How can adherence to International Law be better encouraged during Security Sector Reform? An analysis of the British Army's professionalisation of indigenous forces.

Submitted by Captain Michael Seth Crofts to the University of Exeter

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**ABSTRACT:**

This Study argues that the development of indigenous forces as part of Security Sector Reform (SSR) presents risks to the British Army where they do not adhere to international law. Indigenous forces may not use the skills that they are taught responsibly, because traditions of civil-military control do not exist within receiving states. This could implicate their British trainers in any legal violations that indigenous forces commit.

The linkage between SSR and Professionalisation theory is limited in literature. This produces limited understanding of this risk of SSR, which may undermine efforts to develop indigenous forces in the future. Utilising an examination of existing literature, UK military doctrine and open ended interviews with a range of practitioners and former serving military personnel to examine this dilemma, this study makes several recommendations.

Indigenous force development has emerged as an effective method of securing states, reducing the need for large scale ground interventions. SSR advocates the development of local security systems by processes of local ownership. However, the British doctrine produced to prepare soldiers for this task is lacking in its understanding of indigenous force development, utilising case studies and terminology that do not aid the concept.

This study examines gaps in the doctrine’s understanding of development in conflict and the range of scenarios likely to be encountered. Subsequently, the study identifies a policy-practice gap, where actions at the implementation level differ to what is directed at the policy level. UK forces have developed tactical paradigms that are contrary to public policy and doctrine, but are effective at the tactical level; both at developing indigenous forces and safeguarding British forces. The adoption of a UK Due Diligence Policy on training indigenous forces, methods advocated by other areas of the UK military, such as coaching and mediation and utilising the experience of NGOs to mitigate the dangers identified is also examined.
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Abbreviations

ATT - Arms Trade Treaty  
ECHR – European Convention of Human Rights  
ICRC – International Committee of the Red Cross  
IHL – International Humanitarian Law  
IHRL – International Human Rights Law  
LRA - The Lord’s Resistance Army, in Uganda  
NGO – Non Governmental Organisation  
PMC - Private Military Contractors  
RUF - Revolutionary United Front, in Sierra Leone  
SSR – Security Sector Reform
Introduction

This study examines the risks of professionalising indigenous forces during Security Sector Reform. Indigenous force development has emerged as a fundamental tool in Western military intervention in the last decade, providing both local legitimacy and the ability for Western states to assert security and political influence abroad. However, current experience and civil-military relations literature suggest that indigenous forces, when developed by Western forces may abuse the skills they are taught, thus causing moral, operational and strategic repercussions. This risk is amplified by the effectiveness of civil-military oversight exposing such events within the UK, which some observers mistakenly confuse with Lawfare.

It will be argued that the mitigation of the risk of indigenous forces abusing the skills that they are taught is essential if the UK is to maintain its aspiration of developing indigenous forces abroad. By examining UK doctrine on indigenous capacity building, by utilising key informant interviews and pertinent literatures on British Army SSR experiences this study identifies the emergence of decoupling, where what is advocated within UK policy and doctrine differs from what occurs during tactical implementation. The study identifies situations where indigenous force trainers are faced with ensuring principles of civil-military control in contact — where mentors and indigenous forces operate within combat situations on the frontline, without having undergone the necessary selection or development themselves to do this effectively. By examining organisations outside the British military and NGO practices related to International Humanitarian Law (IHL) development, as well as practices utilised elsewhere in the UK MOD but unlinked to indigenous force development, this study asserts that the British Army can improve the preparation of its troops to develop indigenous forces.

This study reviews areas of literature that concern indigenous force development. It finds that there is a policy-practice gap between SSR policy and its implementation in practice. Specifically, approaches to indigenous force development and the encouragement of them to behave appropriately, have been neglected. The study examines civil-military control as conceived respectively by Huntington and Janowitz and Security Sector Reform (SSR) literature embraced by Western governments such as the UK and USA.
SSR focuses on practical doctrine written by governments, NGOs and security observers; advocating the development of indigenous security structures in order to improve security in host nations and for the ultimate goal of achieving international security. However, Jackson (2011) bemoans the lack of depth to modern SSR literature. It is therefore necessary to examine more dated civil-military relations theorists, namely Kamrava (2000), allege that military capability development without enhanced civilian oversight is dangerous. Secondly, that there must be a balance in development of military force; to protect people from an assertive military, this is rarely mentioned in SSR literature. This concern over the balance of development of military power and civil oversight has been termed as ‘Feaver’s Problematique’ (1996); that the military must be kept strong enough to protect the population. On the other hand it must be kept weak enough to protect the population from the military. Despite these concerns and SSR’s underdeveloped theory, it has earned primacy amongst security actors today. Taking heed of such paradigms, this study examines how the British Army have responded to the risks of SSR.

Chapter One examines the recent history of intervention that has led the UK to this point. Aydin (2012) argues that intervention has become increasingly complex. The end of the Cold War produced a need to intervene in an increasing array of complex conflicts in the mid-1990s, intervention that was tailored by the legacy of the past decades of the Cold War. This intervention manifested itself in a development led foreign policy, utilising foreign aid to effect change in unstable states. The ineffectiveness of solely development initiatives reaffirmed the necessity of security provision within unstable states. Combined with the events of 9/11, the UK and NATO developed a renewed desire to exercise influence and development abroad by pursuing SSR (and nation–building). Despite the advantages of this strategy, giving the prospect of security and aid to troubled states, it was not without its detractions.

Chapter Two explores the impact of indigenous force development without the necessary civil-military control safeguards that exist within the UK, and the risk that such forces will abuse the skills that they are taught. This risk is strongly aligned with the political, socioeconomic and resource driven causes of conflict identified by Ohlson (2008) and Hoeffler (2012). Furthermore, the states that most require indigenous force development often host aggravating factors to the risk
of misbehaviour, the use of drugs and the recruitment of children within their ranks.

The risk of indigenous forces abusing their skills if taught by British military personnel has moral, strategic and operational ramifications. The modern proliferation of technology and social media amplifies the impact of abuses of military behaviour both domestically and in the host state. The behaviour of indigenous forces can go as far as to undermine the stability of their own state and improve chances of success of an insurgency within the unstable state.

Beyond the operational importance of encouraging proper behaviour are the legal ramifications. There is a risk that should indigenous forces abuse the skills that they have been taught by UK forces, that the UK troops will be held accountable for such violations in UK courts. Some observers, such as Croft & Tugenhat (2013) and Marcantel (2013) define this as the pervasive effect of *Lawfare*. However, it is not; such legal oversight is a fundamental aspect of civil-military oversight. It should not be confused with *Lawfare*, which is the use by insurgents of a liberal state’s legal mechanisms to have an operational effect. By forcing Western forces to consume time and effort to modify their procedures to remain legally compliant, the Western ability to fight the insurgent is weakened. Accepting that there is a risk of legal oversight denouncing the activities of some that the UK may train, there must be effective attempts to mitigate this risk however possible, whilst still producing indigenous force capability.

Chapter Three argues that UK MOD doctrine and the preparation of UK troops to develop indigenous forces are inadequate to mitigate the risk of indigenous forces abusing the skills they are taught. With the examination of UK doctrine on the development of indigenous forces, and the use of interviews with former serving soldiers, practitioners and observers in the field of SSR, this study takes issue with the terminology, breadth and selection of case studies that comprise British SSR doctrine. Poor doctrine affects negatively the preparation it affords UK soldiers. The study identifies a large deficit in the understanding of developing indigenous forces *in conflict*, specifically in situations daily in the throes or immediate aftermath of battle, which has been termed *in contact*.

Further to the deficits in paradigms of SSR there appear to be instances of decoupling at play within the British Army’s approach. Namely that the understanding of developing indigenous forces in line with civil-military norms is
understood in one way at the tactical level, but not mirrored at higher levels in policy or doctrine. The decoupling takes the form of tactical commanders developing indigenous forces by turning a blind eye to certain violations of Western civil norms within the context of the society that they are in, in exchange for the long-term benefit of continuing the capability development of the indigenous force. The study has termed this pragmatic patience. Furthermore, these actors understand the impact of personality, character clash and personal safety in a way that is not iterated in doctrine or policy.

The study recommends the need to utilise more external experience and knowledge already at play within the UK MOD in order to aid the development of an indigenous force’s adherence to IHL. Firstly, the UK Government should adopt a policy in line with the UN Due Diligence Policy, in order to eliminate the instances of decoupling and unsanctioned pragmatic patience currently at play. By further utilising concepts and experience of NGOs and other actors, such as IHL integration in training, advocated by the International Committee of the Red Cross (ICRC), bottom up approaches and culturally applicable approaches, the UK MOD could improve its development of indigenous forces. Techniques such as Coaching and Mediation, already at play within certain areas of the Army could further help mitigate the risk of indigenous forces abusing the skills they are taught, specifically aiding those troops that find themselves advising indigenous forces in contact.

The study utilised key informant interviews with practitioners and experts on the tactical level, from military, academic, professional and NGO spheres. Albrecht and Jackson (2015) utilise such an approach in their RUSI White paper on Security Sector Reform in Sierra Leone 1997-2013. Some of the focus of the study has been informed by the author’s personal experience of two tours in Afghanistan and consequent observations that many at the tactical level were utilising concepts and methods that were not taught in pre deployment training. The danger with this, of course, is that one may enter the study with preconceived ideas. However, the study has evolved over the course of the research. The realisation that existing SSR literature was heavily weighted toward advocated government sources, as opposed to a complimentary scholarly bloc influenced the decision to utilise existing civil-military relations theory in this study’s analysis of the UK’s approach to indigenous forces capability development.
The political and legal sensitivity of the subject is one where the study has at times been constrained. Initially this project started as a small MOD Fellowship study on the development of indigenous forces, broadening into the MA by Research thesis that it now is. As a serving Army Officer the author has balanced the sensitivity of the subject at hand against privileged insights into the process of training indigenous forces. Subsequently it was agreed to mitigate these interests by only interviewing retired members of the Armed Forces. This allowed these interviewees to speak with the candour that their experience warranted, whilst also protecting the UK MOD from the comments of serving soldiers that they otherwise might sanction. Added to this, it was agreed with my tutor, during the research ethics application process, that all participants would retain total anonymity, even those who gave consent to be freely quoted.
Literature Review: SSR, professionalisation and developing indigenous forces?

This literature review will assert that by examining works on Professionalisation and Security Sector Reform (SSR), it is apparent that developing a military force in an unstable state, is dangerous when civil-military control does not exist. The UK military in conducting such development may become vulnerable to ever greater legal scrutiny and risk. Furthermore, SSR literature and doctrinal guidance exist but are undeveloped in relation to the concept of guarding against this risk. They are largely practical and thus, devoid in the conceptual background in civil-military relations theory. The latter theory posits the risk of indigenous force development, but lacks the practical implementation to earn primacy amongst these two schools of thought.

SSR is the process by which effective political, legal and security institutions within a state are developed in order to improve its security and thus, stability. It emerged, Sahin and Feaver (2013) claim, as a merger of security and development agendas during the post-Cold War era. Professionalisation is ‘how occupations become recognized as ‘professions” (Neal & Morgan, 2000:9). Within military sociology literature, Professionalisation enables the establishment of effective civilian control of the military within the state. By focusing on the seminal works of Samuel Huntington in Soldier and the State, and Morris Janowitz in The Professional Soldier, this review will show that there is an insufficient grasp of the dangers of developing indigenous forces to provide increased security within states without the effective existence, or at least concurrent development, of civil-military control. Furthermore, there is minimal linkage between the two concepts in modern academic literature, despite the two processes being closely related. SSR practice has taken priority over the existing works on military sociology; the two should be considered in tandem.

Security Sector Reform

The development of the security mechanisms of less developed states has earned vogue status in recent years amongst scholars of International Relations. Jackson (2011) argues that the role of SSR has become a more significant
aspect of intervention to Western forces than it ever has been before\(^1\), although he argues that corresponding academic focus on the topic is lacking. Subsequent interventions in Iraq and Afghanistan have, however, emphasized the importance of long-term security and SSR in unstable states. The relevant aspects open for reform are emphasized by Chalmers as comprising the ‘military, police, judicial services and civilian management of these’ (2000). Whereas the UN (2015) highlights SSR objectives more as aimed at institutional interdependence, enhancing ‘effective and accountable security for the State and its peoples, transforming institutions to make them more professional and more accountable.’. The process of SSR is often in response to a variable set of circumstances, whether a state is in the grips of an insurgency, suffering from weak institutional power, or in the aftermath of civil war.\(^2\)

**Why conduct SSR?**

There are competing motives for pursuing SSR. It is conducted to provide security within a state’s borders. Albrecht and Jackson (2009) emphasize that the rehabilitation, or creation of security institutions, is a precondition for development. Members of the international community see the rehabilitation of dysfunctional societies as desirable for the people of those states, but also as Jackson (2011) argues, the international community has self interest in more stable foreign states which might otherwise be a haven for terrorist training, or encourage large scale migration to Western states. There is not a fixed format for SSR, the assistance given to another state to develop indigenous forces can consist of selected aid or the full spectrum of support such as intelligence, air power and military resources. However, most approaches emphasize the need for ownership of the process by host authorities with a focus on safeguarding human rights and the rule of law. SSR incorporates all forms of security development, including police and legal functions, not just those pertaining strictly to the armed forces. It is a long term and comprehensive approach.

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\(^1\) It could be argued that the previous development of colonial armies was SSR. However, it was performed in a different context, with colonial troops subservience to the UK government, instead of the development of autonomous governance that we see today.

SSR challenges

Jackson (2011: 1813) argues that SSR produces a dilemma for contemporary policy makers because they must create liberal states out of non-liberal ones. Supporting this observation, Kamrava (2000) claims that militaries may be armed and developed without the effective control of a legitimate state. Indeed, Hendrickson (2009) agrees that SSR is at a cross roads between the balanced principles of professionalism, which Huntington advocates, and the desires of states to implement security mechanisms for their own security needs. SSR is not meant to merely develop the armed forces of a state to provide mere physical security with SSR; there must be the simultaneous development of the state’s ability to control the application of violence in line with the principles of civil-military control proposed by Huntington and Janowitz.

Local ownership of SSR

Increasing commentary on the interplay between international legal norms and the process of SSR has recently emerged. The UN and the Organisation for Economic Co-operation and Development (OECD) claim that local ownership should be a basic principle of SSR. Nathan (2007), for example, is a forceful proponent of this principle. However, other scholars have argued its difficulty. Oosterveld and Galand (2012) claim that local ownership has often had to be sidelined in SSR, because of the interplay between local and international norms. More specifically, Gordon (2014) claims that donor organizations and states are held to account for their actions to a greater extent than recipient countries by legal considerations. However, Donais (2009) stated that it is mainly a point of practicality that SSR contributors have more experience of conducting the process, whilst host nations have, by their very nature, not had experience in SSR. It is difficult to fully conform to the local ownership principle of SSR and simultaneously abide by all operational and legal standards expected of Western forces.

There is concern over the legitimacy of parties receiving support during SSR, which raises questions about their ability to own their own SSR. Donais (2008) claims that the identity of indigenous forces receiving aid could be of concern to the donor parties. ‘State’ parties are often the recognized force by their nature as a government or most powerful faction, but often do not conform to Western models of democratic accountability. Giustozzi (2007) supports this concern with
observations of the Taliban infiltration of SSR processes in Afghanistan, whereby Western coalition forces ended up training and developing those they were purported to oppose, because of the fractious and complicated loyalty systems that existed within local politics. However, Donais (2009) is more focused on the importance of local ownership of SSR and the risks that it poses. He returns to the issue of ownership by asking a question framed by Norwegian researcher, Hansen; ‘If local authorities decide they would like to have a bicycle with square wheels, should the internationals allow them to have such a bicycle’ (in Donais, 2009: 121). Indigenous governments must learn from their own mistakes. However, should this be at the expense of severe harm to the donor nation’s reputation? Thus, Oosterwald argues, Western states must be wary of the dangers of SSR in underdeveloped states.

**Where SSR has gone wrong**

Processes of SSR have fallen victim to abuse of power by indigenous forces. Giustozzi (2007) reported that Afghan Police went on the rampage at a market in Kandahar Province in 2006, when they were not paid their wages, this was the result of corruption within the locally managed police system. Similarly, Robert M. Perito (2011) detailed in a United Institute of Peace report, the actions of Iraqi Commando Brigades in 2007, who during the day conducted military actions alongside their United States mentors, but at night would go back and burn down the homes of those who they had come into contact in the day, who they deemed to be insurgents. Similarly, the UN has been plagued by accusations surrounding the conduct of its non-Western troops, which will be discussed in Chapter 2. Such events highlight the disconnect between non-Western forces and the standards expected of Western forces, thus reinforcing Kamrava’s civil-military control concerns of military forces without traditions of civil-military control. Conversely, Afghanistan does present a number of examples of indigenous forces adapting successfully to British expectations of behaviour later in the Afghan conflict.

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3 We will not explore this concept further, as deciding the legitimacy of the government of the host state is a long and tangled subject. However, the potential Security Sector Reform Donors may develop forces with an alternative agenda should be acknowledged.


5 Commentary on violations of international law by troops during SSR, see: The ICRC and development of IHL and Human Rights during SSR; Saferworld; USIP
Interview 6 highlighted the compliance to international law of Afghan forces, despite a legacy of misbehaviour in preceding years.

The policy practice gap

Such dangers suggest that states should develop a better understanding of SSR implementation before embarking on it. Sahin and Feaver (2013) argue that the scope of SSR policy is perhaps overly ambitious and that it lacks conceptual depth. Whilst the SSR concept does provide a set of over-arching principles and objectives, these policies are less developed at the enactment level. Scheye (2010) identifies this as ‘an SSR policy-practice gap’, where international SSR policy objectives differ from the methods by which they are implemented. This study will therefore examine whether a ‘policy practice gap’ exists, between British Army understanding of SSR and its implementation.

Professionalisation

The mismatch, they argue, between SSR policy objectives, targets and outcomes appears to stem from a broader disconnect between ‘a state as a society’ and ‘a state as a collection of governance institutions’ (2013: 1060). This alludes to the significance of civil-military relations. It is essential to understand the connection between the military as an institution and the state and society. The two schools of thought developed by Huntington and Janowitz each provide important perspective on civil-military relations. Cohen believes that they produce ‘two brilliant works that disagree, but encompass the most penetrating assessment of the military profession in a turbulent age’ (1997: 220). However, Feaver (1996) believes that they are unevolved theories that fail to properly explain civilian control of the military today. He claims that the academic focus on the theories has been too narrow, that ‘empirical literature is vast and informative, but [that] it has advanced primarily along theoretical lines of analysis laid out by Huntington and Janowitz’ (Feaver, 1996: 150). However, it is not the fault of Janowitz or Huntington that the schools of thought have failed to evolve beyond theory into more practical studies. The merits in both schools lay initially in the framework created by Huntington, but secondly by the identification of the importance of society to the process. This study, will, therefore take note of this framework to explore the more practical application of such theories to SSR.

What is professionalisation?
Professionalisation is relevant to this study, because of the framework it offers this study’s examination of indigenous force development. Huntington (1957) devised two essential tenets for professionalism; a thorough command of the exercise of military force, and the importance of civil control over military action, in order to provide society with a safeguard against the military interference in civilian matters. He believed that professionalism induced officers to approach the conduct of military operations as full time professionals trained and schooled in their field, under provisions of ‘expertise, responsibility and corporateness’ (Huntington, 1957: 8). Lanswill deemed military officers as responsible for ‘the management of violence’ in conflict, believing they should be encouraged to attain expertise in their field of endeavour achieved by ‘considerable training and experience’ (in Huntington, 1957: 13). Professionalism sets modern soldiers apart from the amateurs of the 18th and early 19th centuries, where ‘military officership in Europe was primarily determined by lineage rather than the professional military education associated with academies and war colleges’ (Moskos, Williams and Segal, 2000: 2). Huntington believed that entrenching an officer’s self-worth in upholding his country’s democratic system in line with professional standards, discouraged violation of a nation’s laws and deviation from, the acceptance of civil-military control, also guarding against what he refers to as ‘Praetorianism’.

Huntington (1957) asserted that civil-military control is the result of training and tradition within a military, whereas Janowitz (1960) argues that different states of civil-military relations are due to the stages of development of a nation’s society. Civil-military control is determined by the level of development of a society and not by domestic military processes. He advocates for the necessity of societal development in order to establish a liberally educated officer corps which will adhere to society’s democratic standards. The divergence between Huntington and Janowitz on how effective civil-military control is developed is relevant to this study. Huntington’s theories would see professionalizing the military as the source facilitating effective civil-military control during SSR. However, Feaver (1996) argues that Huntington’s work should be seen as a point of departure,

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6 Nordlinger and Perlmutter examine praetorianism, and see it as one of the fundamentals of civil control defeated. See: Eric A. Nordlinger, Soldiers in Politics: Military Coups and Governments, and Amos Perlmutter, “The Praetorian State and the Praetorian Army”.  

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rather than a stopping place. On the other hand, Janowitz claims that the level of societal development predicts the behaviour of indigenous forces. He identifies societal development in vague terms, but typically makes the distinction between established European and North American states in contrast to other less developed Asian and African states with undeveloped societal structures.

**Challenge in how they are developed**

Challenging the manner in which effective civil-military relations are developed, Janowitz claims integration and a set of civil-military checks and balances offer safety, rather than division. Perlmutter (1969) builds on Janowitz’s work by warning against too distinct a military identity; Nordlinger (1977) further enforces Janowitz’s view that the military intermixes with the more powerful of civil western society, thus, reducing the effect of division between military and civilian spheres. The implication is that it is the background from which a military originates that influences its behaviour. Kårteveit and Jumbert (2014) claim that Huntington resisted the argument that economic, political and military development are naturally connected to one another and to Professionalisation. However, for Janowitz (1975), civil-military control is enforced by class structures, aspirations within the military and the level of education of officers. He proposes that the feudal legacy that exists in western nations produces a strong loyalty between the military’s officers and the established political system; this has relevance to the development of indigenous forces. This school of thought suggests that it is not the military training itself that will encourage forces to behave, but the background and society from which they originate and belong. This is a very black or white interpretation of what drives indigenous force behaviour. The earlier examples of SSR failures and of the later success in Afghanistan suggest a combination of both societal development and military training have an effect.

**Types of civil control**

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Analysis of Huntington’s work continues today. Nielsen (2012) claims that Huntington’s separation is too stark. His theory fails to acknowledge the intertwined nature of politics and warfare. Simpson (2012) similarly makes this criticism, although his identification of political involvement lays sharply at the tactical, not national level that Nielsen focuses on.
Although Huntington argued for civil control of the military, not all forms of civil control are preferable he claimed. Objective control should be the aspiration of the modern military professional seeking to maximize military power whilst respecting effective civil control. Subjective control is similar to the overbearing military presence of Praetorianism in that it undermines the balance of civil-military control. It invokes darker connotations, whereby political control is exercised by specific groups within society who have a role in the direction of military action; ‘Government Institutions, such as the Crown; Social Classes, the aristocracy or Liberal Bourgeoisies; and by Constitutional form, this may be a non-democratic or totalitarian government’ (1957: 83). Subsequently, the balance of control over military action may be disjointed in such systems. Whereas Objective control sees a ‘maximizing of military professionalism’ (Huntington, 1957:83), military officers adhere to the laws and values of society and hold that military participation in politics is ‘the antithesis of objective civilian control’ (1957: 83). Subsequently, SSR missions must be wary of states where political systems exercising subjective control exist.

**Types of nation**

The contrast between Janowitz and Huntington’s theories highlight the complexity in this debate and the various degrees of professionalism. Whilst Huntington’s theory is important for maintaining control over the military’s ‘management of violence’ and holds true today in more developed nations. Janowitz (1975) introduces the distinction between new and old nations, which are applicable to this study. He claims that developed older and underdeveloped new nations have very different military professions. Where Professionalisation has taken place in new nations, there exists a different level of control of military forces than in the West. This is a very significant consideration when developing the indigenous forces of new nations.

SSR aims to achieve the Professionalisation of indigenous military forces in new nations. Industrialized old Western states originate from traditional society and have long standing and steady social structures focused on stability. Janowitz’s

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8 Janowitz makes the distinction between developed ‘Old’ nations, consisting of the established Western democracies of Europe and North America, and ‘New’ nations, economically and politically undeveloped states often from Africa and Asia.

9 See also: ‘peasant societies’ where the economy is far more agrarian based, power is held by urban elites and political change is slow.
introduction into civil-military theory of African and Asian countries develops the civil-military relations debate. Swept into the path of modernization, having achieved independence since the Second World War, there exists a national aspiration to modernize within new nations socially, economically and politically. Such states initially differ from old nations by allowing ‘military involvement in politics in order to embark on a goal of rapid modernization.’ (Janowitz, 1964: 137), this involvement is not permanent. Albright (1980) highlights that shifts in civil-military relations is a function of the effectiveness of civilian control, so initial military involvement in the civilian sphere should diminish as the nation develops its society and functions of civil-military control.

