



Avoiding civilian harm in partnered military operations: The UK's responsibility

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Cover photo:
British Army members of a
military transition team train
Iraqi Army, Basra, February 2009
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Ceasefire Centre for Civilian Rights

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April 2023

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Acknowledgements

This publication was funded by the Joseph Rowntree Charitable Trust. The views expressed are not necessarily those of the Trust. Ceasefire is grateful to the NGO partners, journalists, military personnel, academics, and policymakers who were interviewed for this report. Additional research by Eleftheria Kousta and Anil Umer.

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Abbreviations

AMISOM	African Union Mission in Somalia
ATMIS	African Union Transition Mission in Somalia
BDA	Battle Damage Assessment
BMTT	British Military Advisory Training Team
CCCARB	Civilian Casualty Credibility Assessment Review Board
CCMT	Civilian Casualty Mitigation Team
CHAC	Civilian Harm Assessment Cell
CHM	civilian harm mitigation
CHMRAP	Civilian Harm Mitigation and Response Action Plan
CIVCAS	civilian casualties
CJTF–OIR	Combined Joint Task Force – Operation Inherent Resolve
DfID	Department for International Development
DoD	Department of Defense (US)
FCDO	Foreign, Commonwealth and Development Office
FCO	Foreign and Commonwealth Office (the predecessor of the FCDO)
FOI	Freedom of Information
GEE	UN Group of Eminent Experts
HRC	UN Human Rights Council
HS	Human Security
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law (also known as the Law of Armed Conflict)
ISC	Intelligence and Security Committee, UK Parliament
ISIS	Islamic State of Iraq and Syria
JSP	Joint Service Publication
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MoD	Ministry of Defence (UK)
NATO	North Atlantic Treaty Organization
NCCCV	Non-combatant Casualty Cut-off Value
OSJA	Overseas Security and Justice Assessment
PMO	partnered military operation
PoC	protection of civilians
RAF	Royal Air Force
SBS	Special Boat Services
SDF	Syrian Democratic Forces
SF	Special Forces
SNA	Somali National Army
STTT	Short-term Training Team
TAAA	Train, Advise, Assist, Accompany
TTPs	Tactics, Techniques and Procedures
UNAMA	United Nations Assistance Mission in Afghanistan
US CENTCOM	US Central Command

Executive summary

While partnered military operations are not a new phenomenon for the UK, their importance, both in strategy and practice, has increased significantly over the past two decades. Indeed, they have now become the predominant form of UK military engagement, seeing the UK training, arming and fighting alongside allied forces, other state militaries and armed opposition groups across the world.

But this shift in UK practice has undermined accountability for civilian harm. In some conflicts the transition to greater reliance on partner forces led to an increase in civilian casualties, for example in Afghanistan. Often, the increased complexity of engagement has led to responsibility being shirked. A prime example is the UK's insistence that it is responsible for only one civilian casualty as part of the US-led Coalition operations in Iraq and Syria, which are in sum believed to have caused over 10,000 civilian deaths.

The UK's reliance on partnered military operations is deeply rooted in the experience of conflicts in Iraq and Afghanistan. Military failures combined with casualties among both service personnel and civilians, war crimes committed by British troops, and the drawn-out nature of these conflicts, have left little public appetite for either a 'boots on the ground' approach or expanding military budgets. The lessons that the UK seemingly took was to take an arms-length approach and operate more through local partner forces. This evolved approach includes elements such as: training and mentoring local partners, limiting combat operations to air support, intelligence sharing and Special Forces operations.

But while UK strategy and policy documents now place great significance on partnered military operations, UK policy on civilian protection and civilian harm mitigation have not kept abreast. For example, the units which play an increasingly important role in UK partnered military operations, such as the new Ranger Regiment, are not subject to sufficient oversight; and policies on providing security assistance need to be strengthened to safeguard against human rights abuses or IHL violations committed by partners. While partnered military operations can pose issues for transparency and oversight, they also represent an opportunity to strengthen UK partners' capacity to uphold civilian rights and adherence to international humanitarian law (IHL).

UK policy and practice on partnered military operations

As the UK's reliance on partnered military operations has increased, so too has their importance in UK military doctrine and policy. Partnered military operations are currently subsumed into the UK's 'persistent engagement' strategy. Such an approach envisages UK forces pre-empting crises by employing a more 'proactive, forward deployed' presence, training, exercising and operating alongside NATO allies and other partner forces. Indeed, the UK's partnered military operations are part of a broader global trend, including the US' 'by, with, and through' approach.

UK partnered military operations involve several types of activity, including:

- Train, advise, assist, accompany (TAAA)

- Kinetic support
- Partnered detention operations
- Intelligence support
- Logistics support.

However, the UK's policies and procedures on civilian protection, human security, and security assistance must be strengthened to keep up with the realities of partnered military operations. For example, the *Overseas Justice and Security Assistance (OSJA) Human Rights Guidance* is supposed to govern all UK overseas engagement involving security or justice interventions. However, in the OSJA guidance, while factors are taken into account, including reputational risk and human rights, it is ultimately at the discretion of the civil servant or military officer making the application. This is one of the many policy areas where the UK could significantly improve its approach to strengthen civilian protection.

Despite the promise of the Integrated Review and its 2023 'refresh', the UK's approach to implementing human rights guidance does not currently appear well integrated. For example, in 2018-2020, the UK provided UK-based training to military personnel from two-thirds (20 out of 31) of the countries described as countries of priority concern for human rights by the FCDO, including officer training for military personnel from Belarus, China and Uzbekistan, defence and security management training for personnel from Colombia and Sudan, and all-arms commando and amphibious warfare training for Egypt. Personnel from Saudi Arabia attended over 40 courses, including international tactical targeting training from the British Army and advanced fast jet and multi-skilled weapons training by the RAF.

Military culture is a factor commonly under-emphasized in the protection of civilians, including the importance of influencing partners' behaviour, particularly where there are known problems. But there are serious questions as to whether the MoD is open to the same form of critical self-assessment or indeed accountability that the US Department of Defense has demonstrated in setting up a Civilian Harm Mitigation and Response Action Plan.

UK obligations under international law

Under international law the UK is obliged to respect and ensure the protection of civilians in armed conflict when it provides aid or assistance of a military nature to another state or a non-state armed group. These obligations include the following:

- Under **international humanitarian law (IHL)**, a state that trains, supplies weapons or other equipment, or provides financial support for operations, to an armed group or entity under its effective control, must ensure that they treat civilians in their power humanely and comply with the rules of distinction and proportionality in attack. This is a duty of result and not merely one of means. Furthermore, the UK Court of Appeal has observed that IHL confers a responsibility on third party states not involved in an armed conflict to not encourage a party to conflict to violate IHL, nor to take action that would assist in such violations, and to take appropriate steps to cause such violations to cease.
- Under **international human rights law**, there is in addition a clear duty to investigate potential violations of fundamental human rights, including the right to life and the right to freedom from torture. The duty to investigate not only applies to a state's own use of force, but also pertains to joint operations with another state.

- **Arms control law** prohibits the granting of authorisation for a proposed export of conventional weapons where there is an overriding risk that they would be used to 'commit or facilitate a serious violation of international humanitarian law'.
- The **rules of state responsibility** under international law preclude any state, including the UK, from aiding or assisting another state in the commission of an internationally wrongful act.
- Under **international criminal law**, a state is duty bound to investigate effectively any reasonable suspicion that a war crime has been committed by its armed forces (or other entities under its effective control) and to punish offenders. This duty would extend to individual UK citizens (within or outside the armed forces or an arms exporting company) who may be complicit in aiding or abetting an international crime involving harm to civilians in a situation of armed conflict, such as through the provision of weapons to a party to any conflict.

The UK's approach to partnered military operations needs to recognize that providing assistance to an entity that may use force against civilians has consequences under international law.

Civilian casualty investigation and mitigation in Afghanistan

By far the largest of all partnered military operations conducted by UK armed forces was the long campaign in Afghanistan. There are many lessons to be identified and learned from the UK's involvement in Afghanistan generally, but particularly in the area of protection of civilians. In this section, Mark Goodwin-Hudson describes his experiences as the Head of NATO's civilian casualty mitigation team in Afghanistan and the impact on civilian harm of partnering with allies and host nation forces.

While it was an important step forward for NATO to establish its own in-theatre Civilian Casualty Mitigation Team (CCMT), there existed many issues with how the CCMT operated. For example, the CCMT Board did not have adequate time, access or the authority to visit the incident sites or conduct its own interviews when there were allegations of civilian harm caused by NATO operations. There was also very limited access to intelligence used to support Special Forces operations, meaning that it was often difficult for the Board to establish whether or not a victim was a civilian. During the period under review (2016) this was particularly significant as Special Forces missions were the only operations that could be assigned a 'non-combatant casualty cut-off value' (ie. the number of civilians or other non-combatants that were authorised to be legally killed incident to a strike on a high value target).

It was discovered that civilian casualty recording by the Afghan defence ministry had only acknowledged incidents of civilian harm committed by the Taliban or ISIS, and on occasions that civilians were killed as a result of crossfire, anti-government forces were always recorded as being to blame. However, the CCMT was able to partner with the Afghan defence ministry to develop a civilian harm tracking database and begin their own investigations into civilian harm. This is an example of how partnering can present an opportunity to strengthen and develop civilian protection.

Recommendations

- 1 The UK should develop and maintain effective policies and procedures for ensuring the protection of civilians in all partnered military operations, including:

- Rigorous pre-assessment of the willingness and ability of partner forces to ensure IHL compliance and avoid civilian harm
 - Joint training of partner and liaison personnel in IHL requirements, appropriate to rank and function
 - Dedicated resource to build the institutional capacity of partner forces in civilian harm mitigation, including in particular the capability to investigate, report and respond to civilian casualties
 - Establishment of an oversight mechanism, with identification of responsible oversight officer(s), and protection for whistle-blowers
 - Monitoring and evaluation procedures for civilian harm mitigation, enabling incorporation of lessons learnt and sustainable disengagement procedures.
- 2 Joint detention operations should include planning, resourcing and oversight for ensuring that detention facilities operated by partner forces meet international human rights standards. Detainees should never be handed over to partner forces where there is a risk of torture or inhuman or degrading treatment or punishment.
 - 3 Shared responsibility should be recognised in partnered operations for the identification, suppression and prevention of abusive practices, including child recruitment, sexual abuse and exploitation, and extortion of the civilian population.
 - 4 The Joint Service doctrine '*Human Security in Defence*' (JSP 985) should be integrated into Tactics, Techniques and Procedures to enable the protection of civilians to be effectively implemented in all partnered military operations.
 - 5 The cross-departmental *Overseas Security and Justice Assistance (OSJA) Human Rights Guidance* and the *Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees* should be strengthened by placing a statutory duty on ministers not to proceed with assistance or cooperation where there is knowledge, belief or the existence of a real risk that serious violations of IHL or human rights will take place (a UK 'Leahy Law').
 - 6 Given its central role in PMOs, the newly-established Ranger Regiment should not be subject to the same 'no comment' policy as the Special Forces.
 - 7 All UK PMOs, including those involving the Ranger Regiment or UK Special Forces, should be subject to appropriate parliamentary scrutiny, including oversight by the Defence Select Committee or the Intelligence and Security Committee.
 - 8 The UK should strengthen arms export licensing controls to include a proper assessment of the potential that arms transferred could be used to commit or facilitate a serious violation of IHL, taking into account relevant factors including past compliance with IHL.
 - 9 UK officials and service personnel involved in partnered military operations, including detention operations, and the transfer of arms, *materiel* and other assistance to a party to an armed conflict should be warned of the potential of criminal liability for aiding and abetting where they know that the assistance provided will be used to commit crimes under international law.

1

Introduction

The broad set of defence policies published by the UK in 2021 placed allies and partnerships at the heart of the UK's approach. To some extent, this only reflects the reality that over the past few decades, the UK's reliance on military partnerships has deepened and its network of support relationships has become more complex, explains *Lydia Day*.

The Integrated Review, Defence Command Paper, and Future Soldier Guide all gesture towards an even greater role for military partnerships:

Working bilaterally, with partners and in support of NATO missions, we will: build the capacity of others to deter and defend against state threats; support, mentor and, where necessary, assist nations in countering non-state challenges; and strengthen our network of relationships.¹

Of course, allies and partners are not new phenomena. For thousands of years, military forces have forged and broken alliances where they see benefit. The UK has a long history of military partnerships: from practices developed under the British Empire, to fighting as part of the Allied Powers in the two world wars and the 'special relationship' with the US. However, what is new is the extent to which the UK is both unwilling and arguably unable to act unilaterally. In the March 2023 'refresh' of the Integrated Review there are 136 references to 'partner(s)' or 'partnership' and 46 further references to 'allies' or 'allied'.²

In US policy, this reliance on partners is referred to as the 'by, with and through' approach. For both the US and UK, while such an approach may limit the deployment of service personnel and appease the public's limited appetite for risk, it can pose serious issues for the ability to mitigate and account for civilian harm.

What are partnered military operations?

The International Committee of the Red Cross (ICRC) has defined partnered military operations (PMOs) as 'formal arrangements between partners to achieve a specific military aim in a conflict'.³ These arrangements include a wide range of activities. To better pinpoint what PMOs encompass, the ICRC identified six main types of activity:

- 1 train, advise, assist, accompany (TAAA)
- 2 force generation
- 3 kinetic support
- 4 partnered detention operations

¹ UK, *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy*, HMSO, 2021, p. 75. See also MoD, *Defence in a Competitive Age*, Defence Command Paper, 2021.

² UK, *Integrated Review Refresh 2023: Responding to a more contested and volatile world*, 2023.

³ ICRC, *Allies, Partners, and Proxies, Support Relationships in Armed Conflict: Partnered military operations definition*.

- 5 intelligence support
- 6 logistics support.⁴

These activities sit within a broader category of support relationships defined by the ICRC.⁵ Support relations can take the form of PMOs, political support, arms transfers or take other forms such as institutional capacity building, financial assistance, or allowing an external military presence or transit rights. It is important to note that such forms of support do not exist in a vacuum, separate from one another. For example, the UK's arms transfers to Saudi Arabia occur alongside a wide range of other activities, including political support, logistics support, and training. Such activities often occur in the backdrop of broader historical and political ties between partners: whether long-term security cooperation, economic interests, or legacies of colonialism.

For the purposes of this report, the focus is on the UK's PMOs but will acknowledge other support activities whenever relevant.

What are the purposes of military partnerships?

The central appeal of PMOs is that through pooling together force capabilities, including equipment, technology and intelligence, states and non-state armed groups believe they have a greater chance of military success, while limiting their vulnerability on the battlefield. Especially with regards to remote support, this means that states are less likely to incur the economic and political costs of military engagement – or so they believe.

How have these partnered military operations evolved?

For the UK, these incentives have emerged alongside major changes to how it engages in military action. The UK has maintained a desire to uphold its interests across the globe but in the context of cuts to the size of the army and squeezed budgets this has posed a challenge. Even after Russia's invasion of Ukraine, the Secretary of State for Defence, Ben Wallace MP, defended plans to cut 10,000 personnel from the British Army.⁶ Similarly, the government has walked back from plans to increase defence spending to 3 per cent of GDP by 2030 within weeks of announcing it.⁷

This context is deeply rooted in the conflicts in Iraq and Afghanistan. Military failures combined with service personnel and civilian casualties, war crimes committed by British troops, and the drawn-out nature of these conflicts, have left little public appetite for either a 'boots on the ground' approach or expanding military budgets.

It is important to note that both Iraq and Afghanistan involved PMOs. The UK partnered within NATO, with local militaries, and with non-state actors. Both conflicts offer important lessons for PMOs, civilian harm mitigation and accountability. However, UK partnerships have now transformed to be primarily about 'remote warfare'. As extensively analysed by the Oxford Research Group, this means:

4 Ibid.

5 ICRC, Allies, Partners, and Proxies, Support Relationships in Armed Conflict: Defining support relationships.

6 Walters, A., Government defends plans to cut 10,000 British Army personnel, Forces.Net, 20 June 2022.

7 Sabbagh, D., Ben Wallace steps back from Liz Truss's 3% defence spending target, *The Guardian*, 10 November 2022.

to work 'by, with and through' local and/or regional forces who do the bulk of the frontline fighting while the UK and its Western allies provide support through capacity building, equipment, air support, or the deployment of special forces.⁸

Over the past decade, the UK has pivoted away from the types of PMOs seen in Operation Telic in Iraq (2003–11), Operation Herrick in Afghanistan (2008–15) and before that in Sierra Leone and Bosnia, towards remote warfare in successor operations in Iraq and Afghanistan and in new contexts such as Yemen, Syria, and Somalia. Crucially, just because the UK's involvement may now be 'remote' this is not to say that its implications for civilians are not severe. The UK was heavily involved in the battle for Mosul in 2016–17. As part of the US-led coalition, the RAF (Royal Air Force) struck more than 750 targets during the campaign, second only to the US, according to the Ministry of Defence (MoD).⁹ Yet while the UK's participation in this campaign may be an example of 'remote warfare', the air campaign as a whole left most of Mosul's old city destroyed and hundreds of civilians dead.¹⁰

While operating with partners may limit the deployment of service personnel and appease the UK public's limited appetite for risk, it can pose serious issues for the ability to mitigate and account for civilian harm

It is difficult to list the UK's partners in military operations in recent years. This is for several reasons. First, while partnerships with other states will be governed by a formal agreement, partnerships with non-state armed groups may be conducted on a more ad hoc basis. Second, many central functions of these partnerships are carried out by Special Forces, who operate under a strict 'no comment' policy and are not subject to effective parliamentary scrutiny.¹¹ For example, in 2019 it was reported that five Special Boat Services

(SBS) troops were injured in the Sa'dah region of northern Yemen, following clashes with Houthi militias.¹² Their involvement in the fighting, as well as training and mentoring Saudi personnel, was only made public after an SBS source spoke to the press.

Third, although some information on PMOs has been obtained through Freedom of Information (FOI) requests, this process does not provide us with the full picture. For example, the Labour Party's Shadow International Trade team were able to access data on military, security, and policing trainings provided in the UK from 2015–20 to personnel from other countries.¹³ Courses provided overseas, however, could not be accessed by FOI as the MoD claimed these could only be provided at disproportionate cost.

8 Oxford Research Group, *Remote Warfare and the Practical Challenges for the Protection of Civilians Strategy*, Briefing, June 2019.

9 <https://www.telegraph.co.uk/global-health/terror-and-security/coalition-forces-killed-civilians-islamic-state-study-finds/>

10 Lafta, R., Al-Nuaimi, M.A. and Burnham, G., Injury and death during the ISIS occupation of Mosul and its liberation: Results from a 40-cluster household survey, *PLOS Medicine* 15(5), May 2018.

11 MacAskill, E., Special forces need to face scrutiny from parliament, say MPs, *The Guardian*, 24 April 2018.

12 Nicol, M., Our secret dirty war: Five British Special Forces troops are wounded in Yemen while 'advising' Saudi Arabia on their deadly campaign that has brought death and famine to millions, *Daily Mail*, 23 March 2019.

13 Thornberry, E., *A Force For Good: Training Provided in the UK to Overseas Military and Security Forces*, Report and Recommendations from the Shadow Secretary of State for International Trade, September 2021.

The report did find that personnel from other countries received at least 5,328 military, security, and policing training courses in the UK between 2015 and 2020. Recipients of these courses included personnel from Saudi Arabia, Nigeria, Myanmar, Oman, Cameroon, and Mali.

These issues regarding the scrutiny of UK partnered operations are even more prevalent with regard to civilian harm. For example, in the UK's contribution to the campaign against ISIS (Islamic State in Iraq and Syria), known as Operation Shader, the RAF has admitted to only one civilian casualty.

UK policy and doctrine on protection of civilians

Parallel to the increase in doctrinal importance of partners and allies to the UK has been the growth in engagement on protection of civilian issues. The UK government first published a protection of civilians (PoC) strategy in 2010 and an updated strategy was published in 2020.¹⁴ Indeed, the UK was one of the first countries to adopt such a strategy. The UK also notably signed onto to the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, an important milestone given it was uncertain as to whether the UK and its allies such as the US would sign.¹⁵

Despite these important steps to adopt strategies on PoC issues, there remain significant problems with the UK's approach, particularly with regard to PMOs.

The 2020 PoC strategy includes the following on partnerships and training:

- HMG [His Majesty's Government] encourages all States to respect IHL [international humanitarian law], to adopt relevant legislation and act in accordance to their obligations under it. Where they are willing but lack capacity to do so, the UK stands ready to help, for example through partnership programmes to build knowledge of IHL and more accountable defence and security forces and equitable justice services.
- The UK Government recognises the need for specialist training on the rule of law and we provide such training to foreign governments and armed forces. We are focused on three themes: IHL, the military justice system (which is crucial to maintaining discipline and integrity), and international agreements.¹⁶

While it is important that the UK supports its partners in training on IHL and strengthening accountability in their defence institutions, this approach does not acknowledge the UK's own role in protecting civilians for partnerships or the need to introduce consequences for partners who do violate IHL and civilian rights.

