



Terrorist Targets Outside of Active Hostilities – The UK Position?

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As President Barack Obama’s administration releases its once-secret guidance on kill and capture operations against terrorist targets outside areas of active hostilities, the UK must look to improve its own transparency.

On Saturday, the Obama administration released a redacted version of its policy on action against terrorist targets outside areas of active hostilities. The 18-page document fills many gaps left by previous statements of US policy and processes for targeted killing, such as President Obama’s speech in May 2013 at the National Defense University and the Justice Department’s “white paper”.

It confirms that “operating agencies”, such as the CIA and Defense Department, can formally nominate an individual to be targeted. They must then submit plans to the National Security Staff (NSS) and lawyers across different security agencies. The Deputies Committee then debates the information and weighs up the feasibility and necessity of lethal force. A unanimous agreement will decide whether a strike is undertaken, and in the absence of one the President decides. Within 48 hours of the strike the “operating agency” must provide information, including a description of the operation and an assessment of whether it achieved its objectives, to the NSS. “Appropriate Members of Congress” must also be notified.

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Whether or not you agree with the policy itself (and it has been roundly criticised, for example [here](#), [here](#), and [here](#)), the document's release marks a positive step towards greater transparency and accountability, which could itself boost the legitimacy of the strikes. For [Ned Price](#), National Security Council spokesman:

“ “Our counter-terrorism actions are effective and legal, and their legitimacy is best demonstrated by making public more information about these actions as well as setting clear standards for other nations to follow” ”

If only the UK would take the hint. When, almost a year ago, the UK launched a lethal strike against Reyaad Khan – a British citizen in Syria – [Prime Minister David Cameron's speech to the House of Commons](#) barely touched upon the mechanisms for the identification of Khan as a target, the planning of his death or the assessment of the operation.

The absence of a coherent UK policy to surround the strike sparked a thorough investigation by the [Joint Committee for Human Rights](#), which aimed to use its power to convene government witnesses to establish what UK policy was. Unfortunately, what the report mostly revealed was the continued unwillingness within Government to provide any meaningful clarifications. The Government's memorandum added very little to Cameron's speech and provided no

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additional information on the mechanisms for the identification, targeting and assessment of terrorist targets outside areas of active hostilities. Similarly, in his interview with the Committee [Secretary of Defence, Michael Fallon](#), refused to clarify any of the decision making processes that led to Khan's death. In its conclusion, the Committee called on the Government to improve the accountability and transparency of UK policy on operations in areas outside of active hostility.

There is little evidence that this has been heeded. In a parliamentary question in February 2016, Secretary of State for Defence Michael Fallon was asked if he would guarantee MPs a debate in advance of any decision to deploy UK armed drones outside Syria and Iraq. He replied: “No.” In April 2016, the chair of the Foreign Affairs Committee [called](#) government statements on Libya “less-than-candid”, and “so narrow as to be wholly and deliberately misleading to the uninformed reader”. In May 2016, Yasmin Qureshi MP, a member of the Foreign Affairs Committee, [called](#) UK covert involvement in Libya “a creeping intervention carried out by the backdoor”. In July 2016, research by [Remote Control](#) put the UK at the bottom of the table when it comes to transparency over the use of Special Forces.

The US's latest releases go to show that transparency needs to be embraced if counter-terrorism policies are to have a chance at being accepted. Failing to do so breeds suspicion, and feeds an assumption that the UK is conducting illegal and otherwise illegitimate operations. As another UK ally takes another step towards greater transparency over military operations abroad, is it not time the UK did the same?

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