Remote Control Project
Written submission to drones APPG inquiry into the use of armed drones: working with partners

Remote Control is a project of the Network for Social Change hosted by Oxford Research Group. We are a small research and policy team based in London analysing changes in military engagement, with a focus on remote warfare: the recent shift away from boots on the ground deployments towards light-footprint Western military interventions abroad.

The aims of the Remote Control Project are to explore the real effects of remote warfare, to raise public awareness and to facilitate debate amongst policy makers about the key issues involved. Ultimately, the project aspires to help effect positive policy change and promote alternatives to covert military intervention that will improve prospects for long-term security.

Summary

This inquiry comes amid an increasing UK emphasis on military engagement through its partners. Following the wars in Iraq and Afghanistan the Remote Control Project has observed a shift towards covert and indirect military engagement, which is less costly in political, human, and financial terms than conventional deployments.

However, the notion that this kind of engagement is entirely 'cost-free' is misleading. By attempting to sub-contract Britain's security out to partner countries, the UK incurs a number of risks, particularly around complicity in combat methods that are morally and legally hazardous, as well as potentially ineffective.

While great strides have been made in developing the transparency and accountability framework around the deployment of conventional force by the UK, that progress has been outpaced by changes in military engagement, including intelligence sharing, training, advice, embedding, and other assistance to partners.

This submission covers intelligence sharing, embedded personnel, training, advisors, and special forces as methods of assisting partners in relation to the use of armed drones. It then examines the implications of these kinds of assistance, the transparency and accountability framework surrounding them, and the current system of parliamentary scrutiny. Finally, it ends with the following series of recommendations for mitigating the risks arising from working with partners and for improving the transparency and accountability framework around such cooperation:

- The deployment of embedded military personnel into combat situations, or in support of combat operations, should be subject to the War Powers Convention.

- Details about the number, purpose, and locations of embedded military personnel should be published on an annual basis and be made available on request to parliamentarians.

- Special forces should be overseen by a parliamentary committee.

- The no comment policy on Special Forces should be amended so that the government can provide unclassified briefings that would not reasonably endanger any operation or personnel.

- The government should develop a strategy and publish a policy, in the form of consolidated guidance, on managing the risks of intelligence sharing, training, advisors, and other forms of assistance.

- The government should consider the automatic suspension of intelligence-sharing, training, deployment of advisors, and other forms of assistance to partners where there is significant evidence of sustained human rights violations or war crimes.

Types of UK assistance to partners

UK intelligence assistance to US drone programme

1.1. The UK has a long history of sharing intelligence with other countries, especially the United States. In a range of agreements signed between 1946 and 1954 (known as the UKUSA agreement) the US and UK committed to sharing intelligence in what is now one of the deepest and most comprehensive intelligence sharing relationships in the world.[1] The core of this relationship is between the US National Security Agency (NSA) and the UK's Government Communications Head Quarters (GCHQ).[2] There is a significant level of exchange in terms of equipment, personnel and signals intelligence. In some projects, commentators have noted that the UK and US work so closely that GCHQ is almost an operating unit of NSA.[3]

1.2. The UK has shared intelligence in order to aid US drone strikes in a number of countries. In Syria, for example, before Parliament gave authorisation for the UK to undertake strikes itself, Foreign Office Minister Tobias Ellwood MP admitted the UK was 'providing intelligence and surveillance to support coalition partners, who are carrying out air strikes in Syria against ISIL.'[4]

1.3. In November 2015, the UK government reported that it had worked 'hand in glove' with the US in strikes against Muhammad Emwazi, or Jihadi John as he was dubbed by the media. The then-Prime Minister, David Cameron stated that the UK had been working 'round the clock with the Americans to track him down' and insisted that the 'contribution of both our countries was essential'.[5] *The Telegraph* also reported that the strike 'was the culmination of 15 months of intensive intelligence work by MI6, GCHQ and the CIA', claiming that Emwazi had been 'located either by GCHQ or MI6' who then gave this information 'to the Pentagon, enabling the operators of an armed Predator drone already in the sky above Raqqa to spot the car in which he was travelling.'[6]