14 Foreign and Commonwealth Office, *UK Government Strategy on the Protection of Civilians in Armed Conflict*, 2010; Department for International Development, Foreign and Commonwealth Office, Ministry of Defence, *UK Approach to Protection of Civilians in Armed Conflict*, March 2020.

15 INEW (International Network on Explosive Weapons), 'Dublin Conference to adopt the Political Declaration on Explosive Weapons', November 2022.

16 Department for International Development, Foreign and Commonwealth Office, Ministry of Defence, *UK Approach to Protection of Civilians in Armed Conflict*, March 2020.

These questions are going to become even more critical given the Integrated Review and Defence Command Paper signal an increased reliance on partnered operations, envisage a greater role for the Special Forces and, indeed, establish a new Ranger Regiment which will work closely with partners. While the development of policies on protection of civilians is welcome, these must engage with the realities of partnered operations to be truly impactful.

2

UK policy and practice on partnered military operations

Partnered military operations have now become the predominant form of UK military engagement. Former military officer *Frank Ledwidge* considers the UK's approach to protecting civilians in partnering with other military forces.

British military partnering has been a major operational focus for the British armed forces in one form or another for centuries, first in colonial and imperial actions and later in postcolonial and peacekeeping operations. More recently, the wars on terror brought the most extensive of all 'partnering' operations in Iraq and Afghanistan. These activities took place at the strategic, operational and tactical levels. Vast numbers of personnel were involved over twenty years of sometimes intensive kinetic conflict. At the time of writing far fewer military personnel are involved in combat or 'kinetic' operations as they are termed. However, the UK maintains its military involvement 'by, with and through' in many countries, whether through direct engagement or the arms trade. Currently that also applies to the UK operations in support of Ukraine.

The experience of Afghanistan was searing for many service personnel. There is a growing awareness of the importance of protection of civilians (PoC), within the army in particular. Aside from the moral imperative, it is privately accepted by many that the lack of prioritization of PoC was a major contributing factor to the strategic failure in Afghanistan. Consequently, military doctrine is moving rapidly (by UK military standards) to ensure that PoC moves closer to the centre of operational thinking and planning. The constraints on moving more quickly to embed some very good ideas is that the tempo of change and the preparation bandwidth for doing so is limited.

Strategic background

Partnered military operations (PMOs) in the UK are currently subsumed into the term 'persistent engagement'. The idea, from a doctrinal perspective, is nested within a wider idea known as the 'Integrated Operating Concept', itself part of a family of defence policy documents led by the capstone 'Integrated Review' and also comprising the 'Defence Command Paper'² and other service-centred elements.¹ It is stated, this 'will increase our ability to pre-empt and manage crises before they escalate and minimise the opportunities for state and non-state actors to undermine international stability'.³

Persistent forward engagement is, it is asserted, 'a way to compete with threats to the UK below the threshold of conflict, deepen understanding of complicated environments and influence the global landscape'.⁴ There is a strong heritage to this kind of thinking. For the

1 UK, *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy*, London, HMSO, 2021.

2 MoD, *Defence in a Competitive Age*, 2021.

3 MoD, *The Integrated Operating Concept 2025*, 2021, at p. 16.

4 Davies, W. *Improving the Engagement of UK Armed Forces Overseas*, Research Paper, London, Chatham House, 22 January 2022.

last two decades, ideas of 'expeditionary warfare', underpinned eventually by a 'Comprehensive Approach', informed not only the operational focus of the army, navy and air force, but its structures and equipment as well. Since the Strategic Defence Review in 2010, the MoD has been developing ideas of 'Defence Engagement', essentially meaning non-combat operations in support of allies to achieve 'influence', build stability and prevent conflict. This is now being renamed as 'global engagement'.

We shall see as the chapter proceeds how, despite the obvious potential gains, there are serious dangers when military involvement takes place where there is a lack of contextual awareness and safeguards. One Saferworld report summarizes the situation well: 'In the right hands and the right context, it can be a vital tool for addressing complex challenges. However, it requires careful handling in appropriate conditions with clear planning and safeguards in place, to avoid unwittingly starting or fuelling a fire.'⁵ As we shall see later, those concerns may – at the operational level as well as the obvious strategic one – be very well founded.

The UK is also heavily involved in the provision of arms to certain states, some of them involved in active combat. Most significant among these many partners is Saudi Arabia, currently engaged in its 'Operation Decisive Storm' in Yemen.

UK policies, proposals and guidance

There is no shortage of formal policy guidance on the protection of civilians in conflict from the British government, NATO and more widely.⁶ The ICRC has gone much further within the specific context of PMOs, most recently producing a handbook for commanders in partnered military operations.⁷

Overseas Security and Justice Assessment guidance

All UK overseas engagement involving security or justice interventions – which would very much include military partnered operations – is supposed to be governed by the government's Overseas Security and Justice Assistance (OSJA) *Human Rights Guidance*.⁸ OSJA guidance is built around a cycle of assessment of the situation, identification of risks, mitigation thereof and strengthening of the project.⁹

The OSJA is centred initially around a checklist to be examined and completed as part of the planning process for any programme or project being funded by the UK government. Items include support or training in the form of PMOs. The checklist aims to identify and mitigate the risks of human rights abuses which might be caused or even encountered in the course of the implementation of such projects. Mitigations include representations, lobbying and assurances, training on human rights and Memoranda of Understanding. Once such risks have been determined – and mitigations identified by means of the checklist – the second stage is rather simpler. The question is this: Is there a reputational risk to HMG or government agencies?

5 Watson, A. and Brooks, L., 'Persistent engagement, persistent risk', Saferworld, October 2021.

6 See documents available at NATO website, 'Human security', 18 July 2022.

7 ICRC, *Preventing Civilian Harm in Partnered Military Operations: A Commander's Handbook*, 2022.

8 OSJA, *Human Rights Guidance*, 26 January 2017.

9 Ibid., p. 3.

In general terms, the OSJA requires extensive assessment to take place before any activity funded by UK authorities takes place, the overall purpose of which is to ensure that security and justice activities are 'consistent with British values, including human rights and the enlightened national interest'. (It is unclear what purpose the word 'enlightened' serves here.)

Projects are divided into a number of risk categories, from low to high in both the human rights element and the reputational risk context. Project directors are told that they 'may choose not to proceed where the risks are serious and impossible to mitigate'. In other words, they may also choose to continue, in fairness almost certainly after a submission to ministers. However, it seems that the discretion as to whether to inform a minister is left with the civil servant or military officer making the application. Furthermore, ministers may ultimately authorize projects even if there is a serious risk.

The Oxford Research Group, in its analysis of practice surrounding OSJAs in challenging human rights situations *Forging a New Path*,¹⁰ observed that there is a lack of transparency about OSJAs, and a resulting 'poor cross-departmental co-ordination of assessments'. Rather more importantly for the issue of protection on the ground, it appears that there are no triggers for the termination of assistance.¹¹ An example is given in *Forging a New Path* concerning three murders carried out by troops in Afghanistan who were being trained by UK soldiers. The Foreign and Commonwealth Office (FCO) response to the trainers' horrified objections, was a 'strongly worded letter from the FCO' and continuing training.

Policies on partnered detention operations

After 9/11, the UK was involved in US counter-terrorism efforts, including through providing logistical and intelligence support for its extraordinary rendition programme. Scrutiny of the UK's involvement in this programme resulted in another set of policies on partnered operations being developed. The *Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas and on the Passing and Receipt of Intelligence Relating to Detainees* was published in 2010. This was updated and renamed *The Principles* in 2019.¹²

The aim of this policy is partly to ensure that when the UK does participate in partnered detention operations, these are consistent with its IHL and human rights obligations. This includes preventing the UK from being involved in unlawful killing, torture, cruel, inhuman or degrading treatment, and extraordinary rendition.

However, as with the OSJA guidance, this is a policy document, and so is not legally binding. While it may encourage better practice, the weakness of the approval mechanisms in the OSJA and *The Principles* 'certainly hampers the ability of both documents to strengthen compliance and casts serious doubt on the possible use of policies as a means to relax legal limitations'.¹³

10 Walpole, L. and Karlshøj-Pedersen, M., *Forging a New Path: Prioritising the Protection of Civilians in the UK's Response to Conflict*, Oxford Research Group Remote Warfare Programme, July 2020, p. 22.

11 Ibid., p. 26.

12 HM Government, *The Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees*, July 2019.

13 Rosso, A.M., 'Closer to home: How national implementation affects State conduct in partnered operations', *International Review of the Red Cross*, No. 914, December 2021.

Policies on intelligence sharing and lethal strikes

The UK shares intelligence with its partners, particularly the US, to assist in conducting lethal strikes. The shift towards remote warfare in US and UK foreign policy in the past decade has seen the practice become an important feature of the UK's partnered drone operations. This was examined in the All-Party Parliamentary Group on Drones and Modern Conflict's inquiry, *The UK's Use of Armed Drones: Working with Partners*.

Operation Shader, the UK's military operation against ISIS in Iraq and Syria, has seen the UK work closely with the US and other partners to conduct lethal strikes.

However, the policy which underpins these decisions, *Guidance to Intelligence Officers and Service Personnel applicable to the passing of intelligence relating to individuals who are at risk of targeted lethal strikes*, has not been made public. This is despite attempts to make it public through FOIs and parliamentary oversight.¹⁴

UK protection of civilians policies

From the perspective of more specifically military operations, the 'UK Approach to Protection of Civilians in Armed Conflict' is focused around five headings: Political Engagement, 'Strengthening Accountability', 'Peace Support Operations', 'Ensuring Respect for IHL' and 'Strengthening State and Non-State Capacity'.¹⁵ There are several boxes, containing short summaries of particular issues such as sexual violence and the protection of cultural property. This is presented as a strategy rather than a recitation of actions or implementation. There are improvements on previous iterations,¹⁶ such as the inclusion of child-specific expertise in peace support and military operations.¹⁷

However, some may see this as a missed opportunity. There is no provision for processes dedicated to learning lessons from conflict to apply to future engagement. After the challenges of Afghanistan, this is a surprising omission. Lessons from that conflict might include the necessity of constant engagement with civil society, for operational as well as humanitarian reasons.¹⁸ Closely connected is the question of transparent communication of civilian casualties. In this, the UK approach lags behind the way civil society has been developing on the ground, using contemporary, freely available technology and open-source intelligence to monitor military activities and, specifically, issues impacting civilian security, especially the use of ordnance and the infliction of casualties. Experience has amply demonstrated the truism that being 'first with the facts' (as recommended by NATO policy)¹⁹ and ensuring as far as possible that they are true is a wise course of action. Accurate and fast reporting of civilian harm by NGOs (and journalists) on the ground is a feature of contemporary conflict. Military procedures and credibility should match the speed and accuracy regularly displayed by civil society in places including Syria, Iraq and Ukraine. This is not an optional provision but needs to be central to operational art in an information-soaked battlespace.

14 Information Commissioner's Office, Decision Notice F550599866, May 2016; Tom Watson MP, Letter to Phillip Hammond MP, November 2014.

15 DfID, FCO, MoD, 'UK approach to protection of civilians in armed conflict', Policy Paper, 27 Aug. 2020.

16 FCO, *UK Government Strategy on Protection of Civilians*, 2010.

17 See Save the Children, 'A win for children in conflict', blog, 3 September 2020.

18 Stabilisation Unit, *The UK Government's Approach to Stabilisation: A Guide for Policy Makers and Practitioners*, March 2019, p. 36.

19 'NATO policy for the protection of civilians', 2016, , para. 16.

UK policies on human security

Given the pre-eminence of partnerships in UK defence activities as a whole, it is instructive that there is no specific doctrine for their conduct. However, there is a comprehensive new doctrine on human security. This is the Joint Service Publication (JSP) 985 *Human Security in Defence*,²⁰ which foregrounds 'an emphasis on human beings rather than the defence of the state.'²¹ This is not a whole-government document, rather it constitutes 'doctrine' for military operations, and represents, if not a departure, then certainly an advance in the approach of the MoD to operations. There is focus on minimizing harm to civilians in conflict and, indeed, engagement with the population as a whole. One of its main cross-cutting themes is PoC, described as a 'vital aspect' of MoD's Human Security (HS) approach. Several measures are identified which are intended to mitigate the potentially destructive elements of operations, the most important of which is 'considering POC as central to the HS approach and integral to all military operations.'²²

There is also a very strong emphasis on understanding the civilian environment. None of this is surprising. Senior officers in the UK military now, and specifically those responsible for considering and drafting new doctrine, were junior officers in Afghanistan and closely experienced the effects of failing properly to take these matters into account. It is worth quoting JSP 985 on its definition of 'the UK's Human Security Approach':

*To gain a heightened understanding of the human environment, potential conflict drivers and dynamics to improve integrated planning and entrench HS in the way Defence operates. This enables the UK Armed Forces to act as a 'force for good', minimising harm to civilians and maintaining legitimacy.'*²³

Volume 2 of JSP 985, outlining the implementation of human security into wider defence, was due in 2022 but has yet to be published. It remains to be seen whether the centrality and integration of human security in general, and PoC in particular, are folded into operational planning processes, particularly with respect to partnered operations.

For the new JSP 985 to have meaning in the context of PoC it will need, in the words of one senior officer closely involved in these processes, to 'get itself down to the level of field manuals and TTPs (Tactics Techniques and Procedures)'.²⁴ Unfortunately, the British Army is small, relative to the US Army (which is the lead service on PoC), and bandwidth is necessarily limited. Subsequent to the Integrated Review and its attendant policies, the army is in a state of almost constant reform and consequent flux. As a result, with respect to the implementation of the ideas in JSP 985, 'things have gone awry this year',²⁵ as the emphasis of the army has moved from 'fight tomorrow' to 'fight tonight' with the result that the 'softer' element of their role has become even less of a priority.

The UK approach lags behind the way civil society uses contemporary technology and open-source intelligence to monitor military activities and civilian security

20 Superseding JSP 1325, MoD, *Human Security in Military Operations*, January 2019.

21 MoD, *Human Security in Defence*, JSP 985, p. 11.

22 Ibid., p. 16, para. 0205.

23 Ibid., Glossary, p. vii.

24 Interview with senior military officer involved with HS training and doctrine, 24 October 2022.

25 Ibid.

Recent international policy initiatives

United States

Where the US goes in military terms, the UK tends to follow. After revelations in the *New York Times* concerning casualties caused by air strikes²⁶ were published in early 2022, the US Department of Defense (DoD) announced the *Civilian Harm Mitigation and Response Action Plan* (CHMRAP)²⁷ and work is proceeding apace not only to develop the action plan but to implement its proposals, not just in doctrine and guidance but within operational planning processes. Mechanisms include the establishment of a civilian protection centre of excellence, to 'serve as the hub and facilitator' for Department of DoD-wide analysis, learning and training, standardized reporting procedures for civilian harm, a strong focus on information within the battlespace itself to mitigate harm, and the incorporation of civilian harm mitigation and response into operational processes. The CHMRAP outlines a comprehensive implementation programme up to 2025.

Central to the implementation of the CHMRAP is the idea of Civilian Harm Assessment Cells (CHAC) and CHMR officers placed in combatant command headquarters. The duties of CHAC and attached officers are extensive, but have at their heart the accurate assessment of civilian harm and integrating that and other relevant information into targeting and planning processes. Interestingly, the plan posits a 'more likely than not' standard for the assessment of civilian casualties, based upon a wide variety of information sources including civil society and media of all kinds.

These are very ambitious plans, but there is little on accountability for harm. In particular, there has been criticism from leading NGOs and some members of Congress that CHMRAP will not re-open past cases where civilian harm has been confirmed but the DoD did not make amends to victims' families.²⁸

However, initial assessments by experts have largely been positive. A former senior US targeting officer, Marc Garlasco, now working for the NGO Pax, says that 'this is incredibly significant. It puts the military on notice that they must implement these mandates because now they are going to be part of military doctrine.... it will make the protection of civilians a component of military operations. It will save lives.'²⁹

Should the plan be implemented, aside from the intrinsic benefit which is likely to accrue to civilians who find themselves within US military operational areas, the relevance for the UK is that where the US goes, the UK military very regularly follows shortly afterwards. As matters stand, UK defence has what appears to be some good doctrine in place. It is far behind the US, however, with respect to how it envisages bringing its ideas into an operational context.

The foregoing deals with policy and institutional reform within US armed services. The US has also enacted a strong *legal* provision allowing US forces to report gross violations and cease cooperation. This contrasts with the UK, where the OSJA is guidance and not law.

26 The Civilian Casualty Files, *New York Times*, January–April 2022.

27 US Department of Defence, *Civilian Harm Mitigation and Response Action Plan*, 25 August 2022.

28 Seligman, I., 'Pentagon's new civilian casualty plan won't include reopening past cases', *Politico*, October 2022.

29 Marc Garlasco, quoted in Turse, N., 'Two decades into the forever wars the Pentagon finally unveils plan to reduce civilian casualties', *The Intercept*, 25 August 2022.

The Royal Air Force in Syria and Iraq

The UK plays an important role in CJTF–OIR, widely known as the US-led Coalition against ISIS in Iraq and Syria. The UK's contribution to the Coalition, referred to as Operation Shader, was second only to that of the US itself, with roughly 20 percent of all Coalition airstrikes being conducted by the UK's Royal Air Force.³⁰ The UK also provides air support for partners on the ground such as the Syrian Democratic Forces (SDF) through air surveillance and intelligence.

Airwars has estimated that the Coalition is responsible for between 8,197 and 13,252 civilian deaths in Iraq and Syria, while the Coalition itself has only acknowledged 1,417 civilian deaths.³¹ (The estimated number of civilian deaths caused by government forces and non-state groups is higher.) The RAF maintains that it has killed over 4,000 ISIS fighters in Syria and Iraq but only one non-combatant,³² although these figures have been widely treated with scepticism.

Bassam Alahmad, the co-founder and Executive Director of Syrians for Truth and Justice, commented to Ceasefire that 'it's hard [...] we know that civilian casualties occur, these are a fact, but most of the time we don't know who is responsible'.³³ He also called on the UK and other Coalition members to 'review their procedures', arguing that 'much more can be done'.³⁴

'we know that civilian casualties occur, these are a fact, but most of the time we don't know who is responsible'

Bassam Alahmad, Executive Director, Syrians for Truth and Justice

The transparency and accountability for Coalition activities was very important for Mr Alahmad:

Civilians need the Coalition to be more open. There are a lot of civilians harmed, especially in places like Raqqa – they [the Coalition] should be more open for people to identify who did this.

In December 2021, Syrians for Truth & Justice published a report on two drone strikes carried out by the US-led Coalition in Raqqa and north-eastern Syria in October 2021.³⁵ On 25 October, an RAF Reaper killed an individual allegedly associated with ISIS near the Syria-Turkey border in al-Adwaniya village. This strike was followed by a raid by Turkish ground troops, which Syrians for Truth & Justice believe may have killed two civilians. Mr Alahmad noted to Ceasefire that it shows: 'there was likely collaboration between the UK and the Turkish forces [...] In this case, it was not the UK that killed civilians, it was likely their partners'.³⁶ This incident demonstrates the complicated relationships between partners and responsibility for civilian harm.

Interview by Lydia Day

30 Defence Select Committee, 'The UK Military Effort' in UK military operations in Syria and Iraq, Inquiry Report, September 2016.

31 Airwars, US-led Coalition in Iraq and Syria.

32 *BBC News*, 'RAF killed 4,000 fighters in Syria and Iraq', 7 March 2019.

33 Interview, 27 October 2022.

34 *Ibid.*

35 Syrians for Truth & Justice, 'Syria: A jihadist and an arms dealer killed in global coalition drone strikes', December 2021.

36 Interview, 27 October 2022.

Since 2011, the 'Leahy laws' provide potentially effective oversight over both State Department and DoD partnered operations.³⁷ The central idea is expressed in its initial section:

- (1) Of the amounts made available to the Department of Defense, none may be used for any training, equipment, or other assistance for a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.
- (2) The Secretary of Defense shall, in consultation with the Secretary of State, ensure that prior to a decision to provide any training, equipment, or other assistance to a unit of a foreign security force full consideration is given to any credible information available to the Department of State relating to human rights violations by such unit.³⁸

Implementation can be restricted if the DoD applies a waiver, which is stated to be permissible only in exceptional circumstances. Similar provisions relate to State Department funded assistance.³⁹ The Leahy provisions have introduced 'Leahy vetting' procedures *prior to* the approval of aid.

Needless to say, a case can be made there is a certain selectivity of application to this provision, and there has been no shortage of criticism of its *application*, though little of its substance.⁴⁰ There is no doubt at all that it has had an effect and has been used on many occasions.