Military presence in politics

The lack of military presence in politics in old nations, Praetorianism as Perlmutter would describe it, marks a distinction between them and new nations however. This is a differentiation, which concerns Western forces attempting to develop indigenous forces in new nations. Although a characteristic of a postmodern military is ‘increasing interpenetrability of the civilian and military spheres, both structurally and culturally’ (Moskos, Williams and Segal, 2000:), the presence of military leaders, often fuelled by individual or group ambition can vastly undermine the cause of civil oversight of the military, which has proven so effective at ensuring military accountability in the West. Moskos (1988) claims that very occasionally, there is justification for military presence in politics- the breakdown of civil democratic institutions being one. Some states also argue for the accelerated pace of economic and social development under military leadership. However, adherence to modern societal norms is likely to suffer without the presence of strong civil oversight, especially given what Kitson (1971) identifies as the military’s Organisational disposition to violence. This risks the emergence of Praetorianism, which Nordlinger (1977) identifies as the antithesis of civilian control arguing that it arises when there is conflict between soldiers and civilian governors that undermines their civil supremacy. Those aiding the Professionalisation of forces should be aware of its impact.

The British Army’s approach to developing indigenous forces should be tailored to take better account characteristics of new societies, as these affect the behaviour of their militaries. Janowitz (1975) believes limited technology, the division of labour and limited collection of aims and goals, such as educational
and social advancement allows lesser developed societies to absorb more social dissensus than modernized societies. This reduces the political opposition a government faces and subsequently violation of Western norms of Professionalisation are accepted more freely. This is because public reaction to failure to adhere to Western norms of civil-military control is dependent on the cultural context. International law for example, conforms to the western interpretation of ‘universal rights’ and may not match the view of developing nations. In the UK, where public outrage has influence, violations of humanitarian norms committed by military forces may generate more public impact than they would in a new society. A nuance, therefore, exists that violation of Western codes by indigenous military forces trained by Western forces may have little effect on the public conscience of an indigenous force, but could still have an effect on the civil-military compact in the UK. This dichotomy will be discussed in Chapter Two of this dissertation.

The state of the society in a new nation could present obstacles that will affect the development of indigenous forces by Western nations seeking to improve international security. By developing unity, expertise and corporateness under the guise of professionalism, the army can become an aid to society under objective civilian control. Yet, by wholly accepting Huntington’s model and by making a more socially ambitious officer class better at the ‘management of violence’, Kamrava (2000) believes a danger comes with improved military equipment, weapons, training, and a professional approach to combat. These similarly enhance military identity and political aspirations.

The military problematique

Professionalisation without civil-military control creates danger. Feaver (1996) describes this concept as the military problematique. On one hand, the military must be kept strong enough to protect the population. On the other, it must be kept weak enough to protect the population from the military. However, development of new nations occurs without the liberal education or clear civil-

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military divide that Janowitz believes ensures the political system. With the risk of increased Praetorianism, indigenous force development could lead to military disregard for civil direction or enable the military to disregard their responsibilities under a state’s legal framework. Kårtveit and Jumbert claim that, ‘The study of civil-military relations is closely intertwined with processes of transition from one system of governance to another, whether through military coups, or through non-violent political reforms, and with democratization more generally.’ (2014: 1) This observation is particularly apt for this study’s discussion of indigenous forces.

For Oosterwald (2012) there are a raft of legal concerns for a developing nation. Jackson agrees, ‘the technical methodology of state building leads to construction of entities that may look like states but in reality lack legitimacy or capability’ (Jackson, 2011: 1806). Therefore, what are the implications of these shortcomings for the UK when engaging in SSR, specifically in relation to the training of indigenous forces by the British Army? By joining Kamrava’s dilemma and reports of indigenous force misbehaviour during SSR, this study will examine the interplay of these factors. In doing this it will ask specifically the question of whether or not there are risks for the United Kingdom in developing indigenous forces of unstable states without pre-existing civil-military relationship frameworks.

There must be more academic interrogation of SSR efforts. Jackson (2011) argues that academic SSR research has been lacking\(^\text{11}\). Much of the literature available is from government and NGO sources, with analysts more focused on the practicalities of SSR than the theory underpinning it. Where Jackson is correct is his aspersion that SSR is not a fixed concept. Each situation calling for SSR is different, subsequently the approach to it must also be. The UN has balanced its approach to SSR across legal, police and military frameworks, in line with concepts of civil-military control. However, Hendrikson (2009) argues that some states employ SSR for their own security means and that they want to create internally secure states that will not undermine their own security. Albrecht (2015) similarly highlights the conflicting priorities of numerous state and NGO actors during SSR. Subsequently, delivering a solution that provides security

\(^{11}\) Research on civil-military relations has also fallen behind. Kårtveit and Jumbert (2014) argue that the Arab Spring has highlighted the need to refresh perspectives on civil-military relations, which have been neglected of late, especially in the Middle East since 1980.
with effective civil-military control is difficult. Consequently, this divergence has been identified as a key area of study for this dissertation, in relation to Kamrava’s (2000) observation that there is danger in professionalizing indigenous forces in SSR without the simultaneous existence or development of effective civil-military control; this creates risk for the UK government in a number of ways that should be examined.

**Conclusion**

The contrast between Huntington’s and Janowitz’s comprehension of civil-military relations theory highlights the importance of a broader approach to indigenous force development than mere MCB, conducted by the British Army. The UK, as an old nation, has the traditions of civil-military control and legal behaviour influenced by its culture and history, which many undeveloped new nations do not possess.

Whilst the goal of Professionalisation developing effective management of violence and ensuring the implementation of effective civil control remains important, British forces must be cautious that the Professionalisation of a military force brings risks without the influencing nature of a responsible society. This will be referred to as Kamrava’s dilemma. Whilst this study sees the works of Huntington, Janowitz, Nordlinger and Perlmutter as highly influential in the development of civil control of the military, such works have been neglected in recent years, and have not evolved to mirror the practical application of SSR efforts today.

Security Sector Reform has emerged as the practical implementation of Professionalisation theory. Whilst civil-military relations scholars receive criticism for being narrowly focused on theory and not practice, SSR has earned criticism for lacking academic rigour and its ad hoc approach. Subsequently, a policy practice gap is alleged to have emerged, where the process of SSR differs between literature and enactment. Furthermore, Giustozzi and Perito highlight cases where indigenous forces trained by Western states have abused their military power.

SSR has the potential to progress the forces of new nations to be very effective at the management of violence. However, as Jackson highlights, without the same societal restraint that ensures militaries use their skills responsibly that is
present in old nations this could be dangerous and allow the indigenous forces of new nations to abuse their new military skills. Whilst there is understanding in British government literature of these concepts, the understanding must deepen to mitigate the risk of misapplied violence.

This dichotomy has presented three major questions that will form the focus of this study. Firstly, is there a risk associated with training militaries to be effective managers of violence, when there does not exist the required liberal tradition to underpin the very values of professionalism? Secondly, how do the dangers of developing indigenous forces without a tradition of civil-military relations manifest? Thirdly, has a policy practice gap emerged between the British Army policy on SSR and the mitigation of the dangers that British forces experience when developing indigenous forces without a tradition of civil-military control? Whilst the desire to progress may be great amongst indigenous forces, it presents very real risks. These risks will be examined in this thesis, as will the ways in which they may be mitigated. Evidence of this mitigation may prove evident in British Army Doctrine and practice.
Chapter 1 - What is the significance of indigenous force development to the British Army's approach to modern intervention?

Indigenous force development will increasingly dominate the British Army’s approach to modern intervention as part of SSR. The UK Government aims to minimize the spread of instability abroad by processes of Security Sector Reform that develop government forces to provide their own domestic security. This Chapter will explore the development of modern intervention before the emergence of SSR. Understanding this development creates a clearer comprehension of the risks and rewards of the UK’s desire to develop of indigenous forces today. This Chapter will provide an overview of the role of indigenous forces in Western intervention from the closing years of the Cold War to today, the impact of the 9/11 attacks on this, and the issues surrounding SSR and developing indigenous forces. The Chapter will focus on the advantages and the disadvantages of utilizing them.

Intervention has changed rapidly over the past three decades and continues to evolve. It has a more comprehensive nature today comprising more actors, governmental assets and methods than before; this has simultaneously developed the usefulness of indigenous force development. Although focus has traditionally centered on hard military intervention, scholarly interpretations of intervention are disparate. On a basic level, intervention is ‘the use of force by one country to interfere in the internal affairs of another’ (Schraeder, 1992: 2). However, Aydin (2012) argues that it has begun to assume a number of forms and can be divided into economic, military and diplomatic acts for the purpose of influencing the affairs of another state. Schraeder acknowledges that intervention has developed to comprise economic options such as sanctions, and any form of interference in the domestic policies of a country. A wide range of affairs traditionally demanded intervention by an external actor, including: ‘civil wars, overt or covert operations aimed at destabilizing foreign governments and initiation of hostile actions against other nations’ (Aydin, 2012: 20). Over recent years, however, there has been an upturn in the prevalence of internal conflicts and instability requiring intervention.

Further nuances exist within the situations that lead a state to intervene, and the level of approbation from the state to that intervention and urgency of the incident may decide what form the intervention takes.
Humanitarian crises in the Balkans and the attack on the World Trade Centre reemphasised the relevance of physical military tools in intervention. Despite the rise of economic and diplomatic intervention in the 1990s, the necessity of legitimate security forces able to provide stability endures. The aftermaths of intervention in the Balkans, Iraq and Afghanistan has affirmed this. In response to the deployment of large interventionist forces within COIN campaigns in both Iraq and Afghanistan, Jackson (2011) argues that the role of developing indigenous forces has become a more significant aspect of intervention to Western forces than ever before\(^{13}\). Further instability in foreign states has motivated the UK’s need to develop the security structures of foreign states.

In response to this, the UK MOD has developed doctrine and policy that envisages the deployment of British forces to develop indigenous forces overseas at its heart. *Joint Doctrine Publication (JDP) 3/40 – Security and Stabilisation: The Military Contribution*, and *Joint Doctrine Note (JDN) 6/11- Partnering Indigenous Forces*, is the most relevant British doctrine on the subject. *Stabilisation* describes the UK MOD’s aim to counter religious fanaticism, instability in North Africa and recurring conflict traps. Through traditional and modern methods of intervention, that include the development of indigenous forces to provide security effect.

At the forefront of these policies is the aspiration to engage with unstable North African states. Political leaders, including Prime Minister David Cameron have advocated the need to engage with unstable states, by developing their indigenous forces, before they descend into political turmoil and develop into ungoverned space that threatens UK interests. Indigenous forces provide a number of advantages by being low cost, more politically acceptable and operationally prudent in intervention. However, they come with risks. The UK Government, despite a will to engage with indigenous forces, perceive a risk that they may abuse the skills that they are taught.

**The place of SSR in recent intervention**

The evolution of intervention over the past three decades has given prominence to the development of indigenous forces today. It has produced four key themes

\(^{13}\) Some may argue that the previous development of colonial armies was. However, such development was performed in a different context, with colonial troops subservient to the UK government, instead of the development of autonomous governance that we see today.
that are central to Western interventionist principles: early engagement with unstable states, physical security, local ownership of security development and the need for development to be comprehensive in nature. Western interventionist strategies varied through the 1980s and 1990s, heavily influenced by external threats, events, and domestic political trends. The significance of indigenous force development today is the culmination of the success and failure of strategies to counter these situations. In the midst of the Cold War, Scott (1996) argues that a number of the West developed strategies to deal with Communism with varying success. Truman, Eisenhower and Carter each emphasized policies of containment, avoiding intervention. However, the election of Reagan saw a shift to a less isolationist stance. Lagon (1992) claims that Western governments cultivated a combination of containment, by refusing the deployment of combat troops to derail Communist influence, whilst also supporting proxy indigenous forces to undermine Communist influence. This, Scott (1996) argues, was a proactive policy aimed at restoring influence in the aftermath of Vietnam. National Security Decision Directive 75 (January 1983) further underlines Reagan’s willingness to detach from mere containment, ‘US policy will seek to …weaken and, where possible, undermine the existing links between [Soviet Third World allies] and the Soviet Union’ (in Scott, 1996: 1). This policy was subsequently hailed as successful, encouraging the breakup of the Soviet Union. However, with the reduction of the Berlin Wall, the end of this period marked a focal shift to a less military interventionist doctrine.

**Importance of security in intervention**

The 1990s represent a period of confused foreign policy for the UK that varied between an unwillingness to use force and a realization of the importance of military effect in intervention. Initially there was an assertive approach to Foreign Policy, with intervention in the Gulf. However, the 1990s developed a shift away from Western state unilateralism. Travis (1998) argues that the 1990s became synonymous for the policy of ‘promoting democracy’ emphasized by using AID as a force for influencing democratic sustainability and a more internationally harmonious approach to foreign policy; termed ‘assertive multilateralism’ by Madeleine Albright. There was reduced emphasis on military effect. Sterling-

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14 Interestingly, each was President in the aftermath of a major conflict involving US troops: e.g. WWII, Korea and Vietnam.
Folker (1998) believes this surge of Soft Power and Multilateralism was driven by the lack of support for unilateral action within Western states. However, the policy was not entirely effective.

The realization of the importance of security functions in intervention and unstable states was not a new discovery however. Thompson (1966) emphasized the need for political solutions underpinned by security within a threatened state, reinforcing Lt. Col. P. Vann’s maxim ‘Without security, nothing else will last’ (in Simpson: 2012: 149). The crisis in the Balkans realized the limitations of solely Soft Power and Assertive Multilateralism. The UK pushed the US to endorse military action during the Kosovo crisis, emphasizing the need for decisive physical intervention, for which Sterling-Folker asserts Clinton received extensive criticism for his indecision. However, Kampfner (2003) argued that the UK acting under the ‘Blair Doctrine’, rallied for intervention on humanitarian grounds, nowhere more apparent than in the Balkans and Kosovo, which saw a massive expansion of Peace Support Operations and humanitarian intervention from the West. This example, whilst emphasizing the West's will to intervene on humanitarian grounds, also highlights the importance of military forces in neutralizing instability.

**Comprehensive approach**

Failed Assertive Multilateralism emphasized the need for comprehensive approaches to intervention. Although the less invasive doctrine of the 1990s utilized economic and political means to pursue a more humanitarian agenda, it did so with limited success without the concurrent ability to influence physical security. NATO made the observation that, ‘Military means, although essential, are not enough on their own to meet the many complex challenges to Euro-Atlantic and international security’ (2014), likewise for solely political and economic approaches to instability. Both the UK and US Governments have acknowledged the strength of uniting approaches to conflict, ‘where we have pursued more holistic approaches….we have helped partners to transform their security sectors in ways that have had a direct, positive, and sustainable impact.’ (2009:1). The merger of approaches has increasingly been referred to as a Comprehensive Approach; an approach demanding civil, political and military instruments to manage and resolve crises. Although, some almost two decades earlier Schraeder described intervention in the same vein as ‘the calculated use
of political, economic and military instruments by one country to influence the domestic or foreign policies of another’ (1992: 3), so it could be argued that the ‘Comprehensive approach’ is merely re-advocating the need for tools to be unified.

Local ownership and security

Despite this, the need for security development remains. Moreover, local ownership has emerged as a key theme in intervention and development of security institutions. Travis (1998) claims that as intervention missions sought to develop judicial institutions in the 1990s, many societies resisted rapid change, with AID alone initially producing limited impact without the consensus of the host nations. This served to emphasize the importance of local ownership of approaches to instability. Nathan claims that experience has shown that ‘reform processes will not succeed in the absence of commitment and ownership on the part of those undertaking reforms’ (2007: 1), whilst a Western state imposing an idea on a weaker state may have more experience and possibly international legitimacy, it remains unlikely to garner effective support amongst a group who feel it imposed upon them. What will work, Nathan argues, is ‘a process-oriented approach that respects and empowers local actors [which] is more likely to yield good results in the long-term’ (2007: 3). The emphasis on the importance of local ownership of development efforts and in the importance of security to counter crises emphasizes the significance of indigenous forces that can take account of their own security. Developing indigenous forces allows simultaneous economic and political development with local security ownership by the military. This remains the experience of both Assertive Multilateralism and the subsequent UK/US Doctrine.

Post 9/11

Although the campaigns in Iraq and Afghanistan mark a shift from 1990s foreign policy, the emphasis on SSR further highlights the importance of local ownership of efforts to tackle instability. The 11th September 2001 attacks triggered a fresh focus onto counter-terrorism and failed, failing and unstable states. The NATO’s Afghanistan and Iraq campaigns, which evolved into COIN campaigns against radicalized insurgencies, saw the initial success of the invasions mired by botched reconstruction and poor security in the aftermath. Jackson argues that ‘the desire to propagate the war on terror and to shore up “failed states” has led
Western ideas of support to veer strongly towards enhancing developing countries to maintain their own security’ (2011:1810). Whilst the initial response to 9/11 was a reactive invasion of Afghanistan by NATO, Aydin (2012) argues that the ‘Bush Doctrine’, with the support of Tony Blair developed as a proactive approach, emphasizing the utility of pre-emption in smaller conflicts to prevent their escalation, or the development of a threat to Western states. This marks the emergence of a desire to utilize comprehensive methods to address instability before it becomes a threat. Interventionists now face increased internal insecurity within states. ‘A distinguishing feature of the contemporary period is the decline of wars between states and the rise of wars within states, sometimes resulting in state collapse’ (Moskos, Williams and Segal, 2000: 3). More specifically, Walter (2011) claims that recurring civil wars have become the dominant form of armed conflict in the world today. Resultantly, the UK Government has sought ways to counteract this instability.

What is The Stabilisation Doctrine?

One way in which the UK government has embraced the need to engage with unstable states is with Security and Stabilisation-The Military Contribution, Joint Doctrine Publication (JDP) 3-40. It is a piece of doctrine that exists as a guide to the UK military’s efforts to encourage stability abroad. Stabilisation is defined as ‘the process that supports states which are entering, enduring or emerging from conflict’ (JDP 3 -40: 2010: xi). It is important to this study, because it identifies the development of indigenous forces as a crucial aspect of supporting these states. JDP 3-40 pays some mention to the need to balance civil oversight and security, but maintains that ‘security in stabilisation is non-discretionary.’ (JDP 3 -40: 2010: xiii), similar to Lt Col Vann’s maxim.

The JDP details the MOD’s strategy within Government’s broader approach to reducing international conflict. However, the UK’s approach has come under attack. Jackson (2011) argues that the military overly focuses on the security aspects of state building, whilst forgetting the development of society. In interventions, security governance is carried out by ‘military officers from the international community whose concerns are primarily technical (i.e. teaching

15 See also J. Fearon and D. Laitin, (2003) Ethnicity, Insurgency and Civil War
16 See: Building Stability Overseas (2011) for the UK Government’s argument for the need to encourage stability abroad.
people to shoot straight) rather than political (i.e. teaching them who to shoot at and on whose orders) (2011:1807). By conducting state building ‘as a ‘technical-administrative’ exercise focusing on the technicalities of constructing and running organizations rather than on the politics of creating states’ (2011: 1803), the UK approach to intervention has societal deficits in its understanding of rebuilding a state; it focuses heavily on developing the methods of security, yet neglects the importance of simultaneous civil-military oversight that was identified in the literature review. Marshall (2011) similarly identifies a fractious and disunited approach to SSR within the United States system, with different departments focusing on a raft of priorities. Similarly, Jackson (2011) argues that whilst the UK managed to strive towards a more unified approach to SSR after its success in Sierra Leone, this has digressed and economic hardships made it easier for the MOD, DFID and the FCO to let the Conflict Pool be eroded in favour of protecting their internal budgets.17

**Greater awareness of instability**

Despite some deficits in the scope of the Stabilisation doctrine, it is definitive that engagement with unstable states should form a central part of UK strategy. Since conducting the 2010 Strategic Defence and Security Review (SDSR), the UK Government has increasingly emphasized the attention warranted by internal conflicts caused by unstable states, arguing that in a globalised and interconnected world, nations cannot remain isolated. They have rallied for the increasing need to engage with unstable states before a state of conflict emerges, seeing a rise in the presence of jihadism and extremism abroad as a threat undermining British domestic security. This risk, now centred on North and Central Africa where a cycle of violence and conflict traps have fermented instability and aided insurgency has led to another UK government policy document, *Building Stability Overseas* (BSO), that emphasizes the need to engage instability before conflict takes hold. The UK Government fear is the risk of instability becoming epidemic; ‘the effect of violence in one region can spread to other more stable areas through refugee flows, terrorist activity, and organized crime groups, all of which can have an impact on our own security.’ (BSO, 2011: 17

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17 The Conflict pool is a three agency fund aimed at collaborative approaches to conflict prevention between.
8). It advocates utilizing soft power, diplomatic efforts and military training teams to strengthen foreign government and security institutions.

**Danger in North Africa**

There is growing political belief that the risk emanating from areas like the Sahel is profound and requires this focus. In the aftermath of the Algerian hostage crisis in January 2013, British Prime Minister David Cameron and Foreign Secretary William Hague both highlighted the threat of instability in North Africa\(^\text{18}\). The Parliamentary Foreign Affairs Committee has highlighted the risk in such areas, claiming ‘parts of North and West Africa have become a new frontline in the contest with Islamist extremism and terrorism’ (2014: 37). The Prime Minister had earlier claimed that, ‘There are parallels between North Africa and Pakistan/Afghanistan’ (20 Jan 2013, in The Guardian). Going onto highlight the broader threat that such regional instability posed, asserting that jihadism in North Africa was ‘a global threat and it will require a global response.’ (2013, in The Guardian). The Prime Minister personally expressed concern that the empty quarters of the region have become a ‘magnet for jihadists’. Although the Committee (2014) asserted that the risk to the UK in smaller insurgencies is less pronounced whilst the on-going situation in Syria continues to attract the bulk of jihadists. However, it still endorses the need to act, ‘unless there is concerted international action to address instability in the Western Sahel-Sahara region, and its root causes, the problem will not go away.’ (Foreign Affairs Committee, 2014: 4).

**Advantages of engaging**

Early engagement in unstable states offers the UK government multiple advantages, including financial and domestic security terms. BSO (2011) claims that countries like Yemen and Somalia will be used as a launch pad for terrorist attacks if the international community allows them to become ungoverned. Therefore, the development of their security institutions promotes the domestic and international interests of the UK. Marshall (2011) supports this assessment from the perspective of the US. He asserts that global security and stability are core interests for the United States. Therefore, developing mechanisms through

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SSR to ensure such security is in its national interest. Similarly, there is emphasis that the consequences of engaging are positive. Pickering and Kisangani (2006) claim that intervention generally has two effects on the receiving country, it frequently shortens the length and impact of instability and civil war, and from experience in the Cold War, it has the effect of democratizing the governments of the receiving state. Early engagement to foster stability before conflict is also fiscally wise. The UK Government has claimed measures that promote the prevention of conflict are ‘relatively cheap compared to dealing with it once it has broken out and having to deploy armed forces’ (BSO, 2011: 10).

**Disadvantages of engaging**

However, there are disadvantages to engagement and intervention. The political popularity of intervention often influences a Government’s will to engage, as was seen in the US in the 1990s. Marshall (2011) argues that a state must navigate the national will to intervene to meet its operational needs. Additionally, there is the unpopularity of risking one’s own soldiers. Dobos (2010) argues that a state must overcome the risk of both domestic and international scorn if it wishes to intervene beyond its borders. There is a strict set of conditions that allow the intervention of one state in the affairs of another on humanitarian grounds, primarily the imminent or ongoing risk of the loss of life. The balance within this dichotomy has meant that the training of indigenous forces is an advantageous way to counteract instability as part of SSR.

The training of indigenous forces by UK and US militaries has gained increasing significance as a result of the balance in intervention between soft power and that of hard power. Furthermore, the escalation of the religious fundamentalist threat and conduct of two major COIN campaigns led the UK and its allies to look ahead with a greater emphasis on conflict prevention and pre-emption. Jackson argues that a stability-focused approach has a two fold aim: ‘SSR interventions seek to develop security systems that provide security both to the population of those countries but also to the international community’ (2011:1817). The development of indigenous forces meets this aim; it provides a more locally driven solution whilst minimizing the number of Western troops needed for deployment, along with a number of other advantages, such as knowledge of the local culture, language, religion and politics. These advantages will now be discussed.

**Advantages of indigenous forces**
By developing indigenous forces both the host country and the intervening state gain significant benefits in long-term security, and a stronger political mandate. Utilizing indigenous forces in COIN and pre-emptive stabilisation efforts, allows forces to secure their base areas, one of Thompson’s COIN tenets.

