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IN FOCUS

REMOTE WARFARE AND THE PRACTICAL CHALLENGES FOR THE PROTECTION OF CIVILIANS STRATEGY

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Introduction

In response to a parliamentary question on 20 February 2019, Foreign Office Minister, Mark Field, confirmed that the government was undertaking a review of its strategy on the protection of civilians in armed conflict. This was planned to coincide "with the twentieth anniversary of UN Security Council Resolution 1265 (1999)[1] and the adoption of the Protection of Civilians as an item on the Security Council's agenda."[2]

The UK government first published a Protection of Civilians (POC) strategy in 2010, one of the first countries to do so.[3] However, as the document was written at the height of the military campaigns in both Iraq and Afghanistan – and focused largely on the role of British troops as peacekeepers – it is right for the government to put in place a review of its current strategy, so it may better reflect current campaigns and the challenges these present to delivering effective POC.

Over the last decade there have been vast changes to the way in which the UK engages in military campaigns.[4] Since major drawdowns in combat deployments in Iraq and Afghanistan, the military has been faced with mounting pressures to tackle national security threats posed by the world's ungoverned or weakly-governed spaces. At the same time, however, they face squeezed defence budgets and a low-risk appetite in Westminster for foreign intervention overseas. The approach that has emerged to address this paradox is 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. We call this approach remote warfare.

In our recent report, "*Remote Warfare: Lessons Learned from Contemporary Theatres*", we identified some of the key practical challenges for British forces engaged in this form of warfare.[5] The report emphasised that operating on a light footprint alongside weak security partners limited the capacity for British forces to directly reduce and prevent civilian harm, or avoid the long-term impact to population centres caused by damaging civilian infrastructure. The findings of this report were cited in the May 2019 UN Secretary-General's Report on the Protection of Civilians in Armed Conflict.[6]

The focus of this briefing – and the broader work conducted by the Remote Warfare Programme (RWP) on the issue of POC – is to explore the strategic consequences of this new environment for POC and to outline practical lessons the British armed forces can draw from contemporary theatres to improve its capacity for POC in partnered operations. These are not the only aspects of POC which should be addressed in a new national POC strategy. The concept of POC is broad and encompasses moral, political, legal and strategic dimensions. However, the overall focus of this briefing will be on the strategic challenges.

The lessons of contemporary campaigns will be explored in the following sections:
1) POC on a Light Footprint
2) Institutionalising Risk to Civilians

POC on a Light Footprint

British contributions to the recent anti-Islamic State (IS) campaigns in Iraq and Syria have mainly taken the form of air support for local partners on the ground, including through air-based ISTAR (intelligence, surveillance, target acquisition and reconnaissance). Developments in technology over the last few decades have allowed for more persistent ISTAR but relying on air-based intelligence alone is not a one-size-fits-all solution. In fact, without the presence of Western troops on the ground – or an equivalently capable partner force – to complete the intelligence picture both pre- and post- strike, the anti-IS coalition had to grapple with having limited situational awareness to track civilian populations on the ground. This represents one of the inherent challenges of the remote warfare approach with regards to reducing civilian casualties and limiting damage to civilian infrastructure. In order to overcome this intelligence gap, Western militaries like the UK will have to devise alternative approaches to protect civilians in areas where British forces are deployed.

The risks of relying solely on air-based ISTAR for POC should be well known to the UK government. It is a lesson that the UK has been forced to reckon with in previous conflicts, most notably in Afghanistan, where International Security Assistance Force (ISAF) commanders came to realise that the main cause of the coalition's high rate of civilian casualties resulted from the ISAF's over-reliance on aerial assessments.[7] It was found, for example, that battle damage assessments conducted from the air had missed civilian casualties later discovered during ground-led investigations in 19 out of 21 cases.[8] ISAF found that, as a direct result of its weak monitoring mechanisms the overall success of the mission was being undermined as it had become impossible to effectively win the "hearts and minds" of the Afghan population.

To address this, the coalition devised a number of policy approaches including the creation of a civilian tracking cell. This led to a reduction in the proportion of civilian casualties NATO was responsible for, from 40% in 2006 to 1% by late 2013.[9]

The NATO intervention in Afghanistan demonstrates the political and strategic implications of ineffective POC. It also illustrates the importance of making POC a key strategic priority in the pre-planning stages of any military intervention – something that is now recognised as part of NATO's 2016 Policy for the Protection of Civilians. It is a lesson the UK's new POC strategy would do well to reflect on.