1.4. In August 2015, the UK played a role in the US strike against British computer hacker Junaid Hussain. US Col Patrick Ryder told the *Guardian* that the two countries consulted 'with each other regarding the targeting of Junaid Hussain', adding 'both governments will continue to coordinate efforts to eliminate violent extremist organisations.'[7] The *Times* reported that Hussain revealed his location by opening an internet link, which was allegedly sent by an 'undercover agent after GCHQ and its US allies cracked encrypted Islamic State communications'.[8] While the UK has admitted involvement in this successful strike against Junaid, it has kept very quiet about whether or not it was similarly involved in the first strike attempt. This failed strike missed its target, instead killing three civilians.[9]

1.5. The deaths of British men Bilal el-Berjawi and Mohamed Sakr by separate US drone strikes in Somalia in 2012 seem to implicate the UK in providing intelligence that contributed to their deaths. The two British men came and went between the UK and Somalia for a number of years and were suspected of being affiliated with Al Qaeda.[10] The *Economist* claimed that after el-Berjawi was injured in a failed US strike in Somalia, he called his wife and the 'telephone call seems to have been traced by British intelligence and the coordinates passed on to the Americans' – soon after this, el-Berjawi was killed in a successful strike.[11]

1.6. The UK may also have played a role in US drone strikes in Pakistan. The Snowden documents revealed a 2008 memo from the UK listing 'surveillance of two specific sites and an overview of satellite-phone communications of the Federally Administered Tribal Areas', the area which has seen the largest share of US drone strikes in the country.[12] A document from June 2009 also shows GCHQ speaking about its ability to provide 'tactical and strategic [signals intelligence] support to military operations in-theatre, notably Iraq and Afghanistan, but increasingly Pakistan'. The document adds that in Pakistan, 'new requirements are yet to be confirmed, but are both imminent and high priority.'[13] It also emerged that another member of FVEYs was implicated in strikes in the country, the Bureau of Investigative Journalism noted that Australia's Pine Gap intelligence base 'has

intercepted radio transmissions from Pakistan and used the intelligence to fix the location of suspects, feeding this information into the CIA drone programme.'[14]

1.7. Evidence has also emerged about the UK's extensive role with the US drone campaign in Yemen. In early 2010, a leaked internal report from UK–US signals intelligence station RAF Menwith Hill in North Yorkshire suggested that a new technique was being used to identify targets 'at almost 40 different geolocated internet cafés' in Yemen's Shabwah province and in the country's capital, Sana'a.[15] Snowden documents also revealed how a joint US, UK and Australian programme through Overhead, a surveillance network 'integrating satellite imagery with digital and telephonic communications' supported a fatal US drone strike in Yemen in 2012.[16] They also revealed that GCHQ and Overhead developed their ability to track the location of individuals in Pakistan and Yemen.[17]

1.8. In April 2016, an article in Vice News by Jack Watling and Namir Shabibi revealed how extensive the UK's SIS role in Yemen was between 2001 and 2015. The article showed that the UK played 'a crucial and sustained role'.[18] Britain had a very good 'reservoir of knowledge, contacts, and expertise' which provided the CIA with actionable intelligence. The UK also worked with the US, preparing intelligence in the hunt for targets of drone strikes. The article states that 'Once SIS or the CIA had identified a target, they would collaborate on preparing a Target Package — outlining the actionable intelligence'.[19] Beyond this, they helped the Yemeni National Security Bureau (NSB) in gathering intelligence. Ali al-Ahmadi, NSB director between 2012 and 2015, said that SIS mentoring was 'theoretical and operational' and was a key reason behind 'the success of the NSB'.[20] UK personnel also trained Yemen's Political Security Organization, PSO, (secret police) 'in surveillance, communications and intelligence-gathering'.[21]

<u>Possible UK assistance to Saudi Arabia's military operations in Yemen</u>

2.1. The UK may also be providing assistance to Saudi Arabia in its military operations in Yemen. We are not aware of this taking the form of assistance to drone strikes, but similar challenges, dilemmas, and liabilities apply and it may give us some insight into how the UK will approach assisting foreign drone programmes in future.