Developing an indigenous force to deliver security offers both tactical and political advantage to an intervening state. Simpson highlights a key lesson from the Dhofar crisis in 1970 that ‘counter insurgency does not require a large-scale overt presence of foreign troops’ (2012: 152). The operational advantages of a local force providing security, rather than a foreign force are well documented. Nagl (2002) argues that they transcend the cultural and linguistic barriers that Western troops may struggle with, likely also being of the same religion; an indigenous force can provide security without the cultural division that may affect intervening forces and a local populace. He goes so far as to say that ‘on their own, foreign forces cannot defeat an insurgency; the best they can hope for is to create the conditions that will enable local forces to win it for them’ (p. xiv, Nagl).19

The tactical advantages unified under the banner of enhanced cultural understanding and legitimacy might afford the intervening state more rapid success, however the use of indigenous forces also enhances the strategic will to engage by reducing the risk to interventionist troops and the cost of intervening. This provides a stronger domestic political narrative, allowing Western governments to assert influence more broadly, in contrast to the US reticence to intervene in the 1990s.20 However, such advantages must be tempered with patience; it takes time to develop a strong indigenous force. Furthermore, the host nation to the conflict requires a long term solution, whatever advances may be achieved by foreign troops during an intervention, if there is no established mechanism to fill the void in delivering security once they depart, their efforts will likely as not be in vain. Therefore, ‘reconstruction and reform has become a central element of international intervention’ (Jackson, 2011: 1810). Creating a

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19 For more information on the tactical advantages of indigenous forces in COIN, read Nagl’s revised Preface, written after his second operational tour of Iraq. He claims that such forces ‘gain intelligence through the public support that naturally adheres to a nation’s own armed forces….they understand the tribal loyalties and family relationships that play such an important role in the politics and economies of many nations…they have innate understanding of local patterns of behaviour that is simply unattainable by foreigners’ (Nagl, 2002: xiv).

20 The desire to reduce the number of Western troops deployed in consensual deployments has led to a greater privatization of warfare and manifested itself in the increasing utilisation of Private Military Contractors (PMCs).
trained, responsible indigenous force offers this. Furthermore, Chalmers (Saferworld, 2000) argues that well trained indigenous forces accountable to government, stems host nation political resentment. Without this he claims that frustrated citizen’s vigilante actions may trigger conflict. For these unstable host states, the advantages of developed indigenous forces are more profound and long term than the nuanced differences that they bring to an intervening state.

**Engaging domestically**

As well as long term reward of enhancing regional and international security, it is likely that the intervening state should expect less opposition to their endeavours domestically. Indigenous forces offering security in their own country present a stronger political narrative for the intervening state than using their own troops. Minimising the ‘large-scale overt presence of foreign troops’ (Simpson, 2012) means that the army of the unstable state absorbs the risk to life. Additionally, Simpson highlights a more nuanced political observation from the Indonesian confrontation between Britain and Indonesia: ‘giving limited help to an indigenous resistance movement …does at least leave the possibility (which we should be careful not to destroy) of withdrawing from the confrontation without intolerable loss of prestige’ (2012: 163). Furthermore, indigenous force development is a cost effective form of intervention. Despite the economic might of the USA, they recognize the advantage of indigenous forces; ‘The military’s increasing practice of training and equipping indigenous forces to counter terrorism in their home countries is a highly decisive, comparatively low-cost approach to fighting global terrorism’ (US DOD, Daniels, 2010). General Petraeus (2010) similarly agrees that indigenous forces are vastly more cost effective in COIN campaigns than deploying interventionist forces abroad. This provides added incentive to their use, similar to the advantage to developing unstable states in order to avoid full blown interventions in the first instance.

**Disadvantages of indigenous forces**

Despite such advantages, the most prominent consideration for the use of indigenous forces in SSR is in the title: it entails their reform. Faced with an imminent threat, the development of an indigenous force may not be fast enough to stem instability. The state of conflict within the state may further complicate this
training. In this instance, JDP 3-40 argues that an intervention of foreign troops may be absolutely necessary, until such a point as the indigenous force can be responsible for the country’s own security. There is acknowledgment in British defence doctrine that this will not occur overnight: ‘It will take time to build sufficient host nation forces to replace them (interventionists)’ (JDN 6/11, 2010:3-22). As well as the time it may take, indigenous forces are also heavily influenced by the stage of conflict in the state. JDN 6/11 claims indigenous forces would ideally be trained before a conflict emerges both because it is easier and because it reduces the risk of the conflict emerging, as JDP 3-40 states. However, if a state of conflict exists, indigenous forces should ideally be removed from the frontline to conduct this, thus, reducing the manpower of the force at that point.

The requirement for more training also alludes to this study’s discussion of Professionalisation. Indigenous forces by their nature of requiring reform, will unlikely have achieved the levels of professionalism desired in a Western state. As a result of this, there may be concerns over the legality and propriety of indigenous force behaviour. This is witnessed in the UK government’s current considerations in the provision of aid to indigenous forces in North Africa, a concern also raised by the civil-military relations scholar Feaver (1996).

**What next?**

A lack of Professionalisation presents the UK Government with a dilemma. On one hand the government perceives a need to engage with and develop foreign security sectors; conversely they also fear the results of such development. The debate over intervention in Nigeria highlights this dichotomy. The recent House of Commons Foreign Affairs Committee Report (2014) emphasized the necessity of engaging with such states, highlighting the immediate effectiveness of intervention in Mali in 2013. However, in efforts to promote security abroad, the UK MOD may have to work with partners, both state and non-state actors, whose practices may raise alarm on moral grounds and the ability of indigenous forces to use the skills they are taught responsibly.

**The cycle of violence- What is the conflict trap?**

Africa has proven particularly susceptible to instability because of the manifestation of conflict into a cyclical process throughout the continent. In 2011, the UK government claimed that, ‘ninety percent of conflicts initiated in the first
decade of the 21st century were in countries that had already had a civil war’ (2011: 11); these include CAR, Burundi, Uganda, and Sudan. In fact, it may not be the start of new conflicts that is the primary problem. Walter (2011) claims that there is a need to permanently end the conflicts that have already started, not simply prevent new ones. Collier et al. (2002) have termed this the ‘conflict trap’, where civil war might be broken up by brief outbreaks of peace, but the conflict does not actually end. It is not that these regions are particularly susceptible to the onset of numerous civil wars, but rather that they are fundamentally unstable as a result of prolonged conflict of varying intensity.

The danger of the conflict trap

The conflict trap thesis is significant to this study not only because it predicates further instability by removing any legacy of stability which the development of indigenous forces hopes to counter, but because within such conflicts, behaviour at odds with the Liberal Western moral standard, such as torture, extra-judicial killing and the deployment of child soldiers are commonplace. Regions absorbed in conflict traps have become prone to the perpetration of such humanitarian abuses by government armed forces and armed groups, such as Uganda and the Central African Republic. Additionally, there are differing characteristics to these conflicts: the use of child soldiers, a violation of IHL in itself, and drug taking amongst troops that fuels them and makes humanitarian abuses more likely. These methods will be discussed at greater length in Chapter Two.

NIGERIA- UK Government’s problem with intervention

Aspirations to develop indigenous forces are, however, undermined by the behaviour of respective militaries. The British Government publicly advocated engagement with Nigerian security forces. The Foreign Affairs Committee believes that in ‘Libya, Mali and Nigeria the threat is currently greatest (to stability)’ (2014: 3). Observers might have expected the UK Government to follow up on its intervention in Libya in 2012 and intervention in Mali in support of French troops in 2013 with greater engagement in Nigeria. However, the committee received evidence that underscores the political problem faced in developing

\[21\text{ Conflict trap: term established by Collier et al. (2002)}\]
\[22\text{ In a military context, this is the observance of rules of IHL.}\]
stability through SSR in Nigeria: ‘We are aware of very serious concerns relating to the ethics and conduct of elements within the Nigerian army, including allegations of torture and extra-judicial killing’ (House of Commons Foreign Affairs Committee, 2014: 35). Such risks resultantly impact the stream of government decision making. The Committee accepts that the UK Government is ‘anxious about the possibility of advice and training given in good faith being subsequently misused in a field setting, and of the British officer who provided the training becoming implicated.’ (2014: 35). This has subsequently led to a delay in assistance being provided, which in turn has frustrated the Nigerian Government. To establish how such concerns for British forces legal complicity in training indigenous forces with suspect record can be overcome, it is crucial to begin to understand the issues and risks surrounding disregard for humanitarian and human rights law that are stunting solutions to instability.

**Conclusion**

It is clear that indigenous forces have become an essential aspect of modern Western intervention strategies. Having previously been limited in their implementation to Third World proxy wars and major COIN campaigns, the training of indigenous forces has proved a defining aspect of the Iraq and Afghanistan COIN campaigns, but also looks set to be a staple construct of the UK and USA’s approach to improving international stability through SSR-based intervention.

Security Sector Reform and the development of indigenous forces can provide long term and legitimate security in unstable states. Developing indigenous forces is both operationally and politically astute for an interventionist. Originating from the states concerned, indigenous forces have both a linguistic and cultural advantage in the conduct of a local stabilization campaign and providing security in their own state. Politically, the development of indigenous forces minimizes the risk of a state’s own forces being put in harm’s way, allowing the interventionist greater freedom to affect unstable states. Additionally, it is vastly more cost effective than waiting for the point where external intervention forces are required. There are situations where the training of indigenous forces may not be the most prudent form of intervention in an unstable state, where their development will be important, but cannot form the first strand in delivering security. However, the
development of indigenous forces is a vital tool in the will of Western states to develop those states less stable than them through a stabilisation strategy.

The British government deems it essential to engage with unstable states, which are deemed to pose a risk to the UK by fuelling instability and extremism. The logic of intervention to prevent the rise of extremism within states is sound. These latest efforts are set to incorporate states under threat from jihadism, but also those with a legacy of violence, gripped in a conflict trap. However, it is clear that whilst the strategy of developing indigenous forces to provide local security is sound, it is currently undermined by fear that the indigenous forces that British military personnel may develop, may go on to abuse the skills they are taught. Understanding this risk is the first step to overcoming it, and will be examined in the next Chapter.
Chapter Two, Part One- Is there a risk of indigenous forces abusing the skills they are taught?

There is a significant risk of indigenous forces abusing the skills that they are taught because of the unstable situations that exist within their states; the situations that predict instability, also predicate the likelihood of humanitarian abuses by indigenous forces. The lawlessness of many states, such as Afghanistan, has shown that we must be aware of the long term risk of indigenous forces abusing the skills that are taught as a part of stabilisation efforts. The British government are committed to ‘promote rather than undermine human rights, and to mitigate any potential risks to human rights’ (Building Stability Overseas, 2011: 30). Therefore, the causes surrounding such risks must be better understood. The prospect of engagement is weakened by this risk. This section argues that there are a number of factors that produce the need for the UK to engage with unstable states to encourage security. A number of current examples help to highlight why conflict and violence are likely in states such as Sierra Leone, the Central African Republic and Nigeria.

These factors have produced a legacy of conflict traps and instability that has allowed a disregard for IHL to fester within many of the unstable states that the British Government may seek to engage with. There is a common disregard for IHL amongst both state and non-state actors alike, the result of traditional causes of violence; institutional, socioeconomic and environmental factors that also encourage IHL violations. This Chapter will examine the causes of the high risk of indigenous forces abusing their skills, as well as some of the symptoms of this risk that may be evident to indigenous force trainers. Amnesty International (2000) in highlights the use of drugs and child soldiers by armed groups eroding the effectiveness of individual conscience. A further lack of access to resources amongst troops; relative deprivation, hunger and frustration, further drives this state. These are factors that may all be witnessed and affected at the tactical level, so the risk of their occurrence is significant to this study.

**Political and institutional factors**

The risk of violence and conflict is predicated by the political and institutional state within the country. This has strong alignment to Huntington and Janowitz's theories on civil-military relations. Where weak state institutions exist, the void can be filled by military and powerful actors. A concurrent lack of judicial oversight
reduces the effect of lawful behaviour, allowing individuals and groups to exploit the lack of accountability that they should be held to. Where different identities exist within a state, often along religious or tribal grounds, further frictions also occur. Finally, the ambition and influence of neighbouring states offer threats to the proper conduct of soldiers within the state, which will be explored now, and later in this Chapter. Both Sierra Leone and the Central African Republic offer contemporary examples of these political and institutional weaknesses.

**Central African Republic**

The Central African Republic has shifted drastically in the past two years from a relatively peaceful state to one facing civil war and significant humanitarian abuses. Driven initially by socioeconomic and corrupt institutions, what started as a political movement against the corrupt government took on an ominously religious character. David Smith in *The Guardian* (2013) reported on the conflict between Muslim Seleka groups and the Anti-Balaka.\(^{23}\) Discussing the descent of the country into civil war, the Guardian described the conflict as ‘the most neglected crisis in the world, a country abandoned to its fate’ (2013). Harding (2013) asserts a coup by the Muslim Seleka group triggered the conflict, initially a political protest against corruption, and it subsequently escalated. When the newly appointed President Djotodia officially disbanded the Seleka, ‘many of the rebels refused to disarm and leave the militias as ordered but veered further out of control, killing, looting and burning villages.’ (The Guardian, 2013). Christian militias, known as Anti-Balakas subsequently regained control of the country, from the Selekas who stand accused of terrorizing the country. However, The Guardian (2013) claim that an “us and them” mentality of mutual distrust and paranoia took root, with some Christians taking up arms and committing atrocities of their own, giving the Seleka a pretext for yet more aggression. Whilst this conflict was initially triggered by political institutional factors, it soon escalated into an identity based conflict along religious grounds. With no established stable government, soldiers were not held accountable for their actions.

Internal conflict and abuse of military power can also be fostered by external political influence. The brutality of behaviour in Sierra Leone was encouraged by external state actors. In the 1990s, a group led by Col Gadhafi of Libya,

\(^{23}\) Meaning anti-sword or anti-machete.
established satellite criminal networks for personal gain that thrived off such behaviour. In an interview for the American International Legal Association (2014) David Crane, Chief International prosecutor at the Sierra Leone War Crimes Trial, claimed that the instigation of 1.2 million human beings killed and maimed in that conflict was caused by state actors not just armed groups committing violations internally. Where such influences affect a state, indigenous force trainers must be mindful that it will affect the general atmosphere of the conflict, where the threshold of violence is raised.

**Socioeconomic**

Where there is economic inequality, predicted by ethnic or religious grounds, the risk of violence is heightened. The Central African Republic offers an example of young men driven to violate norms because of institutional corruption that they perceive and due to their own poverty. Andrew Harding, in an article for *From Our Own Correspondent* on BBC Radio 4, is told by a local ‘No wonder everyone is looting now. The elites here have been doing it for years’ (in Andrew Harding, 2014). Criminal activity is normalized amongst populations that perceive a high level of corruption in the establishment and comments of this nature emphasize the importance of legitimate political institutions to avoid humanitarian abuses. This is beyond the examination of this study, but the emergence of aggression exemplifies the institutional and political mechanisms that lead to IHL violations.

**Lack of resources**

Inappropriate behaviour is not always the result of socioeconomic factors. Both adults and children may be induced to commit IHL abuses by basic environmental and resources factors. A lack of shelter and hunger, and human need, as well as greed and corruption may cause indigenous forces to act outside of domestic and international legal norms. Examples from both Afghanistan and the Central African Republic support this. Interviewing a local militia fighter in the Central African Republic again, he claims that whilst they are the only people protecting the country, some of the militias are hungry ‘so they go off, and they’re obliged to commit abuses’ (in Andrew Harding, 2014). The type of abuses are not specified, but they are rooted in the acquisition of food and material wealth, the risk of physical violence needed to enforce the acquisition may lead to abuses, not to mention the act of theft itself being illegal. These militias are not official
government forces, but could form them in the future. This interpretation is similarly confirmed by Giustozzi’s (2007) reports on the Afghan security forces.

**Resource theft in Afghan**

The behaviour of some indigenous forces in Afghanistan has been directly impacted by resource factors, such as late salary payment. Giustozzi’s (2007: 145) study of the early stages of the Afghan insurgency (2001-2007), investigates the development of the Afghan Police force, and claims that the Ministry of Interior (MoI) usually paid police units their meagre salaries (US$16-70) several months late, subsequently, encouraging police to impose their own ‘taxes’ on the population.

Although this form of corruption might not be as concerning as systematic torture under the considerations of IHL it can have more pernicious effects. Giustozzi claims that the lack of pay and resources meant ‘police would sometimes vent their frustration against civilians. During one case in Kandahar at the beginning of 2007, police started shooting at traders in the bazaar accusing them of complicity with the Taliban’ (2007: 176), this being an obvious violation of IHL as a result of frustrations amongst the security forces. Although this example is no justification for the murder of civilians, it highlights the importance of indigenous soldiers being paid on time in order to minimize dissension within the ranks and the justification to claim resources illegally or forcibly elsewhere.

**Use of child soldiers and drugs**

Whilst the factors that cause conflict may similarly induce inappropriate behaviour amongst indigenous forces, there are other symptoms that are more prominent in indigenous forces that will exacerbate the risk of abuses. British forces developing indigenous forces must be wary of the age of those soldiers they train. The 2006 Africa Research Bulletin (Steel, 2008) claims that children, some no more than seven or eight years of age, are recruited by government armed forces almost as a matter of course in Angola, Burundi, the Democratic Republic of Congo, Rwanda, Sudan and Uganda. When disregarding IHL norms, state and non-state actors in unstable states often utilize child soldiers and drugs, this makes it easier to condition ‘fearless killing and unthinking obedience; child soldiers are sometimes supplied with drugs and alcohol to overcome their fear or reluctance to fight.’ (Amnesty, 2000: 24). Violence is encouraged immediately
after a child’s recruitment into the force, where ‘drugs are administered to deaden the effects of conscience’ (Steel, 2008). This prepares young soldiers to commit war crimes at the orders of more senior commanders; those who refuse are punished. This is an uncommon paradigm within Western professionalized state forces, where society’s standards and international law prevent the deployment of children or use of drugs. This is, therefore, a characteristic un-encountered within the British Army, likely to complicate the development of indigenous forces.\footnote{The British Army operate a strict no drugs policy, enforced by Compulsory Drugs Testing, and have strict age quotas, where the soldier must be a minimum of 16 years old, but at least 18 years old to serve in a combat operation.}

**Why are they used?**

Casting aside the use of drugs for a moment, child soldiers as a source of readily available troops is so troubling, because it can lead to the perpetuation of abuses that may not occur if only adult soldiers were used. Amnesty International claims that children can be more easily encouraged to commit grievous crimes than adults: ‘their underdeveloped ability to assess danger means they are often willing to take risks and difficult assignments that adults or older teenagers will refuse….depending on their age and background, their value systems and consciences are not yet fully developed’ (Steel, 2008). Consequently, the presence of children on the battlefield multiplies the risk of IHL violations. Furthermore, the use of child soldiers is a violation of IHL in its own right. Amnesty (2000) assert that recruitment of the under-15s is a war crime, in both international and non-international conflict. The normalization of violence at an early age also has long lasting traumatic psychological effects.

**Long lasting effects of drug use/child soldiers**

Those engaged in training indigenous forces must be mindful of the effects that the previous status as a child soldier or drug addict may have on those they are training. The ‘psychological effects of the conflict on these children are immeasurable’ (Amnesty, 2000: 24). Subsequently presenting mental health difficulties in large swaths of the population in later years and making reintegration into normal society or a legitimate indigenous force difficult. Children are left ‘haunted psychologically and facing an immense struggle to rebuild shattered lives’ (Amnesty, 2000: 24). The presence, therefore, of former child
soldiers in a legitimate indigenous force creates further concern associated with the mental state of the soldiers.

It is difficult to say which has a greater impact on stability: the immediate impact of child soldiers on an already violent conflict, or the long term risks to future stability that these experiences have on the state’s next generation. It is not the purpose of this study to further examine child soldiering or drug use in conflict, but they are issues that exist in many unstable states that are at odds with Western standards, which heighten the risk of indigenous forces abusing the skills they are taught. Forces engaged in indigenous force development must, therefore, be mindful of the presence in the indigenous forces they train of both child soldiers and drug taking given the risk each presents to IHL adherence.

Common disregard of law – state and non-state actors

So far this dissertation has explored the factors that promote violence and conflict and inappropriate behaviour within it. Many of these examples have been perpetrated by non-state armed groups. However, inappropriate behaviour is not only within the remit of the non-state actor. The risk of violations of IHL is rife in unstable states, perpetrated by both state and non-state actors alike. The frequency of humanitarian law and human rights violations amongst combatants and armed groups such as The Lord’s Resistance Army (LRA) in Uganda and the Revolutionary United Front (RUF) in Sierra Leone shows the severity that such violence can reach. Although these groups are distinctly non-governmental and at odds with British foreign policy, their behaviour represents a normalization of violations in an unstable region, which creates risk around the behaviour of more legitimate forces.

The RUF and LRA are not representative of the types of indigenous forces the UK Government would hope to develop; they are rogue states and armed groups. Steel (2008) claims more legitimate state actors are also prone to commit abuse. The story of Ismael Beah a former child soldier in Sierra Leone, in A Long Way Gone: Memoirs of a Boy Soldier highlights the risk of even government forces driving individuals to violate international norms; ‘hunger and insecurity led him to join the government forces, who compelled him not only to

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25 That is a state or nation breaking international law and/or posing a threat to the security of another state. The term gained particularly prominence in the Bush Administration’s lead up to the invasion of Iraq. For further commentary, See: N. Chomsky, Rogue States, in Z Magazine, April 1998.
fight against the rebel opposition but to perpetrate acts of extreme violence against innocent civilians along the way’ (Steel, 2008). The Foreign Affairs Select Committee (2014) identify concerns around Nigerian security forces that further illustrates this risk, but there is similarly an acknowledgement that to develop stability, and long term adherence to humanitarian norms may mean ‘working with countries and institutions where we have concerns about their respect for human rights and democracy’ (Building Stability Overseas, 2011: 30). Such examples suggest that a common disregard of law exists amongst both state and non-state actors. Therefore, a process of societal development must take place before norms sufficiently change.

**Conclusion**

There exists a very real risk of indigenous forces abusing the skills they are taught by training missions. Such risk is created by the institutional, socioeconomic and resource factors discussed in this section. Conditions that develop in the regions are further undermined by the presence of child soldiers and drug use, which inculcate the risks of IHL violations through the reduction of individual conscience. Where armed groups or government forces see a disparity of wealth distribution, they may seek personal enrichment, which endangers civilians. On a basic level of need, armed forces that are not fed or paid their basic salary by government are likely to feel marginalized, driven to a point of retribution or to take what they need to survive, by force if necessary.

Whilst that does not mean that abuses should be accepted, it does suggest why partner indigenous forces from unstable states may have alternative interpretations of appropriate behaviour to those from the UK, and why the risk that they will abuse the skills that they are taught is so present; Sierra Leone and the Central African Republic being examples of this risk. Soldiers in indigenous forces may have fought in unofficial militias, in organizations that have violated IHL in the past, may utilize underage fighters or have normalized war crimes with the use of drugs. These factors create a legacy of violence, and absence of Professionalisation that the indigenous force trainer is confronted with. These, in turn, make the risk of indigenous forces abusing their skills quite a prominent issue.

The British government is faced with the conflict between the possible risk of moral and legal culpability for IHL and human rights abuses versus the
degradation of existing stability and security at the hands of expanding insurgency and extremism. This study will now examine why it is necessary that indigenous forces be encouraged to respect humanitarian norms in order to highlight the necessity of increase the support for and success of SSR.
Chapter two, part two - Does the risk of inappropriate behaviour by indigenous forces concern the UK Government’s aspiration to develop them?

Introduction

The aspiration to develop indigenous forces to provide security is undermined by the threat that they may abuse the skills that they are taught. This was identified in the previous Chapter. The need to engage in unstable states and the risk of violations being committed by indigenous forces are not mutually exclusive; the areas most at risk of hosting IHL violations often require the most development of government institutions. However, accusations against forces trained in unstable regions by British forces can undermine support for the UK military to develop indigenous forces and promote regional security. Acknowledging the difference between professionalized and Nigerian security forces to the Foreign Affairs Committee (2014), UK Head of the Counter-Terrorism Department, Simon Shercliff, claimed that a major factor causing a delay in the development of their forces was driven by civil scrutiny likely to include, legal, press, public and political means. It is, therefore, important to examine the moral tactical and strategic considerations, in and out of conflict that highlight the importance of developing indigenous forces, which adhere to international legal norms.

Moral imperative

For Western forces, the necessity of behaving in accordance with international norms is enshrined in moral standards, attuned to the Professionalisation model of Huntington, and the domestic political ramifications that abuses may produce. However, these standards amongst professionalized forces are not automatically reciprocated in unstable states. The UK Foreign Affairs Committee details the UK’s desire to engage in unstable states, which is advocated in BSO and publicly by David Cameron. However, the committee highlights the concern that a British officer could be implicated in delivering training to unprofessional forces and the corresponding lack of appetite for British citizens to accept this risk.

Tactical imperative
Prominent writers on counter insurgency have argued that the tactical imperative of appropriate behaviour in such conflicts is significant; Galula’s (1964) *Counter Insurgency Warfare* and Kitson’s (1972) *Low Intensity Warfare*, claim that appropriate behaviour are tactically necessary; although these texts were both written long before the emergence of more contemporary insurgent threats, their observations remain applicable today. Giustozzi (2007) claims that even in an insurgency fought against religious extremism, inappropriate behaviour by indigenous forces has the potential to undermine a counter insurgency effort. Earlier literature including discussions on Mao’s guerilla warfare *Warfare* remain relevant; even when faced with a ruthless modern religious extremist insurgent, it focuses on the nature in which Mao sought to undermine his opposition by winning the support of the people; this is something that indigenous forces must similarly do.

