



## Craig Whittaker MP

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### **UK's Use of Lethal Action Outside Armed Conflict Zones (Reprieve Campaign)**

Thank you for contacting me about the UK's policy on the use of lethal force.

The UK's policy on using force overseas is clear. It will be in line with applicable UK and international law, and bounded by UK rules of engagement and targeting and operational directives. The same laws are adhered to whether the method used is an unmanned and remotely piloted air system (also referred to as drones), a piloted aircraft, or any other weapon.

Under international law, the UK has an inherent right to self-defence against both armed attacks and imminent threats of armed attack. Where a direct and imminent threat to the UK is identified, and there is no other effective option, the Government reserves the right to take lawful action in self-defence to address the identified, imminent threat to the UK and/or UK interests and to report to Parliament after it has done so. I know that the Government made its position clear to the Joint Committee on Human Rights during its inquiry into the use of drones.

The UK expects others to follow the same international laws when it comes to the use of military force. This applies to the use of armed drones, as to any other weapon, including when used against terrorist targets.

One purpose of the Ministry of Defence's Joint Doctrine Publication on Unmanned Aircraft Systems (UAS) is to increase transparency and understanding around the use of military drones. The doctrine applies to all uses of UAS at the operational level and it guides operational commanders and planning staff in understanding the framework for the employment of military drones.

The UK employs a series of checks and balances to reduce the possibility of drones being used illegally. Pilots and operators of drones are trained and certified according to Military Aviation Authority regulatory requirements and supervised by the command chain in the same way as manned aircraft. On operations, systems are operated under the same domestic law, the same Law of Armed Conflict and the same rules of engagement as crewed aircraft. The way that the aircraft is flown also means the crew's actions are very visible to the command chain and it is common for headquarters staff to monitor live sensor feeds from the aircraft. During missions, operators also have access to trained and experienced legal and policy advisers.

UK strikes are planned and executed in strict accordance with applicable UK and international law and our armed forces take all possible precautions to protect civilians from the effects of military action.

The nature of military drones means that the crews can observe targets for long periods before an attack and ensure that they are even more aware of the detail of the target and its environment than is the case with crewed equivalents. Removing the physical and mental challenges of manned flight increases the operator's capacity to make informed decisions. Additionally, operators have access to legal and political advice throughout a sortie.

Of the UK's unmanned and remotely piloted aircraft fleets, only Reaper is weaponised and historically, more than 80 per cent of Reaper missions have been undertaken for intelligence, surveillance and reconnaissance purposes.

According to the United Nations' Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in September 2013: *"If used in strict compliance with the principles of international humanitarian law, remotely piloted aircraft are capable of reducing the risk of civilian casualties in armed conflict by significantly improving the situational awareness of military commanders."*

The greater endurance of remotely piloted aircraft (RPA) over their crewed equivalents often gives remote crews still more time to evaluate and understand a situation on the ground. They can spend more time over a target which, combined with the lower speed of a remotely piloted aircraft when compared to a crewed fast jet, means that crews usually observe the target area for a still more significant period prior to, and following, an engagement. This allows them to assess even more thoroughly the likelihood of civilian casualties. Often, remotely piloted aircraft crews are required to conduct post-mission analysis of their own attacks, making them very aware of the consequences of their actions.

As part of its 2014 study into remotely piloted aircraft operations, the House of Commons Defence Committee visited a Reaper squadron and noted the following: *"It was very clear ... that all were experienced professional personnel with a clear purpose and keen understanding of the rules of engagement which govern their operations. Despite being remote from the battlespace, they exhibited a strong sense of connection to the life and death decisions they are sometimes required to take. This was in stark contrast to the image portrayed by some commentators of 'drone' pilots as video gaming 'warrior geeks'."*

Any UK international military operation that uses armed force will require political authorisation. This authorisation is subject to parliamentary scrutiny and its associated checks and balances. Remotely piloted aircraft are just part of the inventory available to UK Armed Forces; operational planners will allocate the best asset for each task, crewed or remotely directed, land, maritime or air based, as appropriate.

As for RPA making the use of force more likely, the Birmingham Policy Commission, an independent research body based at Birmingham University, noted the following in 2014: *"We do not consider that the threshold for the use of force will be lowered by the availability of RPA (remotely piloted aircraft) to UK Armed Forces, as long as Parliament plays its proper oversight function."* On the other hand it also noted the following: *"Nor should it be forgotten that there are cases where the use of force to protect civilians is the right option, ethically speaking. And the availability of armed RPA makes it easier for governments in that circumstance to do the right thing."*

Thank you again for taking the time to contact me.

Kind regards,

A handwritten signature in black ink, appearing to read 'Craig Whittaker', with a stylized flourish at the end.

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