2.2. The government currently seems caught between claiming enough knowledge and oversight of the Saudi-led coalition's activities to justify continuing its arms sales and training to them, and distancing themselves from the decision-making process enough to deny any responsibility for the disasters that have occurred.[22] As such, it has maintained that its role is limited to improving compliance with international law in general. In April 2015, the MoD stated that it is providing 'military training on compliance with the laws of war'.[23] In January last year, Prime Minister David Cameron claimed Britain 'provide[s] training and advice and help[s] in order to make sure that countries actually do obey the norms of humanitarian law'.[24]

The government has, however, been keen to distance themselves from training directly related to operations in Yemen. For example, Defence Secretary Michael Fallon has argued that Britain 'has not provided any specific operational advice to the Kingdom of Saudi Arabia for operations in Yemen and has not provided training on political authorisation of military operations'.[25] More recently, Rory Stewart, Minister for International Development stated: 'We provide training and capacity support, which includes statements about international humanitarian law, but that is not about this military operation—that is in general for the Royal Saudi Air Force.'[26]

2.3. However, the UK may have a much more active role in aiding Saudi operations than it would like to admit, especially through its role in the Joint Combined Planning Cell (JCPC) HQ. The JCPC was set up in 2015 to arrange US support to the Saudi-led coalition, including knowledge sharing.[27] In June this year, Saudi foreign minister Adel al-Jubeir claimed 'we have British officials and American officials … in our command and control centre. They know what the target list is, and they have a sense of what it is that we are doing.'[28] While he argued that neither country played a role in selecting targets, their presence in the control centre nonetheless implies some form of involvement.[29]

In response, the MoD admitted that British forces were present in the operation room for the Saudi air strikes against Yemen, but claimed they do not have an operational role.[30] Later, Tobias Ellwood MP explained that the UK had liaison officers in the JCPC HQ, helping to monitor the current situation in Yemen and facilitate communication with the coalition.[31]

2.4. The level of UK involvement therefore remains unclear and poorly explained. The confusion and opacity surrounding it shows how the framework for providing such covert and indirect assistance in general, including for drone strikes, is fundamentally lacking in transparency and challenged by a contradiction between the need to conduct warfare lawfully, humanely, and strategically, and working with partners who may not respect those parameters.

Embedding

3.1. The UK has a long-standing policy of embedding troops in the armed forces of its allies**.**[32] It currently has 'over 250 exchange personnel in the armed forces of allies including the US, Australia, Canada, Netherlands, Italy, France and Germany'.[33] These troops can only be deployed after Ministerial approval but do not require authorisation or scrutiny from Cabinet or the rest of Parliament.[34]

3.2. According to the government, embedded troops, or embeds, are considered part of the force they are embedded in, following their chain of command and Rules of Engagement (RoEs); however, they must also follow UK RoEs and UK law.[35] When the host nation has less restrictive rules than the UK then embedded personnel follow UK law and the laws of armed conflict.[36] There are some checks on potential divergences in the laws. Lord Drayson argues that if there is an operation which contradicts UK law, UK personnel would not be able to take part.[37] For example, UK officers embedded in the International Security Assistance Force (ISAF) in Afghanistan held a 'red card' 'that they can use to refuse or approve a mission request'.[38] There have been instances of British soldiers embedded in US forces having to be taken out of US missions because they may violate UK RoEs.[39]

3.3. In 2014 it was revealed that three British staff were embedded at the Camp Lemonnier base in Djibouti – the US base from which the US launches its controversial unmanned strikes against Al Qaeda in the Arabian Peninsula (AQAP) in Yemen.[40] In response to a written question, Defence Minister Mark Francois MP said: '…there are three UK armed forces personnel embedded with US forces at Camp Lemonnier. They work within the Combined Joint Task Force-Horn of Africa (CJTF-HOA) and are responsible for planning and supporting US military operations in the region. As embedded military personnel within a US headquarters, they come under the command and control of the US armed forces but remain subject to UK law, policy and military jurisdiction'.[41] The MOD maintained these personnel were not involved in strikes, stating 'UK personnel are not involved in the planning for, or operation of, any US Unmanned or Remotely Piloted Aircraft Systems (UAS/RPAS) from Camp Lemonnier.'[42]