**Strategy of engagement**

On a macro scale, the behaviour of trained indigenous forces may have a UK domestic impact; even a strategic effect. The behaviour of indigenous forces trained by the UK MOD has the potential to impact strategic policy making. Simpson (2012) claims that enemies now exploit such vulnerabilities to influence domestic politics. Social media and 24-hour news coverage expose humanitarian and human rights abuses undermining the UK Government. An understanding of these issues will help develop consensus for the most appropriate ways in which to encourage IHL adherence amongst indigenous forces. The moral, political and tactical factors that influence the debate will be examined in more detail here. Legal debate surrounding indigenous force behaviour will be discussed in a following section.

**Moral imperative**

The British Government has a moral responsibility to mitigate the risk of indigenous forces abusing the skills they are taught. Ultimately ‘your morality defines your legitimacy’ (General Lamb in Simpson, 2012: 213). This moral motivator enshrined by Professionalisation and the values taught within a modern liberal society, normalizes adherence to IHL amongst Western forces, but is not automatically reciprocated in other societies. Galula (1964) claims that being a professionalised force produces a moral imperative to foster proper behaviour elsewhere. Nagl (2002) states that this imperative is enforced by unfavourable
perceptions of IHL violations in Western Democracy. Shercliff (2014) summed up this moral dilemma facing UK decision makers, who cannot ‘afford to be, for example, handing over intelligence on Nigerian terrorists for the Nigerians then to go and find the people and hang them up by their toenails’ (House of Commons Foreign Affairs Committee Report, 2014: 35). This is something British democracy will not morally stand for, so careful consideration must be made before agreeing to aid indigenous forces. Whilst the moral stance of society is one facet governing decisions, the morality of engagement also contributes to the cohesiveness of the military deployed on the mission.

**Effect on our military**

Engagement with indigenous forces who askance IHL norms could have an inadvertent effect on the training unit’s force cohesion. A soldier may question the legitimacy of their role if they feel that their role is immoral. Moskos (1988) has argued that national patriotism and the concept of the just cause is one of the key motivations for serving in the Western military, producing ideologically driven soldiers. Therefore, a soldier’s particular IHL violations or training poorly behaved indigenous forces, might severely undermine his will to continue the operation; creating a sense of dissension within the force. Kitson (1973) argues that if a soldier feels that his nation’s military actions are wrong and unlikely to be transformed, he should cease supporting it and face the consequences. With the increased liberal education that Janowitz (1960) claims is so crucial in asserting proper behaviour in a military force and support for society’s values, association with indigenous forces that perform violations of IHL must be considered a threat to the moral cohesiveness of British troops.

**Engaging domestically**

The public’s perception of military activities abroad has gained increasing relevance in recent years; the moral debate above exemplifies this. General Carter (2012) has termed this battle for public support ‘engaging domestically’. The development of social media and 24-hour press scrutiny has exposed political action to ever-greater examination, concurrently ‘Our adversaries have already recognized the strategic importance of influencing public perception’ (Simpson, 2012: 12). Increased scrutiny, fostered by domestic institutions enforcing legitimacy and by enemies attempting to undermine, makes it possible
that support for a stabilisation strategy could be undermined by the exposure of inappropriate behaviour by poorly selected ally indigenous forces.

A recent case in New Zealand highlights how domestic oversight of indigenous force development caused the cessation of a training mission by the New Zealand Army in West Papua. Simpson (2012) claims that there is a need to understand the link between tactical actions and policy outcomes. This example demonstrates how a training mission by a Western force was impacted by the improper behaviour of the indigenous force. The West Papuan police were perceived to have abused their power by members of the press and investigators, which subsequently led to questions being raised over the policy in parliament. The tactical conduct of a small group of indigenous police officers involved in a NZ$4 Million upstream capacity building project impacted political levels, with politicians questioning the wisdom of troop’s involvement in an indigenous force development mission. This highlights the very real awareness of the press and politicians of the behaviour of our allies and its ability to impact their development.

The need to develop indigenous forces to provide security for their own countries is so critical, that such efforts cannot afford to be derailed by destabilizing accusations. The Foreign Affairs Committee described the threat of Boko Haram, an AQ-affiliated group in Nigeria, ‘left us in no doubt as to the cult-like violence and sadism of the movement’s hardcore’ (2014: 35). The task of facing opponents such as these may seem daunting to indigenous forces, but a law abiding force that can deliver security can take solace in the long term from the support they are likely to receive from the local population. Simpson claims that ‘fundamentalism has nothing to offer in the long term’ (2012: 227), when faced with a choice the population will ultimately choose security for their families, this will likely see them reject forces with ‘very young children being indoctrinated into, and participating in, the movement’s brutalizing and murderous activities.’ (Foreign Affairs Committee, 2014: 35). This makes ensuring support for indigenous force training a crucial aspect to a liberal western domestic moral argument, hence, the need to avoid embarrassing domestic revelations about indigenous force behaviour.

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The proliferation of media technology

The development of technology, transport and society's access to information and news can expose bad behaviour quickly. Freedman (2006) has argued that the concept of strategic narrative has come to influence government policy, manipulated by the originator who controls and influences the press mechanism to deliver a certain massage. The West missed the initial significance of this strategic development and is subsequently not fully appreciative of its implications. Hames (2006) claims that this is because the development of 4th Generation Warfare (4GW) occurred under Mao’s guidance away from Europe. 4GW has meant that people’s perception of military conduct has taken on greater meaning. Globalization has led to a ‘proliferation of audiences beyond the enemy’ (2012: 74). Indigenous force behaviour has a direct relation to this perception. The rise in social media has meant that actions are now immediately traceable and accountable in electronic public forums, used by both enemies and friendly NGOs to expose counterproductive behaviour by Western forces and allies. This exposure can influence the further deployment of sessions to unstable states.

Specific examples of the UK’s opponents influencing domestic policy have hailed from insurgents in Afghanistan. Giustozzi (2007) asserted that the Taliban were aware of political impacts, monitoring domestic political timetables of intervening forces in Afghanistan, they sought to influence the conduct of political decision making through public statements and coordinated military actions. The proliferation of social media and mobile phone, internet and digital technology capable of sharing photos and videos has the potential to accentuate this process. Humanitarian abuses can trip up policy at short notice. If an indigenous force training mission is derailed because of unpopularity domestically, then any future stability that may have occurred in that country will become irrelevant. Concurrently, there is success for those forces which would see indigenous force development derailed. It is therefore key to ensure the appropriate behaviour of forces to maintain UK support domestically.

War as interpretive construct - local political effect of tactical actions

27 The Arab Spring has emphasised the role that social media can play in destabilising states, albeit often dictatorships. It is the acknowledgement of the ability of this media to rapidly impact public opinion, that the importance of this topic is based.
Low-level tactical actions can impact strategic decisions and the perception of the events at the local level. Simpson (2012) argues that the impact of a tactical action is not just judged on the outcome of the battle in physical terms, but that, ‘Confrontation on the ground was understood in political terms’ (Simpson, 2012: 175). This means that the behaviour of indigenous forces has an impact on the perception of those forces by local populations. For those training indigenous forces, and forces acting independently in Nigeria, the Foreign Affairs Committee acknowledge that ‘police and army heavy-handedness (or worse) towards ordinary people in the north and north-east risks playing into Boko Haram’s hands.’ (2014: 35). Whilst an indigenous force may judge their influence over an area as effective, even if this includes the abuse of local civilians, the main impact of such behaviour will be viewed through interpretation the of the action by local civilians and the legitimacy they assert to such forces.

It is not just the strategists and policy makers who are affected by tactical behavior in battle, the tactical conduct and success of a mission is also impacted by local operational perceptions. The rise of interpretation of events impacts at two levels. Simpson (2012) claims that perception of battle is a vital ingredient of modern COIN campaigns. British Army doctrine similarly recognizes this, claiming ‘legitimacy is ultimately defined by the local population rather than by externally imposed criteria’ (JDP 3-40, 2010: 6). Developing Clausewitz’s assertion that war is an extension of politics by other means, Simpson develops the responsibility of modern Generals, stating that ‘strategists must comprehend war as an interpretive construct’ (2012: 37), and whilst absolute war produces end states, in all others, interpretation is key to strategy. Therefore, in addition to the domestic interpretation of violations of IHL by indigenous forces, such behaviour also has an impact in their countries of operation.

If war is an increasingly interpretive event, then the Army’s mitigation of what populations access to interpret war is increasingly essential, ‘liberal powers cannot opt out of today’s information revolution for the purposes of armed conflict’ (Simpson, 2012: 187). This means ensuring behaviour that may be captured on social media will not undermine military goals. Whilst for Simpson (2012) the British Army remains good at the technical Vernacular aspects of battle,28 they

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28 Technical Vernacular: traditional military language of war, concerning hard military functions, tactics and strategy.
still lack understanding of the language of war. In the past decade, this language has increasingly had a social media aspect. Indigenous force behaviour feeds directly to the content of this language and subsequently can influence the effectiveness of the enemies of stability.

**Establishing the cause**

In an unstable region, inappropriate behaviour by indigenous forces offers the insurgent a cause to unite behind, especially in relation to the risks of indigenous forces abusing their skills and the causes of conflict discussed in the previous Chapter. Galula (1967), a French Army officer with experience of deployments in numerous COIN theatres described the establishment of an insurgency; laying out the conditions required to commence and succeed in one, but also to repel one. He claims that the pre-requisites for insurgency are a cause and the weakness of an opponent. Without these an insurgency will flounder. He further claims that geography and outside support are significant contributing factors. At the time of writing, Galula stated that the majority of recent insurgencies had stemmed from ‘1) The rise of nationalism in colonial territories, and 2) Communist pressure’ (1967: 96). Since his work’s publication, religion has emerged as a prominent driver of contemporary insurgency, as described in the previous Chapter. Although, Galula’s publication is weakened by time. The counter insurgency analyses he discusses focus on nationalist or Communist insurgencies rather than contemporary insurgencies. However, his identification of the need for a cause to unite behind for an insurgency is apt. The rectification of such improper behaviour of indigenous forces could be that cause.

**Before Conflict – The importance of appropriate indigenous force behaviour**

How an indigenous force’s behaviour before a conflict emerges has the potential to impact UK government aspirations to develop security, as well to affect the risk of conflict emerging in that state. The distinction between the development of indigenous forces or the counter-insurgent before and during a conflict is a theme throughout this study. Kitson’s (1973) work examines the countering of an insurgency before conflict by opposing the political movements that seek to establish them. Therefore, interested parties must be mindful of the political effects of an indigenous force’s actions, as ill-considered police or military action may strengthen an emerging insurgency.
Proper behaviour by the indigenous force can go some way to stall the rise of an insurgency. Kitson (1973) claims that insurgents start with nothing and that government have everything to lose. This early position of strength allows the counter insurgent to undermine the insurgent at the start with political solutions, ‘to deprive the insurgent of a good cause amounts to solving the country’s basic problems’ (Galula, 1964: 46), providing the counter insurgent a distinctly political solution to the threat of insurgency. In the case of an unstable state or region, Kitson argues that governments need to concurrently exercise restraint in the political process, ‘violence may lead to surge in opposition’ (1973: 87). Similarly, an insurgent should not be considered benign because their cause is in its infancy, a competent arrested insurgent ‘will take refuge in the chicanery, exploit to the utmost every advantage provided by the existing laws’ (Galula, 1964: 45). This exists as a contradiction in the insurgent position, as insurgents seek to exploit the freedoms of a system. It is a strength that they, but not the state, can possess. However, eroding this advantage may galvanize insurgents further and undermine the system that the insurgents are attacking. This mischievousness by an insurgent is a similar exploitation of the state systems as Lawfare, which warrants further discussion in the next section.

Where a state of instability exists and a government recognizes it, proper behaviour by indigenous forces becomes especially relevant. If a state overly represses the insurgent, it may have the effect that ‘opposition will increase, and the insurgent will thank his opponent for having played into his hands’ (Galula, 1964: 45). Rather than reacting disproportionately to insurgent activity and further fuelling their cause, Galula argues that the counter insurgent will prosper by ‘adapting the judicial system to the threat, strengthening the bureaucracy, reinforcing the police and the armed forces’ (Galula, 1964: 46). Societal development is key, over repression will endanger the government, but, ‘If the great mass of the population knows that it will be protected by a strong, just government, then it has no reason to cooperate with the guerrillas’ (Nagl, 2002: 26). The behaviour of a state remains a very fine balancing act, between being overly repressive, by providing too much security or by providing too little. This remains extant both before and during conflicts.

**Approaches by forces during conflict**
There is, however, an argument that oppressive behaviour, out of line with IHL can be used to ensure stability. Termed “direct” and “indirect” approaches, these are respectively aligned to attritional and non-attritional approaches. Direct action consists of ‘depriving the insurgent of any physical possibility of building up his movement’ (Galula, 1964: 44). This might include restriction of freedom of suspected insurgents or the repression of propaganda, whilst the indirect approach focuses on the removal of a cause discussed previously in the pre-conflict stage and reducing the insurgent’s ability to exploit the state’s weaknesses. There subsequently exists a conflict between the application of these two approaches. The direct approach is plausible in a totalitarian regime, whereas a liberal democracy is confined to employ the indirect approach.

There exists some debate as to the effectiveness of direct and indirect action. Nagl (2002) compares two such approaches in an insurgency to those of the Norman King William II (Rufus) from 1097 and Gerald of Wale’s from 1194; contrasting the two as ‘annihilating versus turning the loyalty of the people’ (Nagl, 2002: 26). He claims that the more conciliatory approach of Gerald was vastly more successful than William’s repression. Conversely, Galula (1964) and Kitson (1973) claim that totalitarian rule offers effective mechanisms in oppressing insurgency. Galula emphasizes the ease with which totalitarian countries can carry out such action. He cites the Chinese Communist model of control from the 1950’s, observing that ‘As long as there is no privacy, as long as every unusual move or event is reported and checked, as long as parents are afraid to talk in front of their children, how can contacts be made, ideas spread, recruiting accomplished?’ (1964: 19). Even when a government is unpopular or feared, a tight grip on power can minimize the possibility of insurgency. Kitson (1973) asserts that the Nazis were an effective counter insurgent force through the utilization of absolute repression.

Governing with often barbaric discipline Nazi-occupied areas during the Second World War minimized civilian insurrection. Simpson (2012) concurs that the Nazis were so successful because they out terrorized the local population through disproportionate reprisals. Furthermore, Nagl (2002) cites the success of Saddam Hussein’s infamous repression of the Marsh Arab uprising in Southern Iraq as a contemporary example of attrition. He caveats the claim, however, that on the whole the success rate of attrition in COIN operations is ‘a poor one’ (2002:...
These authors emphasize the effectiveness of methods at odds with modern Western norms in suppressing insurgency, but provide a mixed reasoning and analysis for why these methods are inappropriate. Whilst there may be some benefits in stifling opposition to stability in utilizing oppressive direct methods, such behaviour is unavailable to UK forces or those they train, both for the moral reasons mentioned earlier, certain tactical implications in modern conflict, and because of legal constraints, which will be discussed in the next section.

Why international law should be followed

Inappropriate behaviour by indigenous forces remains a threat to their development by UK forces, even once a conflict has started. The Stabilisation Doctrine (2010) argues that ‘A brittle form of stability can exist using brutality and corruption’, ‘such states require a constant demonstration of the power of the state in order to keep their populations in thrall.’ (JDP 3-40, 2010: 6). Further argument for why indigenous forces should be encouraged to obey IHL can be found in the logic of Nagl, Galula and Simpson who reemphasised respect for Western moral standards to justify the need to adhere to Thompson’s COIN principles. Thompson significantly advocated adherence to law as a crucial principle to adhere to in COIN campaigns. Nagl cites contemporary British doctrine, which argues that ‘it is considered that a ‘gloves off’ approach to any insurgency problem has a strictly limited role to play in modern COIN operations’ (2002: 26). This view, derived from a piece of British Army Doctrine is a representation of the British Army’s Professionalisation and reciprocation of society’s moral and legal standards.

However, indigenous forces are not themselves subject to western moral standards, greater incentive may be needed to convince them that IHL and human rights adherence is beneficial to their cause. Having claimed that attritional methods are so effective in suppressing insurgency, these authors do little to criticize the operational effects of such methods. Nagl claims that Saddam Hussein was an effective counter insurgent, but does not elaborate on why he

29 1) Clear political aim: to establish and maintain a free, independent and united country which is politically and economically stable and viable. 2) Government must function in accordance with law. 3) Government must have an overall plan. 4) Government must give priority to defeating political subversion, not the guerrillas. 5) In the guerrilla phase of an emergency, a government must secure its base areas first Source: Michael Crawshaw, The Evolution of British COIN, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43334/jdp340theevolutionofbritishcoinbymichaelcrawshaw.pdf Last Accessed 26 Jan 2015.
feels that the attritional method does not work. However, for Kitson (1973) the conflict between the use of attritional methods with barbaric application and more legitimate approaches to COIN is solved by its tactical ramifications and not just by the legal and moral drawbacks posed. The argument against the direct repression of insurgents by government forces gives a transferable argument that can be utilized in contemporary theatres that have a weak record of humanitarian and human rights observance. This debate will be examined now.

**Importance of intelligence**

Effective intelligence is essential to any counterinsurgent operation. Kitson believes that intelligence sharing and analysis should be at the forefront of a military’s approach, proper behaviour by indigenous forces will encourage this. Jackson cites the World Bank’s *Voices of the Poor* Survey ‘poor people themselves identify security and access to justice as two core concerns’ (2011: 1805), so those that offer both security and justice should logically earn the support of the poor, thus emphasizing Gerald of Wales’ approach to COIN operations as more tactically sound in the long run. Yet, trying to win the support of the population is not a simple approach, which Nagl acknowledges in his updated preface, written in 2005, after he deployed to the Sunni triangle in Iraq. He claims that ‘winning and keeping the support of the population is far more complex than I had understood’ (Nagl, 2002: xiii), claiming that ‘military operations that do not exercise minimum force instead diminish the support of the people for the government, which they feel should protect them’ (Nagl, 2002: 30). Thus, winning and maintaining the support of the population for your cause politically or for the tactical advantages it offers and behaving properly, in line with moral and legal norms are methods of doing this.

Treating the population properly will engender their support, leading to tangible benefits. People are ‘more likely to share intelligence with a strong, but moral force’ (1973: 99). Kitson’s interpretation of how to approach a COIN operation is further strengthened by the manner in which he conducts his analysis. Instead of examining the clearest route to gain the support of the local population, Kitson utilizes the writings of Mao as mentioned briefly earlier. His emphasis on the power of intelligence is in direct response to Mao’s fish-amongst-the-sea analogy an insurgency. Mao described an insurgency as akin to a fish swimming through water. The political party and armed groups constitute the head and body of the
fish; the people are the water. With effective operational intelligence, the fish can be identified and separated from the water. A further evolution of this methodology may be to ‘kill the fish by polluting the water’, but this is described as undesirable. Without intelligence, the fish cannot be identified.

**Mao’s 6 principles**

Mao’s writing as a lead theorist and practitioner of evolutionary warfare emphasized the necessity of appropriate conduct of a counterinsurgent. Although Mao discussed evolutionary warfare and theories focused on nationalist and communist insurgencies, his writings are similarly relevant when facing religious extremism today, as they pertained to the motivations and needs of individuals. Hammes (2006) claims that this is because he understood political struggle. Accepting this understanding reinforces the relevance of older interpretations of approaches to COIN and of Mao’s observations.

Opposition to the modern counterinsurgent may be based on their status as a foreign, non-Muslim force. Yet, the counter insurgent cannot readily change his religion to appease this issue, if this would in fact have any effect. Therefore the examples cited from Afghanistan highlight the importance of appropriate behaviour amongst armed forces and how Mao’s (1928) six main ‘points for attention’ remain relevant today. Mao claimed that in order to maintain the will of the people, his soldiers were bound to observe six principles in their interactions with the population and opposition forces.\(^{30}\) Whilst the motivation of the insurgent may have changed from then, the appropriate behaviour of an armed force, specifically indigenous forces, remains of paramount importance to influence the will of the people.

Many of the issues identified in this section have a longstanding basis in counterinsurgent doctrine. Although the conflicts the British Army now face have shifted from the Nationalist or communist causes that this doctrine emerged to defeat, traditional thinking on counter insurgency techniques remains relevant to modern counterinsurgency. This is particularly evident in cases of Afghan security force behaviour. Giustozzi (2007) claims that ‘in terms of the direct impact of the police on the counter-insurgency effort, there is plenty of evidence

\(^{30}\) Mao’s 6 Rules: replace straw bedding and wooden bed boards after you spend the night in a peasants house; return what you borrow; pay for damage; be courteous; be fair in business dealings; treat prisoners humanely.
to suggest that the indiscipline and corruption of the Afghan security services, including police, was a contributing factor to the insurgency’ (Giustozzi, 2007: 174). Therefore, even in a religious insurgency where religion may be a major motivating factor, the need for appropriate behaviour among indigenous forces still retains the tactical importance that it did when Mao wrote his 6 points for attention in 1928.

Conclusion:

UK aspirations to train indigenous forces are endangered by the risk of them abusing their position of strength. According to Huntington, this risk is driven by the moral ethic that underscores the values in Western, and more specifically, British society. This ethic no longer accepts violations of humanitarian law committed or aided by UK forces. This aversion to IHL violations is reinforced by the moral compulsion to act appropriately, backed up by civil legal oversight. This will be discussed in the next Chapter.

The effect of this moral compulsion runs through the stream of this argument. There is, firstly, a risk that the association with such groups may undermine the integrity of the military engaged to complete the task, that individual soldiers may find the behaviour of those they train so against their personal morality that they refuse to carry out their mission. This is a stark consideration for commanders, discussed by Kitson and Simpson. It could undermine efforts to develop such forces.

Should the aspiration to develop indigenous forces be seen as legitimate, those conducting the training must be aware of the tactical impact that certain behaviour has on developing the stability of a state. Tactical IHL adherence is important even before an insurgency takes root, so as not to galvanize support for the insurgent. Once there is a fully-fledged insurgency, treating the population properly should seek to earn their trust, facilitating intelligence efforts. It will also help avoid exacerbating resentment towards the government. Simpson argues this now more than ever is an aspect of the interpretation of battle and that the perception of actions, in this case abuses, has as much effect as traditional military physical functions.

However, some counter insurgency literature highlight the effectiveness that the direct approach has had in suppressing instability and dissent in the past. Citing
the Nazi’s occupation in the Second World War, Saddam Hussein’s repression of the Marsh Arabs and Chinese Communist rule in the 1950s; methods at odds with Western IHL standards can be effective for guaranteeing security in the short term. However in the long term they are flawed. By allowing indigenous forces to act at odds with international norms, British public perception threatens to undermine engagement with indigenous forces. Social media and the modern press cycle’s ability to unveil issues in the public interest make this a greater possibility. Thus, whilst there might be increased local discipline and control in the short term, the long-term perspective of British domestic opinion dictates that inappropriate behaviour by indigenous forces will threaten the UK Government’s aspiration to develop them.
Chapter 2 part 3 - Does civil oversight, in the form of legal action, pose a threat to the British Government's aspiration to professionalize indigenous forces?

The threat of legal scrutiny significantly affects the UK government’s aspiration to develop indigenous forces. The increasing vogue of lawfare has left the British government cautious that any decision to develop indigenous forces in unstable states may result in legal scrutiny and complicity for those training the forces if they then abuse the skills that they are taught. This chapter will argue that whilst legal action, often referred to as lawfare, does threaten the desire to develop forces, legal oversight acts as a guide toward the legitimacy of military action. In fact, it is difficult to distinguish in the literature on lawfare a divide between civil legal oversight, and lawfare. The two are in fact distinctly different.

Lawfare has emerged to describe the use of legal action as a weapon of war, using the West’s adherence to humanitarian principles to achieve an operational objective. But, beyond the subversive attempts of national enemies, commentators such as Mercantel (2013) and Croft & Tagenhat (2013) have come to describe broader examples of legal oversight of military action as lawfare. These commentators, aligned to Western forces, criticize legal oversight of military operations originating in numerous scenarios. Both UK and US legal writers criticize the actions of groups such as Public Interest Lawyers (PIL), who they say are motivated by money and political influence. However, this dissertation will argue that such oversight by civilian lawyers is a stable function of Western democracy and it should not immediately be identified as legal action with operational intent, just because it does not obviously align to a government's interests.

There are a number of other legal threats that could influence the training of indigenous forces: technological proliferation, a desire to see justice applied evenly internationally, as well as the determination by external groups seeking justice, such as the Mothers of Srebrenica. All increase the pressure of legal scrutiny on Western forces. As signatories to the Geneva Convention, UK forces have a legal responsibility to act in the protection of civilians who may be subject to abuse at the hands of indigenous forces, the plight of the civilian population is ‘rooted in Article 1 of Geneva Conventions’ (ICRC, 2013). These trends and the determination of domestic legal charities mean that the legal challenge to
operations, which commit illegality, will continue to grow. The MOD must subsequently adjust its approach to lawfare and mitigate the threat of legal challenge to its operations if it is to train indigenous forces.