Heightened Risks of Remote Warfare

Since these lessons were identified in Afghanistan, the increased reliance on remote warfare has heightened the risks posed to civilian populations in significant ways. With fewer boots on the ground and more constrained rules of engagement Western countries have less capacity to place their troops on the frontlines to carry out the same level of pre- and post-strike assessments that proved to be crucial for reducing civilian casualties in the Afghan theatre. The "by, with and through" approach has not proven a quick fix for getting around this.[10] In fact, by shifting the burden of responsibility to partner forces, the UK may instead be increasing the risks to civilian populations because they are less able to deliver a POC-sensitive approach due to gaps in capabilities or a lack of training of local forces.

We know, for example, that in both Raqqa and Mosul, where the anti-IS coalition were assisting the Iraqi Security Forces and Syrian Democratic Forces (SDF) respectively, that "the coalition largely sat back and provided fire support" in the form of artillery and

airstrikes to uproot IS fighters who had "years to prepare defensive positions."[11] This strong reliance on air-support for a partner force which proved unable to implement strong POC mechanisms had dramatic consequences for the cities of Mosul and Raqqa. British General, Rupert Jones, made the following observation when giving oral evidence to the Defence Select Committee in Parliament on his experience serving in the coalition campaign against IS: "I don't think any military in living memory has encountered a battle of this nature. I have said regularly—I stand ready to challenge—that I cannot think of a more significant urban battle since the Second World War."[12] Pulling lessons learned from the campaign is therefore of vital importance for future force development.

If the UK government hopes to make good on its commitments to put human security at "the core of its defence policy",[13] expressed both in the upcoming renewal of the POC strategy and through its newly established Centre of Excellence for Human Security, it would do well to study the practical challenges that the British military are likely to face when operating through less capable military partners and trying to protect civilian populations.

A comparison between the destruction of Mosul in 2017 following the use of twenty first century precision weaponry, with a photograph taken in the aftermath of the Battle of Berlin at the end of the Second World War (Image credit: Wikimedia Commons).

"Zero Civilian Casualties"

Instead of acknowledging the difficulties that new forms of engagement in warfare presents to effective protection and monitoring of civilian harm in Iraq and Syria, the UK government has continued to commit to a policy line that there is no conclusive evidence of any civilian casualties in the first four years of the anti-IS campaign. Only in June 2018 did the Ministry of Defence acknowledge compelling evidence of a single civilian casualty.[14]

Yet from 2014 to 2018, the RAF dropped more than 3,700 bombs and missiles, and by January 2019 the RAF claimed to have killed over 4,000 IS fighters.[15] The estimate of one civilian casualty also stands in stark contrast to reports by Amnesty International and Airwars, who estimate that more than 9,000 civilians were killed by all parties to the conflict in the nine-month battle for Mosul alone.[16] Even the US-led central command of the anti-IS campaign, which has

acknowledged 1,302 civilian casualties 34,502 airstrikes has come under criticism from domestic and international press who refute the accuracy of such numbers.[17]

There are two more reasons why the UK government's "one civilian casualty" narrative is not a credible policy line to maintain. Firstly, as in Mosul and Raqqa, large parts of the campaign were conducted in urban environments. Conflicts in such environments tend to have a severe impact on civilian populations, especially when combined with the reliance on air support.[18] Secondly, IS' own methods increased the risks to civilians in areas they occupy and some of these methods were specifically developed with the sole purpose of exploiting states', like the UK's, respect for the Laws of Armed Conflict. In light of these factors, it is questionable why the government has felt so compelled to adhere to the statistically impossible "zero civilian casualties" in its battle against IS. As former Labour Shadow Foreign Secretary, Hilary Benn, observed when he made his well-received speech on the motion of intervention against IS in Syria in December 2015, "No one in the debate doubts the deadly serious threat that we face from Daesh".[19] Indeed, over 60 % of the House of Commons voted in support of military action against IS in Syria. The UK government's unwillingness to engage sensibly on the issue of civilian casualties only serves to weaken its credibility, even among audiences sympathetic to the need to use military force to counter a group like IS.