3.4. Reprieve, and a number of others, have long claimed that there is also a possibility UK embeds are taking part in drone strikes above Pakistan. A Reprieve FoI, revealed a 'Memorandum of Understanding' (MOU) between the UK and US governments which indicated 'British pilots have been assigned to the command of American drone squadrons operating out of Creech Air Force Base', the base in Nevada from which Predator drones carrying out strikes in Yemen and Pakistan are controlled. In 2015 the MOD also 'declined to answer an FoI request that would confirm whether its personnel have been embedded with US military teams operating drones in the skies above' Pakistan, claiming doing so might jeopardise 'international relations'.[43]

3.5. The issue of embedding also goes beyond UK pilots controlling the drones of allied countries. It also includes piloting manned aircraft. In July 2015 the Ministry of Defence (MOD) revealed in response to a Freedom of Information (FoI) request that UK troops

were embedded in allied forces operating in Syria, and had been since Autumn 2014 - well before Parliament had given permission for the UK to engage militarily in the country.[44] Following the revelation, Fallon gave a statement to the House of Commons in which he said: 'Since the international Coalition commenced military operations against ISIL last year, up to 80 UK personnel have been embedded with US, Canadian and French forces. They have undertaken a range of roles including planning, training and flying and supporting combat and surveillance missions'.[45] It also emerged that these forces had been taking part in strikes. Fallon admitted: 'a small number of embedded UK pilots have carried out airstrikes in Syria against ISIL targets'.[46] This meant that as the UK government was considering taking a vote on whether or not to engage militarily in Syria, the UK military was already engaged – but under the control of allied forces. In theory this arrangement could extend to piloting drones.

Special forces

4.1. Though very little is known about the activities of special forces due to an official government policy of 'no comment' on their operations, occasional news reports give us reason to believe special forces play a role in assisting air strikes conducted by UK forces and UK allies. These may include drone strikes.

4.2. During the military intervention in Libya in 2011, reports emerged of UK ex-special forces soldiers assisting international airstrikes by providing details of troop movements and locations.[47] They were reportedly 'representing Britain', according to an unnamed military source.[48] However, serving SAS were also reported to have been present in Libya during the intervention in order to escort intelligence officers.[49]

4.3. In October 2016, a news report suggested that UK special forces were calling in Coalition air strikes against Islamic State in Sirte, Libya.[50] This came on top of multiple news reports that UK special forces were involved in combat operations in Libya.[51] In March 2016, the then-British Foreign Secretary had confirmed that 'military advisers' were deployed in Libya, but he would not comment on what they were doing.[52] This coincided with the release of a leaked memo between Jordan and the US revealing that UK SAS troops have been on the ground in Libya since at least the beginning of the year.[53]

4.4. There is some circumstantial evidence to suggest that UK special forces have directed drone strikes or other air strikes over Iraq and Syria. Following the August 2015 UK drone strike on British national Reyaad Khan, the *Sunday Times* reported that the operation was approved by the Director of Special Forces. This may indicate that special forces were involved in directing the strike.[54] A close relationship between the use of drones and special forces is certainly possible given the presence of special forces reported in both countries. In June 2016, reports began to emerge that UK special forces were fighting on the Syrian frontline from al-Tanf.[55] A commander of the New Syrian Army confirmed in an interview that British troops crossed over from Jordan after a wave of Islamic State assaults, claiming that 'they helped us with logistics, like building defences to make the bunkers safe.'[56] In August 2016, reports of UK special forces on the ground in Iraq began to surface, claiming that the UK was reportedly leading a secret mission to capture Islamic State commanders before a major assault on Mosul, and that a UK SAS sniper had reportedly killed an Islamic State suicide bomber in a village just north of Baghdad.[57] There were numerous similar reports throughout the rest of 2016.[58] It is possible UK special forces are also helping to direct air strikes, including drone strikes, as part of their varying roles in the two countries.