Given that this legal threat exists, methods to mitigate the threat must be developed. The United Nations have come under scrutiny, despite the best of intentions, for the actions of some of their troops in Haiti, where they caused a cholera outbreak, despite the disease having been absent on the island for one hundred years previously; the Central African Republic, where UN troops were accused of Rape; as well as in Somalia and a number of less reported cases. Necessarily, the UN have developed a policy of conditionality and produced a due diligence policy for working with indigenous forces of questionable character. So far, the UK Government has only developed vague policies to guide dealings with this threat. It should utilize the experience of the UN and adopt similarly comprehensive policies to create the maximum protection from prosecution of UK forces if complicit in IHL violations. With this protection, tactical level commanders should then be developed and empowered to properly develop indigenous force respect for IHL at the tactical level. This dissertation will now discuss the issues surrounding this aspiration.

**The rise and rise of litigation**

British forces have been increasingly held to account in British domestic and military courts and inquiries for their conduct on operations since 2003. As a result, British military operations have come under increasing litigious scrutiny. This vulnerability has always existed under international law, but the MOD’s domestic legal vulnerability is a more contemporary development. Beforehand, legal oversight would have extended as far as courts martial within the military for violations of IHL, but now it includes civil suits against the MOD, and increased pressure on the MOD to prosecute its soldiers as well as increased interest amongst the International Criminal Court. A number of high profile cases have

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32 See: UN Due Diligence Policy (2013)

33 These cases will be discussed in this chapter, but include the Baha Moussa, Al Sweady, Marine A and Sgt Kevin Williams cases.
facilitated this development, and now mean that UK operations are strongly influenced by legal oversight which will now be discussed.

Increased legal oversight has enhanced the risk of troops being held accountable for developing indigenous forces that abuse the skills that they are taught. Croft and Tagenhat have argued that the erosion of Crown Immunity for military action has caused this enhanced legal oversight on troops and the likelihood of UK MOD personnel being prosecuted for wrongful actions on operations. Where ‘Combat Immunity would once have acted as the blanket protection for decisions taken in the confusion of battle’ (2013: 28), this no longer applies. Subsequently, the breadth of legal oversight affecting military actions has broadened. This increased oversight has become known as Lawfare.

Lawfare poses a threat to the training of indigenous forces, where UK culpability could exist, but is not yet fully exploited by legal challenge. The term sees established legal norms used in the West to affect military action. For insurgents or enemy states this is a subversive strategy, ‘using—or misusing—law as a substitute for traditional military means to achieve an operational objective’ (Dunlap, 2008: 146). The term, coined by Major Charles Dunlap in the United States, has earned vogue status amongst military legal commentators who highlight the strategic impact that Lawfare is having on Western interests. Blum claims ‘that U.S. power is being curbed in the name of humanitarian concern’ (2011: 166). Increasingly, such commentators are arguing for the need to legislate against the effectiveness of Lawfare.34 However, this could similarly impact concepts of objective civil oversight. This study argues that not all legal oversight is Lawfare. Some challenges can be classed as civil oversight of the military as espoused by Huntington. Examples of legal challenge impacting the UK MOD will now be explored.

34 Lawfare is explored briefly within this essay, but its extent is too broad for a thorough analysis. The reader should be aware however, that this study argues that legal oversight is driving the threat of culpability for the actions of indigenous forces. See: On a Differential Law of War Gabriella Blum, 166 Harvard International Law Journal / Vol. 52, NUMBER 1, WINTER 2011; for comment on the binding affect of humanitarian law on US policy, L. Croft and T. Tugenhat, 2013, The Fog of Law: An introduction to the legal erosion of British fighting power, Policy Exchange, London; for criticism of the effect of legal civil oversight on British operations in Afghanistan, and, Human Rights Boon or Time Bomb: The Alien Tort Statute and the Need for Congressional Action, Major William E. Marcantel, Jr.MILITARY LAW REVIEW VOLUME 217 • 2013; for calls to repeal the effect of Lawfare.
A number of cases from recent military operations highlight the threat of the UK MOD being prosecuted for actions on operations where culpability can be established and the increased legal scrutiny that the MOD is under to prosecute those within its ranks who commit wrongdoing. The death of Baha Mousa in Iraq in September 2003, the Battle of Danny Boy in Basra in 2004, which led to the Al-Sweady enquiry and the trial of Trooper Kevin Williams in 2005 characterise the erosion of the principle of Combat Immunity for British Forces, and the willingness of non governmental groups to challenge the MOD legally. But these cases can not all be defined as Lawfare under Dunlap’s definition.

**PIL activities:**

Much of the legal focus on British military activities has been generated by civilian and charitable legal organizations with a political and justice focus. Public Interest Lawyers (PIL), headed by Phil Shiner, are one such groups bringing focus onto the actions of British military forces overseas, as they did with the aforementioned Baha Mousa case. Groups such as PIL raise the spectre of legal challenge over the UK MOD by acting on behalf of the families of British military and overseas civilian victims of conflict.

Public Interest Lawyers argue that they are an essential aspect of civil legal oversight of military action, acting for those that cannot fairly access justice. Head solicitor Phil Shiner is said to have ‘acted for the victims of injustices borne of many different circumstances.’ (PIL, 2014). However, this motivation is challenged by members of the media and the establishment. Whilst his firm claims an altruistic approach to justice for individuals in society, it is treated with derision by some. The Sun (2014) newspaper recently accused PIL of being driven by financial motivation, and receiving a huge payday as a result of the Al-Sweady enquiry, in the region of £2.5 million (2014). This was an inquiry that achieved mixed success.

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35 The accusation was that Trooper Williams failed to act lawfully in a law enforcement situation by shooting a local civilian, CPS statement available here: [http://www.cps.gov.uk/news/latest_news/120_05/](http://www.cps.gov.uk/news/latest_news/120_05/). He was experiencing the challenge of the ‘three block war’ (see Krulak C, ‘The Strategic Corporal: Leadership in the Three Block War’ [1999] Marines Magazine); soldiers have to comply with IHL, law enforcement and combat situations, with scant time/geography to separate these different scenarios.

36 Al Sweady Inquiry occurred in response to the aftermath of The Battle of Danny Boy, where Iraqi men and women were claimed to have been murdered by British Troops in custody. The Inquiry found that detainees suffered ill-treatment by British troops (less than that experienced by Baha Mousa and the men detained with him, but still unlawful). The lawyers for the Iraqi Core Participants (including Public Interest
Yet, PIL claim accusations of ‘money grabbing’ are minded to undermine their efforts. They maintain that they act in the public interest and that their actions help to ensure the fundamental principles of civil oversight of government and military action as discussed at the very beginning of this study. Without such groups, they claim there would be little rebuke of illegality by the MOD or military personnel. Shiner (2014) issued a statement detailing personal net worth, that is, his wage (equivalent to a primary school head teacher) and details of his property, car and children’s education. The firm further claim to be on the side of the British soldier, specifically in relation to the Smith case saying that they are ‘proud to have represented and to continue to represent the UK Armed Forces and their families in a wide range of matters for over ten years’ (PIL, 2014). This study cannot explore further the motivations for the actions of legal firms acting on behalf of complainants in MOD-related cases, whether they are moral, financial or altruistic. However in line with Moskos’, Huntington’s and Janowitz’s thinking, objective observers must appreciate the benefit of such oversight in ensuring ethical and legal military actions. We will now examine how the threat of legal challenge has been effective at this.

**Why is the MOD concerned by lawfare?**

The effect of perceived Lawfare on British Army actions and reputation has been wide, and has affected the aspiration to train indigenous forces. The *Guardian* (2013) claims that the Baha Mousa case left a stain on the reputation of the British Army, achieving notoriety because of the determination of Daoud Mousa (Baha's father) and Phil Shiner to seek justice. The financial and reputational impact of such cases has influenced British engagement with indigenous forces. This influence manifests itself in the British government’s decision-making process with regards to new operations. The Foreign Affairs Select Committee

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38 The Baha Mousa Public Inquiry Report provides extensive information on the case. The MoD has conceded shortcomings, including in training; that led to Baha Mousa’s death.
expresses concern relating to the skills that indigenous forces are taught, and the possible culpability of those who teach them: ‘the UK Government is anxious about the possibility of advice and training given in good faith being subsequently misused in a field setting, and of the British officer who provided the training becoming implicated’ (2014: 35). Although there have been no recent prosecutions under such an interpretation, legal suits concerning other British force military activity have impacted the British Government’s awareness of soldier culpability for the actions of indigenous forces that they train. One interpretation envisages a situation where offering training to specific individuals, who then go on to commit violations of International Humanitarian Law or Human Rights legislation, in sight or in full knowledge of British commanders, makes them complicit in their actions under British domestic judicial interpretations, because they failed to act robustly enough to counter such occurrences. This study maintains that legal oversight has created such concerns, by enhancing the consciousness amongst the government and MOD of the legality of military behaviour on operations.

This concern over the actions of indigenous forces suggests a fear over the ability of tactical level events to now influence interpretations of strategic policy and the government’s ability to deploy training missions. In addition to the nearly £13 million costs for the Baha Mousa inquiry itself, there is the cost of payouts. The BBC claimed that ‘In July 2008 the Ministry of Defence agreed to pay £2.83m to those who were mistreated in Basra’ (BBC, 2014). If the threat of legal prosecution of British forces is not condition enough, the large cost of the lawsuits and inquiries involving British forces make legally risky ventures less attractive.

This is not a legal study of the legal culpability of British troops in this situation. Yet, this study’s research strongly suggests that the issue of culpability is an area that requires further study by a more experienced legal mind. We will now examine the debate surrounding Lawfare.

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39 See also: Defence Select Committee, Report on The Legal Framework of Operations.
40 The attack on the Sikh Golden Temple in the city of Amritsar in 1984 caused an international media storm, when it was revealed in 2014, 30 years after the event, that an SAS Officer had played a minor advisory role in the storming of the mosque which led to the loss of 3,000 lives.
41 Such liability could exist under aiding and abetting laws within international or domestic courts, if training and/or materials were supplied in knowledge that they would be used in the commission of a crime. Additionally, the British Government’s own policy document Building Stability Overseas (2011) identifies this threat.
Problems with the Fog of Law

The prospect of civil legal oversight of the military is daunting to the MOD, but it is a staple of the civil-military relations model espoused by Huntington. Legal adherence is a defining principle of an organization that obeys the laws of the state and civilian oversight ensures this adherence. Whilst Lawfare has elevated the actions of tactical commanders and those they train to a national level of prominence. The MOD should focus on methods to minimize its exposure to Lawfare, such as mitigating the effect of IHL or Human Rights violations, rather than attacking all forms of legal challenge as Lawfare. The recent Tugenhat & Croft (2013) publication, The Fog of Law,\(^{42}\) examines Lawfare. Written by two military lawyers, the article attacks the invasion of the battlefield by human rights lawyers and the replacement of traditional humanitarian law with the civilian focus of human rights law. The article contains significant bias by failing to properly acknowledge the motivations of groups that cause the frustrations discussed above, such as PIL, instead labelling all forms of legal challenge as Lawfare. Overbearing judicial oversight is frustrating, even dangerous in the article’s eyes. Still, the study lacks the objectivity that might lead to broader consensus amongst interested non-governmental parties. Tugenhat & Croft argue for the reinstatement of Crown Immunity for the MOD by focusing on three areas: the treatment of prisoners in Iraq, the employment of lawyers within the Ministry of Defence, and efforts to mitigate the risk of torture by Afghan forces. However, recent trends in prosecution would suggest that whilst these efforts affect the MOD, continued civil legal oversight of military operations should be expected. Therefore they should place their effort into mitigating the risk of IHL violations rather than the legal consequences of abuses.

Afghan prisoners

The example of Afghan prisoners used by Crofts and Tagenhat is useful to this study on two fronts. First, it highlights the risk of indigenous forces trained by the British Army abusing the skills that they are taught. Second, the example significantly undermines the anti lawfare lobby by arguing against the protection of Afghan prisoners in favour of notions of sovereignty. The very real risk of

\(^{42}\) At the time of writing, the ICRC is conducting a major report, Strengthening Legal Protection for victims of armed conflict. This publication is likely to shed further light on this debate.
torture in Afghanistan impeded the handover of Afghan prisoners from British military custody to Afghan indigenous forces during 2012-13, because of this perceived risk of abuses.\textsuperscript{43} Croft & Tugenhat criticize that cessation of handovers, claiming that it created a violation of Afghan Sovereignty and a huge operational difficulty having to house the prisoners in Camp Bastion.\textsuperscript{44} However, this issue reinforces this study’s assertion of concern over the actions of British trained indigenous forces with the response appearing to be an effective measure in preventing the implication of British complicity in possible mistreatment of prisoners by Afghan forces until a diplomatic solution was reached guaranteeing the prisoner’s fair treatment.

The argument that Afghan Sovereignty should be respected in favour of allowing human rights abuses to occur is a weak one. ‘Afghan sovereignty matters not one jot in this situation, as the obligation is \textit{jus cogens},\textsuperscript{45} and sovereignty can never be interpreted to include permission to torture someone’ (Interview 8). Using this logic, the Croft & Tugenhat article’s legitimacy, and many others who argue against such legal interventions is undermined. This example is useful for twofold. It highlights the concern surrounding the behaviour of indigenous forces that British tactical commanders encounter, but also highlights the larger media, legal and diplomatic tensions that such events cause, thus, energizing the requirement for British troops to train indigenous forces to behave appropriately.

Increased civil oversight is a side effect of earlier mistakes made by the military in detainee handling in Iraq. Tugenhat and Croft fail to acknowledge that it was in large part the UK MOD’s actions that caused this scrutiny, Baha Moussa being a case in point. Though they argue that lessons have been learnt since these cases, this learning process only occurred because of the oversight of civil society, and organizations like PIL. The MOD should, therefore, expect such legal scrutiny in the future. U.S. commentators similarly argue against lawfare, Marcantel argues that the U.S. Government should legislate against ‘judicial activism, but also the threat of lawfare as understood as the use of the U.S. legal system and respect for the rule of law to “achieve an operational objective”’ (2013:

\textsuperscript{43} The cessation occurred after the alleged mistreatment of Serdar Mohammed by Afghan forces, creating concern over prisoner safety under Afghan security forces and British complicity in the treatment of those prisoners.

\textsuperscript{44} The UK and U.S. Main Operating Base in Helmand Province Afghanistan.

\textsuperscript{45} Peremptory: leaving no opportunity for denial or refusal.
138), but it seems difficult to differentiate between genuine civil-military legal oversight and lawfare with an operational objective. There is a danger that all legal challenge is labelled ‘Lawfare’ whereas, in fact, legal challenge as part of civil-military oversight is distinctly different from Lawfare, where an insurgent or enemy seeks to exploit Western humanitarian laws. Legal military commentators must focus on developing responses to emerging and future problems that will counteract the threat to the MOD rather than focusing on the overhyped tactical impact of these rules, such as prolonged detention of insurgents in Camp Bastion. There also exist further threats of legal challenge, besides the concept of Lawfare that could cause financial cost and damage in political and domestic goodwill in future conflicts.

**Technology influence**

Development in technology increases the legal risk of accusations of culpability for indigenous force behaviour and removes the impetus on legal organizations to pursue court action. Additionally, Dunlap (2008) highlighted the use of modern media by insurgents to exploit civilian casualties in order to use U.S. forces’ adherence to law as a weapon against them. If unsavoury behaviour is recorded and publicized then the British legal system is left with little choice but to pursue the case without non-government pressure, as was the case with Marine A. Just as social media can rapidly influence public opinion, so too can the pervasion of media technology on the battlefield.

The Case of ‘Marine A’, Sgt Alexander Blackman, exemplifies this emerging paradigm of technological influence. Thirty years ago, in the Falkland Island Campaign, and twenty years ago during the first Gulf War, helmet cameras with digital recording did not exist. Sgt Blackman became the first British soldier since the Second World War to be convicted of the murder of an enemy combatant. In an interview with the BBC, former First Sea Lord Admiral West (2014) claimed that ‘if every soldier had a self cam during the Second World War, we would have had thousands and thousands of cases’. Although a subjective assertion, it does allude to the ability of media technology to influence legal proceedings, triggering unavoidable legal action where culpability can be established.

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46 Sgt Blackman’s offence, the murder of an injured Afghan insurgent, came to light because a comrade’s video recording of the event, found on his personal laptop, was made available to military police.
Indeed, if the focus of this study was how to avoid prosecution for IHL complicity, rather than how to train indigenous forces not to commit IHL violations, then the banning of personal media devices on the battlefield would be a sensible step for the MOD to take, denying what might be termed an IHL ‘own goal’. Video of an IHL violation is difficult to defend against, whether the camera is carried by civilians, enemy combatants or soldiers. Whilst the MOD have been subject to the civil control emphasized by Professionalisation for many years, the development and proliferation of media technology has left the MOD dealing with a level of legal oversight that would previously have been impossible. Further pressure on the UK MOD originates from the political need to make international legal action appear fair and legitimate.

**Continued international focus**

The pattern of international war crimes trials has created the accusation of victimhood amongst poorer states, where accusations have emerged that they are being singled out for prosecution. Recent international legal cases have focused on less developed states, these include the trials of Charles Taylor of Liberia, Slobodan Milosevic and Saddam Hussein, although the latter was tried in an Iraqi court. In an interview with the American International Legal Association (2014) David Crane Chief International prosecutor at the Sierra Leone War Crimes Trial warned of the possibility of a two tier system developing, where Western leaders and soldiers could escape justice by not being convicted for perceived crimes. Crane (2014) claimed that there should be justice for everyone and that no one is above the law. Whilst this may not substantiate a specific threat to Western powers with comprehensive domestic legal frameworks,\(^47\) it does imply that there is an awareness of the one-sided paradigm of international legal prosecutions, which will maintain pressure on Western military forces, if only to provide fairness to less developed states and avoid the accusation of international legal partiality. An aspiration for international legal parity should focus the MOD on the risk of legal prosecution.\(^48\)

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\(^47\) The ICC is established to compliment domestic legal frameworks that are too weak to handle overly complex cases such as genocide.

\(^48\) In response to concern over UK MOD detainee handling in Iraq, the European Centre for Constitutional and Human Rights (ECCHR) and Public Interest Lawyers (PIL) submitted a request for UK activity to be examined by the ICC; ‘Communication to the Office of the Prosecutor of the International Criminal Court: The Responsibility of Officials of the United Kingdom for War Crimes Involving Systematic Detainee
Mothers of Srebrenica

The massacre in Srebrenica, Bosnia, is an example of a Western power being held to account for its actions, but also how a group of peace keepers, the Dutch in this case, are pursued for culpability in failing to prevent the massacre of large numbers on men and boys. The case offers parallels for cases in which soldiers fail to intervene when confronted by humanitarian violations. Although the case centres on the activity of UN Peacekeepers who failed to intervene in the Srebrenica massacre in Bosnia in 1995. A collection of bereaved widows and mothers from the town, known as The Mothers of Srebrenica, allege that UN peacekeepers were negligent in their duty in failing to intervene in the massacre. Although not under a peacekeeping mandate and arguably unlikely to be working alongside troops likely to commit abuses on the scale of Srebrenica, the case highlights the will of wronged groups to bring legal proceedings against those that fail to intervene in humanitarian atrocities that they witness.

At a recent American Society of International Law (ASIL) event, Bruce Rashkow, previously of the US Department of Justice and of the UN, remarked that in such cases ‘the Use of force under a UN security Council resolution is always a complex issue’ (2014). Dutch courts had previously ruled, however, that the case cannot be heard because the Dutch peacekeepers were acting under the banner of the UN, which holds immunity from prosecution. The inference subsequently being that troops not possessing the legal immunity of a UN mandate may be held responsible for such inaction in future. The legal responsibility to intervene in humanitarian abuses raises important issues for study, however, especially where those abuses are committed by personnel outside a soldier’s rank structure, namely indigenous forces. It highlights the need for governments to do all they can to stem witnessed abuses and highlights the ongoing legal pressure they are coming under.

Conditionality

To combat this pressure, and the legal threat of indigenous forces abusing the skills and misusing the equipment they are provided, a number of concepts have emerged. Conditionality is one that may help to counter the threat of legal action.

to professionalizing indigenous forces. After operations by UN-sponsored troops in the Congo and Pakistani Troops in Haiti, the UN has adopted such a policy. Bruce Rashkow (2014) claimed that there have been widespread reports of sexual abuse by UN troops in the Congo in early 2000s. Conditionality has been used to counter such abuses. Advanced by UN secretary General Ban Ki Moon, conditionality dictates that UN units deploying on peacekeeping missions should properly consider those they offer assistance to. Human Rights Watch says that the policy ‘carefully screened Congolese military units aided with UN supplies, and officers with a track record of grave human rights abuses weeded out.’ (2012)

This goes some way to mitigating indigenous force misbehaviour, as conditions to adhere to are placed on indigenous forces in exchange for continued UN support.

The UN sponsoring peacekeeping missions in unstable states is a different format to that which the UK faces, as the UN holds immunity from prosecution for complicity in the acts that they may inadvertently aid. To draw parallels, however, is useful in this situation. Both seek to work with less developed military forces in volatile states. Many of the lessons learnt, even scandals embroiling the UN offer insight into how the UK MOD should approach training indigenous forces and some of the legal frustrations that may be encountered.49

**Solutions mitigation and the UN Due Diligence Policy.**

The UK should, therefore, be willing to adopt the policies of external agencies in its dealings with indigenous forces in order to provide greater freedom to professionalize indigenous forces. The thirteen-page UN Due Diligence Policy (DDP) document for the training of foreign armies outlines the conditions by which UN forces should engage with foreign security forces, and also by which this aid should be withdrawn if the force’s behaviour is deemed inappropriate. The policy is pragmatic on the matter of withdrawing support, acknowledging the dichotomy between withdrawing support if abuses occur, and similarly allowing the

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continuance of development if the withdrawal of support may lead to an inability to further influence the forces under training at all.

The UK’s early musings on conditionality have been overly vague and would benefit from emulating the UN DDP. Building Stability Overseas (2011) lays out these early efforts: ‘safeguards for potential human rights violations will be put into place, including seeking high level assurance that new capabilities will not be used or misused for the commission of human rights violations’ (2011: 30). However, such statements and policy stances remain vague. In relation to the planned training of 2,000 Libyan soldiers in the UK, it claimed they ‘will be vetted in advance for medical, physical and behavioural suitability’ (HMG, 2013).

Unfortunately, this operation ended poorly, after a number of the soldiers were returned home charged with a number of sexual assaults on local civilians in Cambridgeshire.50 Still, a more detailed policy, properly enforced, is likely to add greater protection against legal challenge. The UN DDP will be discussed in a later chapter, specifically in relation to the value of the UK Government developing its own policy in order to mitigate against the risks of indigenous forces abusing the skills they are taught.

**Foreign Military Sales (FMS)**

When considering issues of conditionality, the UK Government must further consider the issue of equipment, tightly tied to conditionality. A developing indigenous force will require military equipment. In the case of more developed nations such as Bahrain and Egypt, the extent of these sales have a great economic drive. The wealth of such countries allows them to purchase equipment of a high technological standard that makes such sales economically attractive to foreign states with domestic arms industries. Comparatively intervention in unstable states with limited financial resources may lead to the supply of more basic equipment. But, in both cases, the supplying government must be mindful of its responsibilities under international law. The sale or provision of weaponry or equipment to states is governed by the Arms Trade Treaty (ATT) of April 2013, which upholds the principle that ‘States are to assess whether proposed transfers would contribute to or undermine peace and security, or be used to commit or

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50 Andrew Lansley MP for Cambridge South wrote to Defence Secretary demanding an apology and explanation for a series of sexual assaults by Libyan soldiers, committed against local residents in 2014.
facilitate serious violations of IHL or international human rights law (IHRL)’…If there is an ‘overriding risk’ (Article 7.3) that these negative consequences would occur as a result of a transfer, a state must not license it’ (Saferworld, 2013:16). Policies, such as this, which the UK subscribes to, provide legal oversight further opportunity to challenge the outcomes of government policy.

**Conclusion:**

Legal action poses a very real threat to the UK’s aspiration to develop indigenous forces. Although there is no precedence of UK forces being tried for complicity in the development of indigenous forces who commit humanitarian violations, it is a concern that the UK Government has raised in Building Stability Overseas (2011) as a result of the growing trend in Lawfare. The pervasiveness of legal challenge has caused this vulnerability, with the recent Baha Mousa, Al Sweady and Trooper Williams cases, further exacerbated by developing media technology and a desire for even handed justice amongst international courts.

However, a number of Western legal commentators, Croft and Tugenhat (2013) and Marcantel (2013) who are associated with military forces have defined this threat of legal action as exclusively Lawfare. There is little distinction made between Lawfare as an operational tool and legal action as a method of civil-military oversight espoused by the Professionalisation debate. This nuance is important. Defining all legal action as Lawfare undermines the legitimate legal action taken against the MOD in relation to detainee mishandling and other IHL violations.