The International Committee of the Red Cross

In mid-2022, the ICRC produced *Preventing Civilian Harm in Partnered Military Operations: A Commander's Handbook*.⁴¹ This, like all major ICRC publications, is the result of a long process of consultation and study.⁴² Much of the book is said to be inspired by the experiences of the US and its allies in Afghanistan. Unlike the CHMRAP, the handbook is designed as guidance for those embarking on or planning partnered operations in the field; it is not explicitly a guide to good government or ministry policy, although it is certainly highly relevant at that level. The logic behind it is said to be leveraging positive experience to motivate partners.⁴³ Great emphasis is placed upon realistic preparation for partnered missions – the 'understanding' element dealt with in the UK's human security doctrine. Given that the handbook is based upon extensive and deep study of the issues involved, the tone is realistic and grounded. The handbook is framed around a series of challenges and potential mitigations in six kinds of identified

37 These provisions arise out of amendments made in 1997, 1998, 2011 and 2014 to the Foreign Assistance Act 1961.

38 10 US Code para. 2249e.

39 Section 620M Foreign Assistance Act 1961 (As amended) paragraph (a).

40 See for example Tate, W., 'Human rights law and military aid delivery: A case study of the Leahy law', *PoLAR Political and Legal Anthropology Review* 34(2), 2011, p. 71.

41 ICRC, *Preventing Civilian Harm in Partnered Military Operations: A Commander's Handbook*, 2022.

42 For example see: ICRC, *Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Cost of War*, April 2021.

43 Peter Maurer, speaking at the Brookings Institute seminar introducing and discussing the handbook (21 April 2022), <https://www.brookings.edu/events/protecting-civilians-in-partnered-military-operations/>

PMOs. These are training partnerships, force generation, kinetic support, detention operations, intelligence support and logistics operations. Clearly these are by no means discrete categories, and PMOs can be and usually are combinations of at least two of these categories.

The present study draws upon this framework in the next section to illustrate the challenges faced by and indeed posed by UK forces in PMOs.

Types of UK partnered military operations

By far the largest of all PMOs conducted by UK armed forces was the long campaign in Afghanistan, known in military parlance as 'Operation Herrick'. There are very many lessons to be identified and learnt from Herrick generally, but particularly in the area of protection of civilians. This is an issue, as indicated above, that is genuinely close to the hearts of many of those engaged in Afghanistan, some of whom are now senior officers. In other words, it has acted as a cultural prompt to action. Some of this experience informs the doctrine and policy outlined in the previous section, notably JSP 985.

It is worth remembering two things. First, there are only two ongoing operational commitments that are UK-only. They are the defence of the Falkland Islands and the continuous at-sea nuclear deterrence mission of the Royal Navy. All other activities of UK armed forces are essentially framed around NATO or other multilateral or bilateral arrangements and alliances such as the UN and the Global Coalition against Daesh (ISIS). Second, while understandably the army is centred when discussing partnered operations, all services conduct them.

Three separate categories of British Army units are regularly involved in partnered training and other partnered operations, two of them established for the purpose. The first and largest is 11th Security Force Assistance Brigade.⁴⁴ This is force of considerable size, with six regular and reserve battalions, currently based in Aldershot. It was formed as part of the 'Future Soldier' reforms designed to assist in implementing the Integrated Review. These troops are regularly deployed on training missions, including some of those mentioned above. It is this unit that is currently conducting training of Ukrainian forces within the UK (see below).

The second major formation involved in partnered operations is the army Special Operations Brigade, composed of four battalions of 'Rangers', set up in late 2021. This regiment was initially introduced in the Integrated Review and was a crucial component of the 'persistent engagement strategy'. In addition to training, it is envisaged that they will also fight alongside partnered units in 'complex high-threat environments'.⁴⁵ They have been deployed on training missions to Ghana⁴⁶ and Ukraine (in January 2022; they were quickly redeployed back to the UK).⁴⁷ It seems that the Rangers Regiment will be subject to the same strict 'no comment' policy as UK Special Forces.

44 See official UK MoD website, <https://www.army.mod.uk/who-we-are/formations-divisions-brigades/1st-united-kingdom-division/11th-security-force-assistance-brigade/>

45 See official UK MoD website, 'The Army Special Operations Brigade'.

46 Rangers in Ghana, video, 10 February 2022.

47 Haynes, D., 'UK sends 30 elite troops to Ukraine', Sky News, 11 January 2022,

Finally, there are UK Special Forces. Their use in partnered training and kinetic operations was described in detail by the former Oxford Research Group.⁴⁸ There are widespread, serious concerns about the transparency and accountability of Special Forces operations, including their recent presence in Yemen.

It is government policy not to comment on Special Forces operations. Furthermore, there is no effective parliamentary scrutiny of Special Forces, their operations falling between the Intelligence and Security Committee (ISC) and Defence Select Committee, with neither committee being awarded a remit over them. Crispin Blunt MP, a member of the ISC, stated in 2018 that 'it is my view there is a gaping hole in parliamentary oversight' of Special Forces.⁴⁹

Long-standing, credible allegations raised concerning crimes against civilians by UK Special Forces in Afghanistan and judicial review proceedings brought by victims' families led in December 2022 to the establishment of a statutory inquiry into the conduct of British armed forces in relation to direct detention operations and related fatalities in Afghanistan from 2010 to 2013.⁵⁰

Training

Currently, training overseas is carried out by small Short-Term Training Teams (STTTs) or British Military Advisory Training Teams (BMTTs) drawn from several army units, but predominantly 11th Security Force Assistance Brigade (see above).

These are deployed worldwide, but there is an emphasis on Africa where about 20 countries are supported.⁵¹ These missions are usually designed around specific tasks, although there may be Special Forces elements conducting combat operations, always in collusion with local forces. These operations are never admitted. On a larger scale, the British Army Training Unit Kenya primarily exists to train British Army troops (four battalions a years) in desert and jungle operations.⁵²

There also has been a considerable training role for African armies deploying to the African Union Mission in Somalia (AMISOM), including the Ugandan, Kenyan and Zambian contingents. In Somalia itself, the army asserts that it conducts missions in support of four organizations, a UN mission, the European Union, the African Union Transition Mission in Somalia (ATMIS) and its predecessor AMISOM, and in direct support of the Somali Army. Somalia is an example of a situation where training missions can – at an admittedly small scale – shade into combat or 'kinetic' operations, with some evidence of Special Forces having been engaged in combat there.

48 See, for example, Knowles, E. and Karlshøj-Pedersen, M., *Britain's Shadow Army: Policy Options for External Oversight of UK Special Forces*, Oxford Research Group, April 2018. The work of the Oxford Research Group Remote Warfare Programme on Special Forces deployment and oversight is collected and summarized at: <https://www.oxfordresearchgroup.org.uk/a-call-for-dialogue-the-dangers-of-polarisation-on-the-special-forces-debate>. See also Platts-Dunn, L. and Schulenberg, R., *The UK Government's 'Long-standing Policy' on Special Forces Operations: A Review 1940–2020*, London, Action on Armed Violence (AOAV), 2 April 2021.

49 See MacAskill, E., 'Special Forces need to face scrutiny from Parliament say MPs', *The Guardian*, 24 April 2018.

50 MoD, 'Independent inquiry into alleged unlawful activity by British Armed Forces during deliberate detention operations in Afghanistan', 15 December 2022.

51 See <https://www.army.mod.uk/deployments/>

52 Action On Armed Violence, 'UK Special Forces operations: Somalia', 15 July 2022.

In Nigeria, the training focus of Operation Turus – a relatively large commitment of about 125 to increase soon to 300 troops⁵³ – is on preparing troops to fight Jihadist groups such as Boko Haram.⁵⁴

The longest-running training mission within which UK forces operate is in Iraq, where British armed forces personnel have assisted in training 60,000 Iraqi troops as part of the anti-ISIS Coalition (Operation Shader). This continues at the time of writing.

The foregoing are the major declared deployments for training purposes. However, aside from involvement with NATO and other major allies and its relatively extensive involvement in Africa, British armed forces are involved in training on a far wider scale abroad and especially at home. In July 2020, the MP Sam Tarry asked a Parliamentary Question concerning training provided by British armed forces to other countries. The minister's reply covered only training provided in the UK but makes for some surprising reading. It revealed that the UK has been training officers and other ranks from 20 of the 31 countries described as 'human rights priority countries' by the Foreign Commonwealth and Development Office (FCDO).⁵⁵ Clearly this is a long list, however it is worth looking at some of the beneficiaries. These include Saudi Arabia, which receives extensive training as part of decades-long Saudi-British defence cooperation to support the provision and maintenance of Typhoon fighter aircraft and other weapons systems made by BAE Systems. Typhoons have of course been heavily involved in the campaign against Yemen.

Training for the Royal Saudi Air Force included targeting courses at RAF Cranwell. The MoD stated in 2016 that on this and other courses:

*UK service personnel provide guidance on best practice techniques, including advice to help continued compliance with international humanitarian law. This advice will be provided to a range of personnel in Saudi headquarters and the Saudi ministry of defence.*⁵⁶

This is true, as far as it goes. However, to take the air targeting course as an example, IHL is a component that is integrated into the course. Yet, as an international course it is likely to follow 'Allied Joint Doctrine for Targeting', the focus of which is selecting and prioritizing targets and matching the response – essentially the process by which places or people are selected and destroyed.⁵⁷

Saudi officers have also attended courses in several other disciplines, including the prestigious International Intelligence Directors Course. Perhaps comfort should be taken from the fact that there was also involvement in the British Army's 'Building Integrity for Senior Leaders' course. It is implicit, but rarely stated, that the elite training delivered was intended to, and may have, significantly increased the capabilities of the Saudi armed forces to deliver explosive ordnance to Yemeni villages. The degree to which the IHL training is a component on some of these courses has affected those operations is very unclear. This training effort is only one element of what, in 2015, the Defence Secretary

53 'UK commits more troops to fight Boko Haram in Nigeria', Forces.net, 21 December 2015.

54 '1 Yorks deliver essential training in Nigeria', British Army website, 22 August 2022.

55 See Appendix.

56 Bowcott, O., 'UK military officers give targeting training to Saudi military', *Guardian*, 15 April 2016.

57 NATO, *Allied Joint Doctrine for Joint Targeting*, NATO Standardization Office, November 2021.

Phillip Hammond described as a 'significant infrastructure' of support to the Saudi military, including indirect support for its war against Yemen (see below).⁵⁸

Although not on the FCDO's list of 'Human rights priority countries' Qatar, a state with considerable military ambitions, is an even closer partner than Saudi Arabia. It also benefits from an extensive suite of training opportunities. Like Saudi Arabia, Qatar has bought Typhoon fighters from the UK. Unlike Saudi Arabia, the UK not only trains with but currently, and for the last several years, operates a joint fighter squadron with the Qatari Air Force.⁵⁹

Indeed, of the 20 countries where the UK has an arms embargo in place, it has provided military training to eight of them.⁶⁰ While there are many criticisms of UK arms exports controls, it is indicative of the flaws with the OSJA guidance that there is such an overlap between arms embargos and the provision of military training.

There is also a large developing training mission to the Ukrainian armed forces in the UK itself (Op INTERFLEX). This is likely to become the largest ongoing training commitment by far. This training is being carried out by 11th Security Force Assistance Brigade.⁶¹ There is no doubt that IHL is included in most, if not all, such training and is integrated into instruction on rules of engagement.

Kinetic support operations

The term 'kinetic' is a euphemism for the use of violence or 'combat' operations. In addition to the extensive contribution of the RAF to the anti-ISIS Coalition in Iraq and Syria under Operation Shader, the main other recent mission officially declared was the support to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA); in British military parlance this is Operation Newcombe. It consisted of over 300 troops; however, in November 2022, the UK announced the withdrawal of British troops from Mali, following France's withdrawal earlier in the year.

That is the extent of the admitted kinetic operations being carried out by conventional forces. However, there are likely to be, and there is evidence of considerable global Special Forces engagement. The UK government never admits or denies such operations, uniquely among its considerable capabilities, Special Forces are privileged in this respect. However, there is surprisingly considerable evidence that such combat operations are, or over the last few years, have been taking place in Yemen and Somalia, as well as Syria and of course Afghanistan (now probably ended). Those, and the problems that arise out of them are looked at below.

Detention operations

During Operation Telic in Iraq and Operation Herrick in Afghanistan, the UK conducted extensive partnered detention operations. However, there are no ongoing, admitted military detention operations either sovereign or partnered at the time of writing.

58 Phillip Hammond, quoted in Foster, P., 'UK will support Saudi-led assault on Yemeni rebels, but not engage in combat', *Daily Telegraph*, 27 March 2015.

59 This is 12 Squadron, until recently based at RAF Coningsby, but recently redeployed to Qatar to provide air cover for the World Cup. See RAF NEWS, 'Joint RAF-QEAF Typhoon Squadron deploys to Qatar', 13 October 2022.

60 Taylor, D., 'UK trained military of 15 countries with poor human rights records', *Guardian*, 17 January 2021.

61 'Chief of Staff visits Ukraine training', British Army website, 15 July 2022.

Support for Operation Barkhane and MINUSMA in Mali

Since 2012, Mali has experienced an ongoing but intermittent civil war. The government has been destabilized by a Tuareg separatist movement and Jihadist forces in the north of the country, as well as a succession of military coups. Thousands of civilians have died and over a million have fled their homes.⁶²

International involvement in the conflict includes the UN mission MINUSMA, with 12,000 soldiers deployed, whose basic mission is to provide security to northern Mali's population; the French military's Operation Barkhane, which consists of 5,100 troops backed by seven fighter planes, three armed drones, and a few hundred armoured vehicles; and the European Union and the United States, which are operating training programmes and efforts to strengthen governance and foster development.⁶³

The UK has provided support for MINUSMA and Operation Barkhane. However, following French withdrawal from Mali in March 2022, the UK, along with several other partners, announced its own withdrawal from MINUSMA in November 2022.⁶⁴ In an interview with Ceasefire, Ornella Moderan, Research Associate Fellow with Clingendael, the Netherlands Institute of International Affairs, described this withdrawal as part of a 'concrete, strategic and operational fracture' in Mali.⁶⁵

The UK has provided logistical support to the French Operation Barkhane, including three Chinook helicopters and sixty support personnel,⁶⁶ to counter the threat from Jihadist groups. However, Operation Barkhane has been controversial regarding its approach, especially towards civilian harm.

For example, in January 2021, airstrikes were launched as part of Operation Barkhane that hit a wedding in the village of Bounti. France claimed that around thirty people died in this strike but that none were civilians. However, separate investigations by journalists and MINUSMA cast serious doubt on these claims.⁶⁷ MINUSMA concluded that 'The group affected by the strike was overwhelmingly composed of civilians who are persons protected against attacks under international law.'⁶⁸

The French military has admitted to accidentally killing a total of seven civilians in Mali since 2013. However, *Der Spiegel* and the *New Humanitarian* estimate that over 50 civilians may have actually been killed by France.⁶⁹

Ms Moderan commented to Ceasefire that there was a lack of transparency around civilian casualties:

France has been accused of blunders and all kinds of civilian abuse. Occasionally, French media and local media have both reported on this and usually the French official reaction would be to either decline to comment or just deny it.⁷⁰

This poses serious questions for the UK's support of Operation Barkhane. Ms Moderan also commented that 'this kind of systematic denial has not served France's public image', especially given France's colonial history in Mali.⁷¹

At the same time, according to Ms Moderan, the withdrawal of the UK and other partners from MINUSMA will worsen the issue of funding and staffing for protection of civilian issues. Despite having a clear protection of civilians mandate, and a specialized unit, MINUSMA has been missing key capabilities and assets to implement its mandate and respond effectively to threats against civilians.⁷²

Interview by Lydia Day

62 European Civil Protection and Humanitarian Aid Operations, Mali Factsheet, 2020.

63 Shurkin, M., 'The UK in Mali', Wavell Room, 12 March 2020.

Intelligence support

All UK operations abroad have a strong element of military intelligence support; these include the deployed training operations mentioned above, which necessarily will have organic 'force-protection' intelligence capabilities attached to liaise with local security forces and to ensure the safety of the deployed force. By their nature, these are secretive and often secret in nature. The current most significant and resource-intensive partnered military intelligence operation is the assistance being given to Ukraine. While never admitted and rarely commented upon – understandably and rightly – a cursory look at open-sources and available information make it clear that there is a vast NATO and UK intelligence effort to assist Ukrainian armed forces.

Intelligence support for partners has been a crucial feature of UK drone operations. In particular, the US's expansive targeted killing programme in Libya, Somalia, Iraq, Pakistan, and Syria has been supported by the UK's provision of intelligence.⁷³ For example, in 2012, two British citizens were killed in Somalia in US drone strikes. It is highly likely that the UK provided intelligence information to the US to assist with those strikes.

The UK's drone operations with partners, including intelligence sharing and embedding personnel within partner forces, is a growing area that is not properly scrutinized by parliament. These actions occur without any formal requirements to notify parliament. Furthermore, the ISC has limited powers to investigate drone operations.

Logistics

The ICRC notes that logistical support partnerships often entail significant outside involvement beyond purely military aspects and are 'sometimes complicated by commercial interests and contractual obligations beyond a commander's influence.'⁷⁴ This might be a good description of UK logistical support for Saudi Arabia and Qatar, already covered in the section on training.

Weapons transfers to Saudi Arabia from 2015 to 2022 are valued⁷⁵ at £7.9 billion⁷⁶ (with a further £1.5 billion supplied to other members of the Saudi-led coalition). These

64 Gallardo, C., 'UK to withdraw its troops from Mali earlier than planned', *Politico*, November 2022.

65 Interview, 18 November 2022.

66 'RAF Chinooks begin Mali deployment with French military', *Forces.net*, September 2018.

67 Freudenthal, E. et al., 'Uncovering the civilian toll of France's anti-jihadist war in Mali', *New Humanitarian*, 16 June 2021; 'UN investigation concludes French military airstrike killed Mali civilians', *UN News*, 30 March 2021.

68 'UN investigation concludes French military airstrike killed Mali civilians', *UN News*, 30 March 2021.

69 Freudenthal, E. et al., 'Uncovering the civilian toll of France's anti-jihadist war in Mali'; 'UN investigation concludes French military airstrike killed Mali civilians', *UN News*, 30 March 2021.

70 Interview, 18 November 2022.

71 Ibid.

72 Jorgensen, J. and Smith, S., 'security council overcomes division to adopt a minusma mandate that advances protection of civilians language', *Center for Civilians in Conflict*, July 2021.

73 All-Party Parliamentary Group on Drones, *The UK's Use of Armed Drones: Working with Partners*, Drones Inquiry Report, July 2018.

74 ICRC, *Preventing Civilian Harm in Partnered Military Operations; a Commander's Handbook*, 2022, p. 32.

75 House of Commons Business, Innovation and Skills Select Committee, *The Use of UK Manufactured Arms in Yemen*, report, September 2016. Summary of conclusions available in UK Parliament, 'UK Arms Sales must stop until human right abuses investigated', 15 September 2016.

figures do not include ongoing maintenance, training and technical support. Weapons supplied include aircraft such as the modern Typhoon, as well as ageing Tornado strike (bomber) aircraft, and ordnance (missiles and bombs) such as the Paveway, Brimstone and Stormshadow missiles. These UK-made and supplied assets comprise the bulk of Saudi Arabia's air strike capabilities and are essential to Saudi Arabia's ongoing campaign in Yemen.

A Court of Appeal decision⁷⁷ forced the UK government to reconsider its processes for awarding arms export licences. After it did so, sales were reinstated in July 2020. The government concluded that, in the words of the Minister of State in the Department for International Trade, 'there is not a clear risk that the export of arms and military equipment to Saudi Arabia might be used in the commission of a serious violation of international humanitarian law'. The government refused to publish the evidence upon which this conclusion was based, asserting that the sources from which its conclusions were drawn were 'confidential'.⁷⁸ The best that could be said was that the 'Joint Incident Assessment Team' set up by the Saudi coalition had concluded that the breaches were isolated incidents occurring at 'different times, in different circumstances and for different reasons'.⁷⁹ Similar apparent gaps in the implementation and oversight of US sales of weapons to governments conducting serious IHL violations were alleged by the US Government Accounting Office.⁸⁰ A new legal challenge in the UK is likely to be heard before the High Court in 2023.⁸¹

Arms transfers to parties to the conflict in Yemen

Since the conflict in Yemen began in 2014, it is estimated there have been nearly 20,000 civilian casualties over the course of the war.⁸² As well as the civilian casualties from direct military action, Yemen has faced famine, drought, and a lack of access to emergency supplies. It is considered one of the world's worst humanitarian crises. According to the UN, 75 per cent of Yemen's population – 23.5 million people – needed assistance in November 2022.⁸³

The UK's involvement in this conflict has ranged from the supply of weapons, equipment, and technical maintenance and training to parties to the conflict (including Saudi Arabia and the United Arab Emirates), to Special Forces operations. Judicial reviews before the English Court challenging arms transfers have heard extensive evidence related to the risk of such transfers contributing to established patterns of civilian harm in the conflict, including serious violations of IHL.⁸⁴

76 Campaign against the Arms Trade (CAAT), 'UK arms to Saudi Arabia', 23 January 2023.

77 *CAAT v Secretary of State for Defence and others (2019)*, full judgement.

