A GOOD GLOBAL CITIZEN
A Scottish approach to the protection of civilians in conflict

SNP Westminster Foreign Affairs Team
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Twenty-two years after the UN Security Council adopted Resolution 1265, which unambiguously enshrined the protection of civilians in international law, the continued failure to protect civilians in conflict is stark.

Under the UK Government’s narrow definition of conflict, its approach to the protection of civilians has been one of ‘firefighting’, where the window to protect innocent people in Syria, Myanmar and the Central African Republic ‘slipped by before the UK had properly recognised the trajectory of violence.’¹ These failings have also been acknowledged by the House of Commons Foreign Affairs Select Committee on several occasions, with the mistakes of the UK Government serving as a reminder of the human cost behind Westminster policy failures.²

In our 2019 General Election manifesto, the SNP committed to increasing pressure on the UK Government to introduce mechanisms to prevent identity-based violence and mass atrocities. SNP MPs have raised this issue inside and outside of Parliament. This paper serves as a further demonstration of this commitment as well as sketching out how an independent Scotland will act. It will outline where the UK Government has fallen short in its efforts to protect civilians in conflict and provide a model for what Scotland could do with the powers of independence. It has been put together with the input with a wide array of civil society groups and experts, coordinated and led by Airwars.

While the protection of civilians is required by the laws of armed conflict, these laws should be the bare minimum for what a responsible state and good global citizen should do. The policies suggested in this paper will enable an independent Scotland to not only do the minimum work required but to be a global leader in the protection of civilians.

I want to thank Megan Karlshøj-Pedersen and the rest of the team at Airwars for their valuable insight and contribution. I also want to thank Roddy McGlynn, Paul Anderson and other members of the SNP Westminster staff who have contributed to this report for their help.

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SECTION I: PROTECTION OF CIVILIANS BEFORE CONFLICT

The single most effective tool to prevent civilian harm is to prevent the breakout of armed conflict. The Scottish Government currently funds fellowships for human right defenders and supports development projects in Malawi, Rwanda, Zambia, and Pakistan and an independent Scotland would be committed to spending 0.7% of its GNI on international development projects, playing our part in building a stable and peaceful world.

International Development Funding

Amidst a global pandemic and the worsening of the climate crisis, the Conservative UK Government chose to cut international development funding to the world’s poorest and most vulnerable people. This move, noted the Conservative Chair of the Defence Select Committee, ‘fuels instability’ and will contribute to the creation and worsening of conflict around the world.\(^3\) Saferworld calculated that the Conflict, Stability and Security Fund (CSSF) has been cut by almost half a billion pounds (£492 million) from 2020–21 to 2021–22, including at least £348.9 million of the CSSF’s Official Development Assistance (ODA).\(^4\)

Within the UK Government, departments routinely conflict with each other and undermine efforts to promote peace and stability. This was demonstrated with the Integrated Review published in March last year, which was a missed opportunity for a holistic approach to atrocity and conflict prevention. In fact, atrocity prevention is only mentioned once in the paper, with the UK Government committing to “establish a more integrated approach to government work on conflict and instability” but offering little in the way of explaining how this integration will actually take place.\(^5\) A further example of this inconsistency is how on Tuesday 2nd June 2020, one Foreign Office Minister “[welcomed] the Secretary-General’s call for a global ceasefire” during the COVID-19 pandemic.\(^6\) By Friday, the Trade Secretary had signed off on the resumption of arms sales to Saudi Arabia after their export was halted by a court order following evidence that UK arms could be being used to commit war crimes.

An independent Scotland would be committed to spending 0.7% of GNI on international development funding, helping to prevent and stave off conflict before it can begin. The Scottish Government is committed to ensuring that development spending empowers local actors and a diverse range of new voices to drive change. Above all, development spending should be targeted to alleviate global poverty and to provide people, especially women, in the Global South with the resources to build resilient and stable communities.\(^7\)

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\(^3\) Tobias Ellwood, Available at: https://twitter.com/tobias_ellwood/status/1300414469412134318

\(^4\) Saferworld (2021). ‘Joint Conciliation Resources, International Alert and Saferworld Statement on the impact of UK aid cuts on peacebuilding efforts and our partners around the world’


\(^6\) Lord Ahmad of Wimbledon, 2020. ‘Maintaining international peace and security’, 2 July 2020

\(^7\) Scottish Government, ‘Coronavirus (COVID-19): international development review’, 3 March 2021
Climate Change

Climate Change is a known threat multiplier. With rising global temperatures leading to fluctuating weather patterns and radically different local climates (amongst other numerous changes), climate change threatens to exacerbate the causes of conflict.\(^8\) This includes increasing competition over increasingly scarcer resources, winners and losers from the transition to a greener economy, as well as greater civic tensions over issues of pollution and heatwaves in other parts of the world.