Whether or not the motivation of groups like PIL is personal greed or political viewpoint, legal oversight remains. Failing to understand the motivations of legal groups to pursue appropriate behaviour by the military and to conduct personal attacks on leading individuals within human rights law firms is contrary to the concepts of Professionalisation and civil oversight promoted by Huntington. In light of some of the abuses committed by British forces in Iraq and Afghanistan, it seems almost certain that legal oversight will remain a feature of future intervention and conflicts.

Focus should, therefore, lay in reforming British military adherence to IHL and the ability of training and mentoring forces to impart respect for international law
amongst those indigenous forces that they train. The UN has created effective mechanisms in mitigating the risk of their complicity in light of past scandals. Whilst they maintain a legal immunity in international law, their development of conditionality for those they assist is an effective mitigation to the legal threats that they could face without immunity. Although such policies may fail, the legal ramifications of abuse, the cost to taxpayer in legal fees and costs, as well as the risk of prosecution of ‘complicit’ personnel should be minimized by adoption of similar policies by the UK Government. These policies are, however, focused on the higher strategic and operational policies of developing indigenous forces to adhere to international legal norms. This study will now examine more tactical and de facto methods of encouraging IHL adherence concurrent to indigenous force development.
Chapter 3 - How effective is the British Army’s approach to the professionalisation of indigenous forces?

The British Army must broaden its perspectives on training indigenous forces. By utilizing more varied sources and by properly integrating the experience of its soldiers in contemporary operations it will mitigate the risk of indigenous forces abusing the skills they are taught and improve its approach to Professionalisation. This Chapter analyses British MOD Doctrine on the training of indigenous forces, principally JDP 3-40, JDN 6/11, a Defence Concepts and Doctrine Centre (DCDC) discussion paper on indigenous forces, as well as the UK Government’s policy paper *Building Stability Overseas*. Further utilizing interviews with a number of key informants to identify the practices at play at the tactical level of indigenous force development. Subsequently, this Chapter identifies a number of areas for improvement in the MOD’s considerations of Professionalisation.

Analysis and contradictory interviews raise a number of issues with British doctrine that should be addressed if the British Army is to improve its approaches to developing indigenous forces. JDN 6/11, which focuses exclusively on indigenous force development and provides a useful basic explanation of training indigenous forces. Still, it is blinkered in its approach to forming partnerships with indigenous forces by focusing too much on British experiences of indigenous forces, without utilizing other available examples. It fails to seek external Organisational understanding. The available case studies for UK doctrine are broad, such as Iraq, Afghanistan and Sierra Leone. Using the RGR as an example of indigenous force development mistakes the very nature of indigenous force development. Although, the case study does once again reinforces the significance of resources within the Professionalisation debate. Errors within the doctrine’s language, which is almost derisory of less developed forces, could damage the process of developing indigenous forces. Finally, there is a lack of focus on the differing stages of conflict at which indigenous forces are developed. Whilst UK military doctrine is more strategically and operationally rather than tactically focused, the conduct of British soldiers in development roles and those they train can have clear strategic effects. They are a good example of ‘the strategic corporal’ effect—where tactical commanders will face complex rapidly evolving scenarios on the battlefield. The roles of tactical commanders must, therefore, be better comprehended by the higher levels of command.
Interviews identify paradigms that are at play at the ‘tactical’ level that are not fully acknowledged at higher levels or in doctrine. One significant identification concerned the stage of conflict at which engagement is pursued. Within the doctrine there is a black or white classification of conflict. Either training is conducted in or out of conflict. Whilst this may be the case at a macro level within a state, the reality at the micro ‘tactical’ level is much more nuanced than this would suggest. A state of conflict may exist within a country, but it may not directly impact indigenous forces or trainers specifically. In such a case the battle may be far away or near, but the effect of this difference is not recognized.

This study maintains that operational and tactical encounters with IHL violations in conflict are not comprehensively understood. Occasions of decoupling were identified, where the tactical practice is different to that understood within the doctrine or acknowledged at the public level. This includes cases of indigenous force trainers being underprepared for their task as well as the observance of what this study has termed ‘pragmatic patience’, where advisors accept low level violations of professional norms achieving long term success.

Approaches during peacetime are already well understood by the ICRC, NGOs and the British Government and pursued with the hope of mitigating violence if a conflict does erupt. Yet, indigenous force trainers must be better prepared for the diverse and fluctuating states of conflict that they may find themselves in when developing indigenous forces. To its credit, the doctrine identifies the difficulty of creating civil structures and indigenous forces whilst a conflict rages. Unfortunately that is precisely what the UK MOD has found itself doing in Afghanistan and Iraq. The ICRC advocate the development of adherence to legal codes of war before the conflict has erupted, however, this is not always possible. Therefore, when preparing soldiers to develop indigenous forces, the UK MOD must pay greater attention to the nuanced states of conflict that exist within a conflict. This study identifies situations where a state of conflict exists within a country, but where indigenous forces may find themselves in contact or out of it.\(^5\)

Soldiers must be prepared to affect change within these multifaceted situations.

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\(^5\) JDN 6/11 refers to ‘conflict’ in the country. However a group of soldiers may not be under immediate pressure from fighting. Subsequently, mentor/mentee relations are simpler. Interview 1 identified a military term ‘Contact’, where soldiers are directly involved in an armed firefight.
When a British soldier finds himself training forces within a state of conflict, this study maintains that there is a deficit for engaging in behaviour that is contrary to British interests, such as violations of IHL—as discussed in the previous Chapter—which may undermine the UK’s position in years to come, both as a result of failing to mitigate the risk of legal complicity in its support for unsavoury partners as well as on moral grounds or the political imperative of ensuring such adherence amongst its partners. This study, therefore, seeks to suggest opportunities for the UK MOD to increase its development of indigenous force trainers and advisers ability to counter possible IHL violations.

For the British Army to achieve this, there are a number of informal paradigms at play on the tactical level that should be better understood: soldiers’ safety, the role of peer pressure, a pragmatic patience approach to an indigenous force’s development and the personalities of indigenous force and UK commanders. Whilst some of these concepts are politically controversial, a better understanding of them would highly strengthen the UK’s approach in facilitating the Professionalisation of indigenous forces.

Firstly, it is necessary to examine the advocated approaches to indigenous force development within British doctrine.

**How have the UK MOD decided to progress with indigenous force training?**

British attempts to define indigenous force development produce a capable doctrinal departure point for the subject. The pieces that will be discussed here are a response to the ever complicated states of conflict that British forces find themselves encountering, as well as increasingly fractious political situations described in Chapter One. Still, the doctrine lacks the detailed approach that such complicated situations require. This Chapter identifies three key areas where the British Army’s doctrine on stabilisation and developing indigenous forces warrants greater scrutiny: 1) the use of terminology within doctrine that identifies divides between indigenous forces and their trainers; 2) the use of inappropriate case study examples; 3) finally, the intricacies of the stages of conflict where

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52 The Royal Gurkha Rifles (RGR) example offers useful observations on inter-cultural relations, but as a model for developing indigenous forces in the short term, it is almost irrelevant, using a colonial model of leadership where UK born and educated Officers command Nepalese born and raised troops, has minimal application to professionalisation within a modern independent foreign state. Whereas, in an unstable state, the aspiration is to develop both the soldiers and leaders within that state.
Professionalisation may be conducted. The JDN makes reference to pre and during conflict approaches to training, but further understanding of these differences when working in unstable states is limited. Each of these points allow identification of where the approach to developing indigenous force adherence to IHL can be strengthened and will now be examined, in turn.

**JDN & DCDC discussion advice from general experiences**

Joint Doctrine Note 6/11 and the Doctrine Concepts Development Centre discussion paper on partnering indigenous forces provide specific attention to training indigenous forces as part of the military’s contribution to developing stability. JDN 6/11 utilizes a combination of the DCDC discussion paper as an initial reference point of historical analysis and of interviews with Army officers whose opinions warrant consideration given their experience. The JDN highlights several features pertinent to partnering indigenous forces that are of interest to this study. However, the document also makes significant oversights in its understanding of the modern partnering process that JDP 3-40 does allude to, that is, the requirement on the part of British Army to ensure that indigenous forces behave appropriately.

Both *Stabilisation - The military contribution* (2009) and *Partnering indigenous forces* (2011) successfully identify the benefits of developing indigenous forces, as previously discussed in this paper.53 Similarly, the papers identify past errors in the conduct of the Afghan campaign, citing the delayed development of the Afghan National Police (ANP) due to a focus on the Afghan Army. This likely links to the aforementioned prioritization of security in stability efforts with the UK Army focusing its efforts on the Afghan Army stemming from a cultural bias towards a military rather than police approach to SSR. However, the inability to identify the reason for this oversight reduces the ability of commanders to become aware of and remedy such failures in future. The Army can say what went wrong, but is reticent to openly admit why. This is a weakness in the MOD’s doctrine on partnering, there is no scope within this study to explore why British Army doctrine produces such limitations in knowledge. Yet, where those blackspots currently

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53 Stabilisation pays particular attention to the indigenous forces’ ability to bolster force ratios in the counter insurgent’s favour, as well as the improved local profile of indigenous forces.
exist, how they manifest themselves and how British soldiers have adapted to deal with such vacuums will be examined.

**Partnering and partnership**

The manner in which messages are communicated to indigenous forces has huge significance. Terminology is the set of terms and language belonging to a specialized subject. There exists a lack of humility towards indigenous forces within the UK MOD doctrine which is bolstered by the use of unfortunate terminology. With its terminology, JDN 6/11 undermines the development of effective relationships between UK training forces and indigenous force commanders. The DCDC discussion paper states that support can take form of ‘partnering’ or ‘partnership’. This asserts that indigenous forces do not qualify for full ‘partnership’ with the forces training them because of their inability to conduct complex operations independently. Partners must supply their own ‘internal security, governance and economy (and) should not be dependent on the partnership to deliver this’ (JDN 6/11, 2011: 12). The distinction between the two is that ‘partnership’ is only achieved by a host nation once they have undergone ‘the development of the relationship (partnering)’ (DCDC, 2011: 7) and passed exacting tests in order to be worthy of ‘partnership (marriage)’ (DCDC, 2011: 7). The partnership is said to be a full strategic relationship ‘based on a sound legal arrangement, trust and mutual respect, where partners are otherwise independent bodies who agree to co-operate’ (JDN 6/11, 2011: 11).

Using the above logic, the UK is in partnership with the United States, but partnering with Afghan forces. This may be the criteria for fulfilling strategic partnership, but it is unhelpful to associate it with an operational approach reliant on day-to-day relationships. The wording used within the note could be significant. General Frank Kitson argues that ‘A good indication of the way in which the US Army looks at the problem can be got from an examination of the terminology which they now use’ (1972: 52). In the UK’s case, British doctrine’s terminology relegates the partner nation below the one developing indigenous force capability.

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54 Humility and shared experienced are later espoused as crucial in developing indigenous forces, and will be discussed. This example may undermine subsequently undermine this concept.
By receiving support, indigenous forces become subordinate according to this doctrine’s terminology. Yet, if they have consented to receive support in the first instance, they cannot be relegated below the provider purely on what appears to be financial and development need. Indeed, Eliav Lieblich (2011) argues that by consenting to an intervention in which a foreign state assists the local government to deal with an internal conflict, their relationships cannot be anything less than a strategic partnership, because a forcible intervention without the support of the host government is a violation of the international norms of sovereignty. Therefore, the distinctions between a force being developed being subordinate to another is firstly legally inaccurate, but also politically counter-productive. It is possible that this creates an attitude of superiority among British forces and subservience of the host indigenous forces, thus, undermining the relationship between the more developed and less developed forces in the partnership.

DCDC contradicts this slip in their own terminology by citing one tactical commander who claims that, ‘It is important to have a sense of humility when dealing with indigenous forces’ (JDN 6/11, 2011: 12). It is significant that this recognition is made by a tactical commander given that many commanders on the ground realize this, but operational and strategic teaching is defiantly more doctrinally pure. Marking partnering and partnership as mutually exclusive is an unhelpful interpretation. As the paper goes on to say, ‘it is the spirit of partnership that is required to achieve success jointly encapsulated by the slogan “succeeding together”’ (DCDC, 2011: 43). Humility is supported as a significant personality trait in those attempting to encourage IHL amongst indigenous forces, but the doctrinal approach undermines that. It is quite possible that this strategic differentiation between partnering and partnership permeates down to the tactical level with serious consequences. This issue will, therefore, be explored via several interviews in this study. However, it is interesting to note that such differentiations are not highlighted when discussing methods employed within the RGR case study.

The Royal Gurkha Rifles

In contrast to the terminology used in the doctrine, the primary case study, involving the RGR, advocates an egalitarian approach to developing indigenous

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55 Doctrinal purity is a military colloquialism, akin to playing it ‘by the book’
forces. This is somewhat different to the doctrinally pure explanation of strategic partnerships. The strengths and weaknesses of the case provide notable points for the development of indigenous forces. There exists a polarity of cultures between British Officers commanding the Nepalese soldiers and the Nepalese soldiers themselves, which is useful. The two way exchange of culture and knowledge sharing, advocated in the case study is a positive advance on the divisive terminology; and the success of the Gurkhas makes it easy to point to the Regiment as a beacon for non-Western professionalized forces. However, this case study is misapplied because the RGR are not an indigenous force. They are an already professionalized force with a historic legacy of success. The use of the example demonstrates positive and negative aspects of the British Army’s doctrinal approach to indigenous force development. These will be discussed now.

**Specific strengths of the RGR example within the context of indigenous forces development**

The RGR case study does provide a number of effective observations that strengthen the British Army doctrine’s effectiveness. The polarity of cultures that exists between the United Kingdom and Nepal, with British Officers commanding Nepalese soldiers facilitated DCDC’s selection of the RGR as a case study. The case highlights useful guidance for the engagement of British Officers with soldiers who originate from a different culture. The two-way exchange of education is perhaps one of these, the applicability to this study being that whilst advisers develop military skills in the indigenous forces, the indigenous forces develop the knowledge of the adviser of their language and local culture. This model espouses the sharing of knowledge on an equal footing. Strengths specific to the Gurkha Regiment model are translated into five lessons. These are said to be applicable to the partnering of all indigenous forces. Concepts of humility, mutual respect and the importance of relationships are especially emphasized. These attributes are important to the study’s analysis and will be examined in

56 They are: support for British Officers from their command; the Officer induction programme: a period immersed in South Asian culture; the Mentoring and nurturing of British Officers through the appointment of a Gurkha soldier as a radio operator or orderly who the Officer can then discuss Regimental matters with, speak Nepali with and develop an information network; the presence of an internal Gurkha induction cadre and finally; the development of language skills by the British Officer. (JDN 6/11, 2011: 126)
further detail in interviews. Particular attention will be given to the concept of developing and nurturing relationships. However, there remains the problem that the RGR are already professionalized as a force. Furthermore, they are trained and predominantly garrisoned within the UK.

**Specific weaknesses of the RGR example**

The case study is misapplied. Although the analysis of the RGR offers tactical advice to those developing indigenous forces, the regiment is singled out as a model indigenous force. The DCDC paper highlights attributes of the Gurkha Regiment model by using it as the example of successful partnering. Yet, they are not indigenous forces at all, except that the regiment is manned by soldiers from outside the UK. Many of the suggested methods used within the RGR encouraging partnership have taken nearly two centuries to develop. This is far removed from the wholesale training of indigenous forces and SSR in unstable states, which is a relatively rushed process.

**Why DCDC selected the RGR case study**

Given the flaws in the case study, identified here, it raises the question as to why it was chosen in the first place. One reason could be due to the association between the Head of Land and Research at DCDC, Brig Ian Ridgen and the Gurkhas. He himself is a Gurkha Officer. If this is the motivation behind the selection of the RGR as a case study, it is blinkered. Jackson (2015) argues that there is a lack of effective research on SSR. Although this is some excuse for not utilizing academic research on the topic, there still exist better examples within the military that could be utilized in preference to the RGR example, such as the US embed teams in Iraq. Chapter 3 of JDN 6/11 utilizes only a brief case study of these teams in Iraq between 2005 and 2007, which is a more relevant and recent example of indigenous force development in an unstable state. The doctrine note opts to delve into the Gurkhas as an example of partnering in modern COIN and stabilisation environments. The use of British Officers of the RGR to produce this case study may provide further limited objectivity in their assessment of the strengths of the RGR model for indigenous force training due

57Early constituents of the Regiment in the British Army were first founded in 1815.
to their loyalty to the Regiment. These factors undermine the case study’s legitimacy and must be considered before accepting it as a viable model.

The success of the RGR within the British army; both the length of their existence and their success on operations, gives their example weight. The case study’s contribution to our understanding of indigenous force development cannot be completely discounted because of limited objectivity. Reconciling the advantages and disadvantages of this case study helps to draw additional lessons for partnering indigenous forces. Weaknesses in the model, such as the incompatibility of the RGR’s 200 hundred year partnership with the United Kingdom compared with an embryonic indigenous force highlights the awkwardness of the case. Still, it can also be viewed as positive: the proven success of the Gurkhas and the time it has taken to develop the process of assimilating new arrivals into British military culture, the fostering of regimental pride and ethos are proof of its validity. Similarly, highlighting the presence of financial incentives to Gurkhas has an important application to the examination of indigenous force development. These factors are largely within the control of the indigenous force’s government. Additionally the absolute necessity of mutual cultural respect between adviser or British officer and indigenous soldier or Ghurkha is key to this example.

There are likely better alternative examples of indigenous force development than the example of the RGR, which would aid more Professionalisation. This is the case for several reasons. The historic and traditional legacy of the Gurkhas is long and established, whilst indigenous forces are a new creation due to the very nature of SSR. Consequently, the Gurkhas can be highly selective of personnel, which an army in an unstable state may not have the luxury of being.

As a longstanding member of the British armed forces, Gurkhas receive financial incentives to reach a high level of professionalism. The same incentives are usually not available to indigenous forces trained in unstable states. Finally, the Gurkhas are selected and trained within a secure environment; their training is not conducted within a state of conflict as JDN 6/11 advocates or in an unstable state, but safely within the UK, without pressures on the duration and conditions.

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of training, unlike most indigenous force training missions. The unstable environment which indigenous force development often occurs in is therefore likely to impact their development in a manner that would not affect the Gurkhas. Two of these three points have great significance to this study, and warrant further investigation, both the case of pay and resources that the Gurkhas receive, as well as the state of conflict experienced by a state where indigenous forces are developed, and how those two factors affect indigenous force training. Unfortunately, the 166 year history of the RGR cannot be replicated. However, it does provide an end point that British and indigenous forces might wish to strive for.

Issues that they do not overcome…that indigenous forces do

The Gurkha case study and its ability to encourage adherence to IHL draws three observations in relation to: 1) resources; 2) relationships; and 3) perspectives. The issue of resources deserves greater attention. The financing of indigenous forces is an issue of considerable relevance to ensuring their appropriate behaviour. Gurkhas are paid in line with British troops so do not encounter this issue. By falling within British training and discipline, the act of IHL training is second nature. Unlike the challenge of encouraging indigenous forces to conduct themselves in a new manner this may require skills of co-option, convincing and manipulation, not often needed in a well-disciplined unit such as the RGR. However, it does reinforce the importance of strong relationships between trainer and trainee in the absence of traditional discipline. The Gurkha case study may be indicative of the UK MOD not looking outwardly. It may prove beneficial, therefore, to examine alternative examples of indigenous force training that not only prove relevant to encouraging IHL adherence, but also grasp the basic problems that mentors encounter with indigenous forces that the Gurkhas do not, such as ill-discipline, misallocation of resources and negligible selection criteria in addition to the need for the rapid application of skills and quickly established relationships. One example of this may be the work of NGO officers to encourage adherence to IHL amongst indigenous forces.

In and out of conflict-upstream prevention

The stage of conflict in which indigenous force development is conducted is a neglected theme in JDN 6/11. The stabilisation doctrine acknowledges the military’s role in supporting states that are ‘entering, enduring or emerging from
conflict' (JDP 3-40: 2010: xi). By investing in state structures and capabilities before a conflict, the UK government hope to build ‘strong, legitimate institutions and robust societies in fragile countries that are capable of managing tensions and shocks so there is a lower likelihood of instability and conflict’ (BSO, 2011: 20). A pre-conflict intervention, by developing a state’s ability to provide its own stability, is claimed by the British Government to be far more cost-effective than to ‘invest in conflict prevention and de-escalation’ (BSO, 2011: 6). This approach is similarly echoed by organizations such as the ICRC and Amnesty International, both of which are concerned with the development of adherence to IHL. The ICRC claim that the dissemination of IHL training ‘before the outbreak of an internal armed conflict is essential’ and even has the benefit of making the outbreak of conflict less likely by fostering ‘a spirit of humanitarianism that will serve to mitigate the tensions within a society’ (ICRC, 2003: 25).

Thompson’s emphasis in COIN is on political solutions and the necessity of security within a threatened state, reinforcing Lt. Col. P. Vann’s maxim ‘Without security, nothing else will last’. Stabilisation-The Military Contribution (2009) is similar. Both approaches emphasize the significance of security and training local indigenous forces to achieve this, in line with Thompson’s five principles of COIN. This development has been the result of thirty years of evolution in the execution of military intervention. To this study, the convergence of COIN, training indigenous forces and political primacy, emphasizes the need for the Professionalisation of forces within conflict.

Despite the significance afforded to pre-conflict development, the JDN 6/11 only affords one paragraph to the issue of developing indigenous forces ‘in conflict’, itself highlighting the difficulty of this; ‘Troops already in combat will often be tired, dispirited and in need of a rest, but the fight must continue.’ (2010: 3-22). This either represents a remarkable optimism that British forces will not have to develop indigenous forces during conflict or a naivety nativity about the difference between the two situations. It lacks the detail to provide sufficient guidance to a commander about how they should approach each situation, as each is rather different. Therefore, this study will address this deficit, and examine the role that the stage of conflict plays in developing indigenous force adherence to IHL, and how approaches have emerged to manage the nuances of different situations.

What these three key points actually allude to is a broader set of considerations.
that are identified in the interviews. The significance of terminology alludes to the significance of interpersonal relations in developing indigenous force behaviour, the way that desired outcomes are communicated and the ability of the advisor to form connections with the indigenous force is desperately important. Criticism of the RGR case study is more indicative of the British Army's sometimes perceived lack of desire to look externally. The case study itself actually identifies a number of key themes essential to indigenous force development that should not be discounted. Yet, a case gleaned from such internal experiences leads this study to advocate the examination of broader sources. Finally, the stage of conflict helps the recognition that advisors must be prepared for more diverse situations than is already the case. The Professionalisation of indigenous forces is not a fixed transition, but a varied path with a more fixed end state. The route to success should not be as mandated as the doctrine suggests. These concepts will now be explored in greater detail.

Has an informal understanding of indigenous force development emerged in the British Army that is not mirrored in doctrine?

Developing indigenous forces and concepts of professionalism is much more difficult once a state of conflict has taken hold. The ICRC find they have greater success sharing their norms before a conflict ensues: ‘This process is more easily carried out during peacetime or when armed conflict has not reached high levels of intensity’ (Integration, 2007: 20). Similarly, at the heart of stabilisation doctrine is the belief that conflict should be deterred before it takes hold, and that pre-conflict development of indigenous forces aids this. However, this is not always possible, and development of indigenous forces may either take place in two situations identified by UK MOD and NGO doctrine: pre-conflict and during conflict conditions. Pre-conflict methods of development are very much ‘high end Security Sector Reform’ (Interview 3) before a conflict erupts. Pre-conflict development sees the judiciary and civil-military oversight arranged.\textsuperscript{59} This high end SSR is well understood and described in UK MOD and Government literature.

\textsuperscript{59} This arrangement utilises methods advocated by the ICRC, such as norm diffusion, cultural development, and IHL integration, where IHL norms are emphasised throughout the development of the armed force.
Developing indigenous forces once conflict has erupted is markedly much more difficult than pre-conflict development and is less understood. This is in the case of both the UK military and IHL-focused organizations such as the ICRC. British doctrine argues the benefit of this training, but emphasizes the importance of distance from combat conditions during ‘in conflict’ training. JDN 6/11 argues that by withdrawing combat engaged indigenous forces from the frontline to develop them, the force can be enhanced. Developing IHL adherence as an aspect of professionalism is one aspect of this. Nevertheless, this method removes valuable troops from what may be a traditional combat or counter insurgency environment where they are needed. As well as reducing a force’s number of troops in use, the troops may not be as receptive to the training as hoped, ‘troops already in combat will often be tired, dispirited and in need of a rest’ (JDN 6/11, 2011: 84), so this preferred method of in conflict development itself can be difficult.