78 Greg Hands MP, in answer to questions at the 'Sale of Arms, War in Yemen' debate, 13 July 2020, <https://www.theyworkforyou.com/debates/?id=2020-07-13a.1255.0>

79 Ibid.

80 Kumar, A., 'US government watchdog finds flawed weapons monitoring in Yemen', Human Rights Watch, 13 June 2020.

81 CAAT, 'Arms sales back on trial in 2023', 22 July 2022.

82 See Yemen Data Project.

83 OCHA, 'Humanitarian Action: Yemen', 30 November 2022.

84 For example, <https://www.judiciary.uk/wp-content/uploads/2019/06/CAAT-v-Secretary-of-State-and-Others-Open-12-June-2019.pdf>

Ali Jameel from Mwatana, a leading Yemeni human rights organization, noted that 'A lot of economies around the world are benefiting from this war', despite the suffering of Yemen's civilians. He commented to Ceasefire:

It's really crazy – no matter how clear it is how this weapon is going to be used [by the Saudi-led coalition], the UK still sells the weapons. And they just say that this is an old licence, we're just fulfilling our responsibilities, and the weapons companies [say] we have a licence from the government. A licence means that you have the right to sell. It doesn't mean that you are obligated to sell.⁸⁵

It's really crazy – no matter how clear it is how this weapon is going to be used, the UK still sells the weapons

Ali Jameel, Mwatana Organisation for Human Rights, Yemen

A report published by Mwatana, 'Day of Judgment': *The Role of the US and Europe in Civilian Death, Destruction, and Trauma in Yemen*, investigated five incidents of civilian harm in which the weapons were fully or partially made in the UK.⁸⁶ Mr Jameel was keen to emphasize the scale of the harm these incidents caused. He discussed one woman whose livelihood had been destroyed by a Saudi-led coalition airstrike: 'For people either in the Coalition

or for the manufacturers in the UK, they would think that this suffering is nothing. But to this woman it was very big.'⁸⁷

Despite the extent of civilian suffering in Yemen, accountability for the perpetrators remains distant. Before it was dissolved in 2021, the UN Group of Eminent Experts (GEE), established by the UN Human Rights Council (HRC) in 2017, recommended a number of accountability mechanisms. It proposed that UN member states refer the situation in Yemen to the International Criminal Court (ICC), support the establishment of an investigative mechanism focused on criminal accountability, and emphasized the importance of reparations.⁸⁸ However, the GEE's mandate was not renewed by the HRC in 2021 following extensive lobbying by Saudi Arabia and the United Arab Emirates (UAE). To date, none of these proposed mechanisms have been established.

It is important that any accountability mechanism take into account the full spectrum of perpetrators of IHL violations in Yemen, as a necessary element in establishing a sustainable peace. Mr Jameel commented to Ceasefire:

There is a role that the international community should play to end the war in Yemen. I hope we see this to ensure that accountability happens. But unfortunately, those important countries [such as the UK], instead of working towards sustainable peace in the world and Yemen, are seeking economic interests instead.⁸⁹

The outcome of a new challenge in the High Court of England and Wales to the granting of licences for arms sales to Saudi Arabia is due later in 2023.

Interview by Lydia Day

85 Interview, 20 October 2022.

86 Mwatana for Human Rights, 'Day of Judgment': *The role of the US and Europe in civilian death, destruction, and trauma in Yemen*, Report, March 2019.

87 Interview, 20 October 2022.

88 UN Human Rights Office of the High Commissioner, 'Statement by Group of Experts on Yemen on HRC rejection of resolution to renew their mandate', 8 October 2021.

89 Interview, 20 October 2022.

Accounting for civilian casualties: Recurring problems

Throughout the last twenty years of military intervention, British military authorities seemed averse to the idea or practice of properly assessing and recording civilian casualties. In Iraq, the Chilcot Inquiry⁹⁰ determined that prior to the invasion little attention was given to assessing the likely numbers of civilian casualties; during the occupation little or no attention was given to accounting for civilian harm, and that to the extent that attention was given, the purpose was to rebut accusations rather than to arrive at any accurate assessment.⁹¹

There was no effective change during the Afghan campaign. Realistic assessments of the scale of civilian harm caused by UK and partner military operations were virtually non-existent.⁹² Adequate mechanisms for such accounting were never implemented and those that did exist were sporadically applied.⁹³

In Operation Shader, which has seen the UK provide extensive air support to partner military forces operating on the ground, the approach to accounting for civilian casualties was similarly unrealistic. The primary force engaged has been the RAF, which maintained the stance that it had killed 4,000 IS fighters in Syria and Iraq but only a single non-combatant, while dropping over 4,400 bombs. Airwars, an NGO which tracks all Coalition airstrikes, estimated by contrast that between 8,000 and 12,000 civilians had been killed in air strikes by all Coalition partners.⁹⁴ The implication is that many more had been injured. The case advanced by the MoD is that it was 'impossible properly to determine the number of civilian deaths.'⁹⁵ The Coalition itself, the bulk of whose combat power is American, concedes that it caused at least 1,417 deaths during the campaign.⁹⁶

Sustained pressure for improvement of seriously flawed coalition systems was catalysed with the publication of the 'Civilian Casualty Files' by the *New York Times* between January and April 2022.⁹⁷ It was this that accelerated the process that resulted in the CHMRAP (see above).

In fairness to the UK armed forces, a great deal of effort is made to determine the effect of the explosives that are dropped. This is the essence of 'Battle Damage Assessment' (BDA). There is no doubt that, were the motivation present, the evidence is available to make those determinations. However, the approach taken by the RAF, according to one US officer, was 'looking for certainty'⁹⁸ when none may be available. In other words, in post-strike assessments the RAF apply the standard that a target was legitimate unless there are (very) compelling reasons not to do so. While strikes will often be called in by partner forces on the ground, the UK and other Coalition members do not conduct their own civilian casualty investigations on the ground, generally relying on cockpit footage and

90 Chilcot Inquiry, Section 17, 'Civilian Casualties'.

91 Ibid., p. 170.

92 See Ledwidge, F., *Investment in Blood*, New Haven, CT, Yale University Press, 2013, pp. 65–100, for an evidenced estimate of the number of civilian casualties caused by UK forces from 2006 to 2013.

93 See, for example, 'Frank Ledwidge: Who will count Helmand's lost children?' *Guardian*, 8 March 2012; and Denslow, J., 'The unknown body count', *Guardian*, 4 July 2010,

94 Airwars, Iraq and Syria website, <https://airwars.org/conflict/coalition-in-iraq-and-syria/>

95 See BBC News, 'RAF killed 4,000 fighters in Syria and Iraq', 7 March 2019.

96 See Gritten, D., 'US military probe finds no wrongdoing in deadly Syria airstrike', BBC website, 18 May 2022,

97 The Civilian Casualty Files, *New York Times*, January–April 2022.

98 Beale, J., 'Islamic State: US military says RAF airstrikes may have killed civilians', BBC News, 16 March 2020.

other remote surveillance data. The same failure to apply a critical attitude to both their own activities and those of partners seems to apply to the UK approach to the killing of civilians in Yemen; it is arguable that these issues in general are reflective of a culture that is averse to admitting mistakes and being accountable for them.

UK doctrine and the cultural challenge

The outline of a new approach is certainly developing in the shape of the UK's ambitious 'Human Security' doctrine. In its essence it is not dissimilar to the US CHMRAP, although not explicitly dedicated to PoC. However, as matters stand, and with the tempo of operations for UK forces increasing again, there seems little appetite for folding this doctrine into the Tactics, Techniques and Procedures of the armed forces. This is where the issue of culture arises. It is absolutely central to all military operations, partnered or otherwise. For military operations, at all levels, to steal a phrase from Peter Drucker, 'culture eats strategy for breakfast'.

Even in the face of compelling evidence and well-evidenced multiple allegations concerning its conduct with respect to civilian harm – with or without partners – the MoD has not shown itself willing to act credibly

Culture is an aspect commonly underplayed in discussing PoC. The ICRC's *Preventing Civilian Harm in Partnered Operations* rightly stresses the importance of influencing partner behaviour,⁹⁹ particularly where there are known problems with behaviour. It states that the question should be asked constantly 'What am I doing to help shape a partner's behaviour?'

One former senior officer closely involved in training units being prepared for partnered operations strongly reinforced the centrality of military culture in the protection of civilians:

[it] is the most important thing. It is in large part set by leaders. If they are concerned about CIVCAS [civilian casualties], then the rest of the organisation will be... Processes [such as JSP 985] are important. They allow leaders to police the organisation. But they are irrelevant if the culture and leadership do not support them. [In a partnered operations], if processes deal with CIVCAS and culture does not prioritise it, the partners will pick up on the culture, not the processes.¹⁰⁰

As indicated earlier, there are also serious questions as to whether the British MoD is open to the same form of critical self-assessment, or indeed accountability, that its US equivalent has demonstrated, at least with respect to its setting up of the CHMRAP. Of course, that required a significant amount of pressure from media and civil society. Even in the face of compelling evidence and well-evidenced multiple allegations concerning its conduct with respect to civilian harm – with or without partners – the MoD has not shown itself willing to act credibly. This is, to repeat, a cultural problem.

Military planning procedures often raise the question 'So what?' as a tool to assist analysis. With respect to culture then, so what? The answer is very simple; until PoC is raised and

⁹⁹ ICRC, *Preventing Civilian Harm in Partnered Operations*, p. 14.

¹⁰⁰ Interview with former senior officer currently involved in training UK units for PMOs, 25 October 2022.

sustained as a priority by senior leadership and genuinely advocated by them, necessary processes (such as those outlined in JSP 985) will be slow to be implemented into TTPs. Second, and of equal importance, weaving PoC even more closely into military culture will be more challenging.

3

Civilian protection in partnered military operations: A review of applicable international law

Professor *Stuart Casey-Maslen* considers the UK's obligations under international law to assure the protection of civilians during support to armed forces and armed groups.

Introduction

This chapter addresses the international obligations of the UK to respect and ensure the protection of civilians in armed conflict when it provides aid or assistance of a military nature to another state or a non-state armed group. Support may be rendered through the provision of weapons or other military equipment, by means of training or the provision of funding, it may be in the form of guidance or technical advance, or the supply of specific intelligence on targeting, and even through direction of military strategy or military operations. The aid or assistance may be delivered in the context of both bilateral and multilateral operations. The UK may also be the recipient of assistance, such as intelligence, which it uses to ascertain targets of its use of force.

Five branches of international law are considered by the analysis in the chapter: international humanitarian law, international human rights law, arms control law, state responsibility (for internationally wrongful acts), and international criminal law. Each is discussed in turn, with the inevitable overlap minimized by cross-referencing. The first four of the international legal branches lay down primary rules governing or impacting on civilian protection. State responsibility, which prohibits aiding or assisting the commission of an internationally wrongful act, otherwise focuses on the accountability of the state for a violation of international law. The remit of international criminal law is to hold individuals criminally responsible for the commission of international crimes, including complicity as a mode of liability.

The duty to protect civilians under international humanitarian law

The duty of the UK to respect and ensure respect for international humanitarian law (IHL) applies 'in all circumstances'. This general principle of IHL was first codified in the 1949 Geneva Convention IV, which concerns civilians in the power of the enemy in all armed conflict. It was imported into the first 1977 Additional Protocol to that Convention, which is applicable in international armed conflict only. The Second 1977 Additional Protocol, which applies in non-international armed conflict where dissident armed forces or an organized armed group control the territory of a state party, does not explicitly require that the UK ensure respect for IHL. Customary IHL, however, dictates that each party to any armed conflict must ensure such respect not only by its armed forces but also by 'other persons or groups acting in fact on its instructions, or under its direction or control'.

The protection of civilians in times of armed conflict, whether international or non-international in character, is 'the bedrock' of modern IHL. The most fundamental rule governing the protection of civilians in the power of the enemy (governed by Geneva Law) is that each and every civilian who is detained by an enemy or who is otherwise under its control must be treated humanely, without adverse distinction of any kind. This rule not only prohibits the use of violence against any such civilian but also requires that they receive food and water and shelter, along with heating and emergency medical treatment when necessary. Women, children, older persons, and persons with disabilities are entitled to special respect and protection.

The two most fundamental rules governing the protection of civilians in the conduct of hostilities (governed by Hague Law) are the rule of distinction (prohibiting both attacks on civilians and indiscriminate attacks) and the rule of proportionality in attack (prohibiting attacks on military objectives which may be expected to cause excessive civilian harm compared to the anticipated military advantage). These fundamental IHL rules are not only of both a conventional and customary nature, but are also peremptory rules of international law.

The question thus arises as to the outer limits of the duty upon the UK to ensure respect for the requirement of humane treatment of persons in the power of the enemy and for the rules of distinction and proportionality in attack. This concerns not its own armed forces – whose duty is crystal clear – but those forces it is either directing or supporting in some manner. In this regard, a distinction must be drawn between those whose unlawful conduct against civilians is attributable to the UK under international law and others whose unlawful conduct against civilians is not.

Individuals and entities whose conduct is directly attributable to the UK

The conduct of volunteer and militia forces within the meaning of Article 4A(2) of the 1949 Geneva Convention III is always attributable to the state to which they belong and accordingly there is an unfettered duty on that state to ensure respect for IHL by those forces. The same duty typically applies where a state contracts a private military or security company for operations governed by IHL, at a minimum where that state either directs their actions or engages the company to exercise elements of governmental authority. There is a corresponding duty to ensure respect for IHL by armed groups that are under the effective control of a state, at the least with respect to their conduct in operations that the state directs.

Hence, a state that supplies weapons or other equipment to any of these entities, or trains their personnel, or provides them with financial support for operations, must ensure that they treat civilians in their power humanely and comply with the rules of distinction and proportionality in attack. This is a duty of result and not merely one of means. Should it be suspected or alleged that the recipients of state assistance have failed to comply with any of these rules, the supporting state must conduct an investigation and, if a violation is found to have occurred, take the necessary action to redress it and ensure that it does not recur. Such action may involve compensation or other reparation, retraining and technical guidance (for instance on targeting or the selection of weapons), as well as guidance on the correct interpretation and application of IHL rules. The nature and extent of the violations may be so serious as to require the ending of assistance.

Other individuals and entities supported by the UK

Even if the conduct of a party to an armed conflict is not directly attributable to the UK under international law, the duty to ensure respect for IHL may still govern its conduct with respect to that entity. The ICRC describes this as ‘an external dimension related to ensuring respect for the Conventions by others that are Party to a conflict’. In 2019, the UK Court of Appeal observed that Common Article 1 to the 1949 Geneva Conventions:

is generally interpreted as conferring a responsibility on third party states not involved in an armed conflict to not encourage a party to an armed conflict to violate international humanitarian law, nor to take action that would assist in such violations, and to take appropriate steps to cause such violations to cease.

Such third party states have, the Court of Appeal further averred, ‘a particular responsibility to intervene with states or armed groups over which they might have some influence’.¹

Abetting unlawful conduct against civilians

The rules of state responsibility, discussed below, certainly preclude a state, including the UK, from aiding or assisting another state in the commission of an internationally wrongful act. But these rules do not encompass the notion of ‘abetting’: encouraging or inciting such violations of international law. Such acts do, however, fall within the compass of the duty to ensure respect for IHL where the commission of such acts ‘was likely or foreseeable’. It is not suggested that the UK has trained other forces or groups to violate IHL (for instance by advocating the use of indiscriminate weapons or encouraging the use of any weapons in an indiscriminate manner), nor that it would ever countenance doing so. But the prohibition of such action remains an important general principle of IHL applying to the conduct of every state and certainly applies to the acts of the UK and its agents.

UK involvement in multinational operations

States must ‘do everything reasonably in their power’ to ensure respect for IHL by allied powers. In the event of multinational operations, the ICRC has further affirmed that Common Article 1 to the Geneva Conventions (and by extension their two Additional Protocols of 1977) requires the states parties to these instruments to ‘opt out of’ a specific operation where there was an expectation, ‘based on facts or knowledge of past patterns’, that it would violate IHL. This duty emanates from the prohibition on assisting such violations.

The duty may prove politically challenging to implement in practice, especially where allies differ in their appreciation of the principles of distinction and/or proportionality. Thus, for example, while the UK and the US are the closest of military allies, their understanding of the application of the principle of proportionality differs markedly. The US DoD’s *Law of War Manual* states that ‘an extraordinary military advantage would be necessary to justify an operation posing risks of collateral death or injury to thousands of civilians’. The United Kingdom would surely not consider any operation involving conventional weapons that risked such massive loss of life to be lawful.

¹ Campaign Against Arms Trade, *R (On the Application Of) v The Secretary of State for International Trade* [2019] EWCA Civ 1020, handed down on 20 June 2019 (‘Decision’).

A general duty to promote compliance with IHL?

In other cases, where some form of direct relationship does not exist, evidence for the ICRC's position on the external dimension of the duty to ensure respect is substantially weaker. In his 1952 commentary on the duty to ensure respect (in 1949 Geneva Convention I), Jean Pictet affirmed that in the event of a power failing to fulfil its obligations, other states parties (neutral, allied or enemy) 'may, and should endeavour to bring it back to an attitude of respect for the Convention.' This formulation is carefully – and correctly – worded. It does not require all other states parties to so act, thereby identifying a violation of international law for a failure to do so.

In its 2004 Wall Advisory Opinion, the International Court of Justice decreed that all states parties to the 1949 Geneva Convention IV 'are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.' This has transformed the ICRC's permissive and hortatory formulation into one that has become obligatory. But, as Judge Kooijmans noted in his separate opinion, it was uncertain whether this holding was 'correct as a statement of positive law', in particular given the fact that the Court 'does not give any argument in its reasoning'. Certainly, the drafting history of the 1949 Geneva Conventions does not support an intention of the drafters to accord the duty in Article 1 such a broad external compliance meaning. Evidence of subsequent state practice adduced to support a later extension of the obligation is unpersuasive.

While the UK and the US are the closest of military allies, their understanding of the application of the principle of proportionality differs markedly

The duty to investigate under international human rights law

The duty to protect life is a customary rule of international human rights law. So too is the duty to refrain from torture and other ill-treatment, which protects all detainees and others under the effective control of the state. While it is contested whether human rights law offers additional substantive protection to civilians in armed conflict beyond that afforded by IHL, a violation of IHL invariably also constitutes a violation of international human rights law. There is a clear duty to investigate potential violations of fundamental human rights, including the right to life and the right to freedom from torture. An important element of the protection afforded to the right to life by the International Covenant on Civil and Political Rights is the obligation on its states parties (which include the United Kingdom) to conduct an investigation 'where they know or should have known of potentially unlawful deprivations of life'.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, notably the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). The requisite investigation 'must be aimed at ensuring that those responsible are brought to justice'. To comply with the dictates of international human rights law, such investigations must be independent, impartial, prompt, thorough, effective, and transparent.

Investigations are easier to undertake with respect to Geneva Law than in a case of the conduct of hostilities. But a potential violation of Hague Law must also be effectively investigated, to the full extent that circumstances permit. In its judgment in *Hanan v*

Germany, which concerned the proportionality of an attack by Germany in the context of the non-international armed conflict then existing in Afghanistan, the European Court of Human Rights cited the relevant passage from the Minnesota Protocol:

Where any death is suspected or alleged to have resulted from a violation of IHL that would not amount to a war crime, and where an investigation ('official inquiry') into the death is not specifically required under IHL, at a minimum further inquiry is necessary. In any event, where evidence of unlawful conduct is identified, a full investigation should be conducted.

The Court concluded that Germany's investigation had complied with the procedural element of the right to life.

This duty to investigate not only applies to a state's own use of force, but also pertains to joint operations with another state. With respect to a suspected violation of the right to life, the *Jaloud* case before the Grand Chamber of the European Court of Human Rights in 2014 concerned a shooting to death at a checkpoint in Iraq. The checkpoint was jointly manned at the salient time in 2004 by armed Iraqi Civil Defence Corps personnel and Dutch troops. A key issue with respect to liability under the European Convention on Human Rights was to determine who had fired the fatal shots: the Iraqi or the Dutch forces.