Implications and risks of intelligence sharing and assistance

5.1 By providing intelligence and other forms of assistance to states involved in conflicts or targeted killings, the UK risks being legally complicit in the actions of those states. In the past, the UK has relied on a legal doctrine which gives the government immunity for acts perpetrated by a foreign state in order to avoid such legal liabilities. For example, in 2012 a Pakistani man, Noor Khan, whose father was killed in a US drone strike, sued the British government for allegedly providing the US with the intelligence that made the

strike possible.[59] The case was eventually dismissed by the court of appeal in 2014, which ruled that it could not make a judgement about a case hinging on the actions of a foreign country, except in exceptional circumstances.[60] However, in January 2017 the UK Supreme Court ruled in a separate case that UK officials, including the former Foreign Secretary Jack Straw, could be tried for collaboration with the former Libyan government in the rendition and torture of Libyan dissident Abdel Hakim Belhaj.[61] This leaves the door open to future prosecutions in cases where Britain has assisted a foreign state, including in relation to drone strikes.

5.2 Moreover, complicity is not only of a legal nature. Even if the UK is not judged legally complicit in the actions of another state, it might be judged politically or morally complicit. For example, the UK is currently being accused by human rights groups of complicity in the Saudi bombing campaign in Yemen, despite no UK aircraft being involved.[62] This is due to the extensive arms transfers between the UK and Saudi Arabia, and Britain's role in training and advising the Saudi armed forces. This impression may also have permeated into sections of Yemen's population. For example, in a Sky News report in December 2016, the prime minister of the Houthi Yemen government said that '[Britain has] sold cluster bombs to Saudi Arabia…They are participating in the bombing of Yemen people.' In the same report, a local Yemeni man in Sa'dah was quoted as saying, 'We used to think Britain was our friend…Now we think they are criminals because of what's happening here. They're committing crimes, killing our children and pregnant women.'[63] Similarly, on a trip to Sa'dah in January 2017, former International Development Secretary Andrew Mitchell encountered posters declaring that 'British and American bombs are killing Yemeni people'.[64] This impression of complicity carries a risk of anti-British feeling that could undermine UK diplomacy. It may also extend to other instances of UK assistance to partners, including assistance to US drone strikes in Pakistan, which might be considered a strategic risk given the potential for radicalisation amongst Pakistani diaspora communities in the UK.

5.3 By providing assistance to other states' military operations, it might be logical to assume the UK may be able to gain some strategic and tactical influence over the conduct of those operations. This could then be used to reduce the chances of war crimes or human rights violations. However, the UK's failure to win strategic influence over the Saudi campaign in Yemen should serve as a cautionary tale in this regard. The UK seems to have been unable to reign in the campaign's excesses. For example, figures for the number of children killed or injured in the conflict in 2016 were six times higher than in 2014.[65] Of the casualties, 60% (510 deaths and 667 injuries) were attributed to the Saudi-led coalition and 20% (142 deaths and 247 injuries) to the Houthis.[66] The United Nations verified 101 incidents of attacks on schools and hospitals, which is double the number verified in 2014. Of the attacks on schools and hospitals, 48 per cent were attributed to the coalition, 29 per cent to the Houthis and 20 per cent to unidentified perpetrators.[67]

5.4 The failure to gain strategic influence introduces the risk of supporting ineffective approaches that are at odds with British military doctrine. For example, the UK military has increasingly come to view high levels of civilian casualties in conflict as both a moral and strategic failure because of their potential to alienate the population. As the British Army Field Manuel on countering insurgency states, 'Maintaining the consent and confidence of the population, minimising friendly force and civilian casualties and limiting opportunities for insurgent propaganda are all essential to mission success.'[68] However, by supporting the Saudi bombing the UK is effectively supporting an approach that risks undermining local confidence in the military campaign and handing propaganda ammunition to the Houthis.

