 11 October 2022; Interview 21, 14 October 2022). It remains unclear whether the government recognises FARC-issued documents relating to ownership of land since, following the Final Peace Agreement (2016), the Colombian government confiscated the land that FARC wanted to redistribute. Interviewees confirm that land ownership recognition is an ongoing issue.

Mitigating circumstances and strategies

While the FARC used to issue legal documentation for security reasons, it has always allowed civilians to possess government-issued documents and access services provided by the government (Interview 8, 10 October 2022). This has mitigated civilian harm in areas under the FARC's influence.

⁵ The Community Action Boards (JAC) in Colombia are civic, social, non-profit and solidarity organisations, made up of citizens belonging to a community, neighbourhood, group, village or sector of each municipality, town, or district of the country. They have legal status and their own assets. JAC are autonomously organised and promote sustainable development based on the exercise of participatory democracy in the management of community development (El Tiempo, 1994).

Furthermore, an important but underdocumented mitigating aspect is the strong influence of the Catholic Church in Colombia, even in areas under NSAGs' control. For example, in the Caquetà region, civilian informants testify that even under the FARC, the Church had almost full control over marriages and death certificates; in most cases, the armed group did not show any interest in opposing the Church's issuing of documents (Interview 9; Interview 18). Apparently, the Church was not seen as a competing entity that could undermine the FARC's control and influence over the territory. Again, this points to the fact that the control of NSAGs in Colombia should be understood as coexisting with other institutions (Interview 9; Interview 18). However, it remains unclear how the Church developed its relationship with the FARC.

To summarise, humanitarian challenges arise mainly in relation to birth certificates and land property documents. They primarily affect people living in rural areas, indigenous communities and migrants (Interview 21). Interviewees evaluate issues related to legal documentation differently given their geographical location within Colombia. Most importantly, numerous practitioners stressed that 'the FARC never presented itself as a state and did not try or aim to substitute the state itself' (Interview 8).

Instead, they left government administrative systems such as the *registraduria* with its public servants in place (Interview 8; Interview 18). Thus, the FARC and other NSAGs in Colombia often exercised limited control over their territories and did not substitute the State in areas such as legal documentation.



iii. Post-Soviet space

The post-Soviet space is a culturally, politically, and geographically diverse space which includes Eastern Europe, the Caucasus, and Central Asia. Following the breaking up of the Soviet Union, large-scale armed conflicts followed almost immediately in its former satellite states. Seven internal wars took place on the territory of the Soviet Union from 1988 to 1997 (Zürcher, 2007), involving the participation of NSAGs and resulting in the *de facto* independence of secessionist territories. Until today, some areas in the South Caucasus and Eastern Europe remain politically turbulent and fragile as territorial disputes remain unresolved.

Active non-state armed groups in the post-Soviet space include the self-declared Luhansk People's Republic (LPR) and Donetsk People's Republic (DPR),⁶ Transnistria, South Ossetia, Abkhazia, and the Nagorno-Karabakh Republic.⁷ All *de facto* governments issue legal documents and exercise certain administrative functions.

Humanitarian consequences

Pension remains a priority concern for civilians living in *de facto* states and is often associated with freedom of movement. Youths and able-bodied people often flee the conflict zone, leaving elderly people in the villages under harsh conditions and damaged infrastructures. Without an online national pension platform or online banking, pensioners in *de facto* states are left with no means of economic support and no choice but to physically cross the often-dangerous contact line to collect pensions in government-controlled territories. While this is particularly a humanitarian challenge for residents in LPR and DPR (NRC, 2016), a similar issue has been reported in South Ossetia and Abkhazia soon after their *de facto* independence, when older villagers in

remote villages lost their freedom of movement and thus their access to collecting Georgian pension (Interview 15, 20 October 2022).

Another challenge arising from territorial disputes and concessions is property rights. The change of authority that controls *de facto* territory is often accompanied by displacement and voluntary resettlement of civilians, leaving their properties behind. For instance, after the 2008 Georgian-Ossetian war, some Ossetian residents fled to Georgia and never returned (Interview 15). Similarly, after the independence of Nagorno-Karabakh, Azerbaijanis left the territories for security reasons (Interview 13, 14 October 2022). Currently, there are many abandoned properties in both territories and several places reoccupied by current residents, and no solution has been proposed as the chance of returning property to owners is slim.

The extent of humanitarian consequences related to identity documents is largely context-dependent. For residents in LPR and DPR, the humanitarian challenges they face today far exceed those in other post-Soviet *de facto* territories,

⁶ LPR and DPR were *de facto* states since their independence until 30 September 2022, when they were annexed by the Russian Federation.