The Court had already held – a holding reaffirmed in its judgment in *Jaloud* – that the procedural obligation to investigate 'continues to apply in difficult security conditions, including in a context of armed conflict'. An investigation 'must be effective in the sense that it is capable of leading to a determination of whether the force used was or was not justified in the circumstances', as well as to the identification and punishment of those responsible. This is an obligation not of result, but of means. Thus, where a joint operation involving a potential use of force occurs in a situation of armed conflict, a state party to the European Court of Human Rights that is engaged in that operation must, at the least, investigate whether death, injury, or damage to property was caused unlawfully by its actions.

Arms control law

The provision of weapons to another state or non-state actor is specifically regulated by the 2013 UN Arms Trade Treaty. The UK, which took a leading role in the negotiation of the treaty and is one of its 111 states parties, regulates arms transfers at all times, whether during peacetime or amid any armed conflict. The treaty prohibits the granting by a state party of authorization to any actor within its jurisdiction to transfer conventional weapons or associated ammunition where it is known that they 'would be used' in the commission of 'grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements' to which the transferring state is a party.

The Arms Trade Treaty further prohibits the granting of authorization for a proposed export of conventional weapons where there is an overriding risk that they would be used to 'commit or facilitate a serious violation of international humanitarian law'. Each state party is obligated to 'establish and maintain a national control system' in order to implement the provisions of the treaty. This covers transfers by state entities as well as corporate (non-state) actors within the jurisdiction of a state party. The UK has not adopted comprehensive legislation to give effect to the Arms Trade Treaty, deeming that

existing law in force² —the 2002 Export Control Act,³ and its secondary legislation, the 2008 Export Control Order⁴ —was broadly adequate to the task of applying the treaty requirements.⁵ In the past, however, the UK has not duly implemented the provisions of the treaty with respect to arms transfers to Saudi Arabia, as noted below.

International state responsibility for internationally wrongful acts

The rules of state responsibility under international law preclude any state, including the UK, from aiding or assisting another state in the commission of an internationally wrongful act. This is so, where the supporting state both does so with knowledge of the circumstances of the internationally wrongful act and where the act would similarly be internationally wrongful if it had been committed by that state. This is a rule of customary international law. There is no requirement that the aid or assistance be essential to the performance of the internationally wrongful act; it is sufficient if it contributed significantly to it.

State responsibility for the supply of weapons

The most obvious example of potentially unlawful assistance is the supply of weapons to another state. In this regard, the UK has, over the course of many years, provided explosive weapons to Saudi Arabia, which has perpetrated indiscriminate attacks in the armed conflict in Yemen. According to the Group of Eminent International and Regional Experts on Yemen established by the HRC, since March 2015 and through September 2021, more than 23,000 airstrikes were launched by the coalition in Yemen, killing or injuring over 18,000 civilians.

On numerous occasions, Saudi Arabia has used weapons supplied by the UK in air strikes on Yemen. In September 2016, the House of Commons Select Committees on Business, Innovation and Skills and on International Development stated that:

Given that the UK has a long history of defence exports to Saudi Arabia and its coalition partners, and considering the evidence we have heard, it seems inevitable that ... violations of international humanitarian and human rights law by the coalition have involved arms supplied from the UK.⁶

In 2019, the Court of Appeal held that the UK Secretary of State for International Trade had failed to assess adequately past compliance with IHL by Saudi Arabia – as a predictor of future risk – while the UK was transferring weapons to that state. This failure rendered the weapons transfers themselves unlawful. This was also a violation of its obligations under Article 7 of the Arms Trade Treaty, which engages the international responsibility of the UK. Under that provision, an exporting state must assess the potential that the conventional arms could be used to commit or facilitate a serious violation of IHL ‘taking into account relevant factors’. These factors include past compliance with IHL.

2 See United Kingdom ATT Initial Report, at: <https://bit.ly/3d5tThx>.

3 The text is at: <https://bit.ly/3BSM988>.

4 The text is available at: <https://bit.ly/3A56shw>.

5 Explanatory Memorandum on the Arms Trade Treaty, Command Paper No. 8680, at: <https://bit.ly/3QdCPQD>.

6 Select Committee on Business, Skills, and Innovation, and International Development Committee, The use of UK-manufactured arms in Yemen, Inquiry Report, September 2016.

State responsibility during joint operations

Where joint operations are conducted other than under the aegis of an international organization (such as NATO), there may be a potential problem of accountability. This is so, because the body responsible for military operations may itself lack international legal personality. This does not, in theory, affect the responsibility of individual states, but it could in practice if a state evades responsibility by insisting that the group of states (a 'coalition') is the sole user of force.

This was seemingly the case in Operation Inherent Resolve against Islamic State, on the basis that the Combined Joint Task Force was not a subject of international law but was nonetheless the actor responsible for using force. The Combined Joint Task Force worked, in the words of the US Department of Defense, 'by, with and through regional partners to militarily defeat the Islamic State of Iraq and Syria, or ISIS, in order to enable whole-of-coalition governmental actions to increase regional stability'. The UK not only provided support to other members of the Combined Joint Task Force on the front line, but also undertook kinetic action (e.g. an airstrike) when it was called in by, or based on intelligence from, its partners on the ground. If the intelligence incorrectly or negligently identifies a target or fails to raise appropriately the risk of collateral damage, the provider of intelligence will be responsible for the violation that results from a strike. The recipient of the information will also be responsible if it fails to do 'everything feasible' in the circumstances to verify that the objective to be attacked is a military objective and that it is not prohibited by IHL to attack it.

The responsibility of an international organization may be alternative to, or in addition to, the responsibility of a state for specific conduct. As the 2011 Draft Articles on the responsibility of international organizations make explicit, 'where an international organization and one or more States or other international organizations are responsible for the same internationally wrongful act, the responsibility of each State or organization may be invoked in relation to that act'. By analogy, and a fortiori, when there is no international organization using force, but only an informal coalition, the individual states will be separately responsible.

International criminal law and the protection of civilians

Under international law, as is the case for every state, the UK is duty bound to investigate effectively any reasonable suspicion that a war crime has been committed by UK armed forces (or other entities under its effective control), and to punish offenders. This duty extends to individual UK citizens (within or outside the armed forces or an arms exporting company) who may be complicit in aiding or abetting an international crime involving harm to civilians in a situation of armed conflict, such as through the provision of weapons to a state or non-state party to any conflict.

The judgments in the *Charles Taylor* case before the Special Court for Sierra Leone (at trial and again on appeal)⁷ and then the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) have confirmed that 'specific direction' to commit international crimes is not part of the actus reus of aiding or abetting.⁸ The *mens rea* of aiding or abetting remains, under customary international law, that at the least *knowledge* exists that

7 SCSL, Charles Taylor Trial Chamber Judgment, para. 484; and Charles Taylor Appeals Chamber Judgment, paras. 473–81.

8 ICTY, *Prosecutor v. Nikola Šainović et al.*, Judgment (Appeals Chamber) (Case No. IT-05-87-A), 23 January 2014, paras. 1649, 1650.

the assistance provided will be used to commit international crimes.⁹ This includes where a person contributes to the commission of such a crime by a group of persons acting with a common purpose. The contribution must be intentional and either made to further the criminal activity or criminal purpose of the group *or* where it is made in the *knowledge* of the intention of the group to commit the crime.¹⁰

Military assistance from the United Kingdom to Saudi Arabia has been of both a material and a technical nature. The value of UK arms export licences to Saudi Arabia between 2015 and 2020 was more than £5 billion of which just over half (by value) concerned combat aircraft and the remainder involved the export of munitions (grenades, bombs, and missiles) and countermeasures.¹¹ The United Kingdom is said to have been the second largest exporter of arms transfers to Saudi Arabia (after the United States) between 2010 and 2019.¹²

Mark Lattimer observed in 2018 that UK technical assistance to Saudi Arabia with respect to its targeting of attacks in Yemen was also far-reaching in nature. As he recalls, the High Court stated in 2017, based on information provided by the UK Ministry of Defence, 'UK liaison officers in the Saudi Arabian military HQ have a significant degree of insight into Saudi Arabia's targeting procedures and access to sensitive post-strike coalition mission reporting. The RAF chief of air staff liaison officer in Riyadh has unparalleled access to the decision-makers in the Saudi air force HQ'.¹³ If a UK official was advising that it would be lawful for Saudi Arabia to strike a target that was manifestly protected from attack by the law of armed conflict, this would potentially open the official to a charge of aiding or abetting a war crime.

Concluding remarks

Providing assistance to an entity that may use force against civilians has consequences under international law. The UK is obligated to ensure respect for IHL by those entities that are party to an armed conflict and whose actions it directs. The same duty pertains to others that it supports militarily. Beyond international state responsibility for aiding or assisting a party to an armed conflict unlawfully, individuals should be held criminally responsible for aiding and abetting international crimes. This is so, because, in the words of the Preamble to the Rome Statute, the most serious crimes of concern to the international community must not go unpunished and their effective prosecution must be ensured by taking measures at national level as well as by enhancing international cooperation.

9 On this issue see, e.g., R. Goodman, 'The Law of Aiding and Abetting (Alleged) War Crimes: How to Assess US and UK Support for Saudi Strikes in Yemen', Blog post, Just Security, 1 September 2016, at: <https://bit.ly/3z1qFZ5>. In this regard, the Statute of the International Criminal Court is more demanding than is customary international law insofar as aiding, abetting, or otherwise assisting the commission of a war crime by a person must be done 'for the purpose of facilitating the commission of such a crime'. Art. 25(3)(c), Rome Statute of the International Criminal Court; adopted at Rome, 17 July 1998; entered into force, 1 July 2002.

10 Art. 25(3)(d), Rome Statute of the International Criminal Court.

11 'UK arms exports to Saudi Arabia: Q&A', House of Commons Library, Briefing Paper No. 08425, London, 29 January 2021, at: <https://bit.ly/3Qds68K>, p. 6.

12 *Ibid.*, p. 5.

13 M. Lattimer, 'Britain's deep ties to Saudi Arabia's war in Yemen', Letter, *The Guardian*, 13 November 2018, at: <https://bit.ly/3BOXS7X>.

Beyond international state responsibility for aiding or assisting a party to an armed conflict unlawfully, individuals should be held criminally responsible for aiding and abetting international crimes

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Civilian casualty investigation and mitigation in Afghanistan

The NATO Resolute Support mission in Afghanistan saw the institutionalized partnership between NATO members operating in support of Afghan host nation partner forces. *Mark Goodwin-Hudson*, former head of the NATO civilian casualty mitigation team, describes the challenges of protecting civilians in such a complex operating environment.

The NATO-led mission Resolute Support was launched at the start of 2015 to train, advise and assist Afghan security forces under the terms of an agreement with the government of Afghanistan.¹ Its purpose was ‘to help the Afghan security forces and institutions develop the capacity to defend Afghanistan and protect its citizens in the long term.’² Periodically extended, the mission continued until September 2021 when all foreign forces were withdrawn from Afghanistan following the May 2020 agreement between the US and the Taliban and the subsequent Taliban takeover of the country.

The NATO Civilian Casualty Mitigation Team

Operation Resolute Support in Afghanistan was the only overseas NATO mission that established its own in-theatre Civilian Casualty Mitigation and Investigation Team (CCMT). Created in 2011, it aimed to record and mitigate civilian harm and work towards better understanding the impact of the conflict on the civilian population.

My position in 2016 as head of the CCMT was a secondary position; I was double hatted.³ My primary role was Deputy Chief Current NATO Operations in Afghanistan. As head of the CCMT, I ran a team of five, four of whom were also double hatted and, like me, on 6–12 month tours. The only continuity was my second in command, a retired British Army Officer, who was on a yearly NATO contract. In the end, he remained in post until the collapse of the mission five years later.

The NATO Afghanistan CCMT carried out the following roles:

- Recording civilian harm.
- Monitoring trends in civilian harm.
- Making recommendations to NATO commanders on civilian harm mitigation.
- Training Afghan forces at the tactical level how to mitigate civilian harm.

1 See UN Security Council resolution S/RES/2189 (2014). The Resolute Support mission succeeded the International Security Assistance Force (ISAF) in Afghanistan.

2 NATO website, Resolute Support Mission in Afghanistan (2015–2021).

3 There are two advantages in double hatting the members of the CCMT. First, it is resource neutral and, second, it ensures that civilian harm mitigation officers are embedded in the core combat operations of HQ operations. The danger with the CCMT is that it is a separate activity outside of the mainstream of military operations and becomes a sideshow.

- Investigating allegations of civilian harm made by: the media, the UN and civil society, Coalition soldiers, the civilian population and opposing warring parties, such as the Taliban.
- Making recommendations for the suspension of military commanders based on the findings of the CCMT investigations.
- Making recommendations for amends and reparations to the families of victims of civilian harm.
- Acting as a focal point for civil society to raise concerns about civilian harm.
- Working with the host nation, in this case the Afghan government, to develop and implement a National Civilian Harm Mitigation policy.
- Sending monthly CIVCAS statistics to US CENTCOM.

From this extensive list of activities, it is possible to see how important a CCMT is for military operations and to note that without a CCMT, few, if any, of these activities take place.

Without accurate incident recording, data collection, and record keeping, it is very difficult for armed forces to understand the impact of the conflict on the civilian population.⁴ It also makes it impossible to enforce accountability, responsibility, and initiate appropriate measures of mitigation and amends.

In Afghanistan in 2016, the recording of civilian harm caused by conflict, started with Afghan victims reporting incidents to their district governors. The district governors, in turn, were responsible for assessing the veracity of each incident, before lodging the details with the Afghan defence ministry.

In 2016, the Afghan defence ministry ran a small CIVCAS recording cell that was not fit for purpose. It included non-conflict-related civilian casualties (e.g. resulting from natural disasters); it only acknowledged incidents of civilian harm committed by the Taliban or ISIS, and on occasions when civilians were killed as a result of crossfire, anti-government forces were always recorded as being to blame. The result was an incomplete and misleading picture of the scale of conflict-related civilian harm, not least harm caused by Afghan or Coalition forces.

The first change instigated by the NATO CCMT, was to relocate one of the CCMT staff to the Afghan defence ministry, to work alongside the Afghan CIVCAS cell. This significantly improved the accuracy of recording, as well as giving NATO first sight on all incidents reported to the Afghan defence ministry. Up until this point, civilian harm caused by Afghan or Coalition forces was only ever brought to the attention of the CCMT by the United Nations Assistance Mission in Afghanistan (UNAMA), the Afghan media, and Taliban social media feeds. On occasion, NATO servicemen also made allegations of civilian harm caused by NATO airstrikes.

4 It may be that Coalition forces or governments don't want to understand or acknowledge or attribute civilian harm caused on overseas operations. For example, the UK government has only ever admitted to killing one civilian in over 1,000 airstrikes launched over Syria and Iraq during the battles for Raqqa and Mosul. Raqqa and Mosul's old cities were around 80 per cent destroyed by Coalition bombing (airstrikes and artillery) and the Coalition failed to create or uphold civilian evacuation corridors. It is much easier not to look or record, if you don't want to know or be held responsible for what you do know.

Accountability for civilian harm in Afghanistan

Ceasefire interviews Horia Mosadiq, Afghan human rights defender and Director, Conflict Analysis Network.

'We would investigate cases where civilians were harmed and at times we contacted NATO. To our disappointment NATO said that they had no control over individual [member] countries. Each had their own chain of command, although together they are called NATO. The NATO commander in Kabul would say they have no idea what was done by the British in Helmand, the Australians in Uruzgan, and so on. (The US also used a lot of private security contractors, which made accountability issues even more difficult.)

'NATO relied on self-policing within forces. If a soldier or an officer thought a violation might have occurred, they were supposed to report it to their senior officer, and then it had to be reported up through the chain of command to the commanding officer.

'NATO did issue directives about protecting civilians. They even had a unit for investigating civilian casualties [the CCMT] but it was under-resourced: it had to rely mainly on reports from the forces involved or local NGOs or the media, rather than doing their own investigations.

'The training received by Afghan National Security Forces (ANSF) from NATO forces included training on the Geneva Conventions and international humanitarian law. But as responsibility for operations switched to the ANSF [during 2013-15] and NATO moved to an advise and assist role, there was an increase in civilian harm incidents. When I met Afghan commanders they said that the Taliban were using civilians as a human shield. Speaking with civilians on the ground, in some areas people said that this was true. For example, ANSF would take precautionary measures, announcing operations a week ahead in order for civilians to be able to leave an area; some civilians would leave but then the Taliban stopped others from leaving. But in other areas, when the Taliban attacked ANSF positions, the ANSF would shoot back indiscriminately with mortars and cannons and civilians would be hurt.

'After some really bad incidents, the government promised investigations and compensation. Over time, I knew of a couple of hundred ANSF personnel who were disciplined and imprisoned for violations against civilians.

'As NATO moved to an advise and assist role, there was an increase in civilian harm incidents'

Horia Mosadiq, Afghan human rights defender

and support to do the job properly. In some of the 'human shield' incidents, better intelligence was needed. In some cases, international forces did not appear to have shared the intelligence, whether from a lack of trust or poor communication: information might have been given to an official in Kabul but did not make it to the commander on the ground.'

'Why was there this increase in civilian harm? The reasons were complex. On the one hand, the Taliban increased attacks. Then there was the decline in international air support and a shift to less accurate means of fire. NATO could certainly have done more to manage the transition – not just relying on training but giving Afghan forces the equipment

Investigating civilian casualties

In 2016, the CIVCAS figures in Afghanistan had not gone below 10,000 (deaths and injuries) per annum since NATO recording started in 2011. UNAMA had its own CIVCAS database. Agreement on figures was rare. On average 70–80 per cent of the CIVCAS figures were caused by ISIS and Taliban. The remaining 20–30 per cent, attributed to the Coalition/Afghan Defence Force, were often the subject of hot debate between NATO and UNAMA.

In 2016, civilian casualties were caused (in order of prevalence) by:

- ISIS and Taliban suicide bombers
- Afghan Air Force
- Coalition airstrikes
- Afghan mortar fire
- Crossfire incidents
- IEDs
- Unexploded ordnance and the military use of localized explosives – e.g. forced entry by blowing a door off its hinges in a night raid.

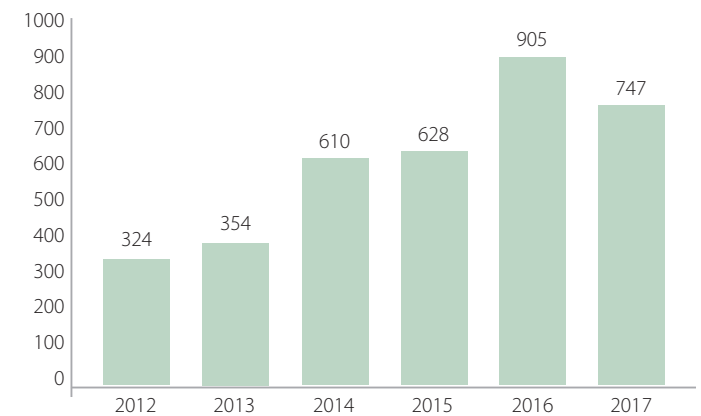
It is important to understand that the majority of civilian harm was caused by the Taliban and ISIS through suicide bombers. NATO forces believed that, by deduction, the best way to reduce civilian harm in Afghanistan was always going to be to defeat anti-government forces and bring an end to the conflict.

All allegations of civilian harm attributed to the Afghan Defence Force and Coalition forces had to be investigated as part of a formal documented process. As the head of the CCMT, I was asked to form a Civilian Casualty Credibility Assessment Review Board (CCCARB) – on average once a

fortnight. The CCCARB was made up of the members of the CCMT, NATO Army Legal branch, Army Civil Affairs branch, and members of the operations planning team that was responsible for the mission that led to the allegation. The investigations were always based on written and photographic evidence, and the purpose of each investigation was to assess if there was sufficient evidence for the allegation to be deemed 'credible'. A 'credible' decision led to a recommendation for amends to be made to the victim(s).

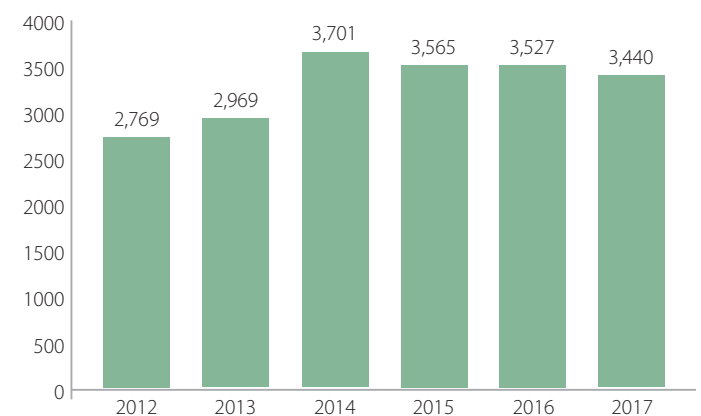
Over a 4-month period in 2016, I chaired over 70 Civilian Casualty Credibility Assessment Review Boards. The majority of the allegations that the CCCARB investigated were as a result of the Afghan Air Force or Coalition drone strikes. One of the immediate recommendations from the results of the findings of the CCCARB was to instigate

Civilian deaths by pro-government forces, 2012–2017



Source: UNAMA

Civilian deaths by all parties, 2012–2017



Source: UNAMA

additional civilian harm mitigation training for Afghan pilots. The CCCARB results also highlighted just how limited Coalition commanders' situational awareness was prior to and during drone strikes. Drones only afford a view through a straw, and on a screen made up of two-tone megapixels; to think it is possible to accurately interpret and understand a situation on the ground through a micro camera flown at 15,000 ft, is misleading. At the time, this problem was exacerbated by the lack of Coalition soldiers in the field.