When the withdrawal of troops cannot occur, MOD doctrine advocates the deployment of embedded adviser and mentor teams to develop indigenous forces. JDN 6/11 refers to both of these situations as ‘in contact’ (2011: 84), it makes no distinction between training on the frontline by embeds versus removing indigenous forces from fighting for training. This study’s interviews suggest that they are very separate scenarios requiring distinct consideration. This is because a state of conflict may exist in the country, but indigenous forces may rarely encounter their enemy, the contrast in instability within Afghanistan is one example of this, where the insurgency in 2009 was far more violent in certain regions compared to others: for example, Kandahar and Helmand Provinces in contrast to Bamyan Province to the north. The distinction between the two scenarios is relevant to those training indigenous forces, because they are very different scenarios, requiring nuanced skills. Situations incorporating patrols in permissive regions, training in established training military camps or informal talks in forward military bases will be termed ‘out of contact’, but ‘in conflict’; as such a state remains in the country. However, situations during or in the immediate aftermath of battle, will be referred to as ‘in contact’. This concept and differentiation is one that this study makes, but not drawn in British military doctrine. The distinction is important, because they require very different approaches and preparations by soldiers. We will now explore the frustrations of this dichotomy, by focusing on in contact development.
In contact doctrine

A number of humanitarian agencies have a great understanding of in contact tactical level paradigms of IHL development. This study’s interviews also confirmed that this is also understood privately in British Army training. Still, the difficulty of this frontline engagement is not reflected in British Army doctrine on indigenous forces. But where the doctrine might be relevant, those items are toned down compared to the experiences encountered in this study’s interviews, thus, reducing the impact of data collected and disseminated by British Military sources for scrutiny. This lack of public acknowledgement of the difficulty of in conflict development seems to be the result of a number of conflicting priorities on British Forces, including the British Army’s internal battles with maintaining professional standards in adverse conflict situations.

Conflicting priorities - difficulties in ensuring IHL protection even for UK

The British Army has a far more established tradition of IHL adherence than the militaries of many unstable states, but they have struggled with their own protection of IHL in the face of competing priorities in conflict. The ICRC recognizes this difficulty. Despite the best will to promote IHL, ‘when armed actors are engaged in major combat operations, other priorities will inevitably replace these long-term concerns.’ (ICRC, Integration, 2007: 20).

An example of such conflicting priorities was presented to the Al-Sweady enquiry (2014) which cited the evidence of Captain Bowen, of the Royal Military Police who was present at the Battle of Danny Boy. When attempting to investigate the deaths of 20 Iraqi men- said to be rioters and insurgents by the deployed British infantry battalion, Captain Bowen was told by the Commanding Officer that he was too busy ensuring the safety of his men to aid her enquiries (Al Saweady inquiry, 2014).60 The Commanding Officer’s statement suggests how two considerations are at play in contact; the difficulty of upholding IHL norms, in this case investigating alleged wrongdoing, versus focusing on ensuring the safety of his own soldiers.

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60 Capt Bowen, [http://www.alsweadyinquiry.org/](http://www.alsweadyinquiry.org/) 2014. It is significant to note that the Al-Saweady inquiry was later dismissed due to a lack of evidence. The prosecuting legal teams coming under criticism for the weakness of the charges.
Given that British forces, despite their legacy of IHL adherence, face this dilemma, the prioritization of IHL amongst indigenous forces will be equally if not more difficult wherever a legacies of IHL adherence or professionalism do not exist. This example highlights the very specific nature of in contact situations with the presence of the threat to life or near fighting influencing the soldier’s attitude to violence and was a concern echoed by the military interview subjects of this study.

The difficulties at the tactical level:

The previous example highlights the difficulty British troops face in adhering to professional standards, namely IHL norms within in contact situations. Such situations are not routinely and openly critiqued, Interviewee 3 thought, because of the embarrassment and sensitivity of such events, as was discussed in Chapter 2 in relation to the risks of indigenous forces abusing their skills.

Unfortunately, events such as the Battle of Danny Boy, where the failure to investigate what was eventually ruled to be a situation where British forces acted within professional norms, are overshadowed by the experience of some of the former serving soldier interview participants. Interviewee 1 gave an example of an in contact experience from the British involvement in the Sierra Leone conflict that highlights the extraordinary difficulties that those developing indigenous forces face:

A 12 man British patrol witnessed the capture and subsequent summary execution by beating of a captured RUF (Revolutionary United Front) soldier. The patrol was deterred from intervening by the large numbers of SLA (Sierra Leone Army) soldiers in the hype of post battle retribution.

The intimation from Interview 1 was that the patrol wished to intervene, but were unable to because of the numbers faced and perceived drug and battle crazed behaviour of the soldiers. This marks a set of stark considerations for an adviser or mentor seeking to develop the behaviour of an indigenous force, that in all likelihood they may encounter this type of situation. Military actors likely have to face the immediate aftermath of battle more than actors not embedded with indigenous units during frontline fighting. This difference poses risks to these teams that are not faced in high end SSR out of contact situations. Pre-planned
concepts of norm diffusion and integration are far removed from such frontline situations. It implies greater physical risk to the adviser, the added complication of emotional factors during battle, such as rage, and the decision making process as to how or even whether to intervene when faced with a clear violation of IHL.

A distinguished former military officer suggests that far greater attention is needed at the tactical level for developing indigenous forces than is currently available. Greater preparation and acknowledgement within British doctrine is required for such difficult circumstances, which are likely to be encountered by British soldiers working with indigenous forces in contact. This study’s interviewees supported this view, one of whom claimed that even if you do persuade indigenous forces to follow norms of international law ‘You won’t take a West African soldier and convince him overnight to provide food, shelter and water for a detainee, especially when they have little themselves’ (Interview 1). This comment reinforces the earlier observation of the role resources play in indigenous force respect for IHL and one of the many priorities which a tactical commander must balance when seeking to encourage respect for IHL. Additionally, the ability to engender commitment to IHL is, therefore, a required skill amongst indigenous force developers.

De facto solutions

The research of this study would suggest that British Army teams attached to indigenous forces have faced similar in contact dilemmas of varying severity as recently as the Afghan and Iraq campaigns. The difficulty of the situation is quite evident, so it may be of value to ask how tactical commanders currently understand and deal with such situations and what de facto method and understanding have emerged that are not propagated in British Doctrine.

Pragmatic patience

The concept of pragmatism has emerged in relation to the behaviour of unprofessional indigenous forces. In 2014, Barack Obama used his West Point address to warn of the dangers of failed and failing states. Significantly for this study, he claimed that Western forces must be pragmatic in their engagement with unstable states and conflict regions. Whilst the West may not agree with all of the actions of those we aid, sometimes the alternative is worse. Freedman (2006) noted that in the U.S. Military, the term ‘transformation’ had come to be
seen as a process to be adhered to rather than something focused on an end state. This would imply a lack of flexibility for such doctrine. This study has resultantly produced a term that describes this balance, that is Pragmatic Patience runs counter to set processes of developing, focusing on the end state, and accepting variation from the proposed model of development. Such a policy is not officially in place with the UK Government, but seems to be at play informally amongst the armed forces focused on long term gain. Operational or tactical commanders do not agree with or condone such violations, but they realize that if long term development is to be achieved, continued engagement and a belief is needed; that indigenous force adherence to international law will improve over time if they receive training from professional soldiers. The soldier’s moral freedom is summed up adeptly, ‘You can step out (of advising) if it is too bad, but if you stay it will improve’ (Interview 1). Working with indigenous forces that have a haphazard approach to IHL adherence may be beneficial in the long run, even if they act outside Western professional standards. Interviewee 1 notes that acts such as the one cited must be placed in the context of the conflict:

*When the RUF are conducting an insurgency that involves the systematic mutilation, the chopping off of the arms of civilians by rebels attempting to prevent them from voting; it becomes quite difficult to ensure their prisoners are treated with the accord that we would expect.*

This statement alludes to a degree of what we might describe as pragmatism on the part of the military man. The possibility that a violation of IHL can firstly be condoned as relatively minor in the context of a brutal conflict, but also that condoning the behaviour allows the soldier to justify remaining unmoved in the face of grave danger. ‘The approach of British Officers is invariably pragmatic. We will accept a certain amount of abuse or behaviour we disagree with for a greater advance in the long run’ (Interview 1). Whilst a clear violation of IHL is

61 A practical understanding that a certain degree of violations are accepted, in exchange for the long term development of respect for IHL. ICRC (2013) also recognise the role of pragmatism in their approach to humanitarian abuses. That they should advocate for unfavourable actors to develop their norms over time. What these allowances entail is unfortunately blurry, but it has a similar tone to the UN’s DDP and what is seemingly practiced tactically by UK troops.
acknowledged, it is overlooked in the immediate scenario because of perceived danger of intervening, and that in the long-term, development with deter such acts.

Two considerations emerge from the concept of Pragmatic Patience in relation to ensuring IHL at the tactical level. Firstly, it alludes to a process recognized within Organisational culture at play within the UK armed forces regarding IHL adherence amongst indigenous forces, known as Organisational hypocrisy or decoupling. This means that there is a gap between the formal policies of the UK MOD and practices at the tactical level.

Secondly, the UK government must bring into line the senior policy understanding of tactical practices concerning indigenous forces to mitigate political and legal risk to them. The UN has issued the UN Due Diligence Policy in order to address such difficulties. The policy sees a certain level of violation of IHL not sanctioned, but tolerated by UN operations in order to allow continued long-term development. Such a policy would likely mitigate instances of decoupling, by bringing the unofficial norms into accepted institutional practice, which will be discussed shortly. Whilst such a policy is absent in UK forces, it is necessary to examine what shape the decoupling is taking by examining how UK soldiers intervene in situations where decoupling from norms of professionalism are taking place.

What is needed?

The interviews suggest a number of areas where individuals with experience of developing indigenous forces understand the process, which are not similarly reflected in British Doctrine. Issues such as personality, character clash, peer pressure, selecting the right people and the significance of resources are all mentioned. So, it is necessary to discover what informal responses and understanding have emerged.

Interviewee 1, who has extensive experience of this subject from a number of military deployments synthesized the problem faced by a British Army adviser well: ‘If they (indigenous forces) have captured a soldier and want to ‘deal’ with

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62 See also: Avant (1984), Political Institutions and Military Change: Lessons from Peripheral Wars and Legro (1996), Culture and Preferences in the International Cooperation Two-Step, American Political Science Review
him, they may not respond well to the suggestion that you treat him in accordance with the ECHR (European Court of Human Rights), especially if he has just killed their comrades or mutilated women and children in a nearby village’ (Interview 1). The suggestion is that the adviser must have prepared or be able to think instantly and affect the situation in the heat of an *In contact* moment, communicating norms, all whilst maintaining personal safety as well as standing amongst those indigenous forces so that he can influence them again in the future. This suggests a level of training far beyond what is currently afforded to advisers or advocated in doctrine, but more importantly, a calibre of adviser that can cope with flammable situations with a calm head and intelligence.

**The role of personality**

Despite the severity of such situations, one interview emphasizes the importance of an adviser’s or mentor’s interpersonal relations and personality. He suggested British advisors were poorly prepared to deal with such situations with their approaches sometimes bordering on arrogant: ‘there is a tendency to think we have the answers because we possess a liberal Western education, this stems from a subconsciously ‘colonial ethos’, rather than forming a plan and marching over, which is a colonial approach to doing things’ (Interview 6). This was a perspective, which echoes the delivery of UK doctrine, citing both the Gurkha and East India Company colonial examples, which relegated the indigenous forces to junior parts.

Conversely the importance of a two way exchange, advocated by the Gurkha model, but not the doctrine’s terminology gains relevance. One interviewee felt he achieved greater influence over those he worked with by investing in interpersonal relationships: ‘I developed relationships that I had because I went to listen’ (interview 5). By spending the majority of the time listening and not directing, the interviewee received more positive reactions from those he was advising when he did suggest courses of action.

The importance of personality is reinforced elsewhere. A belief that the UK has not currently got its official policy right when approaching those who deal with indigenous forces and foreign cultures still exists. Whilst speaking to MSSG (Mission Support and Stabilisation Group), who are charged with the Army’s contribution to stabilisation, it was suggested that ‘we do not get the top quality
‘Strategic Corporal’,\textsuperscript{63} rather the second and third tier guys’ (Interview 5). This is not necessarily the group charged with advising indigenous forces on the frontline. However, the interviewee felt it alluded to the standing that has been placed upon the softer functions of stabilisation within the UK MOD as opposed to traditional combat roles. Interviewee 2 endorses this concept, revealing how some groups within the military embrace dealing with foreign cultures and the less combat focused functions, whilst others do not.

**Assigning significance to advising/dealing with foreign cultures, not combat**

Key to developing indigenous forces is the ability of advisers to understand and deal with foreign cultures, not just traditional combat functions. There appears to be a mixed acceptance of this. In Afghanistan, some units ‘really bought into the concept of partnering, whereas other regiments didn’t necessarily’ (Interview 2). This, the interviewee believed, was because the ‘MS (Military Secretariat, reporting) and Honours & Awards System encouraged some commanders to chase more kinetic or ‘braver’ courses of, action in a counter insurgency environment’. Similarly regiments specifically tasked with advising indigenous forces can ‘become too focused on their own infantry planning cycles’ (Interview 6), and maintain an allegiance to their regiments and the traditional combat military functions, rather than to the softer relationship-focused endeavours. The interpretation of Interviewee 2 is quite cynical, but it does seem clear that there has been an inability to fully embrace the approaches of a different culture, due to either organizational differences or the personal motivations of individuals.

Interviewee 2 concedes that one reason for this is because such roles have previously been the remit of UK Special Forces, such as in the Dhofar campaign. So the remainder of the Army is catching up with the demands of such roles. It is clear, however, that the UK MOD has allocated many of its best soldiers, such as those from the Special Air Service (SAS), to developing indigenous forces. Still, as it has increased as a paradigm across military approaches to stabilisation, the remainder of the Army must keep track with the development of indigenous forces as a crucial modern military function deserving high quality recruits.

\textsuperscript{63} See: C. Krulak, Three Block War: low level commanders must comprehend complex situations on the modern battlefield.
What is the right personality- for commanders?

This is a role that required a more specific type of officer than the Army generalist. Making this transition, where normal soldiers, not special forces are used to develop indigenous forces must take into account that ‘the best military commander is not necessarily the best mentor’ (Interview 2). Those selecting advisors or mentors must recognize that ‘some senior NCOs and officers are brilliant soldiers, but unable to see the perspective of others….a way of doing things outside the normal British method of operating is alien to them’ (Interview 2). An ability to operate in a more flexible state than the linear method of conventional military function is, therefore, important for those charged with developing indigenous forces.

A more junior officer emphasized the specifics of this softer skills set saying, ‘You need patience, understanding and listening’ skills (Interview 6). Whilst an adviser undoubtedly will need to be self-confident to deal with the different culture in question, the humility to understand their perspective must be possessed to support such confidence. It would seem that the role of the personality of the adviser or mentor contributes to both his effectiveness in moulding the behaviour of those indigenous forces under him, but also in ensuring his own personal safety.

Safety

The ICRC has developed protection guidelines for their humanitarian workers relevant to this very subject. However, the UK MOD’s guidance is vaguer. An advisor attempting to correct indigenous force behaviour could ‘produce situations where an adviser has faced a ‘Mexican standoff’ situation, even a green on blue attack,’ because they were unable to diffuse a situation or approached it in the wrong manner’ (Interviewee 2), thus, supporting the supposition about the danger of attempting to correct behaviour at odds with British norms. The ICRC supports this perspective that ‘there is always a risk of an aggressive response (overt or otherwise) by the abusers.’ (Professional Standards for

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64 A feature of the Afghan campaign where members of the Afghan Security Forces turned on the Western allies. The motivations for these attacks have been varied, but are said to include; insurgent collusion, insurgent infiltration, injured pride and lost tempers. The last two motivations are of primary relevance to this study.
Protection Work, 2013: 107). Therefore, some those training indigenous forces must be wary of intervening in situations that could put them at risk.

**Peer pressure**

Conversely, humility and understanding the foreign culture do not mean that all of their behaviours should be adopted or accepted. They are enviable qualities amongst advisers or mentors, but commanders must similarly be aware of the risk to commanders who are too open to the norms of other groups, whilst neglecting their own IHL norms. For this reason, those assigned to indigenous forces need to be self-confident: ‘Good, strong, heavyweight commanders aware of his actions and responsibilities are needed. He does not need to be an intellectual heavyweight, but professional and confident’ (Interview 1). Such characteristics should ensure the integrity of tactical commanders in specific dealings with indigenous forces.

If an advisor working closely with indigenous forces does not possess the requisite commitment to IHL, the tight bonds they form with the groups they work with could mean ‘they could adopt some indigenous force traits in an effort to fit in’ (interview 1). Such behaviour might be viewed traditionally as peer pressure, whilst it may not imply that British forces would commit IHL violations themselves, it may suggest how they could further normalize such behaviour to a deeper level than that justified through a pragmatic patience model or by the UN DDP. One interviewee cites the case of the Baha Mousa death, previously mentioned in this study saying, ‘I suspect it was quite short steps to rule breaking. If you asked them now, what were they thinking at the time, they probably wouldn’t be able to answer, or be able to explain their actions’ (Interview 1). Interviewee 1’s belief that ‘peer pressure gradually builds up and up’ (Interview 1) to a point where normal behaviour is forgotten by normally rational actors could see advisors turn away from their usual norms. This concept is recognized by the ICRC (2013), which is robust on the threat of their own actors causing harm; one of their consistent principles being that their workers should ‘cause no harm’ (Professional Standards for Protection, 2013: 22).

This is too large a topic for examination here, but there is clearly a spectrum of intervention that an adviser witnessing IHL violations may encounter. On one hand they may condone the violations as a result of peer pressure or a cultural acceptance amongst those they advise, on the other, they may rebuke violations
so excessively that they put themselves in danger. In selecting advisers who cannot understand the perspective of someone from a foreign culture or communicate the value of acting in accordance with IHL, you may be placing the adviser or others in unnecessary danger. Similarly they must remain self-confident and professional enough to retain their traditional commitment to IHL.

**Character clashes**

The importance of personality is not just the responsibility of UK forces, ‘getting the wrong person works on both sides, a stubborn counterpart is equally difficult for the situation as a stubborn mentor’ (Interview 2). So when considering the appointment of a mentor, it is important to try and match personalities so that if a moment does arrive where one has to influence the other, personality clashes have already been considered. Again, the concept of defusing possible character clashes seems necessary on the tactical level, not one that can be explored extensively here. Still, it is a concept that should at least be mentioned in doctrine.

**Approach a possible IHL violations**

The need to appoint high quality individuals to positions where they may have to deal with difficult scenarios such as the example from Sierra Leone has been discussed. Examining how they might promote adherence once the kind of situation described erupts suggests the way a more communicative and original thinking character may be better suited for such tasks than the traditional combat focused soldier. One concept suggested in the course of this study is the need to appeal to the motivation of the indigenous forces worked with: ‘manipulating the situation to make them feel vindicated is important’ (Interview 1). So, for the adviser to be able to meet the desire for retribution in hostile situations, to influence the indigenous force on the one hand, but ensure IHL compliance on the other is a balancing act that depends on ‘how you sell it to them’ (Interviewee 2). Therefore, advisers must seek out the motivation of their charges. ‘Suggesting that detaining him for interrogation and intelligence by units not in post battle frenzy may be more effective’ (Interviewee 1).

Concepts of selling ideas may be alien to many of the combat soldiers described by interviewee 2 above, who are used to people doing as they are told, but this again reinforces the need to appoint advisers with the type of personality that can adapt to such situations, rather than the more typical disciplinarian military officer.
or soldier. Such negotiation relates to the earlier discussion in this Chapter that should be understood by advisers in order to communicate. However, the maintenance of safety must taper any such intervention, similarly the concept of the adviser’s standing amongst those indigenous forces worked with is also relevant.

**Whether or not to step in:**

One question that these observations provoke is at what point should an adviser step in to protect IHL, or whether or not to at all. This debate has been stirred by the legal cases discussed earlier in this study. There exists the fear of complicity in such situations. The pragmatist soldier might argue ‘could the 12 man patrol cited above really step in to stop the beating they saw when faced with hundreds of SLA soldiers; it would be incredibly dangerous’ (interview 1). In Interview 7 it is claimed that under IHL norms the soldiers have a responsibility to protect such charters, even at risk to themselves. However, even for the ICRC (2013) their humanitarian workers’ personal safety is paramount, thus, claiming that no one should put themselves in danger where they are unwilling to. A problem with this comparison is that this organization is not training the indigenous forces in the first place, so their possible complicity in IHL violations is minimal. Interviewee 7 advocated the possible creation of a scale of complicity that would allow the tactical commander to uphold the spirit of IHL, whilst protecting the lives of his own men and himself. However, one interviewee asserted rather cynically in such situations ‘you are damned if you do, damned if you don’t’ (Interview 1). This is again, a topic beyond the remit of this study, but worthy of further scrutiny.

**What long term solutions are available to the British Army**

Whilst the legal argument of whether or not an adviser or mentor should step into flammable situations should be discussed elsewhere, this writer feels a discussion on how best to intervene in such situations and possible steps to improve the British Army’s approach to such events, informed by personal experiences of the interviewees, is warranted.

A second addition to the development of IHL adherence by mentors or advisors is the use of two existing, but underused models within the British Army, those of coaching and mediation.

**Other areas for study:**
There is a lack of understanding of the tactical considerations of UK commanders in indigenous force focused doctrine. Six areas that could benefit from further study have been explored in this study. Whether or not there is an unofficial condoning of IHL abuses at the tactical level, not a moral approval, but recognition in line with NGO and UN literature that it takes time to develop IHL norms in indigenous forces, advisers and mentors must be both pragmatic and patient about this trend. The role of personality is currently underestimated in UK doctrine. Military commanders are treated as a bloc containing similar traits that vary minimally. This is in fact not the case, the UK military should pay greater attention to the types of people selected to conduct advisor tasks. Additionally, tactical commanders must be warned of the role of personality clash between the UK and the indigenous force commander. A development in the UK military’s understanding of their soldier’s personality types and those they seek to develop would therefore prove a viable course of academic study.

The second stream that deserves greater academic and internal military scrutiny is more heavily tied to the legal debate. As the UK has seen with recent IHL and HRL cases, it has still not perfected the preparation of its own soldiers. Additionally, such abuses show that there is a danger of UK soldiers being drawn into violations to seek acceptance by peers. This could similarly be reciprocated with indigenous forces being developed, so the UK MOD should seek to understand their knowledge of such behaviour in much the same way that the ICRC do by issuing their ‘cause no harm’ directive. Finally, we have already acknowledged that IHL practices could be better understood by those teaching them, both for delivering training, but also for the point at which a tactical commander may or may not be complicit in a violation by failing to intervene. Military forces are distinct from humanitarian organizations because they seek to develop indigenous forces, by the fact that they delivered the training that goes on to aid the conduct of an IHL violation are they complicit, despite personal safety fears that stop intervention?

**Conclusion**

In conclusion, whilst current British Doctrine goes some way to offer useful guidance for advisors approaching training missions, such as the importance of developing strong relationships, humility and some practical considerations. The doctrine is undermined by a number of factors, not least that there exist a number
of informal methods and understanding of indigenous force development at the tactical level that are not recognized officially.

The examination of recent historical examples within JDN 6/11 requires broader consideration by those writing it. The use of the RGR as the primary example of partnering indigenous forces is a poor choice. The analysis of the doctrine identifies several areas where the RGR model is not applicable to indigenous forces, specifically the advantage that the RGR possess in guaranteeing good pay and resources to its soldiers, a peaceful state of conflict to allow training and the length of time it has taken to establish the RGR at the level they are now at. Examination of more recent and relevant examples in greater depth should instead be pursued, such as the Iraqi police training team example from 2007 utilized in the UK’s Stabilisation Doctrine.

This dissertation has also found significance in the attachment of terminology to states of training. Whilst on the one hand, the doctrine emphasizes humility and equality in the cause of developing indigenous forces; it also mandates a doctrinally pure assignment of states of partnership on the indigenous forces being developed. The distinction between partnering and partnership is unwise, bordering on hubris. Kitson’s observation on the importance of terminology reinforces this view. This concept requires further examination. Do troops conducting training retain humility in their approach to developing indigenous forces, or do they find the delineation of clear boundaries advocated in the doctrine offering greater utility.

The tactical considerations of commanders developing indigenous forces is one of the strongest endorsements of the ‘strategic corporal’ trend. Ground commanders are tasked with developing the IHL considerations in the forces they develop, yet they must simultaneously balance their personal safety and that of their men with the possible strategic repercussions of IHL violations by those they advise. This danger might take the form of post battle haze, or inculcate a more delayed Green on Blue reaction, as witnessed on so many occasions in the Afghanistan campaign. This equation is currently poorly understood in UK doctrine.

These states of conflict highlight the necessity of developing understanding of the state of conflict that indigenous force development is occurring within. At present,
approaches to *In contact* methods of development are underrepresented in British Doctrine, but they are situations that carry the greatest risk.

To prepare for such situations and counteract possible altercations, British military doctrine must pay more attention to the risk of character clashes and the significance of selecting the correct personality types to engage with indigenous forces. A blanket endorsement of all military commanders who have reached certain seniority exists across roles. There is an assumption that the perfect combat soldier will also be the perfect advisor, because he teaches combat. This assumption, when developing indigenous forces *In contact*, is unwise. Advisor safety and advocating IHL norms amongst indigenous forces suffers from advisors’ personality and character traits not being taken into account when they are selected for such roles.