⁷ We do not consider Zaporizhia and Kherson, which were recently announced independent by the Russian Federation under its military control, to fall into this category as the legality of independence is not yet elucidated.

largely related to the restriction of movement and lack of simplified administrative procedures. Since the set-up of the administrative border dividing Ukraine-controlled territories and *de-facto* territories, some people living in *de facto* territories are rendered *de facto* stateless. For instance, for those who have lost their Ukrainian passports, it is almost impossible to cross the border to Ukraine-controlled territories, as one is required to present a Ukrainian identity document before crossing the contact line (Kasianenko, 2021). The only available alternatives to obtain identity documents are to either apply for passports of LPR and DPR (not recognised internationally) or apply for Russian passports through the simplified procedure of naturalisation (President of Russia, 2019). Moreover, it is equally challenging should residents wish to register their newborns with Ukrainian authority. The journey to the nearest civil registry office in Ukraine-controlled territory is lengthy, expensive, and often dangerous. Many impoverished people are simply unable to afford the journey and thus unable to register their newborns. For people who have obtained LPR and DPR passports,⁸ crossing the contact line imposes additional challenges as they are afraid of State retaliation for their

alleged association with the *de facto* groups. Although costly and difficult, registering newborns with Ukrainian authorities appears to be the only viable solution for many parents for the following reasons: first of all, Ukrainian birth registration is a prerequisite for applying for a Ukrainian passport later on. Secondly, for personal reasons, those who do not want to collaborate with *de facto* authorities or Russian Federation have no choice but to undertake the arduous journey to obtain birth certificates for their children. The unregistered children born on non-government-controlled territories, therefore not only remain stateless, but also lose their rights to healthcare, social support, and other rights established upon the foundation of citizenship (Fontin, 2021).

Mitigating circumstances and strategies

The progress of a conflict is negatively correlated with the extent of humanitarian consequences arising from challenges of legal documentation. This case study has not mentioned humanitarian challenges in Transnistria, as the conflict has not resulted in considerable legal documentation challenges. Civilians in Transnistria encounter no restriction should they wish to obtain Moldovan

⁸ It is mandatory for state employees of LPR and DPR to obtain passports of the *de facto* states (Ukrainska Pravda, 2019).

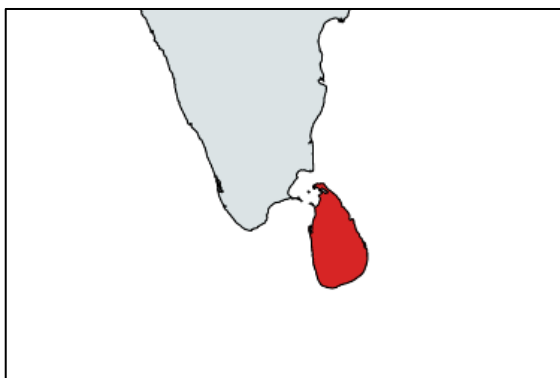
citizenship (Blakkisrud. & Kolstø, 2013). Many citizens today hold Moldovan, Romanian, and Russian citizenship and enjoy free movement and entitlement to social benefits. 30 years later, Transnistria has become a frozen conflict (Interview 7, 10 October 2022). As Interviewee 7 summarises, 'we can say that time heals wounds, to some extent'. Additional time also allows the authorities to establish a context-specific administrative system that provides social support to civilians. This finding is also applicable to South Ossetia and Abkhazia. In comparison, the ongoing conflict in Eastern Ukraine and instability in the region have not yet been resolved. Active fighting and hostile confrontations undermine the possibility of setting up a registration system either by the Ukrainian government or *de facto* authorities.

Secondly, mobility and access are key issues to mitigate humanitarian consequences. Civilians face extensive obstacles if they do not have proper documents for crossing the contact line or if poor infrastructure severely restrains the crossing. The elderly communities, entrapped in intrastate conflicts, are most affected by this challenge as they do not have independent sources of income other than their pension. Their reduced mobility and the inaccessibility of social infrastructure render them

particularly vulnerable. Efforts by humanitarian agencies to improve mobility and easy access to registration (such as setting up mobile registration units) have achieved significant results in mitigating the challenges arising from mobility. For example, after the *de facto* independence of South Ossetia, many elderly people are entrapped in remote villages and unable to cross the contact line and collect their pension physically in Georgia. Humanitarian actors soon recognised the challenge, travelled to those villages to collect names of elderly civilians and facilitated the dialogue with the *de facto* government. Eventually, the elderly received South Ossetian identity documents and South Ossetian pensions. Although the size of pensions could not compare with Georgian pensions, it, nonetheless, provided some much-needed humanitarian relief to civilians.

Thirdly, the political attitudes of state authorities towards documents issued by *de facto* states could determine the extent of humanitarian consequences. For fear of being persecuted for their association with *de facto* governments, some civilians in LPR and DPR chose not to cross the border and not register their children with the Ukrainian government (Interview 6, 6 October 2022). In contrast, the Georgian government, although firmly condemning South Ossetia and

Abkhazia's independence, did not actively punish NSAG document-holders in practice. Nowadays, many people in Georgian *de facto* states hold two passports: NSAG and Georgian passports, or NSAG and Russian passports, enabling them to receive social benefits from NSAG and providing them with the ability to travel internationally. The particular circumstance of Nagorno-Karabakh and its diplomatic relationship with Armenia illustrate this: current residents of Nagorno-Karabakh are able to obtain Armenian documents without obstacles, giving them freedom of movement and entitlement to social benefits (Interview 13, 14 October).



iv. Sri Lanka

The Liberation Tigers of Tamil Eelam emerged as one of several militant insurgent groups at the end of the 1970s (Swamy, 2002; Richards, 2014) and established itself as the primary ethno-separatist militia in Sri Lanka in the 1980s (Klem and

Maunaguru, 2017). They succeeded in developing a state-like sovereignty structure in the northeast of the island until they were defeated in 2009 (Klem and Maunaguru, 2017). The group's control is characterised by a stable political authority that was responsible for providing extensive public goods (Mampilly, 2007).