Tackling climate change will therefore help prevent the occurrence of violent conflicts in many parts of the world. It is to the UK’s great shame that it cut its international development funding from 0.7 per cent to 0.5 per cent of GNI, with recipient countries such as Afghanistan and Malawi at extreme risk of suffering from the worst effects of climate change.\(^9\) Even though the UK played host to COP26, it is questionable whether the Government truly understands the scale of the climate crisis already engulfing parts of the world in the light of its actions. Progress was made at COP26 in Glasgow, but there is still a lot of work to be done to support developing countries and those most vulnerable to climate change to adapt.

Scotland is already a world leader in this field but we have ambitions to be better. We were one of the first countries to declare a global climate emergency, whilst the Scottish government has also committed to reaching net-zero greenhouse gas emissions by 2045, five years ahead of the UK.\(^10\),\(^11\) Scotland was the first country in the world to launch a dedicated Climate Justice Fund and having already committed to doubling its funding, the Scottish Government announced at COP26 that it would treble the fund to £36 million.\(^12\) These policies and others

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ReliefWeb (2021). ‘Afghanistan: Over 80% of country in serious drought’. 4 August. Available at: [https://reliefweb.int/report/afghanistan/afghanistan-over-80-country-serious-drought](https://reliefweb.int/report/afghanistan/afghanistan-over-80-country-serious-drought);

World Food Programme (2021). ‘Government policy on Afghanistan: Written evidence submitted by the United Nations World Food Programme to the Foreign Affairs Committee (AFG0005)’. Available at: [https://committees.parliament.uk/writtenevidence/40002/pdf/](https://committees.parliament.uk/writtenevidence/40002/pdf/);


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are reflective of Scotland’s green approach. They will help mitigate the worst effects of climate change and protect civilians from the emergence of violent conflicts.

Human Rights Defenders

Human rights defenders work in some of the most dangerous regions of the world, advocating for their communities and seeking to uphold and defend human rights. They desperately rely on support from the international community, yet the Conservative UK Government chose to half its funding for human rights work in April 2021. Conversely, the SNP’s commitment to human rights defenders has been unwavering. In 2018 the Scottish Government, in collaboration with the University of Dundee, established the Scottish Human Rights Defender Fellowship to support those at risk for protecting human rights around the world. In providing this fellowship, the Scottish Government and Scottish civil society engage in a successful partnership with individuals around the world and contribute towards peacebuilding and conflict resolution.

Atrocity prevention

An independent Scotland should learn from the mistakes of the UK in failing to prevent atrocities taking place over the past decade. Dr Kate Ferguson has highlighted an urgent need for improved communication and integration of atrocity prevention analysis across government departments, as well institutionalisation of atrocity-prevention strategies. The House of Commons International Development Committee has also issued similar calls. Despite the clear evidence for a need for an atrocity prevention strategy, the UK Government said in November 2021: “We believe it is not necessary”.

An independent Scotland would learn from the UK’s mistakes in this area by creating an atrocity analysis unit which works across government departments and provides internal coordination for responses, with foreign ministry staff be properly resourced to ensure they can provide a quick response to prevent atrocities. Embassy staff in countries at risk of

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14 Kate Ferguson (2020). ‘Putting Atrocity Prevention at the Heart of British Foreign Policy’. The Foreign Policy Centre. Available at: https://fpc.org.uk/putting-atrocity-prevention-at-the-heart-of-british-foreign-policy/

15 House of Commons International Development Committee (2022). ‘From Srebrenica to a safer tomorrow: Preventing future mass atrocities around the world’. HC 149. London: UK. Available at: https://committees.parliament.uk/publications/30270/documents/175201/default/

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atrocities should receive mandatory atrocity prevention training and there should be clear lines of communication between international partners to provide early warnings.

Military training

A Scottish Defence Force will be provided with mandatory annual training on the protection of civilians in conflict, in line with wider government policy on the protection of civilians. This should include training on principles such as military necessity, proportionality, humanity, and the obligation to distinguish between civilians and combatants, and between civilian infrastructure and military objectives. As recommended by the UN Military Specialised Training Material, all service personnel – including Special Forces – should be given human security training and a three-day course as part of their basic training on the challenges of children and armed conflict as part of basic military training.
SECTION II: STEPS TO PROTECT CIVILIANS OUTSIDE CONFLICT

Refugees do not leave their homes out of choice - they are forced to by circumstance. Scotland is already a place of refuge for many and, with independence, we will have the full powers to welcome refugees to Scotland.

