When is the UK at War?

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While a hard and fast definition may prove elusive as the line between war and peace becomes increasingly blurred, lack of clear guidance risks the decision becoming politicised.

In April 2016, then-Foreign Secretary Philip Hammond visited Libya to discuss what financial, diplomatic and military assistance Britain could give a country still reeling in chaos after the ousting of Gaddafi in a western-backed rebellion in 2011. On the table were proposals for air strikes to counter a fledgling so-called Islamic State (IS) presence in the coastal city of Sirte, and the deployment of an international force to help train Libyan soldiers.

On his return, he spoke to reassure an uneasy Parliament that the government would be "...consulting the House [of Commons] and allowing it to express an opinion through a vote" if plans were to emerge for a British combat role in the country. At the same time, he stressed that current plans were for *non-combat* training missions. As such, he effectively excluded the possibility of parliamentary approval of the deployment.

MP Crispin Blunt reacted to the non-combat designation by warning the Foreign Secretary that "he is dancing on pretty thin ice when it comes to differentiating between a training mission in a combat zone and other missions..." Hammond acknowledged that the lines between combat and non-combat at the frontlines could be blurry, yet, he insisted, " We [the government] are clear that we can make that distinction."

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However, a long-awaited response to a Freedom of Information request that the Remote Warfare Programme submitted to the Ministry of Defence earlier this year has revealed that the government does not actually have working definitions of combat or non-combat. This suggests that the decision on whether a mission is combat or non-combat is left in the hands of political decision-makers who may have an incentive to avoid the enhanced scrutiny and approval that a combat designation would bring, even if it means wrongly defining the mission at hand.

What's in a name?

In the UK, Parliament has increasingly secured the right to a vote on the deployment of British troops on combat missions through the War Powers Convention (WPC). This was established when Tony Blair invited the House of Commons to vote on British military intervention in Iraq, and it was strengthened in 2013, when David Cameron respected parliaments' rejection of a deployment to Syria.

While the WPC has strengthened the UK democratic process, it remains a non-binding convention that relies on governments respecting the will of parliament. It also has significant exemptions, leaving entire deployments out of the public eye: Special Forces, for example, are exempt from the oversight guaranteed by the Convention. Importantly, so are any deployments that are declared "non-combat."

The importance of the delineation between combat and non-combat for determining what forms of parliamentary oversight apply makes it surprising, to say the least, that there is no working definition, or at least guidelines and criteria that could help de-politicise the decision-making process.

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While the UK is not unique in its lack of a definition – NATO, the EU, and allies such as Denmark all fail to define the term – the political repercussions of designating missions as combat or non-combat are hugely significant in the British system as described above, and make the designation particularly relevant for the UK.

No clear line to be drawn

A lack of definition would perhaps not be a cause of such concern if there were clear indications that the government was able and willing to consistently and persuasively distinguish combat from non-combat. Yet such indications remain elusive. Among other things, this is caused by the changing nature of warfare, in which front lines have become blurred and increasingly complex, making it difficult for any observer to distinguish between combat and non-combat.

This has already had repercussions in the field. In a proposed training mission to Libya, for example, plans were drawn up to deploy 1000 troops. However, only a third of these troops would be conducting training, with the rest performing force protection. This reflects the volatility on the ground in Libya and speaks to the difficulty the government would have in ensuring that British troops do not come under fire, whether they are there to train or to fight.

The US Government has recently had to recognise the difficulty of distinguishing between combat and non-combat missions after 4 US SOF were killed in Niger in October 2017. While the four soldiers initially engaged on a non-combat mission, the designation was changed retroactively to combat after several months of public outcry at the deaths. This shows the fluidity of the concept of combat and the necessity to have criteria of what constitutes

combat and non-combat to accurately and fairly reflect conditions on the ground.

In the field

It is not only in the relatively safe houses of parliament that designation of a mission as combat or non-combat has a significant impact. While the inappropriate classification of a mission as non-combat can restrict parliamentary scrutiny, it can also lead to inappropriate Rules of Engagement, severely damaging efforts on the ground.

Troops we interviewed in Kabul in March 2017 reported being effectively confined to their bases because the risk appetite was too restrictive to permit travel in the warzone they found themselves in. This had an obvious impact on their ability to carry out their training mandate, with one of them estimating that 25% of advisors were unable to do their jobs because they did not have adequate force protection.

As such, based on the repercussions both in parliament and in the field, it would seem appropriate to establish guidelines on what constitutes combat or non-combat deployments. While a hard and fast definition may prove elusive as the line between war and peace becomes increasingly blurred, the lack of clear guidance presents a real risk that the decision becomes politicised. This has the potential to weaken the accountability of military deployments while starving them of the permissions they need to succeed.

Image credit: Defence Images/Flickr.

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