Sri Lanka had a well-working administrative structure for a long time before the start of the conflict (Interview 1; Interview 17). It was a welfare state with high levels of literacy. The government of Sri Lanka issued its first identity cards in 1972 and, until 2007, entered all details manually and recorded this information in books (Fazlulhaq, 2014). In areas under their control, the LTTE effectively co-opted these pre-existing state administrative structures: they built their own institutions (courts, departments, taxes), but allowed the civil service of the government to operate (though they surveilled it and influenced certain decisions) (Fortin et al., 2021; Mampilly, 2007). Among other reasons, this was possible because humanitarian assistance and social services were broadly conceived as apolitical (Stokke, 2009). According to Mampilly (2007), the LTTE had little choice given that the Tamil population was accustomed to receiving a high amount of public goods from the state. But the group also profited from this arrangement

as they did not have to spend much of their limited resources on service provision while keeping the civilian population satisfied. On the other side, the government was providing these services as the last remaining link to the Tamil population in the northeast (Mampilly, 2007).

The LTTE first established a civilian administration unit in 1987 and increased its efforts in the area in the 1990s and after 2002 when the group could act more openly. It was only in 2007 that the LTTE started registering individuals in territories under their control. Identity cards were reportedly introduced to strengthen the digitalisation of the LTTE's administration (Richards, 2014). Before that, the group issued identity cards to its cadres, driving licences for both cadres and civilians, special passes for fishermen, and special identity cards for expatriate LTTE activists, among others (Ferdinando, 2011). Still, 'people's legal identity was firmly part of the Sri Lankan state system' (Fortin et al., 2021: p. 128) and the LTTE accepted all legal documents issued by the government.

Humanitarian consequences

While the conflict was going on, civilians were faced with different realities depending on whether they lived under the government's or the LTTE's control. Generally, civilians in the

northeast had poorer access to the services of the government (incl. legal documentation) due to the coexistence of LTTE institutions and government civil administration. In addition, leaving LTTE-controlled territory (even for the purpose of obtaining legal documentation in Colombo) was restricted. A designated pass issued by the LTTE was required to be allowed to travel outside the LTTE-controlled territories. To obtain this pass, one needed to present a guarantee in the form of a payment or a guarantor (Interview 14, 18 October 2022; Interview 17, 21 October 2022).

Furthermore, holding a national identity card (NIC) in government-controlled areas was essential and a prerequisite for necessities such as cash withdrawals (Richards, 2014). The LTTE, however, did not insist on the NIC (Manikavasagam, 2012), which discouraged many Tamils from obtaining one. When they travelled to government-controlled areas, they were often suspected of being part of the LTTE (and potentially interrogated) because they could not present a NIC (Manikavasagam, 2012).

Given the elaborate administrative structure, many issues only came to light after the LTTE was defeated. Still today, Tamils who apply for their NIC need to be able to produce a birth

certificate (Manikavasagam, 2012). Due to the limited access to administrative services during the conflict, many of them cannot provide these or other legal documentation. On both sides of the conflict, the families of missing persons are faced with particular hurdles that stem from legal documentation (Interview 17). According to Sri Lankan law, families can apply to have a death certificate issued for their missing members after two years. This certificate is necessary to access the missing person's bank accounts, for example. However, many families do not wish to pronounce their relatives dead because this would put an end to any investigation into their missing persons' case (and, with that, end all hopes of knowing what happened to them). Furthermore, Tamil communities fleeing ethnic violence moved to the northeast and were given land by the LTTE. This was often handled in an informal manner, lacking any documentation. After the conflict, their claims to the land were contested by the former owners of the land that returned (Interview 14).

When the Sri Lankan army gained control over territories previously under LTTE's control, this had considerable consequences for civilians. For example, when the military took control of the city of Jaffna, they started issuing military identity cards to distinguish civilians from

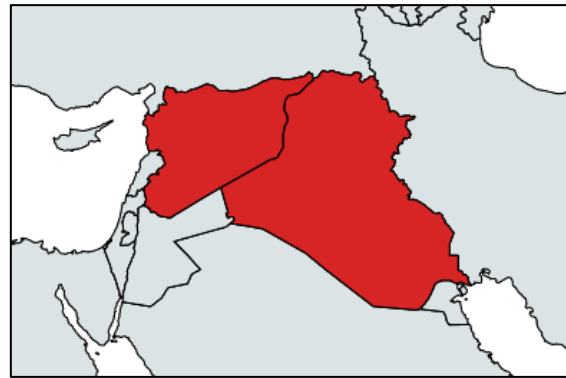
combatants (Interview 14; Interview 17). This document was considered more important than the NIC since it provided security to the local population. Families were afraid of not being able to obtain the card (Interview 14). The army identity card was also a constant reminder of the militarisation that was happening at the time (Interview 14), which contributed to a general unease in the civilian population. To identify LTTE combatants, civilians were further instructed to display a picture of their family in the living room so that the military could match the people in the picture with those living in the house or apartment (Interview 14). However, possessing government-issued legal documentation sometimes did not prevent civilians from former LTTE-controlled territories from being treated as second-class citizens. Many of them were placed in camps that were half refugee camps, and half prisons (Interview 1). This fortifies the fact that legal documentation is only as good as the political will to act accordingly.