My remit was to investigate *all* CIVCAS allegations. At that stage a CCCARB had never investigated allegations of CIVCAS involving UK/US Special Forces (SF) or the CIA. Access to SF CIA operations were denied on grounds of security classification. Note, it makes no difference to the civilian victim of harm, how special or otherwise the nature of the NATO combatant is; the effect is still the same. When confronted, my chain of command upheld my remit, and an SF Liaison Officer joined the CCCARB. As a result, for the first time, Special Forces were held accountable for operations which led to investigations of allegations of civilian harm. The CIA, on the other hand, refused to accept all my requests to attend the CCCARB.

The inclusion or otherwise of SF operations in civilian casualty investigations is highly significant. SF missions were the only operations that could be assigned a Non-combatant Casualty Cut-off Value (NCCCV). This is the number of non-combatant bystanders (e.g. Bin Laden's wives and children killed with him in 2011) that can be legally killed in a strike on a High Value Target. The fact that the US/UK knowingly commit civilian harm incidental to an attack on a military target is not classified, but the value (X no. of civilians v. 1 HVT) *is* classified. The authority to conduct NCCCV engagements is authorized at the highest level. When it is granted there is always an inevitable increase in the CCMT civilian casualty investigations/figures.

At the same time, CIA operations created further challenges for the NATO mission in their support of partner or proxy forces. Afghan villagers knew which tribal leaders or warlords were being funded and trained by the CIA, and held the CIA/Coalition Forces indirectly responsible for the atrocities committed against them by those same warlords. It is self-defeating for a NATO member to fund cohorts to do its bidding if in the process they break the rule of law that NATO is pledged to uphold.

The CCCARB established eight categories of civilian harm allegation, only one of which confirmed that the allegation was credible (and worthy of amends or further action). The remaining seven were all varying levels of 'not credible', based on lessening degrees of evidence. The weighting was heavily against proving credibility (note the use of the word *credibility*, not *culpability*). The Board on average spent 15–20 minutes on each investigation, primarily because there was often very little evidence available. The Board was not granted the time, the access or the authority to visit the incident sites or conduct its own interviews.

In addition, the Board had limited access to classified intelligence used to support SF operations.⁵ The Board was simply told that casualties were terrorists, because SF intelligence sources said they were terrorists. In one case the victims were clearly

5 As Chair of the CCCARB I had the highest levels of security classification: NATO COSMIC TOP SECRET and UK TOP SECRET STRAP 3. Yet I was still not allowed to see all the intelligence STRAP LINES. Note, I did not need to know about the SF capabilities or sources that provided the intelligence – all I needed was to read the product. But this was denied.

unarmed, and local/NGO reporting said they were innocent pilgrims staying at an Imam's hostel en route back from Mecca. The SF argued to the contrary and maintained that their own intelligence supported the strikes.⁶ It should be noted that successful targeting of the enemy is not just about the exacting precision of 21st-century weapon systems, it is also about the accuracy and credibility of the intelligence that underpins the strike.

During my tenure, the CCCARB confirmed less than 10 of the 70 plus allegations as credible. In one instance, an allegation was made by a US drone pilot, who raised concerns about an F16 airstrike in Helmand for which he had provided overwatch from his Ground Control Station in Las Vegas. The subsequent CCCARB confirmed the allegation as credible, that an Afghan male who had been deliberately targeted was a civilian. As a result, the senior US officer in Helmand lost his right to authorize airstrikes.

Leadership on civilian harm mitigation

My experience in Afghanistan was that views among senior commanders towards civilian harm investigations varied, and the amount of support I was given often came down to the personality and inclination of the senior commander. In January 2019, General Austin Scott Miller assumed command of NATO Forces in Afghanistan. At the time, he was probably one of the three most powerful individuals in Afghanistan. In his opening address to the NATO HQ, General Miller told his staff: 'Our purpose in Afghanistan is to mow the grass; to kill and bomb the Taliban to the negotiating table – on their knees.' Two years later General Miller oversaw the most humiliating retreat of Western allied forces since Dunkirk, and the complete overthrow of the Afghan government by the Taliban.

During General Miller's command, the civilian casualty mitigation record was one of the worst of any senior commander in Afghanistan. General Miller, on 29 August 2021, famously authorized the last US kinetic strike in Afghanistan. The attack resulted in the deaths of ten Afghan civilians including seven children. For the week following the strike, General Miller and the whole of the US command, including the US President, maintained that they had heroically eliminated the ten members of ISIS responsible for the suicide bomb at the Kabul airport three days earlier. It was only courageous investigative journalism that discovered the truth. The certainty with which the US command wrongly boasted of having targeted the perpetrators, is a major cause for concern and raises serious questions about the veracity of so many previous claims about drone strikes 'successfully targeting armed actors' in Afghanistan. What is also

Drones only afford a view through a straw, and on a screen made up of two-tone megapixels: to think it is possible to accurately interpret and understand a situation on the ground through a micro camera flown at 15,000 ft is misleading

⁶ See: <https://www.theguardian.com/world/2016/oct/01/deadly-drone-strike-afghanistan-isis-civilians>. In September 2016, 30 Afghan men were killed or wounded in an airstrike in Nangarhar. The CCCARB concluded on the basis of the evidence available that it could not confirm or deny that the men involved were members of ISIS. However, it did confirm that the men involved did not appear to own or carry weapons and could not at the time be accused of posing a threat to NATO or Afghan forces. The outcome of the CCCARB was that there was not enough evidence for the allegations to be deemed credible.

interesting is that nobody in the NATO military chain of command has been punished, prosecuted, lost their job, or resigned, as a result of the public findings of the investigations.

Civilian harm mitigation cuts to the moral authority of military action. In a democracy, moral authority is critical to those instruments of government uniquely mandated to use lethal force. Without it they lose the credibility, trust and confidence of those whom they have been paid to serve and protect. As modern warfare becomes increasingly remote, 'conducted at reach and over the horizon', a dynamic CCMT mandated to apply the critical yardsticks of moral and legal frameworks, must become a corresponding priority for military commanders at all levels.⁷

Payment of amends

If the conclusion of the CCCARB was that an allegation was credible, then there was an opportunity to formally recommend that the injured party or victim's family be awarded financial compensation or amends. The awarding of compensation was not considered the same as admitting culpability. In December 2021 Ceasefire reported that the total bill for compensation for civilian harm in relation to UK military operations in Afghanistan was then running at £5.4 million from 4,740 cases, compared to £26.4 million from 1,893 cases in Iraq.⁸ Individual awards covered a huge range, from US\$750 for a child wounded in the face in Nahr-e-Saraj to US \$10,200 for the killing of a husband, two sons and two daughters in a helicopter strike.⁹

No amount of compensation can ever match the loss of a human life. However, compensation is the best way to restore lost honour, and/or pay for medical fees where a victim is injured rather than killed.

In 2016, I never heard of any of my recommendations leading to victims actually receiving a compensation payment. However, of note, the US Special Forces as a result of their involvement in the CCCARB process, started to take money on strike operations in order to make immediate financial amends at the scene of an incident.

7 Throughout its lifetime, 2011–21, the CCMT in Afghanistan was the only deployed NATO CCMT of its kind. It is shocking that the UK government has never implemented the most basic civilian harm recording recommendations of the Chilcot Report, which was published in 2016. NATO's own *Protection of Civilians Handbook* recognizes the operation of the CCMT as 'the leading factor in the reduction of CIVCAS incidents' in Afghanistan, and notes that its replication in all NATO missions was recommended by the Joint Analysis and Lessons Learned Centre. NATO, *Protection of Civilians ACO Handbook*, 2021, p. 31.

8 Following a series of FOI requests to the British government, Murray Jones of Action On Armed Violence wrote in September 2021: 'Fighting by British service personnel in Afghanistan led to financial settlements for at least 289 civilian deaths across 189 incidents between 2006 to 2013, internal MOD documents show. Ministry of Defence (MOD) payouts for Afghans killed, included as many as seven dozen children. At least 43 were female. These figures are likely just a snapshot of the reality as they are only based on UK military compensation agreements, which was not a simple process for Afghan civilians to engage with. Overall, £688,000 was paid out by the British military for 289 deaths, meaning the average compensation for a civilian killed was £2,380. Although some of these payouts were combined with injuries and property damage, meaning this average is somewhat inflated.'

9 Burke, R. and Lattimer, M., *Reparations for Civilian Harm from Military Operations: Towards a UK Policy*, Ceasefire Centre for Civilian Rights, 2021, p. 3.

Supporting civilian harm mitigation by host nation forces

Partnering with the host nation armed forces in Afghanistan in 2016 involved a cross-section of military activity:

- **Mentoring.** This was done at the staff officer and senior commander level across all the Afghan defence HQs from the defence ministry in Kabul to the HQs in the field. It focused on strategic and operational-level military operations.
- **Training.** Since the withdrawal of ISAF (International Security Assistance Force) in 2014, training of the Afghan defence force on the ground was limited. It had involved tactical training in field craft, weapon firing, and tactical war fighting. In 2016 military Coalition training centred on Afghan junior officer leadership training at what was referred to as Sandhurst in the Sand – a copy of the Royal Military Academy Sandhurst. Coalition Special Forces also conducted training with the Afghan Special Forces. In addition, the Coalition was training Afghan Apache helicopter pilots.
- **Kinetic Operations.** In 2016, Coalition Special Forces were the only Western forces conducting strike operations on the ground alongside Afghan Special Forces.

PMOs are not just about kinetic operations. One of the goals of Coalition forces must be to partner successfully with a host nation *across the full spectrum of military activity – not just strike operations*. This type of partnering also includes CCMT mentoring and training activities within the Afghan defence ministry.

One of the goals of coalition operations must be to partner successfully with a host nation across the full spectrum of military activity – not just strike operations but also civilian casualty mitigation

Recording and tracking civilian casualties enables commanders to identify trends and put in place means to mitigate civilian harm. At the end of 2016, CIVCAS training became part of the annual force preparation training programme for the Afghan Defence Force. In 2017, the CCMT initiated a Train the Trainer three-day CIVCAS course for the Afghan defence ministry. The topics covered were:

- The definition of CIVCAS¹⁰
- Data collection
- Accurate record keeping
- Trend analysis
- How to investigate allegations
- Reparations
- Implementing mitigation measures.

As a result of the training, the Afghan government established its own CIVCAS tracking database and started to conduct its own CIVCAS investigations. The NATO CCMT continued to support the Afghan CIVCAS cell through this process.

The CCMT also partnered with the Centre for the Protection of Civilians in Conflict (CIVIC), and worked with the Afghan government on producing its own civilian harm

¹⁰ It is important to start with the basics; when we arrived the Afghan defence ministry CIVCAS cell figures included death or injury caused by car crash, natural disaster – that is, civilian harm unrelated to the conflict.

mitigation (CHM) policy and implementation plan. This involved meeting with the Afghan Deputy Minister of Defence and his department privately. Although the Deputy Defence Minister was in principle sympathetic to CHM, in practice he was far more worried about the Taliban storming Kabul.¹¹ On one occasion Afghan officials went as far as directing us to downplay the civilian deaths caused by the Afghan Special Forces.

As well as running a monthly joint NATO/Afghan defence ministry policy group in conjunction with UNAMA and the ICRC, there was a joint working group which was run at the staff officer level to implement policy group decisions.

A key player at the planning group was the Minister for Health. It is important to understand that the civilian casualty toll is not just a defence ministry and international assistance matter; for the host nation a CIVCAS figure of 10,000 per annum has major ramifications for its health service. For example, after two ISIS suicide bombers in late July 2016 killed and wounded almost 300 civilians in Kabul, the hospital facilities in Kabul were completely overwhelmed, treating patients in some cases with 75 per cent burns. Consequently the work of the CCMT and mitigation of civilian harm in Afghanistan was of great significance to the Afghan Health Secretary.

One of the most important pieces of work to come out of this process was a practical, tactical-level training package on how to avoid civilian casualties for Afghan soldiers in the field. The hardest element was to devise a training package that Afghan soldiers could actually appreciate. Formal education levels in Afghanistan are low. Too often Western training solutions involve sophisticated PowerPoint presentations devised in European defence ministries, that are meaningless to those unfamiliar with a lecture hall, or who are unable to read and write.

In 2016, the CCMT produced a training package that involved simple playing cards with pictures of military activity and accompanying questions to do with the rules of engagement in a civilian context. The playing cards depicted combat situations that soldiers could relate to, from crossfire incidents to use of mortars in the urban environment, crowd control, and weapon discipline. The purpose of the pictures was to generate discussion in the most simple way possible, and start soldiers thinking about how to use lethal force responsibly in a largely civilian-centric battle space.

For all armed forces, their attitude and practical application of CHM says most about their values, and in particular the value they put on human life. It is on a par with how prisoners of war are treated. If we agree that values cannot be taught, only caught, then partnered operations are the best opportunity NATO forces have to demonstrate to host nation forces how to implement and uphold the rules of armed conflict and what it means to protect civilians in conflict. This is especially true in the heat of battle.¹²

11 At the time Kunduz city was falling to the Taliban and having to be retaken; the Afghan army was losing 600 soldiers a month; pro-government forces' control of Helmand Province was at best fractured; ISIS was the dominant force in Nangarhar, Kabul was infiltrated by the Haqqani network, and regularly subject to rocket attacks.

12 The immediate payment of amends by US SF to the victim of civilian harm is a good example of IHL adherence in practice on a partnered operation and witnessed by host nation forces.

In 2016, in Afghanistan the only partnered kinetic operations were with the Coalition Special Forces and Afghan Special Forces. In fact, it was full-spectrum partnering: Coalition SF mentored, trained, equipped, planned, oversaw and fought alongside Afghan SF. In terms of kinetic impact, it was the only successful military partnering in Afghanistan, and remained so up until the NATO extraction in August 2021. During this period, it was clear that without the Coalition/Afghan SF partnership, the Afghan regular armed forces would be overrun by the Taliban. Coalition SF provided the critical backbone and leadership that non-partnered regular Afghan forces lacked. More often than not, regular army forces ran away or were killed when attacked by the Taliban.

From these examples, it is possible to see some of the benefits of PMOs. However, PMOs – like all partnerships in life – must begin with an agreed contractually binding memorandum of understanding. This is particularly the case when it comes to IHL, the laws of armed conflict and the practical application of the rules of engagement. Torture, detention without trial, murder, paedophilia, rape, abuse of women and incidents of ethnic hatred often happened without legal consequence in Afghanistan. The Coalition, in the twenty years it was in Afghanistan, made an attempt to stop some of these human rights abuses.¹³ Nevertheless, if Coalition forces on partnered operations commit their own IHL abuses with impunity or turn a blind eye to the transgressions of host nation forces, then Western leadership has failed. For example, it was well known that the CIA partnered and trained a brutal Afghan warlord in Bamyán province who committed atrocities against civilians in the region. The CIA was guilty by association or indirect involvement, and the fact they were funding the warlord made the atrocities even worse in the eyes of the civilian population. A legal framework signed up to at the start of the partnership, binding both sides equally to the application of the rule of law, is critical for all partnered operations.

Finally, values and standards within the Coalition partnership were not always aligned. I was removed from my post as head of the CCMT and replaced by a US officer – the head of targeting; the US-led Coalition was now effectively marking its own homework. At the same time, the senior British general who had always supported my work had his tour of duty shortened and was replaced by a more compliant officer from another NATO member state.

13 The NATO HQ protection of women team was 30 strong. The complaints of US soldiers and NGOs led to the re-abolition of the practice of *bacha bazi* (sexual abuse of adolescent males) by the Afghan government.

Conclusion

As partnered military operations play an increasingly important role in the UK's defence and foreign policy approach, it is vital to consider the impact that this shift has had on civilian harm and accountability. Given that the Integrated Review and Defence Command Paper signal an increased reliance on partnered operations, envisage a greater role for Special Forces, and established a new Ranger Regiment to work closely with partners, the UK must address the impact of partnered operations on civilians as a priority.

All too easily, partnered military operations allow responsibility for civilian harm to be shirked. As such operations are set to continue and expand, steps must be taken to better protect civilians and strengthen accountability mechanisms. Introducing practicable and improved methods for investigating civilian harm, strengthening Overseas Security and Justice Assistance (OSJA) *Human Rights Guidance*, and mainstreaming human security in planning would all be important steps forward for the UK.

The UK's current approach to partnered military operations continues to put civilians in harm's way

Such steps are grounded in the UK's international legal obligations. The duty under Common Article 1 of the Geneva Conventions to respect and ensure respect for the Conventions in all circumstances requires the UK to embed IHL compliance in its policy, planning and procedures for all partnered military operations.

As an early adopter of a protection of civilians policy, it is important that UK partnered military operations do not undermine the progress that such a policy represents. Yet the UK's current approach to partnered military operations continues to put civilians in harm's way. While the UK has recently withdrawn troops from kinetic operations, including in Afghanistan and Mali, it continues to be involved in combat operations with partners, including conducting airstrikes in Iraq and Syria, and forming relations with further military partners around the world. It is precisely at this time that the UK should reconsider, learn lessons, and update its approach to partnered military operations.

Recommendations

1. The UK should develop and maintain effective policies and procedures for ensuring the protection of civilians in all partnered military operations, including:

- Rigorous pre-assessment of the willingness and ability of partner forces to ensure IHL compliance and avoid civilian harm
- Joint training of partner and liaison personnel in IHL requirements, appropriate to rank and function
- Dedicated resource to build the institutional capacity of partner forces in civilian harm mitigation, including in particular the capability to investigate, report and respond to civilian casualties

- Establishment of an oversight mechanism, with identification of responsible oversight officer(s), and protection for whistle-blowers
 - Monitoring and evaluation procedures for civilian harm mitigation, enabling incorporation of lessons learnt and sustainable disengagement procedures.
- 2 Joint detention operations should include planning, resourcing and oversight for ensuring that detention facilities operated by partner forces meet international human rights standards. Detainees should never be handed over to partner forces where there is a risk of torture or inhuman or degrading treatment or punishment.
 - 3 Shared responsibility should be recognised in partnered operations for the identification, suppression and prevention of abusive practices, including child recruitment, sexual abuse and exploitation, and extortion of the civilian population.
 - 4 The Joint Service doctrine '*Human Security in Defence*' (JSP 985) should be integrated into Tactics, Techniques and Procedures to enable the protection of civilians to be effectively implemented in all partnered military operations.
 - 5 The cross-departmental *Overseas Security and Justice Assistance (OSJA) Human Rights Guidance* and the *Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees* should be strengthened by placing a statutory duty on ministers not to proceed with assistance or cooperation where there is knowledge, belief or the existence of a real risk that serious violations of IHL or human rights will take place (a UK 'Leahy Law').
 - 6 Given its central role in PMOs, the newly-established Ranger Regiment should not be subject to the same 'no comment' policy as the Special Forces.
 - 7 All UK PMOs, including those involving the Ranger Regiment or UK Special Forces, should be subject to appropriate parliamentary scrutiny, including oversight by the Defence Select Committee or the Intelligence and Security Committee.
 - 8 The UK should strengthen arms export licensing controls to include a proper assessment of the potential that arms transferred could be used to commit or facilitate a serious violation of IHL, taking into account relevant factors including past compliance with IHL.
 - 9 UK officials and service personnel involved in partnered military operations, including detention operations, and the transfer of arms, *materiel* and other assistance to a party to an armed conflict should be warned of the potential of criminal liability for aiding and abetting where they know that the assistance provided will be used to commit crimes under international law.

Appendix

1 Countries receiving training from British armed forces in the UK

Information in this table is sourced from the Ministry of Defence, as disclosed in the response to parliamentary questions on 13 July 2020 and 25 March 2021. Training provided overseas to these and other countries is not included.

Further UK-based training was provided in 2020-21 to (incomplete list):
Afghanistan, Albania, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei, Cameroon, Canada, Chile, Colombia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kosovo, Kuwait, Lebanon, Lithuania, Malawi, Malaysia, Maldives, Mali, Malta, Moldova, Mongolia, Montenegro, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, North Macedonia, Norway, Oman, Pakistan, Occupied Palestinian Territories, Paraguay, Poland, Portugal, Qatar, Romania, Saudi Arabia, Sierra Leone, Singapore, Slovakia, South Korea, Spain, Sri Lanka, Switzerland, Thailand, Tonga, Tunisia, Uganda, Ukraine, UAE, Uruguay, USA.

