



# Overseeing the UK's Special Forces

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## **If “Global Britain” is to be a “force for good”, there must be oversight of the UK’s Special Forces.**

On 1 August 2020, The Times published a cache of emails suggesting that members of the United Kingdom’s special forces (UKSF) executed unarmed civilian men on several occasions in Afghanistan during the early 2010s.<sup>1</sup> These were not the first such accusations against the UKSF, with similar claims coming to light as recently as November.<sup>2</sup> Given the continued disconnect between sporadic leaks and official opacity, it is also unlikely to be the last shocking media revelation

These accusations come at a time when the UK is in the midst of the “largest review into its foreign policy since the end of the Cold War”, the ‘Integrated Security, Defence, Development and Foreign Policy Review’. The Government has, on many occasions, emphasised that it hopes to use this opportunity to become a “force for good” in the world under the banner of “Global Britain”.<sup>3</sup> However, the Remote Warfare Programme’s research clearly shows that allegations of harm to civilians at the hands of the UKSF stand as a significant stumbling block to the aspiration to be perceived as a force for good. This is especially true as the allegations are accompanied by a failure on the part of the Government and Ministry of Defence (MoD) to adequately respond.

*The Remote Warfare Programme is a policy institute examining the change in warfare that has happened in the last decade, in which states like the UK no longer wish to deploy large amounts of their own troops and focus instead on*

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## **Military Challenges**

According to the latest leaks from the Times, senior officers of the UKSF became concerned in 2011 about a 'rogue' special force unit which appeared to be executing unarmed Afghan men and planting weapons on their bodies to make it seem like they had put up a fight.<sup>4</sup> The senior officer's suspicions were exacerbated by the fact that every soldier who is alleged to have participated in the operations that resulted in civilian casualties appears to be affected by a "collective amnesia".<sup>5</sup>

In response to these allegations, the MoD emphasised that accusations against UKSF were not new and previously investigated by Operation Northmoor. Yet this is no great comfort. Operation Northmoor was set up by the Royal Military Police in 2014 to investigate the 52 most damning allegations of unlawful killings by UKSF between 2010 and 2013.<sup>6</sup>

In fact, Operation Northmoor faced immense political pressure to cease the inquiries into UK service personnel. In 2017, the amount of cases that were being investigated was reduced by then-Secretary of State, Michael Fallon, by 90%.<sup>7</sup> Without the additional resources required to effectively speed up the process of reviewing allegations in light of the cut, staff were simply forced to abandon many of the accusations they were previously pursuing. One detective, who had investigated accusations against British soldiers in Iraq, emphasised that the MOD "had no intention of prosecuting any soldier of

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whatever rank he was unless it was absolutely necessary, and they couldn't wriggle their way out of it.”<sup>8</sup>.

This is especially troubling because the current lack of oversight over UKSF makes it impossible to understand whether this is an isolated instance of a 'rogue' unit or whether it is a wider part of the UKSF culture.<sup>9</sup>.

## Political Challenges

In response to the release of the email cache, Secretary of State for Defence Ben Wallace and several other senior policy makers have demanded justification from the MoD on the behaviour of the UKSF.<sup>10</sup> It is right for them to seek more understanding on what has happened and who was responsible. At the same time, they must also recognise the role they themselves have played in furthering an environment of obscurity and lacking in accountability. This is exemplified with the 'no comment' policy in which all questions by civil society and parliamentarians are met with standard responses emphasising that “it is our longstanding policy that we don't comment on Special Forces operations.”<sup>11</sup>. Calls to adapt this policy have been met with resistance. For instance, in response to a parliamentary question from MP Yasmin Qureshi in July 2016 on whether the government would “assess the potential merits of appointing a committee of parliamentarians to oversee the operations and budget of special forces, similar to the functions of the Intelligence and Security Committee in respect of the intelligence services,” Sir Michael Fallon simply replied: “No.”<sup>12</sup>.

The alternative to this approach is not that the work of UKSF must be made entirely available to the public. Instead, a balance must be struck between the need for secrecy to allow UKSF to operate and the need to scrutinise their

actions. To strike this balance, the UK parliament must be able to perform its role of oversight on UKSF activity abroad. This is currently not the case. The current level of oversight puts the UK behind allies such as the United States, France, Denmark, Norway, and Australia, who all have oversight mechanisms in place over their special forces.<sup>13</sup> This has been noted by former chairs of the Defence Committee, the Intelligence and Security Committee (ISC), and the Foreign Affairs Committee (FAC), who have all decried the lack of oversight of UKSF. In fact, former chair of the FAC Crispin Blunt said government responses to parliamentary requests for more information have been “so narrow as to be wholly and deliberately misleading to the uninformed reader.”<sup>14</sup>

## **The Need for Legitimacy**

The recent allegations against UKSF are an important dent in the legitimacy of these units and highlight the need for proper oversight to maintain their credibility and international reputation. This is especially true in the midst of creating the largest defence and foreign policy review since the Cold War – and efforts to substantiate what being a force for good in the world would actually look like. It is most certainly not the killing of unarmed civilians. If the UK Government is serious about its ambitions, it should seek a proper investigation and bring the UKSF into a 21<sup>st</sup> century democracy, like the rest of the British army and many of its allies.

The Government must respond to the latest accusations against UKSF by introducing oversight. To do this, it must remove the “no comment” policy over UKSF and, instead, seek to strike the right balance between necessary secrecy and a necessary debate over their actions. In relation, it should also improve parliamentary oversight. As ORG have previously suggested, this could take the form of either the Defence Committee or the ISC taking on the role of providing

oversight.<sup>15</sup> The ISC already provides oversight for the UK's secretive intelligence agencies. This is not just the morally right thing to do. It is also imperative if anyone but the British Government are to perceive "Global Britain" to be a "force for good," rather than a call-back to a past where British troops operated in far-away countries with impunity.<sup>16</sup>

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