Mitigating circumstances and strategies

After the conflict ended, the government made an effort to provide legal documentation to all its citizens, especially in the northeast. It initiated the digitalisation of the national identity card system (Richards, 2014) and included Tamil as a language on the

document. The government also initiated mobile registration units that made the administrative structure more accessible to people living in remote areas (UNICEF Innocenti Research Centre, 2007). In response to the dilemma faced by the families of missing persons, the government furthermore introduced a new law that allowed these families to obtain official legal documentation stating that their relatives are missing (certificate of absence) (Interview 17). Families can now provide proof that their relatives are missing and apply for certain services without the need to pronounce them dead.

The case of Sri Lanka thus highlights that a strong State administration can be co-opted by NSAGs as they gain control over a certain area. However, if the State provides high levels of social services, NSAGs might have difficulties matching these levels themselves. In order to keep the civilian population satisfied, they may therefore focus on security services and allow the government's civil administration to keep on operating in their territory. Civilians' legal documentation thus remains continuously in the hands of the government, mitigating harm both during and after the rule of the NSAG.



v. Syria & Iraq

Syria

The contemporary study of NSAGs has been undoubtedly marked by the dominance of the Islamic State of Iraq and Syria (ISIS), however, legal documentation issues in Syria are made more complex by the involvement of many conflicting NSAGs. Prior to the onset of the war, legal identity in Syria was constructed through a wide constellation of life cycle documents that revolve around the family book, a document that contains the dates of birth, lineage, and confirmation of citizenship for any child born on Syrian soil, and other crucial documents such as marriage certificates, property deeds, and death certificates (Sosnowski & Hamadeh, 2021; Interview 2, 22 September 2022). The process of applying for any of these documents was relatively straightforward: it included collecting relevant materials and attending a regime registration point, often with an elder of the family to confirm the individual's lineage

(Interview 3, 28 September 2022; Interview 12, 13 October 2022).

The civil war across the state disrupted this structure, cutting many communities off from state resources. Over the past decade, Syrian territory was divided between several opposition groups that controlled territory at various points in time. As a result, the Islamic State, the Syrian Interim Governance (SIG), Free Syrian Army (FSA), Hay'at Tahrir al-Sham's Salvation Government (HTS), the Kurdish Autonomous Administration, and even local councils across the state have all issued various legal documents to the Syrian communities under their control. They aimed to establish autonomous control over the territory and issued documentation that often was procedurally and functionally identical to that of the Syrian state in order to facilitate easy distribution and consolidation when they ultimately assumed control of the State (Interview 2, Interview 20). The Islamic State also followed a similar procedure, with the exception that certain localities would not offer identity documents to women on the basis that they could not be photographed (Institute on Statelessness and Inclusion, Netherlands Organisation for Scientific Research & Norwegian Refugee Council, n.d.; Interview 20). Documents provided by these entities were often the only accessible option

of registration for the communities under their control. However, they are rarely recognised internationally or by the State (International Rescue Committee, 2016; Government of the Netherlands, 2021).

Humanitarian consequences

Without a State-recognised document, Syrians often lose access to healthcare and education, cannot cross government checkpoints or move freely within the country, and cannot officially register life events under a State authority. While many of the NSAG-issued documents across the northern regions of Syria are accessible and recognised locally, they rarely offer access to valuable resources and are often not recognised outside of the locality that issued them. Despite the fragility of the past decade, State-issued documents are still favoured by the vast majority of Syrian, within and outside former NSAG-controlled areas (Interview 2; Interview 20).

Beyond the broader consequences of not having access to state documents, Syrians often face additional precarity if they are carrying documents issued by a NSAG. Documents issued by the FSA, HTS, SIG, ISIS, and, to an increasingly lesser extent, Turkish/Kurdish authorities are often considered evidence of treason, a charge associated with various forms

of violent retribution from both the state and other Syrians (Sosnowski & Hamadeh, 2021; Interview 12). While official State policy and procedures are unclear, presenting documents issued by an opposition group at Syrian government checkpoints can bring anything from a litany of fines to detainment to force disappearances (Interview 20, 26 October 2022). This has created situations of familial separation, limited ability to travel within the state itself, and has left entire regions of Syria now effectively ‘ungoverned,’ as they are left with no entity to provide resources and legal identity but cannot seek out the state for fear of retaliation.

