

OFFICIAL COMMUNICATION TO SPECIAL RAPPORTEUR ON THE PROMOTION  
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
WHILE COUNTERING TERRORISM

May 2014

COMPLAINT REGARDING THE UNITED KINGDOM'S RESPONSE TO THE  
REPORT OF SPECIAL RAPPORTEUR DATED 28 FEBRUARY ON USE OF  
DRONES IN EXTRA TERRITORIAL LETHAL COUNTER-TERRORISM  
OPERATIONS

Following the anniversary of the first drone strike carried out from the UK, I write to you as Chair of the All Party Parliamentary Group on Drones (the 'APPG') to request that you urgently communicate with the United Kingdom concerning unsatisfactory responses to your third annual Report. The responses indicate that the UK Government is failing to act on your Report and engage in informed debate on the imperative legal questions governing use of armed drones that you have identified.

I, and other members, have asked Parliamentary Questions on the need to implement the recommendations in both your interim and final Reports. The standard response from Government has been to describe your recommendations as ‘interesting’. The responses assert that lethal drone strikes are ‘a matter for the states involved,’ and that ‘we expect all states concerned to act in accordance with international law<sup>1</sup>.’ Several months following your Reports, the Ministry of Defence and Office of Foreign and Commonwealth Affairs maintains it is ‘considering’ your recommendations. However, the Ministry has also revealed that there is no plan to hold discussions with international counterparts on the legality of the armed drones program. The Ministry says that, contrary to your conclusion, this is because ‘the framework for their use is clear.’<sup>2</sup> These responses indicate that the UK Government is not carrying out the essential steps and requirements identified in your Reports.

Similarly, my Question on the need for disclosure of any investigations report relating to the infliction of civilian casualties in Afghanistan resulting from lethal drone strikes has not been forthcoming. The Ministry of Defence claim that disclosure of the relevant investigation report sits with the ISAF chain of command and, by

---

<sup>1</sup> HL Deb, 3 April, c221W; HL Deb, 3 April, c224W; HC Deb 25 Mar, c191W; HC Deb, 17 Mar, c417W; HC Deb 19 Dec c709W; HC Deb 18 Nov c706W. For example response to my PQ to FCO on 3 April: ‘We welcome the report of the UN Special Rapporteur which identifies a number of interesting legal questions. The Government’s position is that existing international law covers the use of RPAS. We are carefully considering the recommendations.’

<sup>2</sup> HC Deb 18 Dec c637W

implication, there is nothing the Ministry can do<sup>3</sup>. This concerns the APPG, noting your recommendation that the Ministry of Defence disclose the report and background in which drone strikes accounted for almost 40% of civilian casualties in 2013.

In the opinion of the APPG, the Government's response to the questions identified in your report - and our Parliamentary Questions - will define the core principles governing use of armed drones. Response to these questions will therefore define the United Kingdom's use of armed drones, if any, post Afghanistan. It is considered that the Government should be asked to cooperate and fully answer these questions as soon as possible. Failure to do so will frustrate legitimate parliamentary scrutiny on a key aspect of UK Defence and Foreign Policy: future use of the counter-insurgency lethal weapon of choice.

Consultation and debate in Parliament on the core principles governing use of armed drones is needed now, before the Summer recess, for meaningful discourse in advance of the deadline in your Report. This deadline coincides with the UK NATO Summit which, it is anticipated, will address NATO's strategic direction and future of the transatlantic alliance following withdrawal from Afghanistan. The timing of the Summit lends weight to the important recommendations in your Reports, and to the APPG's request for an urgent communication to the UK Government.

The APPG notes the argument that parliamentary scrutiny of future basing options for UK armed drones may be avoided on the basis that use of remotely operated systems do not necessarily require the physical deployment of UK troops

---

<sup>3</sup> HC Deb 20 March, c700:.. 'As this was an ISAF investigation any final decision on the reports disclosure sits within the ISAF chain of command'

because they can be operated from the United Kingdom<sup>4</sup>. It may be the Government's position that the House of Commons convention requiring a debate 'before troops are committed' abroad does not apply. Response to a Parliamentary Questions indicates this is likely: the Ministry of Defence is expected to announce its decision on basing and use of armed drones at the end of 2014<sup>5</sup>. Notwithstanding this uncertainty in application of the convention, it is essential that Parliament is informed and can contribute to key policy decisions on basing options and the engagement of UK military drones. In the view of the APPG, your Report is a critical stepping-stone in this process.

The APPG's concern has been heightened following the escalation in Yemen drone strikes over the Easter weekend. These are the most prolific in the history of strikes in Yemen. The exact nature of US involvement is unclear because there has been no investigation or official response, but it has been reported that the strikes were carried out covertly by the CIA, following ban by the Yemen Government of drone strikes by the Department of Defence<sup>6</sup>.