The importance of "establishing a clear communications and public information strategy to address POC" was emphasised in NATO's 2016 POC policy, which concluded that such communication would be critical for the credibility of an operation or mission.[20] This policy also makes the case that, "by being first with the facts, NATO can counter false information, demonstrate transparency and strengthen its credibility."[21] Despite being a contributor to the NATO POC policy, the UK's

national strategy on to POC currently falls far behind this ambitious commitment.

When asked about the policy toward civilian casualty reporting at a recent Defence Committee session, the Minister of State for Defence, Mark Lancaster, said: "it is not our position that there has been only a single civilian casualty as a result of our military action. What we are saying is that we have evidence of only a single, or what we believe to have been a single, civilian casualty."[22] He went on to add that it was not a case of him "trying to be clever or dance on the head of a pin" but that "it is just where we are".[23] However, as Emily Knowles, the Director of the RWP, said in oral evidence to the Defence Committee in January 2019 "as this becomes a much more common way for the UK and its partners to engage our ability to understand civilian harm goes down hugely." As such, we must be much more open about the impact of our military operations on civilian populations so that we can learn lessons and reconfigure military approaches when necessary.[24]

We fully acknowledge that it is difficult to monitor casualties when Western assistance is largely limited to air support for local partners. Yet in light of the recognition that POC is of vital importance to obtaining strategic goals, as well as the acknowledgement that current mechanisms for monitoring civilian casualties are insufficient, the government should prioritise as a matter of urgency how to better monitor and report on civilian casualties when operating alongside weaker security partners.

As the UK undertakes a review into its current POC strategy, decision-makers could look to NATO's 2016 policy on the protection of civilians, in which it emphasises the linkages between clear communications strategies on POC, and the overall "credibility of an operation or mission".[25]

Institutionalising risk to civilians

Another aspect of remote warfare which presents specific challenges to POC is the empowering of local partners through training and/or provision of funds and equipment, when these groups do not have capacity or interest in implementing strong POC mechanisms. Like the other military contributions that this briefing has dealt with so far, the capacity building of partners also takes place in the context of counterterrorism objectives, yet it presents different challenges to delivering successful POC.

The increased focus on capacity building has its origins in key lessons drawn from Western military campaigns in Iraq and Afghanistan, where it was determined that local actors in countries which face threats from terrorist groups should be enabled to take greater ownership of their national security. However, research conducted by RWP between May and July 2018, found that the process by which the UK decides which local partners to empower has become dominated by short-term counterterrorism considerations, as opposed to a careful assessment of the long-term risks of emboldening certain partners in contested environments. This short-sighted approach means the UK and its allies risk supporting partners with questionable human rights records, or groups which may move beyond the UK's reach or influence, thus increasing the risk to civilians on the ground if these groups have little consideration for POC.

In the spring of last year, much media attention was brought to the US' support of Cameroonian forces following credible reports they had committed repeated human rights abuses (see text box A). Support for such groups may trigger moral outrage, legal challenges, damage to the UK's reputation, and they may harm the overall objectives of the UK. These risks could arise from traditional support to state actors, such as the UK's support of Kenyan counterterrorism police forces who have been accused of extrajudicial killings of suspected al-Shabaab members.[28]

BOX A

Case study: Western support for Cameroon

In 2017, Amnesty International released a damning report on Cameroonian security forces' practices of torturing suspected Boko Haram members. Later that year, a video was leaked showing the summary execution of two women and their young children in a small village in the Far North Region of the country from 2015.[26] In 2018, reports were published which documented severe discrimination against gay men.[27] The units responsible for these atrocities include both regular forces of the military as well as the *Battaillon d'intervention Rapide.*

Yet until recently, these very units received significant support from the US who praised the Cameroonian forces as "vital" partners in the effort to battle extremist Islamist organisations in the region. The US' support included $200m over the last 5 years, and approximately 300 American soldiers have been based a Cameroonian military base in Salek, where much of the torture is alleged to have taken place. While there are no suggestions that US troops participated directly in torture themselves, their collaboration and training of Cameroonian forces and their presence at the very base where many were tortured has raised serious questions about US liability for the conduct of the forces it has trained and supported.