Furthermore, children born on formerly ISIS-controlled territories face potential statelessness. Under the State system of documentation, Syrian citizenship cannot be passed by the mother unless the father is unknown. Children born under the *de facto* governance of NSAGs thus face challenges claiming their citizenship due to paternal ambiguity (Syria Justice and Accountability Center, 2019). In Syria, women are in a particularly vulnerable position: they often have no State-approved documentation to evidence their marriages, inheritance, the fate of their husband, or ownership of property (Syria Justice and Accountability Center, 2019; Sosnowski & Hamadeh, 2021; ETANA, 2022).

Mitigating circumstances and strategies

The Syrian State’s action to address the threat of a stateless generation has centred primarily on increasing access to registration offices. Many local registration offices have been reinstated across the state and various smaller *Mukhtars*, or local governance officers, have been given the right to issue certain documents, restoring access to those services for certain communities (The Hague, 2019; Interview 20). Additionally, certain religious authorities were given the authority to issue certificates of life events, primarily births, marriages, and deaths, that are accepted for a fee by State authorities (Interview 12). However, the vast majority of the processes currently in place require an applicant to have their old state documents. Civilians who have lost or have never been issued State documents continue to face considerable challenges. On the other hand, NSAGs, NGOs, such as the International Legal Assistance Consortium (ILAC) and Adam Smith International, and surrounding states issued legal documents that allowed Syrians to retain evidence of key life events, including marriage, the birth of children, receipt of diplomas, and proof of property ownership (Interview 2; Interview 12). However, these strategies do not address the larger

issue of reintegration into the larger state system.

Iraq

Given the lack of other actors, the case of Iraq offers a close analysis of the Islamic State's strategies in the field of legal documentation. Throughout its rise to power, the Islamic State utilised documentation as a tool of domination over rural communities, often confiscating or destroying critical documents in order to control the inhabitants of these territories (Fortin, 2021; Buchanan & Zullo, 2022). Documents distributed by the ISIS authorities closely resemble those issued by the State but are valid exclusively within constantly shrinking ISIS territories and do not guarantee access to essential resources/services.

Communities under ISIS control faced the dilemma of either registering life-cycle events with ISIS and risking affiliation with the group or leaving these critical events unregistered. As a result, hundreds of thousands of children have been left undocumented or carry documents that are highly stigmatised and persecuted by the State (Kalin, 2016; Fortin, 2021). Additionally, unlike in Syria, the reach of humanitarian organisations was very limited during the height of ISIS control. Therefore,

communities under ISIS control had limited access to alternative forms of documentation and resources (Interview 23, 21 November 2022).

Humanitarian consequences

Much like the case of Syria, the consequences of limited documentation in Iraq revolve primarily around the threat of statelessness, lack of access to resources, and the risk of retaliation. Hundreds of thousands of children have been born within ISIS territories, often going unregistered by their parents to avoid validating or affiliating with the group. These children and their families remain with limited access to education, healthcare, employment, legal assistance and other resources critical to reintegration into society (Buchanan & Zullo, 2022; Interview 22, 18 November 2022).

Individuals that were registered under ISIS authorities are highly stigmatised as the State considers documents issued by ISIS authorities as proof of affiliation. This perception of affiliation can result in a range of consequences, from the refusal of identification documents to disappearances, arrests and prosecution, often disproportionately affecting female-headed families that are left unable to establish the nationality of their children (Kalin 2016; European

Asylum Support Office, 2020; Interview 23).

Beyond the consequences of personal identification, the context of Iraq has also seen the confiscation of property deeds by the Islamic State on a massive scale. This left the vast majority of civilians that lived under ISIS control displaced and with no documentation of their land rights and property (Jahn, 2018; Interview 22). Ultimately, documentation in Iraq particularly, and by extension in Syria, was strategically manipulated by ISIS authorities in order to dominate the populations under the group's control, leaving those populations virtually undocumented and unprotected by any State

Mitigating circumstances and strategies

Since 2019, some progress has been made in providing civil documentation in Iraq. However, over a million displaced Iraqis still lack key documents that increase their likelihood of poverty and exclusion (Buchanan & Zullo, 2022). It was announced that parents of unregistered children would be able to complete birth registrations at Iraqi health ministries. However, access to these offices is still limited mostly to urban offices that require travel across checkpoints. Thus, the vast majority of affected communities remain unable

to access registration and documentation, and the process remains reportedly tedious and expensive for those that are able to access it (Kalin, 2016; Interview 22).

In addition, the stigma surrounding former ISIS-controlled communities has led to the exclusion of communities that carry ISIS-issued documents, putting them at high risk of state retaliation (i.e., arrest, disappearance), as well as other forms of violence such as sexual abuse and trafficking (European Asylum Support Office, 2020; Buchanan & Zullo, 2022). Furthermore, the State's fear of integrating ISIS affiliates has been a major obstacle to efforts to issue documents, resulting in many families being denied legal identity and resources from the State (Kalin, 2016; Interview 22; Interview 23).

Humanitarian organisations advocate for the rehabilitation of communities that were under ISIS control. They have also been very active in collecting data and publishing reports that analyse the situation (Jahn, 2018; Buchanan & Zullo, 2022). Some organisations have also worked to provide relief by distributing certain identification documents that provide access to medical resources or integrate undocumented children into the Iraqi education system. Ultimately, humanitarian organisations provide a wide range of services that these

communities lose by merit of not having documentation (Melillo, 2020; Interview 23). While the involvement of humanitarian actors has improved the overall state of civil documentation, there remains a major proportion of affected communities that have no access to support of any kind.