The APPG notes recent reports that one Operations Group within the USAF operate CIA drones<sup>7</sup>. The APPG notes the varying accounts of casualties, speedy condolence payments, and statement of the Yemen Government that it is 'working to identify those killed.' The APPG further notes that unnamed officials commenting on

---

<sup>4</sup> See HC Deb 29 Jan 2014, c599W and 'Role of Parliament' Report of Defence Committee on Intervention 28.4.14 at 52

<sup>5</sup> HC Deb Jan 2014 c599W which suggests the MOD will be announcing the final decision HC Deb, 10 March 2011, col 1066, Report of Defence Committee on Invention at 53

<sup>6</sup> See for example New York Times Story with commentary from Professor Sarah Knuckey and Ryan Goodman 23 April: <http://justsecurity.org/2014/04/23/read-nytimes-story-drone-strikes-yemen/>

<sup>7</sup> <http://www.theguardian.com/world/2014/apr/14/cia-drones-pakistan-us-air-force-documentary>. This raises additional questions on US-UK asset-sharing.

the strikes identified plans for attacks in the Bayda province as the basis for the strikes, as opposed to direct threats of US persons. This is important: the presumed US drone strikes would appear to breach even Obama's own basic Targeting Rules of 23 May 2013.

The Yemen Easter strikes come at a time when the Secretary of State for Defence has averred in Washington that the UK has not lost its appetite for military intervention and 'remains determined to play [its] role on the world stage and do so as an ally and partner of the US.'<sup>8</sup> The Minister has made a number of oblique references to continued UK support of global counter-terrorism operations.<sup>9</sup> The Yemen President has claimed publically that the UK participates in a 'joint operations control room' from which suspects are identified for targeting.<sup>10</sup>

UK Experts including Professor Michael Clarke, Director of RUSI have indicated to the APPG that future basing options<sup>11</sup> for UK Reapers include Africa and the Middle East, from where US drone strikes in Yemen are launched.<sup>12</sup> The US has just announced a new long lease on the Djibouti base.<sup>13</sup> UK personnel are already embedded at the base, supporting US military operations in the region<sup>14</sup>. It may be considered a small step to base or share assets with the US at Djibouti, and

---

<sup>8</sup> Speech at the Heritage Centre 26 March 2014 : 'Why Britain and America must remain partners of choice in Defence'; 'the UK-US Defence Partnership,' MOD press release 27 March 2014

<sup>9</sup> HC Deb, 23 Jan, c466; HC Deb, 30 Jan c691W; HC Deb 10 Feb, c473; HC Deb 10 Feb c474W

<sup>10</sup> <http://www.thebureauinvestigates.com/2014/02/20/uk-shared-ops-room-where-drone-targets-were-identified-yemen-president/>

<sup>11</sup> Parliamentary Questions indicate future basing options are being considered and a decision will be made by the end of 2014 HC Deb, 29 Jan, c598W; HC Deb, 10 Feb c474W

<sup>12</sup> See for example: <http://www.theguardian.com/world/2014/mar/10/uk-reaper-drones-africa-middle-east-mod-afghan>

<sup>13</sup> <http://www.defensenews.com/apps/pbcs.dll/article?AID=2014305050015>

<sup>14</sup> HC Deb c169W

therefore risk becoming party to the US covert drone war in Yemen. The APPG notes this has not been ruled out.<sup>15</sup>

Although armed UK Reapers are operated only in Afghanistan, the MOD has begun to assert that it operates drones 'globally' for operational surveillance and 'precision attack.'<sup>16</sup>As the Defence Committee highlights in its report 'Remotely Piloted Air Systems – current and future use' there is currently no overarching high-level doctrine on the use of military drones.<sup>17</sup>

Taken together, these matters are thwarting democratic accountability. Members of the APPG and the British public are entitled to know how the MOD proposes to use British military drones. Members are entitled to know the extent of existing and proposed UK support to the US drone program. They are entitled to debate any proposed deployment of military drones outside Afghanistan. As the Defence Committee says, public confidence should be built around the use of UK drones personnel. This must comply with UK law. In the view of the APPG, this is only possible if and when the Government answers the questions and implements the recommendations set out in your Reports. The core principles of international law governing use of lethal force must be debated.

I therefore invite you to urgently communicate with the UK Government reiterating the questions posed in your report and actions you asked the UK Government to take.

---

<sup>15</sup> [http://www.reprieve.org.uk/press/british\\_government\\_refuses\\_to\\_rule\\_out/](http://www.reprieve.org.uk/press/british_government_refuses_to_rule_out/)

<sup>16</sup> HL Deb 25 Mar c94W: 'a final decision is likely to made by the end of 2014'

<sup>17</sup> The existing Joint Doctrine Note 2/11 states its relevance was 'of the order of 18 months.'

We further ask you to:

- (i) raise concerns about the Government's responses to the Parliamentary Questions about your interim and final Reports;
- (ii) seek clarification about whether the UK Government intends to respond to your final Report; and
- (iii) seek information on the timescale for such a response within this parliamentary term

I look forward to hearing from you. Please do not hesitate to contact me or in my absence Anna Thomas, Researcher for the APPG, if we can provide any further information or other assistance in this matter.

Yours sincerely,

**Tom Watson**  
**Chair of the All Party Parliamentary Group on Drones &**  
**Member of Parliament for West Bromwich East**