At the same time, there is particular uncertainty about the legal liability for the UK supporting non-state actors, if they harm civilians. This may be relevant to cases such as the UK's support of groups like the SDF, a "mainly Kurdish alliance of rebels", who now face accusations that they have committed severe abuses against civilian Arab populations in territories they wrestled from IS militants.[29]

Not only does this undermine the UK's POC objectives by putting civilians at direct risk of harm, but when the UK is seen to equip, train, and otherwise support local forces who disregard POC, they are likely to lose legitimacy in the eyes of the local civilian population by being perceived as complicit in the actions taken by the recipient actor. Such legitimacy is vital in modern warfare. In their 2016 report, *The Strategic Costs of Civilian Harm,* the Open Society Foundations wrote: "Studies show that counterinsurgencies fail when an insurgency has sustainable internal and external support, or a host nation government loses legitimacy. Civilian harm tends to accelerate both problems –it is like burning a candle at both ends with a blowtorch."[30]

The Risks of Empowering Local Actors

The UK's training and support of partner forces does not take place without any oversight. While the UK has not passed domestic legislation to enshrine due diligence obligations to verify the human rights situation on the ground – as allies such as the US have done through the Foreign Assistance Act – they have produced standard guidance which aims to set out which human rights or International Humanitarian Law (IHL) risks must be considered prior to providing justice or security sector assistance.[31] This is called the Overseas Security and Justice Assistance guidance (OSJA).

However, the OSJA assessment has significant weaknesses. On the one hand, a review of the Conflict, Stability and Security Fund, which only included a brief look at OSJA, was enough to find that many OSJAs were incomplete, of low quality, or had simply never been filed.[32] Moreover, all of the OSJAs in the sample of this review always gave the green light for the proposed activity, with no modifications required. While the reviewers suggested that this may have been caused by the small sample size, the sample included Colombia, Iraq, Pakistan and the Sahel: places where human rights abuses are regularly documented.[33] The OSJA assessment also fails to provide specific advice on the inherent risks of working with non-state groups. This seems to draw into question the strength of the OSJA process. It is also worth noting, that even if OSJA assessments found a programme, such as training to local partner forces, to be 'high risk', the project could still go ahead. It would simply require ministerial approval. This process remains opaque even after extensive attempts by RWP and other NGOs to gain a better understanding of how ministerial approval is sought and how high-risk programmes are approved.

Finally, it is worth noting that OSJA is in essence a tool to ensure compliance with IHL. Yet there are clear limitations to focusing solely on a rights-based approach to POC. For example, most civilian harm occurs during operations that are compliant with IHL and other laws of armed conflict, yet – compliant or not – the implications of civilian harm can be severe.[34] There may be wider policy-related ramifications, moral and reputational risks or legal challenges from a non-IHL legal regime. These risks are not covered by OSJA, and it is unclear to us whether considerations of these risks are made in any comprehensive way.

Conclusion

The UK government has taken several promising steps this year to ensure that civilians are protected in conflict. Both the renewal of the Protection of Civilians Strategy and the establishment of the Centre of Excellence for Human Security should be commended. Yet if these are to be effective in protecting civilians on the ground, they must reflect the reality of contemporary warfare and draw lessons from recent military campaigns where the British military has been deployed, such as in Raqqa and Mosul.

UK support no longer consists of large combat deployments, but instead prioritises working with partner militaries to deliver common mutual interests. Partnered operations present unique POC challenges and therefore it is imperative that the British military can learn lessons and adapt to the practical challenges which remote warfare poses to the UK's ambition to put human security – and by extension POC – at the core of its defence policy. But that will require a cultural shift in addition to developing the rights skills, doctrine and training within the British armed forces.

There is a risk that militaries may regard the concept of POC as an additional layer of red tape that will undermine military effect by employing disproportionate constraints on its freedom to use lethal force. However, when reflecting on lessons from the campaign against IS in Syria and Iraq, earlier wars in Iraq and Afghanistan, as well as the consequences of building the capacity of partners with poor considerations for POC, it is clear that protecting civilians is essential not only out of a moral obligation to civilians on the ground, but also to effectively build stability overseas and obtaining strategic goals in conflict zones.

Front cover image credit: Spc. Andrew Baker (US Army/Public Domain).

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