Conclusion

As we explore the humanitarian consequences of (a lack of) legal documentation in Syria and Iraq, we find three themes that communities without State-approved documentation face: (1) State retaliation against individuals with NSAG documentation, (2) the worsening economic crisis, and, relatedly, (3) the prevalence of other critical humanitarian needs that have taken priority. In both cases, the fear of retribution associated with carrying non-State documents has created a feedback loop that effectively excludes sectors of the population from their nationality and the rights they are entitled to therein. These cases, therefore, beg the question of how international actors can go about addressing reintegrating and supporting completely undocumented communities, a question that remains open at this point.

IV. Discussion of findings

The case studies analysed in this report highlight the diverse ways in which legal documentation is governed in contexts where NSAGs control territory. Context-specific analyses and responses to humanitarian consequences are thus paramount. This section aims to bring together the findings of all case studies and illustrate their connection. It is structured as follows: the first part focuses on issues related to legal documentation *during* and *after* the conflict. The second part then summarises and analyses mitigating circumstances and strategies.

Humanitarian challenges arising during the conflict

During NSAGs' control over a territory, issues relating to legal documentation are primarily associated with the strength of the administrative structure prior to the conflict. In cases where the administration is strong and expands over the whole territory, these structures are easily appropriated by NSAGs that intend to issue legal documentation themselves. They might do so for reasons of security and intelligence gathering or as a way to demonstrate their ambition to become a fully functional State. The consequences for civilians are drastic: faced with a new administrative structure, they need to

learn to navigate the different documents and how to access services. Depending on the context, they might need to obtain government-issued documentation (e.g., to claim their pensions) and would need to travel across the border to government-controlled territories to do so.

On the other hand, if the administrative infrastructure is not well-functioning and/or only available in urban centres, NSAG's control over a certain area has a minimal effect on legal documentation: in these cases, legal documentation was already difficult to obtain before the conflict started. NSAGs rarely get active in the field of legal documentation under these circumstances. The main humanitarian challenges in these situations are the general lack of access to legal documentation. Civilians oftentimes need to travel far distances to obtain such documents, which results in additional costs and potential risks to their safety. Beyond that, the case studies in this report reveal that active conflict is an impediment to setting up a functioning administrative structure, both for the government and NSAGs. During periods of violence, administrative infrastructure breaks down or is destroyed intentionally, which makes legal documentation more difficult to obtain for the civilian population. In

these situations, the presence of a NSAG may also not have a measurable effect on legal documentation.

NSAGs do not only exercise direct control over legal documentation (i.e., issue legal documents themselves and/or accept or dismiss certain documents). In addition, they also use coercive practices to encourage civilians to obtain certain NSAG-issued documents (or not). In LPR and DPR, for example, it was mandatory that state employees obtain LPR/DPR documents as a precondition for continuing their work (Ukrainska Pravda, 2019).

Another important aspect is the relationship between legal documentation and mobility. The relationship between the two is characterised by mutual reinforcement: on the one hand, people's mobility is oftentimes limited due to a lack of (the right type of) documentation. On the other hand, limited freedom of movement also prevents civilians from accessing legal documentation. Legal documentation thus imposes heavier burdens on civilians living in rural areas. Furthermore, in contexts where NSAGs issue legal documents themselves, individuals moving between territories face possible retaliation for possessing certain types of documents (see the cases of the post-Soviet space and Syria).

Humanitarian challenges arising after the conflict

When periods of NSAG control over a certain area come to an end, legal documentation remains a central issue for the civilian population. First and foremost, the violence that oftentimes accompanies the struggle over territory leaves the local administrative infrastructure damaged and records destroyed. In cases where the administration is exclusively paper-based, this can result in the loss of legal documentation archives (for example in the CAR). In these situations, civilians who lost their documents face challenges replacing them since the original records are potentially unavailable. Low levels of documentation are thus the main challenge in such contexts.

In contexts where NSAGs issued legal documentation themselves, civilians who obtained such documents are potentially suspected of forming part of the NSAG and face retaliation by the government. Furthermore, if NSAGs issue documents that prove ownership over land or property, displaced owners may encounter disputes with new occupants or the State itself.

Mitigating circumstances

The findings in this report point to the fact that a well-working

administrative structure before a NSAG takes control of a territory is the main mitigating circumstance. If this is the case, NSAGs might appropriate the existing administrative architecture and issue certain documents themselves, which allow communities cut off from the State to register life-cycle events and access services. These documents are oftentimes similar to those issued by the government and thus, easily integrated back into the government's system of documentation. NSAGs might take over legal documentation altogether or allow the State to keep certain activities running since.