Pragmatic judgment is at play on the ground that does not condone, but does tolerate low level IHL violations by indigenous forces. This is in line with trends developed by the UN Due Diligence Policy and the ICRC at the strategic level. By selecting the correct people for the task, soldiers can better interpret such scenarios by being afforded training that prepares them to influence and cajole those they develop. Through coaching and mediating difficult situations, rather than directing the end state, more satisfactory IHL outcomes will be gained.
**Recommendations**

The UK MOD must exploit its internal experience and that of external bodies that could aid the professionalisation of indigenous forces. There are pools of underutilised experience within the UK MOD and civilian Non-Governmental Organisations (NGOs). In order to develop a more comprehensive approach, the UK MOD should assimilate the knowledge of NGOs to further enhance the development of adherence to IHL professionalism amongst indigenous forces.

The European Union define the comprehensive approach as ‘the strategically coherent use of EU tools and instruments…. at its disposal – spanning the diplomatic, security, defence, financial, trade, development cooperation and humanitarian aid fields.’ (European Union, 2013). The current interplay between the MOD and external groups does not achieve this. This is the result of government disorganisation, organisational bias between both organisations and the desire to retain neutrality by some NGOs. NGOs and the ICRC have extensive experience of developing indigenous force adherence to IHL, reflected in their doctrine and practical experience. The UK MOD should exploit the practices of NGOs to be more comprehensive in its approach to COIN, Stabilisation and IHL adherence.

The tactical level has more ability to impact the success of Professionalisation than ever before. In recent years, the ICRC and NGOs understanding of this subject have evolved away from an emphasis on high level engagement to more grassroots development of IHL norms. There remains some disparity amongst the shared understanding of these themes by both military and NGO practitioners. Adherence is better understood to require patience and be the result of cultural norms, not just military discipline, affected over time and by integrating IHL training into all forms of training.

**UN Concerns**

Returning to the slightly more strategic efforts to encourage professionalism within indigenous forces, the British Government should adopt a due diligence policy. The UN have similar concerns to those raised in Chapter 2 that indigenous forces may abuse the skills that they are taught. However, the UN has developed a policy to ensure continued engagement, whilst mitigating the risk of abuses. The UN Due Diligence Policy for working with foreign security forces stresses
that support must be consistent with international law. Support is not permissible where ‘real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures’ (2013: 2). It is significant that both the UK Government and the United Nations acknowledge the risks associated with training forces in unstable states, but also its necessity. However, the UN’s adoption of a Due Diligence Policy is a positive move to placate these concerns that the UK government would be wise to copy. The UN (2013) publicly acknowledges that the withdrawal of efforts in the presence of clear violations might diminish the development of forces, thus undermining stabilisation efforts. They affirm that engagement with people practicing methods unpalatable to Western society can cause better outcomes than non-engagement. This process must be tempered with patience, government acceptance is required that it takes time to develop these norms, whilst simultaneously affording forces the opportunity to convince indigenous forces of the advantages of proper behaviour.

**What is the problem?**

The aspiration to be comprehensive in UK approaches to stabilisation has emerged, but remains ineffective. The UK MOD understands the comprehensive approach to be ‘Commonly understood principles and collaborative processes that enhance the likelihood of favourable and enduring outcomes’ (JDP 3/40, 2009: 51). Whilst Building Stability Overseas (2011) is an early government attempt to promote greater collaboration between government departments, the contributions to BSO are undeveloped. The literature is comprehensive in its use of input from Government departments: DfiD, FCO and MOD; but limited beyond that, both BSO and MOD doctrine lack emphasis on the organisations outside government. In fact, Interview 3 endorsed this view and went further by claiming that there was a lack of coordination between government departments themselves. It could be that it is the competing nature of stabilisation interests and disorganisation holding back comprehensive approaches within government itself, not a specific wilful organisational bias from either government or all NGOs. The Comprehensive approach makes clear the need for a broad array of inputs. The UK Government’s approach and more specifically the MOD’s doctrine would be enhanced by greater input of NGO expertise.
Why ICRC and alternative sources of expertise should be considered

This study asserts that NGOs and humanitarian organisations have a part to play in contributing to the UK's approach to developing IHL adherence during indigenous force development. An extensive group of NGOs associated with the protection of IHL exists; two of these organisations have profound insight into indigenous forces, the ICRC and Amnesty International. The extent of ICRC literature and Amnesty's campaigning activities on engaging armed groups and governments on IHL underscores their experience. Whilst the military specialise in what Huntington termed the 'management of violence', humanitarian organizations focus on the limitation and cessation of its effects. The ICRC are charged with 'the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts' (Henckaerts and Doswald-Beck, 2006: xxxii), extrapolating areas of their expertise beneficial to British operations with indigenous forces is worthwhile.

Why they are currently not used

The existing lack of interplay between the UK MOD and NGOs is not purely the result of the military's inclination to look inwards. The ICRC overlooks military actors with relevant experience of IHL issues too. International seminars on encouraging compliance with IHL conducted by the ICRC in 2003, exemplify this paradox. The seminars utilised parliamentarians, government experts and NGO representatives, a broad array of interested parties to develop approaches and their knowledge of improving compliance to IHL, but avoided military practitioners. This invites a huge deficit in the experience represented at such seminars because of the aspiration to retain conflict neutrality.

Neutrality

The ICRC pride themselves on neutrality, Hoffman and Schneckener claim that 'their flexible but principled approaches are one of their strengths' (2006: 10). This provides greater access to groups involved in conflict. But this neutrality creates a handicap, in the form of less open engagement with established military forces. Amnesty International does not have this problem. 'Amnesty differ from the ICRC that they are not wholly objective. They advocate on behalf of the civilians trapped in conflict' (Interview 3). The ICRC loses valid perspectives on the development of IHL adherence and limits their doctrine in the same way as UK MOD Doctrine.
Although for Amnesty their campaigning on issues of British violation of IHL such as the Marine A or the Baha Moussa case would impel them to remain detached from the UK MOD, they in fact argue that it is like engaging with any government department, ‘the FCO, DfID, MOD, Department for Education, NHS; we can’t have an aversion to the military, they are an actor in human rights issues’ (Interview 3). Conversely, for the ICRC to hold a conference on adherence to the laws governing armed conflict without input from those that take part in conflict could even undermine the efforts of such literature to generate more actionable solutions to problems within this dissertation.

There has, in recent years been a growing will within the UK MOD to utilise external academic expertise for the development of counterinsurgency strategy, such as think tanks like RUSI and Chatham House, and the rise of Institutions such as Oxford’s Changing Character of Warfare Department (CCW) and Exeter’s Strategy and Security Institute (SSI). However, to gain more thorough experiences from broader sources, the UK MOD should attempt to further open input to its doctrine to broader sources such as the aforementioned NGOs.

**Bottom up development & patience**

The UK must embrace a more bottom up approach to developing IHL adherence. At the start of the last decade, much of the debate focused on the top down elements of encouraging IHL. The publication, *Improving Compliance with International Humanitarian Law* (2003) makes several recommendations to aid governments and international organisations.\(^6\)Whilst these are all concepts that the UK MOD and Government should consider, these approaches are focused at the higher levels of engagement, and provide less applicability for tactical commanders developing indigenous forces. The nature of this guidance and the article’s use of practitioners at the top of implementation infer a paradigm of top down encouragement of adherence at the time. This study finds that ‘Bottom Up’ methods of IHL encouragement are more effective.

The exercise of higher power has a limit to its impact in many of the situations that the ICRC find themselves in today. Whilst the diplomatic functions emphasised in the literature a decade ago are important in supporting tactical

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\(^6\) Dissemination and education of IHL, discreet negotiations to encourage respect for IHL, diplomatic pressure, utilize existing IHL mechanisms, withdraw aid or assistance until IHL is addressed and the consideration coercive measures, such as diplomatic sanctions.
commanders. Bottom up development has taken on added focus. Hoffman and Schneckener argue that ‘experience has shown that it is more productive to begin dialogue with more practical matters rather than delving into abstract issues of international norms’ (2011: 10). Further to this, there must be an element of consensus building with those receiving advice, sometimes patience is required; ‘do not offer take-it-or-leave-it programs but gradual processes through which the armed actors become acquainted with international norms step by step.’ (2011: 10). This emulates a major finding of Chapter 3, that the importance of patience must be emphasised to tactical commanders. These perspectives encourage a greater recognition of the need to develop tactical commanders if IHL norms are to improve.

**Greater cultural approach**

The understanding of culture must be reinforced amongst indigenous force mentors. Some academics have argued in line with the military society debate, that it is the culture of the nation or military that must be addressed to develop adherence to IHL, ‘The general opinion is that violations of international humanitarian law are not due to the inadequacy of its rules, but rather to a lack of willingness to respect them’ (Henckaerts and Doswald-Beck, 2006: xxxiii). To change this, Hoffman and Schneckener (2011) advocate the importance of developing a mind-set that renounces IHL violations, using ‘norm diffusion’; making adherence to international laws, normal throughout societies. Similarly Sassoli (2010) emphasises the importance of social attitudes towards IHL. Both of these examples highlight the importance of perception in the conduct of internal conflict. Sassolli claims that for prospective perpetrators of IHL violations, ‘rejection by their own social environment has a greater stigmatizing effect than reprobation by the enemy, third states or a distant ‘international’ community’ (2010: 10). Such viewpoints are not advanced in the earlier methods of encouraging adherence.

**Integration**

In conjunction with greater emphasis of cultural approaches, Integration has emerged as a popular approach in ICRC literature. Although the ICRC (2007) describe it as a top down approach, they also emphasise that ‘all levels of the chain of command are to be involved, from the strategic down to the tactical’ (Integration, 2007: 21). Integration is the issuing of standing orders for the
adoption of practical IHL training encompassing multiple training activities, this still requires the buy in of the junior ranks conducting the training. But by advocating a greater practical rather than theoretical approach to training, the ICRC claim that ‘this approach enables participants to retain nearly 90% of the content, weeks later’ (Integration, 2007: 29). Conversely, more traditional classroom methods of teaching law of armed conflict are abandoned in favour of role playing scenarios. This represents one further way in which training indigenous forces in IHL can be strengthened.

**Coaching and mediation**

Integration of norms into training marries well with the concept of coaching, a concept understood within the British Army already, but underutilised to develop indigenous forces. The ASLS (Army Staff Leadership School) in Pirbright advocate coaching methods that reason and encourage thinking in the development of members of the British Army. The concept of coaching differs from training, in that the correction to behaviour is encouraged by the coach, but the solution is gleaned from the subject. As opposed to training which is the direction of a specific course of action. Coaching allows a more patient approach to indigenous forces, as advocated throughout this study, but also attempts to correct behaviour in a less confrontational manner.

Coaching is cited as a form of assistance given by advisers or mentors in JDN 6/11, but no formal coaching training is mandated before deployment. The utility of this approach was corroborated by the reflections in Interview 2, who claimed that ‘rules are often counterproductive as they are imposed by outsiders, and resented’, whereas he felt that ‘the suggestion of courses of action were often warmly accepted (by indigenous forces)’, this is exactly in line with coaching principles, solutions reached through the indigenous soldier’s reasoning. Interviewee 5 had not previously known about the existence of this form of training within the British Army, but was highly receptive to its implementation amongst those dealing with indigenous forces. Currently coaching is focused on those assigned to UK training establishments. Interview 10 had previously been employed in an Army establishment that utilised coaching as a method. He noted that being able to employ the technique as an advisor to Afghan forces not only allowed him to impart training detail to indigenous forces effectively, but by not dictating
methods and actions it cemented personal relationships with commanders mentioned in Chapter 3.

A similar form of engagement is mediation theory, detailed in The Harvard Guide to Negotiated Theory. There is a limited development of such concepts amongst young Officers at the Royal Military Academy Sandhurst, but not offered to those deploying as mentors to indigenous forces. The theory focuses on the Position- what someone says, and the Interests- what they want and need, and attempts to meet both parties’ interests to produce positive outcomes. If equipping Advisors to mitigate the behaviour of indigenous forces, they must be armed with such techniques.

**The right people**

The importance of selecting the right personnel for such environments has already been discussed. These advisers or mentors may benefit from further development in line with the United States understanding of Civil-military Teaming, as advocated in Interview 5, which demands individuals capable of 1) adapting across cultures 2) building relationships 3) collaborating with others. Currently, cultural specialists in the UK military get a form of social anthropology training, but indigenous force advisors do not get such extensive training. Before deployment, ‘the Brigade Advisor Group conducted fragmented training before deployment that contained some half-hearted scenarios focused on interaction with Afghans, but mostly focused on delivering a combat, not advisor unit to Afghanistan’ (Interview 6), furthermore, Interviewee 6 was not aware of specific training to be a mentor. Such characteristics would directly aid the outlook of soldiers described in Interview 2, and should therefore receive additional attention when selection and training of advisers is conducted.

**Pressure through resources**

Resources exist as one method of influencing indigenous forces. In the situation described in Chapter 3, the aftermath of the event in Sierra Leone, the interviewee ‘exerted influence with the threat of withdrawal of bullets, food, money’ (Interview 1), which highlights an awareness that even in fragmented military organisation the leadership can be expected to impose some form of influence over their troops to guarantee the maintained supply of support. This argument was supported by the observations of Interview 3 as well, who claimed
that operational commanders were not always completely sincere in their support for IHL norms in Syria, but ‘there exists a box ticking exercise for transfer of equipment by governments, adherence to international law is one of these boxes’ (Interview 3), so referring tactical violations and threatening the withdrawal of equipment or support often did have the desired corrective effect. For the tactical commander who cannot step in ‘it is perhaps best to report it up the chain and exert pressure through the threat of the withdrawal of support’ (Interview 1). But for cases where intervention or communication to halt violations at the tactical level may be conducted, influencing behaviour with the control of resources is an effective tool.
Study Conclusion

This study has conducted a broad exploration of SSR and indigenous force development, specifically the risks that indigenous forces may abuse the skills that they are taught and how these risks may be mitigated by the UK MOD.

SSR literature is overwhelmingly focused on the understanding of contemporary conflict with theoretical input from older counterinsurgency conflicts. However, SSR theory is relatively lacking, driven by the infancy of the concept. This study subsequently utilised early civil-military relations theory in detail. The works of Samuel Huntington and Morris Janowitz examine the relationship between the state and society. Their theories are so important here because they allude to the standards to which military forces are held accountable. These standards are rarely discussed in SSR literature, which covers the more practical implementation of indigenous force development.

Within British military doctrine, the understanding of SSR and concepts of civil-military relations theory are disconnected, this undermines efforts to develop indigenous force adherence to international law. Civil-military relations theorists Kamrava (2000) and Feaver (1996) highlight the risk in developing the management of violence amongst the indigenous forces in less developed states where pre-existing traditions of civil-military control do not exist. Because traditions of control do not exist to the same extent as in Western states, indigenous forces have greater freedom to act outside the norms of international law, unchecked by their own government or society. Because of this risk, the UK MOD must better understand the connection between civil-military relations and SSR; a link which is very strong but is infrequently acknowledged in doctrine.

Chapter One examined the progression of intervention over the past thirty years up to a point where indigenous force development and SSR are now staple aspects of British military intervention. There has been a decline in state on state conflicts, but a rise in internal conflict leading to greater instability and pressure on the UK’s security interests. This drives the UK to establish greater stability abroad through the development of indigenous forces.

Indigenous force development has the potential to play an enormous role in future UK foreign policy. These forces offer the UK Government the ability to intervene by influencing unstable states threatening UK interests, whilst also mitigating the
dangers of wholesale UK military intervention. Intervention in the 1990s increasingly attempted to utilise foreign financial aid to allow states to develop at their own speed. However, it was difficult to ensure buy in to such aid from the host state and to enact the required development without the presence of security that comes with professional military and police forces. As a result, the development of indigenous forces is seen by Western states as an effective method of providing stability quickly.

Indigenous forces offer local legitimacy, the ability to engage with the local population with local linguistic and cultural understanding that a Western interventionist would struggle to match. Furthermore, the development of legitimate indigenous forces is significantly cheaper and palpably more tolerable than a large intervention by an outside state. However, the process comes with risks. The conflict traps and instability that demand development of stability in foreign states simultaneously increases the risk of them abusing the skills they are taught, as highlighted by Feaver and Kamrava in the literature review. Properly understanding this associated risk is essential to the success of the professionalisation of indigenous forces.

The risk of indigenous forces was examined in three parts in chapter two. What the likelihood of indigenous forces abusing the skills that they are taught is and why this risk exists; how this risk manifests itself to present danger to the UK government with tactical and strategic implications; and finally the legal ramifications of indigenous forces abusing the skills that they are taught.

The possibility that indigenous forces will abuse the skills that they are taught is driven by socioeconomic, institutional and resource factors within an unstable state. The study found that there was a high likelihood of such abuse occurring given the factors that cause violence and the presence of these factors in many of the states that require engagement. There is often deprivation and corruption and a weakness of civil-military structures that have facilitated the instability that warrants Western intervention. These factors are further enhanced by the legacy of conflict with many adults having been plagued by the effects of war, as well as the use of drugs and child soldiers amongst indigenous forces.

Efforts to create stability within the state are undermined if indigenous forces abuse the skills that they are taught. Counterinsurgency scholars have argued that direct methods of military control and oppressive behaviour can be effective
in controlling unstable states or for a counterinsurgent facing insurgency, such as methods used in Nazi Germany or post-revolutionary China. However such methods are doomed to fail in the long-term, as populations grow weary of such control. Furthermore, the UK military must consider what General Carter has termed ‘Engaging Domestically’: that UK domestic sentiment will not tolerate methods at odds with the modern British moral code, nor quite often will soldiers. Furthermore, the proliferation of media technology has meant that abuses do not remain hidden for long. Therefore, to maintain continued domestic support for interventionist training missions and to maintain the support of the local population, indigenous forces must utilise methods that do not politically undermine a Western government or push people to oppose the indigenous force being trained.

Legal considerations further add to these strategic and tactical considerations. The exposure of abuses by Western trained indigenous forces has enormous legal significance today. Recent legal cases brought about by the Iraq and Afghan conflicts have undermined the UK MOD in British courts. There exists a similar risk that the UK training indigenous forces who abuse the skills they are taught leaves them vulnerable for prosecution as complicit in the conduct of abuses and could even implicate those soldiers or officers that train the indigenous force. This risk has been noted in UK Parliamentary papers as undermining the aspiration to develop indigenous forces, such as in Nigeria. Similarly, there were a number of examples of events in Afghanistan where British forces were forced to alter their decisions regarding local prisoners because of the influence of legal groups from the West. This influence is referred to as Lawfare.

Legal cases criticising government military intervention are frequently referred to as examples of Lawfare. But as this study discusses, this is quite often not the case; legal challenge to British military actions cannot be viewed as solely subversive, they can also represent effective examples of civil-military control within the United Kingdom. The ability for the UK government to mitigate the risk of indigenous forces abusing the skills that they are taught is, therefore, essential.

Chapter Three found that UK doctrine is currently ineffective in its aid to preparing UK troops to develop indigenous forces. The study’s examination of UK doctrine found that it lacked breadth in its research, specifically utilizing a case study of the Royal Gurkha Rifles (RGR) that is almost irrelevant to the cause of developing
modern indigenous forces. The RGR are a foreign recruited, but British commanded force, they are well paid and have a long history of British service. Conversely this is not so with indigenous forces.

Similar error exists with the doctrine’s use of terminology, which is often derisory to undeveloped forces, relegating them to junior partners. All the while the positive aspects of the RGR case study advocate the importance of a two way relationship between advisor and soldier. This doctrine subsequently exists as fundamentally contradictory.

The conflicting messages within the doctrine led this study to investigate whether or not there are informal paradigms occurring at the tactical level that are not acknowledged in the doctrine. By utilising interviews with retired British Army soldiers and officers and other practitioners, this study found that there are instances of decoupling occurring within indigenous force training missions. British soldiers understand situations at play at the tactical level that are not reiterated either in doctrine or British policy. These factors include the exercise of *Pragmatic Patience* where soldiers accept certain violations from British moral norms within the context of the society within which they are deployed. This patience is driven by the desire to stay and develop indigenous forces, knowing that removing the mission will not lead the long term improvement in stability or their behaviour. Secondly, there is the very real issue of safety. There is a large risk that by attempting to intervene in situations that are at odds with international law, British troops place themselves at risk. Therefore, understanding the existing norms for engagement with indigenous forces at the tactical level is a subject worthy of study.

**Further study**

The progress of this study highlighted several features which, if given further examination, would be of significant interest to the subject. Greater examination of the risk of abuse during indigenous force development would aid the understanding of governments preparing to conduct SSR. Preliminary work on this has been done by those studying the causes of violence. However, a greater understanding of how the causes of this risk emerge during SSR would allow a more directed mitigation of this risk.
Should the risk of indigenous force abuse of power materialise, legal study into the culpability of British forces in training indigenous forces who go on to abuse the skills they are taught would aid British government preparedness for such cases. This is beyond the remit of this study, but would prove particularly interesting to legal minds. One consideration that has been suggested is a sliding scale of culpability; a way to mitigate the risk by defining appropriate actions for ground commanders. The military legal debate from within Government would be wise to focus on creating legal protection by mitigating the risk of indigenous forces abusing the skills they are taught. The UN policy of conditionality is one example of this.

Finally, greater examination of the current preparation for British forces who will train indigenous forces is required. The current understanding of the factors affecting indigenous forces and how to mitigate the risk of them abusing the skills they are taught is limited. This study identifies a number of areas where British forces may better uphold concepts of professionalism, IHL and traditions of civil-military relations, which will be discussed in concluding recommendations.

**Recommendations**

In conjunction with conducting further examination of issues identified in this study, this dissertation makes five key recommendations which would improve UK encouragement of adherence to international law by indigenous forces during SSR. The key themes are recapped here.

**Recommendation One:** There are pools of knowledge, experience and understanding that the UK MOD does not currently exploit which limits the UK’s approach to the development of indigenous forces. Advocating IHL adherence has evolved significantly in the last decade, therefore the UK MOD must monitor this debate, and utilise increased engagement with NGOs to remain better informed. One example of this is that the ICRC has evolved in the manner they advocate for proper behaviour on the battlefield. Whilst top down influence on governments is effective, as noted in Interview One of this study, the ICRC now increasingly advocate bottom up influence and grassroots engagement to foster an attitude throughout society that rejects abject violence; a concept similar to that argued by Janowitz. So this must be seen as a developing debate that needs monitoring.
Recommendation Two: However, this process is not immediate; changing cultures and norms takes time. Time is a significant concept that requires more thorough understanding in the UK MOD’s doctrine on developing indigenous forces. This study identified the concept of Pragmatic Patience where British soldiers are accepting and experiencing violations in international law, but with the belief that in the long term their continued presence will improve the behaviour of the indigenous force. Both the MOD and ICRC recognise the importance of the time it takes to change cultural norms and the patience needed to accompany that, but this should be better represented in the preparation of soldiers and doctrine.

Recommendation Three: The UK MOD should liaise and adopt the techniques and understanding of non-governmental and intergovernmental organisations such as Amnesty and the ICRC. These include incubating practices of bottom up development, IHL Integration into training and utilising greater cultural understanding amongst advisers. With broader input into the doctrine and practices of intervention the MOD can mitigate some of the challenge from civil-military oversight that originates with NGOs focused on the protection of international law; this would foster not only shared understanding, but also trust.

Recommendation Four: Although external sources of knowledge and experience can be invaluable, there are available techniques and experiences already at use within the British military and Government which would aid indigenous force development, specifically getting someone from a foreign culture to act in a way that might differ from his traditional norms. Mediation and coaching, which are well regarded in other fields of military training, could provide an effective development to prepare soldiers for the difficult and dangerous situations that may confront them. It should therefore be included as a greater part in preparing indigenous force trainers to develop forces.

Recommendation Five: Finally, a recommendation which would help to place the UK in a stronger legal position, by better examining the risks faced before indigenous force training missions are conducted. The UN has adopted a Due Diligence Policy which accepts certain risk of indigenous forces misbehaving but gives clearer guidance on what the response to that should be, compared to the current adhoc UK approach. Adoption of a policy by the UK government would
remove the presence of decoupling amongst military forces by bringing the current UK policy into line with tactical paradigms.

In conclusion, this study finds that there exists a considerable amount of competence in the UK MOD’s development of indigenous forces and a longterm desire to improve the behaviour of indigenous forces attempting to secure their own states. However, the UK can improve encouragement of adherence to international law during Security Sector Reform by adopting the methods recommended here and by marrying formal and informal understanding of developing indigenous forces. Otherwise, future engagement and training missions will remain at risk.
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**Public Interviews and Addresses:**


**Documentaries**


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Interview 2 – Retired British Army Officer
Interview 3 – Human Rights charity campaign manager
Interview 4 - Professor of Law
Interview 5 – International development expert
Interview 6 – Retired British Army Officer and documentary maker.
Interview 7 – Aid agency nurse
Interview 8 – Interview with International Law expert
Interview 9 – Aid agency worker
Interview 10 – Retired British Army soldier

Websites