Accountability and transparency deficit

6.1. There is very little transparency for the UK's intelligence sharing. The government normally invokes a 'neither confirm nor deny' policy on intelligence sharing matters. For example, in 2012, when asked about the UK's intelligence sharing role in Pakistan, former Foreign Secretary William Hague MP said: 'Once you comment on one case you have to comment on many hundreds of other cases. I can't comment on who we share

intelligence with, and on what subjects.'[69] When the Snowden documents raised questions over the government's role in drone strikes in Yemen and Pakistan in June 2015, the government simply said: 'It is the longstanding policy of successive UK governments not to comment on intelligence operations…We expect all states concerned to act in accordance with international law and take all feasible precautions to avoid civilian casualties when conducting any form of military or counter-terrorist operations'.[70]

6.2. Similarly, there is less transparency than normal for UK troops if they are embedded in the armed forces of another state. Defence Secretary Michael Fallon said that while 'it has been standard practice not to publicise the placing of embeds with other countries' forces', the government 'will always confirm details if and when asked to do so'.[71] He also pointed to the government's past replies to 'a number of parliamentary questions asking for details of embedded forces' as proof of this. When it was discovered UK embeds were operating in Syria, Fallon did commit 'to increased transparency by publishing an annual update to the House on embedded personnel', but the update for 2016 is late as of time of writing.[72] Moreover, it is not true that the government will always confirm details of UK embeds. In 2015, for example, the Ministry of Defence 'declined to answer a freedom of information request that would confirm whether its personnel have been embedded with US military teams operating drones in the skies above' Pakistan, claiming doing so might jeopardise 'international relations'[73]

6.3. Where special forces are used to assist foreign partners, there is no transparency and very little public accountability. The government maintains a policy of 'no comment' on special forces operations and questions from MPs are routinely answered with 'no comment'. For example, when claims surfaced in February 2016 that British special forces were spearheading a "secret war" against ISIS in Libya, including covert discussions about supplying weapons and training armies and militias, the MoD responded that it is a "long-held policy… not to comment on Special Forces".[74] Similarly, when Lord Hodgson asked in November 2016 whether special forces in Iraq and Syria are working with a kill list to target British nationals fighting with Islamic State, Defence Minister Earl Howe responded that 'The Government has a long-standing policy not to comment on the activities of our Special Forces.'[75]

6.4. Where military assets are being used to support special forces, we believe it is likely the government considers them to be covered by the 'no comment' policy. This means, in theory, that drones and drone strikes might not be declared if they are being used specifically in support of special forces operations.

Although we do not have proof of this, we do have some circumstantial evidence. During the Foreign Affairs Committee's 2016 inquiry into the UK's intervention in Libya, the Committee questioned Foreign Office Minister Tobias Ellwood on current UK special forces activity in Libya. In response to the questioning, Ellwood stated 'I am not able to provide any comment whatever on any questions involving the role of special forces. That is standard for any environment.'[76] However, when asked whether the RAF had flown over Libya in 2016, he stated 'It has flown over Libya, yes.'[77] Crispin Blunt MP then asked the following:

> Could you supply the Committee with [the flight] details? That, in my book, is outside the scope of [special forces], and it is perfectly legitimate for us to ask about the nature of those missions and the frequency. If you do not have the details on you now, it would be useful if you could send them to the Committee. I would appreciate it.[78]

Ellwood replied that he was happy to do so in writing at a later point in time. However, Blunt later reported that 'Tobias Ellwood told us about RAF flights over Libya [and] these were plainly in support of special forces missions. But when we asked for details we were told the government doesn't comment on special forces.'[79] This seems to suggest that the government considered the RAF flights to be under the scope of the special forces no comment policy if they were being used to transport special forces, and by extension this

may mean that drones could be under the scope of the no comment policy if they are being used to support special forces operations.