Another circumstance that could mitigate humanitarian consequences concerns the NSAG's relationship with an external patron state. The patron state could exercise administrative functions and provide legal documentation on behalf of NSAG, including providing citizenship and social services to civilians living in NSAG-controlled territories. It is worth noting that NSAG authorities often welcome assistance from the patron state for two reasons: first, the provision of essential social services consolidates the legitimacy of NSAG governance and allows them to be a functioning state-like entity. Second, for political reasons, NSAGs sometimes hold friendly relations with the patron state to strengthen the confrontation with the *de jure* state. This

mitigating circumstance can be found in the post-Soviet space, where Russia has acted as a patron state for South Ossetia, Abkhazia, LPR and DPR, and provided passports and other services to civilians.

Mitigating strategies

The longer a situation of NSAG-control is ongoing, the more time the different actors have to establish solutions to mitigate civilian harm. During periods of NSAG-control, the national government is sometimes hesitant to engage in mitigating strategies since this might have unintended political consequences, such as the recognition of the *de facto* status of NSAGs. Therefore, the role of humanitarian organisations is especially important during these periods. They may issue documents that are internationally recognised but do often not have the capacity to reach a large number of people. At the same time, civilians (especially those living in border areas) make use of a third government that provides legal documents that allow them to access certain services. Civil society organisations can also play a role in reducing harm: in LPR, for example, civil society actors established a hotline that civilians could call if they had questions relating to legal documentation. Similarly, religious authorities in Colombia and Syria issued legal documentation independently, which

mitigated the total absence of life-cycle documents.

National governments resume a central role when the NSAG's control over a certain territory has ended. They may step up their efforts to register civilians, for example by sending mobile registration units to rural areas. After the rule of a NSAG has ended, humanitarian organisations can support the government and assist vulnerable populations in accessing legal documentation (especially IDPs).

The synthesised findings in this section aim to provide an overview of the various ways in which legal documentation is governed in areas (formerly) under the control of NSAGs. They point toward the main issues that might arise in these settings and to the possible interventions that may reduce civilian harm. Building on these insights, the concluding section of this report presents recommendations for how (national) governments, humanitarian organisations, and NSAGs might contribute to alleviating humanitarian challenges that result from legal documentation.

V. Recommendations

To mitigate civilian harm,

(National) Governments should:

- Universalise access to legal documentation through legal reform (especially to rural and displaced communities). This could include establishing an online registration system.
- Strengthen local civil administration in areas with a high level of documentation needs (i.e., rural areas, IDP camps).
- Support reconciliation and mediation to minimise the risk of retaliation for civilians who have obtained NSAG documents.
- Provide essential services (incl. health services, education, and legal services) to civilians without identity documents and on an individual basis needs instead of a family basis to better address the gendered consequences of legal documentation.
- Invest in collecting and monitoring qualitative data and statistical information to acquire a better understanding of legal documentation.

Humanitarian organisations should:

- Support the national government in any efforts to address legal documentation issues, especially in more isolated contexts.
- Provide access to services to undocumented civilians.
- Act as liaison in documentation applications to evaluate security risks on behalf of the State and mitigate the risk of retaliation/discrimination for applicants.
- Allocate more financial resources to programmes tackling legal documentation.

Non-state armed groups should:

- Support the co-existence of alternative forms of legal documentation to mitigate potential harm to civilians (particularly travel documents).
- For NSAGs with strong administrative capacities, undertake functions to issue necessary documents and provide essential services to civilians under its control (i.e., health services, education, pensions, and legal services).
- Maintain an open-door policy and dialogue with humanitarian organisations.

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VII. Appendices

i. Glossary

1. *State* refers to a legal entity with the following qualifications: it has (1) a permanent population; (2) a defined territory; (3) a government; and (4) the capacity to enter into relationships with other states (Montevideo Convention on the Rights and Duties of States, 1933).
2. *Quasi-State* or *De Facto State* refers to an entity with many, but not all, criteria of statehood and which therefore possesses a measure of international personality.
3. *Non-State Armed Group (NSAG)* refers to an armed group that is not part of a State, has a level of internal organisation, leadership, and/or bureaucracy, and the ability to engage in armed hostilities with adversaries. They often exercise control over certain territories.
4. *Non-International Armed Conflict* refers to protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State (International Committee of the Red Cross (ICRC), 2008).
5. *Legal identity* refers to the basic characteristics of an individual's identity, e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorised civil registration authority following the occurrence of birth (United Nations Legal Identity Agenda, n.d.).
 - a. *Birth registration* refers to a State's official recognition of a child's existence, enabling the right to a name, nationality and family relations.
6. *Internally Displaced Persons (IDP)* refers to persons who have been forced to leave their homes or places of habitual residence, as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, or natural or human-made disasters, and who have not crossed an internationally recognized border' (UNHCR, 2010, pp. 1).