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
AFGHANISTAN	British Army	7	12	ACSC, DHSA, IIDC
ALBANIA	British Army	14	11	IIATC, IIDC, MDWSC, SSLP
	Royal Air Force	1		IOT
	Royal Navy	6	4	EEZ PROTECTION OFFICERS COURSE, ILt, ROYAL MARINE YOUNG OFFICERS COURSE
ALGERIA	British Army	3	2	IEDD, IIDC
ANGOLA	British Army		1	BRITISH MILITARY ENGLISH COURSE
	Royal Navy	1	1	ISL
ANTIGUA & BARBUDA	British Army		1	RMP CPU FOREIGN DRIVERS BASIC
	Royal Navy	1	1	INITIAL NAVAL TRAINING OFFICERS, INTERNATIONAL SMALL SHIPS COMMAND COURSE
ARGENTINA	British Army		3	ACSC, BISL, DHSA
ARMENIA	British Army	3	3	ACSC, MDWSC
AUSTRALIA	British Army	13	14	EXPLOSIVES ORDNANCE ENGINEERING MSc, GUIDED WEAPON SYSTEMS MSc, GUIDED WEAPONS, GUN SYSTEMS DESIGN MSc, MPE, MILITARY VEHICLE TECHNOLOGY MSc, OMT, OP LAW
	Royal Air Force	4	1	AEWC, CBRN CLINICAL COURSE, ISR, MERT
	Royal Navy	3	3	ADVANCED MINEWARFARE, Air 541 Helicopter Warfare Instructor
AUSTRIA	British Army	1	2	ACSC, ODSC
AZERBAIJAN	British Army	6	4	ACSC, BISL, MDWSC
	Royal Navy	1	1	EEZ PROTECTION OFFICERS COURSE
BAHAMAS	Royal Navy	1	1	INITIAL NAVAL TRAINING OFFICERS
BAHRAIN	British Army	13	9	ACSC, GUN SYSTEMS DESIGN MSc, IBTIC, IEDD, PCBC (TACTICS ONLY), SNIPER PLATOON COMMANDERS COURSE
	Royal Air Force	2	2	IOT, IABM, OEMO
	Royal Navy	5	3	ALL ARMS COMMANDO COURSE, EEZ PROTECTION OFFICERS COURSE, INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, ISL
BANGLADESH	British Army	12	11	ACSC, BC GROUND BASED AIR DEFENCE, BISL, IIATC, IIDC, UOIC, MDWSC, ODSC, PCBC, TESTING & EVALUATION OF EXPLOSIVES
	Royal Navy	3	4	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A'

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
BARBADOS	British Army	6	3	IBTIC, IIAC, IEDD, ODSC, PCBC (TACTICS ONLY) OEMO
	Royal Air Force	1	1	
BELARUS	Royal Navy	3	2	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE ACSC
	British Army	3	2	
BELGIUM	British Army	7	5	IIAC, MILITARY PSYCHOLOGICAL OPERATIONS COURSE, PYROTECHNICS - Intro, WEAPON SYSTEMS TECHNOLOGY - INTRODUCTION A400 SIMULATOR TRAINING PROGRAMME, SERE DESERT ADVANCED ASW, AMPHIBIOUS WARFARE COURSE, BELGIUM SEAKING MK6 - FRONT SEAT, INITIAL MARITIME WARFARE COURSE PCBC (TACTICS ONLY), PLATOON SERGEANTS BATTLE COURSE (TACTICS ONLY)
	Royal Air Force	1	2	
	Royal Navy	5	2	
BELIZE	British Army	6	2	ALL ARMS COMMANDO COURSE, AMPHIBIOUS WARFARE COURSE, INTERNATIONAL JOINT OPS PLANNING COURSE, INTERNATIONAL SMALL SHIPS COMMAND COURSE ALL ARMS ADVANCED DRILL INSTRUCTOR COURSE, TRAINING DESIGN COURSE
	Royal Navy	5	7	
BERMUDA	British Army	6	3	DHSA, IBTIC, IIDC, JOTAC, MDWSC, ODSC, PCBC (TACTICS ONLY), SSLP IOT
BOSNIA & HERZEGOVINA	British Army	12	12	ALL ARMS COMMANDO COURSE ACSC, MDWSC, ODSC
	Royal Air Force	1	1	
	Royal Navy	2	1	
BOTSWANA	British Army	3	3	ACSC, BALLISTIC AND CRUISE MISSILE TECHNOLOGY, DEFENCE SIMULATION, GUIDED WEAPON SYSTEMS MSc, IIATC, SURVIVABILITY
BRAZIL	British Army	7	4	AIR 225 - FLYCO COURSE, AMPHIBIOUS WARFARE COURSE, ASCG Operator AWW 232, IFF - 2ATH Interrogator D237, W-AIS Maintainer C305 JWIC, ODSC
	Royal Navy	19	1	
BRUNEI	British Army	1	2	ENGINEER OFFICER FOUNDATION TRAINING (AEROSYSTEMS), FSC, HUMAN FACTORS FACILITATORS COURSE ISL, SEMC(ME) RMP CPU FOREIGN DRIVERS BASIC
	Royal Air Force	3	4	
	Royal Navy	3	4	
BULGARIA	British Army	2	2	IIDC, LCR, PCBC
CAMEROON	British Army	6	5	CBRN DEFENCE SCIENCE COURSE, DEFENCE SIMULATION, EXPLOSIVES, FIGHTING VEHICLES DESIGN , GROUND BASED AIR DEFENCE INSTRUCTOR GUNNERY COURSE , GUIDED WEAPONS, GUNNERY CAREER COURSE, GW - PROPULSION AND AERODYNAMICS THEORY, JWIC, LIGHT WEAPON DESIGN, MILITARY AVIONICS COURSE, MILITARY PSYCHOLOGICAL OPERATIONS COURSE, OP LAW, PYROTECHNICS, RADAR ADVANCED JOINT OPERATIONAL TARGETING COURSE , TABM
CANADA	British Army	25	15	ADVANCED MINEWARFARE INTERNATIONAL C-IED TRAINERS COURSE EEZ PROTECTION OFFICERS COURSE COMMISSIONING COURSE
	Royal Air Force	4	1	
	Royal Navy	5	6	
CAYMAN ISLANDS	British Army	1	1	INTERNATIONAL C-IED TRAINERS COURSE EEZ PROTECTION OFFICERS COURSE
CHAD	British Army	3	3	COMMISSIONING COURSE
CHILE	British Army	8	4	BISL, IIAC, IIDC, MDWSC, PCBC (TACTICS ONLY), RADAR PRINCIPLES INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A', ITEE, ME 285E POET POWER PLATFORM T23, S724 4.5 MK8 MOD 1 IOT
	Royal Navy	6	3	
CHINA	Royal Air Force	1	1	ACSC, BISL, MDWSC
COLOMBIA	British Army	6	5	INITIAL NAVAL TRAINING OFFICERS RMP CPU FOREIGN DRIVERS ADVANCED RMP CPU FOREIGN DRIVERS BASIC
	Royal Navy	2	1	
COTE D'IVOIRE	British Army	1	1	JOINT OPERATIONS PLANNING COURSE
CROATIA	British Army	1	1	ACSC, SSLP
CYPRUS	Royal Navy	1	1	ACSC, DEFENCE GIS ADVANCED USER COURSE, IEDD, INTERNATIONAL TACTICAL TARGETING COURSE, JOTAC
CZECH REPUBLIC	British Army	5	10	JTAC-I, SENSORS AND ELECTRONIC WARFARE COURSE, SERE DESERT, SERE EXTREME COLD WEATHER COURSE, SERE JUNGLE COURSE, TABM AMMUNITION SYSTEMS I (WARHEADS), BALLISTIC AND CRUISE MISSILE TECHNOLOGY, BESPOKE TACTICAL TARGETING COURSE , IIDC, MILITARY PSYCHOLOGICAL OPERATIONS COURSE FSC, IABM
	Royal Air Force	6	6	
DENMARK	British Army	22	14	ADVANCED ASW, AIR 145 - AIRCREW INSTRUCTOR, AMPHIBIOUS WARFARE COURSE, MARITIME WARFARE COURSE IIAC, IEDD, IIDC IOT
	Royal Air Force	2	2	
	Royal Navy	4	2	
EGYPT	British Army	11	7	IIAC, IEDD, IIDC IOT
	Royal Air Force	1	1	

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
ESTONIA	Royal Navy	6	4	ALL ARMS COMMANDO COURSE, AMPHIBIOUS WARFARE COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A' & 'B'
	British Army	2	2	BESPOKE TACTICAL TARGETING COURSE , IEDD
	Royal Air Force	2	3	JOINT INFORMATION OPERATIONS, OPERATIONAL CONVERSION COURSE, TABM
ETHIOPIA	British Army		4	BISL, DHSA, ODSC
FALKLAND ISLANDS	British Army		1	ICSC
FIJI	British Army	3	2	BISL, ICSC, IIATC
	Royal Navy	2	2	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, ISL
FINLAND	British Army	5	2	DHSA, GUIDED WEAPONS, HCSC, IIDC, MLRS DETACHMENT COMMANDER (L4)
	Royal Air Force	1	1	JTAC-I
	Royal Navy		1	STANDARD UNDERWATER MEDICINE COURSE
FRANCE	British Army	5	6	ACSC, IIDC, JLOC, JWIC, OTIC
	Royal Air Force	2	2	E3D SIMULATOR TRAINING PROGRAMME
GAMBIA	British Army		1	ACSC
	Royal Navy		1	EEZ PROTECTION OFFICERS COURSE
GEORGIA	British Army	13	8	ACSC, IIAC, IIATC, IIDC, UOIC, MDWSC
	Royal Navy	3	2	INITIAL NAVAL TRAINING OFFICERS
GERMANY	British Army	15	14	BALLISTIC AND CRUISE MISSILE TECHNOLOGY, EXPLOSIVES ORDNANCE ENGINEERING MSc, JLOC, JOTAC, MILITARY PSYCHOLOGICAL OPERATIONS COURSE, OTIC, URBAN OPERATIONS INSTRUCTOR COURSE
	Royal Air Force	3	3	CBRN CLINICAL COURSE, IOT, SERE DESERT , SERE JUNGLE COURSE
	Royal Navy	5	4	AMPHIBIOUS WARFARE COURSE, INITIAL MARITIME WARFARE COURSE , MARITIME WARFARE COURSE
GHANA	British Army	10	7	ALL ARMS BASIC TACTICS COURSE, BISL, COMMISSIONING COURSE, IIATC, MDWSC, ODSC, SNIPER PLATOON COMMANDERS COURSE
	Royal Air Force		1	IOT
	Royal Navy	5	4	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, INTERNATIONAL SMALL SHIPS COMMAND COURSE
GREECE	British Army	2	4	BISL, MSC FORENSIC EXPLOSIVES AND EXPLOSION INVESTIGATION
	Royal Navy	3	1	INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A'
GRENADA	British Army		1	RMP CPU FOREIGN DRIVERS BASIC
	Royal Navy	1	1	INTERNATIONAL SMALL SHIPS COMMAND COURSE
GUYANA	British Army	3	2	MDWSC, ODSC, PCBC
	Royal Navy	1		ILt
HONG KONG	British Army	5	2	ALL ARMS ADVANCED DRILL INSTRUCTOR COURSE
	Royal Air Force	2		SQUADRON COMMANDERS COURSE
HUNGARY	British Army	1	3	COMMISSIONING COURSE
ICELAND	British Army		1	RMP CPU FOREIGN DRIVERS ADVANCED
INDIA	British Army	9	13	DEFENCE SIMULATION & MODELLING MSc, EXPLOSIVES ORDNANCE ENGINEERING MSc, FULL SPECTRUM TARGETING COURSE, GUN SYSTEMS DESIGN MSc, IIAC, IEDD, IIDC, MILITARY OPERATIONAL RESEARCH MSc, PCBC (TACTICS ONLY)
	Royal Air Force	1		IAMB
	British Army	6	8	ACSC, BC GROUND BASED AIR DEFENCE, IIAC, IEDD, IIATC, JWIC, MDWSC, OTIC
INDONESIA	Royal Navy	2	3	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B'
	British Army			ACSC, BISL, DHSA, IBTIC, IIAC, IIATC, UOIC, MDWSC, ODSC, PCBC, URBAN OPERATIONS INSTRUCTOR COURSE
IRAQ	British Army	12	15	ACSC, BISL, DHSA, IBTIC, IIAC, IIATC, UOIC, MDWSC, ODSC, PCBC, URBAN OPERATIONS INSTRUCTOR COURSE
	Royal Air Force		2	IOT
	Royal Navy		1	INITIAL NAVAL TRAINING OFFICERS
IRELAND	British Army	11	17	ACSC, AMMUNITION TECHNICAL OFFICERS COURSE; CATAF, FIGHTING VEHICLES DESIGN , FULL SPECTRUM TARGETING COURSE, IEDD, IIATC, JOINT BATTLESPACE MANAGEMENT , OP LAW, PCBC, URBAN OPERATIONS INSTRUCTOR COURSE
	Royal Air Force	1		MILITARY AIRCREW MEDICAL EXAMINER COURSE
	Royal Navy	2	5	CBRNDC 35 SENIOR RATES ADVANCED, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B'
ISRAEL	British Army	1	2	ORDNANCE DESIGN
	Royal Navy		1	AMPHIBIOUS WARFARE COURSE

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
ITALY	British Army	18	7	BALLISTICS, EXPLOSIVES ORDNANCE ENGINEERING MSc, GUIDED WEAPON SYSTEMS MSc, GUN SYSTEMS DESIGN MSc, GW - WARHEADS EXPLOSIVES & MATERIAL COURSE, IIATC, MILITARY ELECTRONIC WARFARE, RADAR ELECTRONIC WARFARE
	Royal Air Force	2	1	C130J SIMULATOR, SERE DESERT
	Royal Navy	2		ROYAL MARINE YOUNG OFFICERS COURSE
JAMAICA	British Army	13	6	BISL, IIAC, IEDD, IIATC, MDWSC, ODSC, PCBC (TACTICS ONLY)
	Royal Air Force	2	1	IOT, IABM
JAPAN	Royal Navy	7	3	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, Ilt
	British Army	4	3	ACSC, BALLISTIC AND CRUISE MISSILE TECHNOLOGY, INTERNATIONAL DEFENCE AND SECURITY MSc, IIDC
JORDAN	Royal Navy		1	PRE INITIAL NAVAL TRAINING (OFFICERS)
	British Army	11	8	ACSC, COMPUTER MODELLING TOOLS IN EXPLOSIVES ORDNANCE ENGINEERING, IIDC, JOTAC, MDWSC, PCBC (TACTICS ONLY), SSLP
	Royal Air Force	7	5	FLAC, FSC, IOT, JOINT INFORMATION OPERATIONS, JTAC, JTAC-I
KAZAKHSTAN	Royal Navy	4	3	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, INTERNATIONAL SMALL SHIPS COMMAND COURSE
	British Army	5	3	INTERNATIONAL C-IED COORDINATORS COURSE, IEDD, INTERNATIONAL SEARCH ADVISER COURSE
KENYA	British Army	10	13	ACSC, BISL, IBTIC, IIAC, IEDD, IIDC, JOTAC, MSC IN MILITARY ELECTRONIC SYSTEMS ENGINEERING, ODSC, PCBC, PLATOON SERGEANTS' BATTLE COURSE
	Royal Air Force	2	1	ENGINEER OFFICER FOUNDATION TRAINING (AEROSYSTEMS)
	Royal Navy	3	5	INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B', INTERNATIONAL SMALL SHIPS COMMAND COURSE, ISL
KOSOVO	British Army	9	11	ALL ARMS PTI, IBTIC, IIATC, ITIC, JOTAC, MDWSC, PCBC
KUWAIT	British Army	24	20	ACSC, BISL, IBTIC, JOTAC, MDWSC, MPOC, ODSC, PCBC, PRE ACSC , RLC TROOP COMMANDERS, RSS TROOP COMMANDER, SSLP, Subhan PCBC, TROOP LEADER ARMD
	Royal Air Force	2	1	FAST JET ADVANCED FLYING TRAINING
	Royal Navy	4	3	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B'
KYRGYZSTAN	British Army	4	4	BISL, COMMISSIONING COURSE
LATVIA	British Army	1	5	BESPOKE TACTICAL TARGETING COURSE , CATAC, JAVELIN PLATOON COMMANDERS, LCR
	Royal Air Force		1	OEMO
LEBANON	British Army	19	12	ACSC, BISL, BISL, FST CDR, IBTIC, IEDD, IIDC, UOIC, MDWSC, PCBC (TACTICS ONLY), RE TROOP COMMANDERS COURSE, SSLP
	Royal Navy	8	5	INTERNATIONAL NAVIGATING OFFICERS COURSE, INTERNATIONAL SMALL SHIPS COMMAND COURSE
LESOTHO	British Army		1	BISL
LITHUANIA	British Army	1	3	BESPOKE TACTICAL TARGETING COURSE
	Royal Air Force		3	OEMO, SENSORS AND ELECTRONIC WARFARE COURSE, TABM
	Royal Navy		5	INITIAL NAVAL TRAINING OFFICERS, JOINT OPERATIONS PLANNING COURSE
LUXEMBOURG	British Army		2	COMMISSIONING COURSE
MACEDONIA	British Army	8	2	ACSC, ALL ARMS PTI, BISL, IIATC, UOIC, MDWSC, PRE ACSC , SSLP
	Royal Navy	2		INTERNATIONAL JOINT OPERATIONS PLANNING COURSE
MALAWI	British Army	4	1	COMMISSIONING COURSE, MDWSC, SSLP
MALAYSIA	British Army	6	6	ACSC, COMMISSIONING COURSE, DHSA, MDWSC, SSLP
	Royal Air Force	2	1	IOT, OEMO
MALDIVES	Royal Navy	4	3	INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A'
	British Army		2	ALL ARMS BASIC DRILL INSTRUCTOR COURSE
MALI	British Army	3	8	ACSC, COMMISSIONING COURSE, DHSA, IIAC, IIATC, IIDC
MALTA	British Army	6	2	AMMUNITION TECHNICAL OFFICERS COURSE; DEMS PHASE, BISL
	Royal Air Force		1	IOT
MAURITANIA	Royal Navy	1	1	INITIAL NAVAL TRAINING OFFICERS
	British Army	1		ACSC
MAURITIUS	Royal Navy		1	EEZ PROTECTION OFFICERS COURSE
MEXICO	British Army	1	1	BISL, ODSC
MOLDOVA	British Army	3	1	BISL, COMMISSIONING COURSE, MDWSC
MONGOLIA	British Army	1	3	ACSC, ODSC
MONTENEGRO	British Army	12	13	ACSC, COMMISSIONING COURSE, IIATC, IIDC, MDWSC, SSLP
	Royal Navy	2	4	INITIAL NAVAL TRAINING OFFICERS