Lack of democratic scrutiny

7.1. Conventional military deployments will normally invoke the War Powers Convention if they are to involve combat operations.[80] This means Parliament will be able to debate and vote on the decision to go to war. However, the War Powers Convention is not invoked by intelligence sharing, train and assist missions (with the recent and unusual exception of David Cameron's commitment to give MPs a vote over arming Syrian rebels), embedded personnel, or special forces, meaning they are exempt from this sort of rigorous democratic scrutiny and consent.[81] Replying in October 2016 to a letter from Caroline Lucas MP in which she asked him how the War Powers Convention applies to these forms of remote warfare, Defence Secretary Michael Fallon stated that 'the Convention does not apply to military personnel embedded in the Armed Forces of other nations, as they operate as if they were the host nation's personnel, under that nation's chain of command.'[82] He also reaffirmed that 'It is the Government's policy not to comment on special forces activity', and said 'If we were to attempt to clarify more precisely circumstances in which we would consult Parliament on training and advisory missions, we could constrain the operational flexibility of these and other missions.'[83]

7.2. Members of Parliament are able to ask parliamentary questions on non-confidential military missions, including train and assist missions and embedded personnel. Sometimes the government will decline to answer parts of questions or the whole of certain questions on security grounds or will provide only a vague response, but this does normally provide an avenue for parliamentarians to exert some scrutiny.[84] However, intelligence sharing and special forces operations are both considered confidential activities, and the government can decline to answer questions from parliamentarians on either. (see 6.1. and 6.3. above for examples of this).

7.3. The parliamentary committee system does provide a level of scrutiny for some of the aforementioned methods of cooperation. For example, the Intelligence and Security Committee provides extensive oversight, albeit confidentially, of intelligence sharing arrangements. This has included regular visits by parliamentarians to the National Security Agency headquarters in the USA, where they have been briefed by senior officials and have been able to meet with British personnel embedded within the Agency.[85] Moreover, the Foreign Affairs Committee has been able to probe somewhat into the activities of embedded personnel and train and assist missions. For example, the Committee raised questions about this kind of support to Saudi Arabia in their 2016 report into the use of UK-manufactured arms in Yemen, prompting the government to clarify a number of issues, including that it has 'a very small number of staff working in Saudi headquarters in a liaison capacity only. These liaison officers are not embedded personnel taking part in the Saudi-led operations and are not involved in carrying out strikes, directing or conducting operations in Yemen or selecting targets, nor in the Saudi targeting decision-making process'[86] However, special forces are entirely exempt from parliamentary scrutiny. Neither the Intelligence and Security Committee nor the Defence Committee or Foreign Affairs Committee currently have oversight over special forces.

Conclusions and recommendations

It is entirely legitimate for the UK to cooperate with partners in pursuit of its interests. However, the potential risks and complications of such cooperation need to be fully appreciated and mitigated. Moreover, the accountability and transparency framework around such cooperation, and the system for democratic scrutiny of it, must be sufficiently robust.

This submission has highlighted a number of areas where assistance to partners raises questions over complicity, transparency, and accountability. It has shown how embedded personnel can be used to avoid having to invoke the War Powers Convention if the government wishes to carry out military action, including potentially using drone strikes, through a partner country, how special forces can be used to shield UK military activities from

proper accountability, and how assisting partners can leave the UK liable to legal action, moral complicity, and strategic failure. However, there are potential remedies that could help reduce such risks and increase transparency and accountability when the UK provides assistance to drone strikes and other military activities carried out by foreign states. Specifically, we propose the following:

- The deployment of embedded military personnel into combat situations, or in support of combat operations, should be subject to the War Powers Convention.

- Details about the number, purpose, and locations of embedded military personnel should be published on an annual basis and be made available on request to parliamentarians.

- Special forces should be overseen by a parliamentary committee.

- The no comment policy on Special Forces should be amended so that the government can provide unclassified briefings that would not reasonably endanger any operation or personnel.

- The government should develop a strategy and publish a policy, in the form of consolidated guidance, on managing the risks of intelligence sharing, training, advisors, and other forms of assistance.

- The government should consider the automatic suspension of intelligence-sharing, training, deployment of advisors, and other forms of assistance to partners where there is significant evidence of sustained human rights violations or war crimes.

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