ii. List of interviewees

Surname, First name	Affiliation
Chacon Lozano, Mariana	International Committee of the Red Cross (ICRC)
Civilian from Caquetà	–
Granja, Lilia	Norwegian Refugee Council (NRC)
Hampton, Kathryn	Rainbow Railroad
Humanitarian professional 1	International Committee of the Red Cross (ICRC)
Humanitarian professional 2	International Committee of the Red Cross (ICRC)
Humanitarian professional 3	International Committee of the Red Cross (ICRC)
Humanitarian professional in Iraq	–
Humanitarian professional in Sri Lanka	–
Jasutis, Grazvydas	DCAF – Geneva Centre for Security Sector Governance
Klem, Bart	University of Gothenburg
Law Student in Homs, Syria	Al Baath University
Levy, Shoshana	United National Refugee Agency (UNHCR)
Lombard, Louisa	Yale University
Muyisa, Moise	Norwegian Refugee Council (NRC)
Ngodji, Fulbert	International Crisis Group
Sanchez Bermudez, Monica	Terre des Hommes Suisse
Social Worker	Antiochian Church of Hama
Sosnowski, Marika	German Institute for Global and Area Studies (GIGA)

Teacher, social worker in Iraq	Al-Hol Refugee Camp
Thiruvarangan, Mahendran	University of Jaffna
Zapata, Carlos	Observatorio de Derechos Humanos y Paz del Instituto Popular de la Capacitación
Granja, Lilia	NRC- Norwegian Refugee Council

iii. Interview questionnaire

Questions for all case studies

Could you please introduce yourself and your work? What was your function when you encountered the issue of legal documentation?

In what context has the issue of legal documentation been raised and/or discussed in your work? How often did/do you encounter the issue?

According to your experience, how did the issue of legal documentation change chronologically in [case study]? How did it start; how did consequences develop; what responses, if any?

Are there areas (both geographical and thematic) where the issue of the legal documentation is more/particularly important in [case study]?

In your experience, is the issue of legal documentation central to the humanitarian work in [case study]?

What type of documents poses challenges to civilians living under non-state governance in [case study]?

What reactions to the challenges caused by legal documentation have you seen from affected communities, humanitarian organisations, and/or national authorities? Have they had any mitigating effect?

How could these responses be improved? What is needed to mitigate the harm caused by (a lack of) legal documentation in [case study]?

How do you explain the specific experiences with legal documentation in [case study]? Why has it (not) been an issue?

Is there any further information that you would like to share?

Additional case-specific questions

Central African Republic:

How does the geography of the country affect the administration of legal documentation?

Colombia:

Fernando Vallejo in his *El Desbarancadero* states that: 'Nobody can exist in Colombia without a cedula. Even the dead have one'. In light of your experience and expertise, to what extent is that statement true? How vital is it to have a cedula in Colombia nowadays?

After the 2016 peace agreement between the FARC and the Colombian government, How did the lack of legal documentation and its humanitarian consequences on people change?

Given the developments of last November and the introduction of the *cedula comunitaria* as a basic requirement to live and work under the FARC, what are the barriers and limitations that arise in having a legal identification document dispensed by the FARC?

How are humanitarian organisations responding to the humanitarian needs

of civilians living under non-state armed groups?

Since the control that NSAG exercises in Colombia are in most of the areas fluid and not full. What are civil tasks such as registration, documentation and health/education/basic essential services that governmental authorities could still provide under the FARC? And what of these essential tasks and access to services were instead provided by the FARC itself?

Post-Soviet space:

Ukraine

Has the issue of birth/death registration been raised in your work?

Did LPR try to stop people from obtaining UKR passports?

Most importantly, the passportisation process: How often have you witnessed it? How does it complicate the conflict?

Georgia

If I understand correctly, those elderly people in South Ossetia can just collect pensions from the South Ossetian government and they don't need to cross the border to collect their pension from the Georgian government?

Is double citizenship technically possible?

What about the people who are born in South Ossetia? Have they encountered difficulties when applying for,

for example, a birth certificate in Georgia or a passport from Georgia?

What about the recognition of these documents?

For people who have *de facto* governments' passports, were they prosecuted by the Georgian government?

Could you say more about people crossing the border to collect their pensions from the Georgian government?

How did Georgia react to people obtaining Russian passports? (in contrast/similar to the Ukrainian government's reaction?)

Transnistria

How did the Moldovan government react to Transnistrian civilians obtaining documents issued by other governments?

Nagorno-Karabakh

I am curious about the recent change of situation related to conflicts, in 2020 as well as earlier this year. Were there any implications for residents living in Nagorno-Karabakh?

Are there Azerbaijanis living in Nagorno-Karabakh?

Could you discuss the procedure for obtaining birth registration and marriage certificates in Nagorno-Karabakh?

What about Azerbaijan's reaction to people in Nagorno-Karabakh holding Armenian documents?

What about the issue of property documents in the context of an uncertain future?

Did IDPs encounter any difficulties while they were fleeing when conflict broke out two years ago? Did they receive special documentation of IDP or refugee status?

Did Armenia make any efforts to solve the issue of property?

Syria and Iraq:

How has the presence of multiple non-state armed groups had on the flow of documentation in these contexts?

How would you characterise the process of obtaining non-state documents, and the documents themselves?

Has the presence of foreign sanctions and the overall economic crisis played a role in access to documentation? How?

These two contexts are further complicated by the major diaspora presence, both in surrounding states and abroad, which is also impacted by documentation issues. How has the free movement of the diaspora been impacted? Has the diaspora affected the processes of documentation at all?

Have you had any first or second-hand experience obtaining documents from either the state or an NSAG? Would you feel comfortable elaborating?