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
MONTSERRAT	British Army	1	1	PLATOON SERGEANTS BATTLE COURSE RESERVE
	Royal Navy	4		CBRND C 35 SENIOR RATES ADVANCED, INTERNATIONAL SMALL SHIPS COMMAND COURSE
MOROCCO	British Army	4	5	ACSC, INTERNATIONAL C-IED COORDINATORS COURSE, INTERNATIONAL SEARCH ADVISER COURSE, MDWSC
	Royal Navy		8	ADVANCED AURAL ANALYSIS, AIR 202 - HELICOPTER CONTROLLER
MOZAMBIQUE	British Army		1	ICSC(M)
NEPAL	British Army	13	14	ACSC, IEDD, IIATC, JOTAC, MDWSC, ODSC, PCBC, SSLP
	Royal Air Force		1	HUMAN FACTORS FACILITATORS COURSE
NETHERLANDS	British Army	26	28	81MM MORTAR PL CDR & PL 2IC, AMMUNITION SYSTEMS I (WARHEADS), BALLISTIC AND CRUISE MISSILE TECHNOLOGY, CATAC, COMMUNICATIONS ELECTRONIC WARFARE, EXPLOSIVES ORDNANCE ENGINEERING MSc, FST CDR, GUIDED WEAPON SYSTEMS MSc, GUIDED WEAPONS, GUN PROPELLANTS, IEDD, IIDC, JAVELIN PLATOON COMMANDERS, JWIC, JOTAC, LIGHT WEAPON DESIGN, OP LAW, OTIC, RADAR ELECTRONIC WARFARE, URBAN OPERATIONS INSTRUCTOR COURSE
	Royal Air Force	5	9	JOINT INFORMATION OPERATIONS, SERE DESERT, SERE JUNGLE COURSE, TIES
	Royal Navy	17	16	ADVANCED ASW, ALL ARMS COMMANDO COURSE, AMPHIBIOUS WARFARE COURSE, JOINT OPERATIONS PLANNING COURSE, NAVAL GUNFIRE ASSISTANT - Level 4, PW 3RD CLASS (SNIPER), PW INSTRUCTOR 1st CLASS, RM SKILL AT ARMS COURSE
NEW ZEALAND	British Army	14	17	AMMUNITION TECHNICAL OFFICERS COURSE; BALLISTIC AND CRUISE MISSILE TECHNOLOGY, CYBER NETWORK SECURITY, EXPLOSIVES ORDNANCE ENGINEERING MSc, FULL SPECTRUM TARGETING (incl COLLATERAL DAMAGE MODELLING MODULE) COURSE, GUNNERY CAREER COURSE, IIDC, JAIC, JMIC, MPE, MILITARY ELECTRONIC WARFARE, OP LAW
	Royal Air Force	4	4	CBRN DEFENCE ADVISORS COURSE, PERMISSIVE LAND SURVIVAL COURSE
	Royal Navy	18	22	Air 541 Helicopter Warfare Instructor , MINEWARFARE OFFICERS COURSE, PO Above Water Tactical, PO UNDER WATER, RNPWO, S712H - PHALANX 1B MAINTAINER COURSE, SEMC (WE), SEMC(ME), SHAMAN OPERATOR, SPEC N, Staff Information Warfare Officers Course
NIGER	British Army		3	ACSC
NIGERIA	British Army	22	22	ACSC, ALL ARMS BASIC TACTICS COURSE, BISL, DHS, EXPLOSIVES ORDNANCE ENGINEERING MSc, IBTIC, IIAC, IEDD, IIATC, IIDC, UOIC, JOTAC, MDWSC, MILITARY PSYCHOLOGICAL OPERATIONS COURSE, OP LAW, ODSC, PCBC, RE TROOP COMMANDERS COURSE, SSLP , URBAN OPERATIONS INSTRUCTOR COURSE
	Royal Air Force	2	3	IOT, TIES
	Royal Navy	10	12	ALL ARMS COMMANDO COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B', ISL, ROYAL MARINE YOUNG OFFICERS COURSE
NORTH MACEDONIA	British Army		8	ALL ARMS PTI, IIDC, JOTAC, PCBC, URBAN OPERATIONS INSTRUCTOR COURSE
	Royal Air Force	1		IABM
NORWAY	British Army	8	5	ACSC, BALLISTIC AND CRUISE MISSILE TECHNOLOGY, BESPOKE TACTICAL TARGETING COURSE , CATAC, SSLP, WEAPON LOCATING RADAR (Mobile Artillery Mortar Battlefield Radar) L4
	Royal Air Force		5	CLOSE QUARTER BATTLE COURSE, F-35 PEST DINGHY DRILLS, TROOP COMMANDERS
	Royal Navy	5	1	MARITIME WARFARE COURSE, MOUNTAIN LEADER II, NORWAY SEA KING MK6 - FRONT SEAT, RNPWO
OMAN	British Army	22	20	ACSC, CAPAC, CLOSE SUPPORT INSTRUCTOR GUNNERY COURSE, DSAT, Financial & Military Capability Management: Advanced, GUIDED WEAPON SYSTEMS MSc, GUNNERY CAREER COURSE, IIDC, INTERNATIONAL TACTICAL TARGETING COURSE, MDWSC, OMT, ODSC, PCBC, PCBC
	Royal Air Force	12	14	ARMOURER CLASS 1, C130J SIMULATOR, CAM PRE-TYPHOON OPCON, CHALLENGER 2 ARMAMENTS, COMMON ENGINEERING APPLICATIONS ARTIFICER - EQ27, FAST JET HIGH LEVEL - REFRESHER, HEAVY MACHINE GUN (BROWNING) 0.50MM MAINTAINER COURSE, IOT, NIGHT VISION GOGGLES ELECTRO-OPTICS FAMILIARISATION
	Royal Navy	10	9	BOARD AND SEARCH, INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, ROYAL MARINE YOUNG OFFICERS COURSE

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
PAKISTAN	British Army	19	16	ACSC, DHS, EXPLOSIVES ORDNANCE ENGINEERING MSc, IEDD, IIDC, MDWSC, MILITARY OPERATIONAL RESEARCH MSc, MILITARY PSYCHOLOGICAL OPERATIONS COURSE, NETWORKED & DISTRIBUTED SIMULATION, PCBC, SSLP
	Royal Air Force	4	4	DEFENCE COMMUNICATORS COURSE, IOT, IABM, OEMO, JOINT INFORMATION OPERATIONS
	Royal Navy	7	7	AMPHIBIOUS WARFARE COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A', PAKISTAN SEA KING MK6 - FRONT SEAT, SEMC (WE), SEMC(ME)
PALESTINIAN AUTHORITY	British Army	10	5	BISL, DHS, DSAT, UOIC, MDWSC, ODSC, SSLP, TRAINING DESIGN COURSE
PAPUA NEW GUINEA	British Army	2	1	BISL, SSLP
PARAGUAY	Royal Navy	1		EEZ PROTECTION OFFICERS COURSE
PERU	British Army		3	COMMISSIONING COURSE
PHILIPPINES	British Army	1	1	ODSC
	Royal Air Force	1	1	JWIC, UOIC
	Royal Navy	2	5	ALL ARMS COMMANDO COURSE, Commando Conditioning Course, ROYAL MARINE YOUNG OFFICERS COURSE
POLAND	British Army		1	ACSC
	Royal Navy	3	1	AIR 202 - HELICOPTER CONTROLLER (NON-TACTICAL), BASIC LOFAR ANALYSIS, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B'
PORTUGAL	British Army	3		BISL, SENIOR INFORMATION OFFICERS COURSE
	Royal Navy	4	2	SEMC (AE), WILDCAT - CERTIFICATE OF COMPETENCY
QATAR	British Army	11	13	ACSC, CATA, COMMISSIONING COURSE, IBTIC, JOTAC, PCBC, RE TROOP COMMANDERS COURSE
	Royal Air Force	6	5	ENGINEER OFFICER FOUNDATION TRAINING (AEROSYSTEMS), FAST JET ADVANCED FLYING TRAINING, IABM, TROOP COMMANDERS, TYPHOON MANAGERS COURSE, TYPHOON OPCON
	Royal Navy	10	9	ALL ARMS COMMANDO COURSE, CBRNDC 35 SENIOR RATES ADVANCED, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'B', QATAR PROJECT GUNROOM
ROMANIA	British Army		4	ACSC, IIAC, IIATC
	Royal Navy	1	1	HM ADVANCED SURVEY COURSE
RWANDA	British Army	3	3	ACSC, BISL, ODSC, SSLP, SYSTEMS ENGINEERING FOR DEFENCE CAPABILITY MSc
SAUDI ARABIA	British Army	11	8	ACSC, BISL, COMMISSIONING COURSE, IIDC, INTERNATIONAL TACTICAL TARGETING COURSE, MDWSC, MILITARY ELECTRONIC SYSTEMS ENGINEERING MSc, ODSC, STRATEGIC MANAGEMENT & INTRODUCTION TO ACQUISITION
	Royal Air Force	9	9	BAES TYPHOON MULTI-SKILLED WEAPONS, BASIC FAST JET TRAINING COURSE, FAST JET ADVANCED FLYING TRAINING, FAST JET TACTICAL AND WEAPONS, OEMO, TYPHOON MAINTENANCE CONSOLIDATION TRAINING, TYPHOON OPCON
	Royal Navy	3	2	INITIAL NAVAL TRAINING OFFICERS
SENEGAL	British Army	1	1	ICSC
	Royal Navy	1	2	30MM OPERATOR/MAINTAINER, INITIAL NAVAL TRAINING OFFICERS
SERBIA	British Army	5	2	ACSC, SSLP
	Royal Air Force	1		IABM
SIERRA LEONE	British Army	1	4	ACSC, BISL, COMMISSIONING COURSE, MDWSC
	Royal Navy		3	INITIAL NAVAL TRAINING OFFICERS, ISL
SINGAPORE	British Army	11	13	EXPLOSIVES ORDNANCE ENGINEERING MSc, FULL SPECTRUM TARGETING COURSE, GUIDED WEAPON SYSTEMS MSc, IEDD, JWIC, JWIC, OP LAW, OTIC, PCBC, SYSTEMS ENGINEERING FOR DEFENCE CAPABILITY MSc
	Royal Air Force	2	1	OEMO, JOINT INFORMATION OPERATIONS
	Royal Navy	6	2	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, INTERNATIONAL PRINCIPAL WARFARE OFFICERS 'A'
SLOVAKIA	British Army	2		Financial & Military Capability Management: Advanced
SLOVENIA	British Army	3	4	81MM MORTAR PL CDR & PL 2IC, JAVELIN PLATOON COMMANDERS, MACHINE GUN SECTION COMMANDER SPECIAL FORCES, MILITARY LASER SAFETY, PCBC
SOMALIA	British Army	1		CIVIL AFFAIRS COURSE
SOUTH AFRICA	British Army	5	4	GUN SYSTEMS DESIGN Pg Dip, IIAC, IIATC, IIDC, MDWSC
	Royal Air Force	1		OEME

Country	Provider	Courses 2018-19	Courses 2019-20	Courses including (see key at end of this graph)
	Royal Navy	2	2	HM ADVANCED SURVEY COURSE
SOUTH KOREA	British Army	7	3	ACSC, BISL, COMMISSIONING COURSE, IIAC, IIATC, OP LAW, SSLP
SOUTH SUDAN	British Army	1		RMP CPU FOREIGN DRIVERS ADVANCED
SPAIN	British Army	2	1	ACSC
SRI LANKA	British Army	8	17	ACSC, BISL, COMMISSIONING COURSE, INTERNATIONAL C-IED TRAINERS COURSE, IEDD, IIDC, JOTAC, MDWSC, ODSC, SSLP
	Royal Air Force	1		IOT
	Royal Navy	3	4	INITIAL NAVAL TRAINING OFFICERS, INTERNATIONAL JOINT OPERATIONS PLANNING COURSE
ST VINCENT	British Army		1	RMP CPU FOREIGN DRIVERS BASIC
	Royal Navy	1		INTERNATIONAL SMALL SHIPS COMMAND COURSE
SUDAN	British Army	3		MDWSC, ODSC
	Royal Navy	1		EEZ PROTECTION OFFICERS COURSE
SWEDEN	British Army	3	3	ACSC, BALLISTICS, IIDC, SSLP
	Royal Air Force	2		JOINT INFORMATION OPERATIONS
	Royal Navy		1	HM OCEANOGRAPHIC COURSE
SWITZERLAND	British Army	4	6	ACSC, EXPLOSIVES ORDNANCE ENGINEERING MSc, IIATC, MDWSC, OP LAW
TAJIKISTAN	British Army	1		BRITISH MILITARY ENGLISH COURSE
TANZANIA	Royal Navy	1		INITIAL NAVAL TRAINING OFFICERS
THAILAND	British Army	7	7	ACSC, BISL, COMMISSIONING COURSE, INTERNATIONAL MARITIME EOD COURSE, STRATEGIC MANAGEMENT IN DEFENCE
	Royal Navy		1	INITIAL NAVAL TRAINING OFFICERS
TOGO	British Army	1		UOIC
TONGA	British Army	1	3	BISL, SSLP
	Royal Navy	3	2	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, ISL
TRINIDAD AND TOBAGO	British Army	1	1	SSLP
	Royal Navy	1	1	INTERNATIONAL JOINT OPERATIONS PLANNING COURSE, ISL
TUNISIA	British Army	2	1	INTERNATIONAL SEARCH ADVISER COURSE
TURKEY	British Army	2	5	COMMUNICATIONS ELECTRONIC WARFARE, GUIDED WEAPONS, LIGHT WEAPON DESIGN, MILITARY ELECTRONIC WARFARE, UNINHABITED MILITARY VEHICLE SYSTEMS, WEAPONS SYSTEM PERFORMANCE ASSESSMENT
TURKMENISTAN	British Army		1	RMP CPU FOREIGN DRIVERS BASIC
TURKS & CAICOS	Royal Navy	1		EEZ PROTECTION OFFICERS COURSE
UAE	British Army	9	8	ACSC, OEMO, ROYAL MARINE YOUNG OFFICERS COURSE, ACSC, BISL, COMMISSIONING COURSE
	Royal Air Force	1		OEMO
	Royal Navy	7	6	SSLP, JOINT INFORMATION OPERATIONS, ACSC, EXPLOSIVES ORDNANCE ENGINEERING MSc
UGANDA	British Army	7	6	ACSC, BISL, COMMISSIONING COURSE, MDWSC, PRE ACSC
	Royal Air Force	1		IOT
UKRAINE	British Army	13	11	ACSC, BISL, COMMISSIONING COURSE, INTERNATIONAL C-IED COORDINATORS COURSE, IIATC, IIDC, MDWSC, ODSC, SSLP
	Royal Air Force	1	1	IOT
	Royal Navy	2	2	INITIAL NAVAL TRAINING OFFICERS
URUGUAY	British Army		5	COMMISSIONING COURSE, DHS, IEDD
	Royal Air Force		1	IOT
	Royal Navy	1		INITIAL NAVAL TRAINING OFFICERS
USA	British Army	13	12	ACSC, COMMISSIONING COURSE, LIGHT WEAPON DESIGN, MANUFACTURE & MATERIAL PROPERTIES OF EXPLOSIVES, OP LAW, OTIC, ROCKET MOTORS & PROPELLANTS, SSLP, SIMULATION EMPLOYMENT TRAINING, STRATEGIC BROADENING SEMINAR (UK-Elective)
	Royal Air Force	1	1	JOINT INFORMATION OPERATIONS
	Royal Navy	1		HM TACTICAL (NATO)
UZBEKISTAN	British Army	1	3	ACSC
VANUATU	British Army	1		BISL
VIETNAM	British Army	2	2	IIAC, IIDC
	Royal Air Force		1	MILITARY AIRCREW MEDICAL EXAMINER COURSE
	Royal Navy	1		INTERNATIONAL NAVIGATING OFFICERS COURSE
ZAMBIA	British Army	1		CIVIL AFFAIRS COURSE
	Royal Air Force	1		IOT
ZIMBABWE	British Army	1	1	MDWSC
Total		1154	1062	

Course Key

ACSC	ADVANCED COMMAND AND STAFF COURSE	JLOC	JOINT LOGISTICS OPERATIONS COURSE
AEWC	AIR ELECTRONIC WARFARE COURSE	JMIC	JOINT MARITIME INTELLIGENCE COURSE
ASCG	AUTOMATED SMALL CALIBRE GUN	JOTAC	JUNIOR OFFICERS' TACTICS AWARENESS COURSE
ASW	ANTI-SUBMARINE WARFARE	JTAC	JOINT TERMINAL ATTACK COURSE
BC	BATTERY COMMANDER	JTAC-I	JOINT TERMINAL ATTACK COURSE INSTRUCTOR
BISL	BUILDING INTEGRITY FOR SENIOR LEADERS	JWIC	INTERNATIONAL JUNGLE WARFARE INSTRUCTORS COURSE
CAPAC	CAPABILITY AND ACQUISITION COURSE	LCR	LIGHT CLOSE RECCE COURSE
CATAC	COMBINED ARMS TACTICS AWARENESS COURSE	MDWSC	MANAGING DEFENCE IN THE WIDER SECURITY CONTEXT
CBRN	CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR	MERT	MEDICAL EMERGENCY RESPONSE TEAM
DCIOP	DEFENCE COUNTER INTELLIGENCE COURSE	MLRS	MULTIPLE LAUNCH ROCKET SYSTEM
DHSA	DEFENCE HUMAN SECURITY ADVISORS COURSE	MPE	MATERIEL AND PERSONNEL EXPLOITATION COURSE
DPSP	DEFENCE PROTECTIVE SECURITY PRACTITIONER	MPOC	MILITARY POLICE OFFICERS
DSAT	DEFENCE SYSTEMS APPROACH TO TRAINING	ODSC	OVERSEAS DIRECTING STAFF COURSE
FLAC	FLYING AUTHORISERS COURSE (FLAC)	OEMO	INTERNATIONAL OFFICERS ELECTRONIC WARFARE
FSC	FLYING SUPERVISORS COURSE (FSC)	OMT	OFFICERS' MOVEMENTS TRAINING (OMT) COURSE
FST CDR	FIRE SUPPORT TEAM COMMANDER COURSE	OP LAW	OPERATIONAL LAW
HCSC	HIGHER COMMAND AND STAFF COURSE	OTIC	OPERATIONAL TRACKING INSTRUCTOR COURSE
HCSC	HIGHER COMMAND AND STAFF COURSE	PCBC	PLATOON COMMANDERS' BATTLE COURSE
IABM	INTERNATIONAL AIR BATTLE MANAGEMENT COURSE	PCCBC	PRE COMMISSIONING COURSE BRIEFING COURSE
IBTIC	INTERNATIONAL BASIC TACTICS INSTRUCTOR COURSE	RNPWO	ROYAL NAVY PRINCIPAL WARFARE OFFICERS
ICSC	INTERMEDIATE COMMAND AND STAFF COURSE	SEMC(ME)	SYSTEMS ENGINEERING AND MANAGEMENT COURSE (MARINE ENGINEERING)
IEDD	INTERNATIONAL IMPROVISED EXPLOSIVE DEVICE DISPOSAL COURSE	SEMC(WE)	SYSTEMS ENGINEERING AND MANAGEMENT COURSE (WEAPONS ENGINEERING)
IFF	IDENTIFICATION FRIEND OR FOE	SERE	SURVIVAL EVASION RESISTANCE ESCAPE
IIAC	INTERNATIONAL IMAGERY ANALYSIS COURSE	SSLP	SENIOR STRATEGIC LEADERSHIP PROGRAMME
IIDC	INTERNATIONAL INTELLIGENCE DIRECTORS COURSE	TABM	TACTICAL AIR BATTLE MANAGERS COURSE
IOT	INITIAL OFFICER TRAINING	TIES	TROOP INSERTION EXTRACTION SYSTEMS
ISL	INTERNATIONAL SUB LIEUTENANT	UOIC	INTERNATIONAL URBAN OPERATIONS INSTRUCTORS COURSE
ISR	INTELLIGENCE SURVEILLANCE AND RECONNAISSANCE	W-AIS	ADVANCED WARSHIP AUTOMATIC IDENTIFICATION SYSTEM
ITEE	INTERNATIONAL TACTICAL EXPLOITATION OF THE ENVIRONMENT		
ITIC	INTERNATIONAL TACTICS INSTRUCTORS COURSE		
JAIC	JOINT AIR INTELLIGENCE COURSE		

2. Countries assessed as 'human rights priority' by the UK Foreign, Commonwealth and Development Office in 2020-22

Afghanistan, Bahrain, Bangladesh, Belarus, Central African Republic, China, Colombia, DPR Korea, Democratic Republic of Congo, Egypt, Eritrea, Iran, Iraq, Israel and the Occupied Palestinian Territories, Libya, Mali, Myanmar, Nicaragua, Pakistan, Russia, Saudi Arabia, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Turkmenistan, Uzbekistan, Venezuela, Yemen and Zimbabwe.

Source: Foreign, Commonwealth and Development Office, 2021 *Annual Human Rights and Democracy Report* (published December 2022) and 2020 *Annual Human Rights and Democracy Report* (published July 2021). The list of priority countries remained the same in both reports.

3. Countries subject to UK arms embargoes

Afghanistan, Armenia, Azerbaijan, Belarus, China, Central African Republic, DPR Korea, Democratic Republic of Congo, Hong Kong Special Administrative Region, Iran, Iraq, Lebanon, Libya, Myanmar (Burma), Russia, Somalia, South Sudan, Sudan, Syria, Venezuela, Yemen and Zimbabwe.

Source: Department for Business and Trade, Department for International Trade and Joint Export Control Unit, last updated 29 October 2021.



Avoiding civilian harm in partnered military operations: The UK's responsibility

In brief

While partnered military operations are not a new phenomenon for the UK, their importance, both in strategy and practice, has increased significantly over the past two decades. Indeed, they have now become the predominant form of UK military engagement, seeing the UK training, arming and fighting alongside allied forces, other state militaries and armed opposition groups across the world.

But this shift in UK practice has undermined accountability for civilian harm and led in some instances to an increase in civilian casualties. The increased complexity of engagement has also led to responsibility being shirked.

Former military officers and civilian activists with experience on the ground reflect on what has gone wrong and expert analysis considers what action is necessary for the UK to fulfil its obligations under international law.

As the UK's refreshed *Integrated Review of Security, Defence, Development and Foreign Policy* pushes for yet more partnered operations, this report presents key recommendations for UK policy and military practice to ensure the protection of civilians.

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