Offering protection for those who flee

In 2012 Theresa May announced her desire ‘to create, here in Britain, a really hostile environment’ for undocumented migrants.17 Since then, the Refugee Council has noted that the number of people seeking asylum and have been waiting for more than a year for an initial decision rose almost tenfold.18 Having previously closed down virtually all safe and legal routes to the UK, the Nationality and Borders Act has since been criticised by the UNHCR as “…[Undermining] established international refugee protection law and practices”.19 20 Part of the consequences of this senseless approach was the drowning of 27 human beings in the English Channel, including seven women (one of whom was pregnant) and three children, as they attempted to cross it to reach the UK.21 An independent Scotland will take a different approach. Scotland will always continue to be a welcoming and inclusive nation for those who seek refuge here.

Arms trade

In 2021, of the 31 countries on its human rights watchlist, the UK Government currently exports arms to 24 of them, including £241 million of arms licenses to Saudi Arabia despite its role in driving the humanitarian crisis in Yemen.22 Scottish defence exports should not exacerbate instability or be used to commit or facilitate violations of international human rights and international humanitarian laws. To ensure this, there should be full transparency in, and effective parliamentary scrutiny over, all aspects of arms export licensing policy and practice. An independent assessment should be undertaken to evaluate the likely consequences of arms sales to human rights priority countries and provide advice to the Government before arms trade licenses are granted.

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22 Campaign Against the Arms Trade (2022). UK Export License Data. Available at: https://caat.org.uk/data,exports-uk/overview
SECTION III: PROTECTION OF CIVILIANS IN CONFLICT

There will unfortunately be situations where conflict breaks out regardless of the prevention strategies that have been implemented. In situations like this, civilians often suffer the most and are too often targeted by all sides to a conflict. Wherever possible, the international community must stand together to protect civilians caught in the crossfire and help bring about a sustainable peace.

Women, peace and security
We recognise that conflicts are gendered and affect individual groups differently. Civilian men and boys are disproportionately killed and maimed, abducted, and forcibly recruited. Women and girls disproportionately face sexual violence and continue to suffer exclusion from access to justice, protection and resources, as well as participation in political and peacebuilding processes, especially at decision-making levels. Since 2016, the Scottish Government, noting the importance of the role of women in peace-building as stated by UN Security Council Resolution 1325, has funded a fellowship which brings together women activists from a variety of conflict affected countries to equip them with skills and knowledge in conflict resolution, mediation, reconciliation and dialogue methodologies.\(^{23}\) It includes workshops on personal self-care strategies for those who live in conflict areas and do conflict-based work.

An independent Scotland committed to promoting human rights and protecting civilians in conflict would build on this work and further seek to understand and address the specific challenges that can face women and girls in conflict and other humanitarian contexts. As highlighted in the UN Security Council Resolution 1325 this includes preventing and protecting women and girls from all forms of gender-based violence, promoting the meaningful participation of women in political and peace processes and mainstreaming a gender perspective in all peace and security efforts. Moreover, it is important to understand and address the different needs of women and girls from diverse backgrounds, including refugees and Internally Displaced Persons. To achieve this, the Scottish Government and Departments will prioritise working with local civil society organisations, particularly women’s rights organisations, as partners and experts as well as with NGOs, communities and individuals affected by conflict. A truly inclusive and participatory process is more likely to result in protecting and promoting gender equality (or women’s and girls’ rights), but also to increase the likelihood of a more long-term and sustainable peace.

Child protection
Children face unique challenges in warfare, including a combination of immediate physical consequences of warfare as well as long-term consequences such as the loss of education

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and displacement. In addition to funding long-term nutrition and education programmes, evidence of grave violations against children in conflict should be monitored, collected, and justice sought for families and communities involved.

Humanitarian operations

All feasible measures should be taken to avoid, minimise, and mitigate harm to humanitarian actors. However, working with and through international organisations is a valuable method to protect civilians in conflict, there should be no impunity for perpetrators of conflict-related sexual violence. An independent international body should be established to provide safeguarding and oversight mechanisms for global humanitarian operations.

Partner operations

Protection of civilians will be non-negotiable when we work with partners overseas. When working with international allies in multilateral coalitions, we will ensure that there is a clear point of contact for civilians on the ground and NGOs to submit claims of civilian casualties, and local civilians and civil society should have input into reviews before, during, and after active hostilities have ended to understand the impact of its support for partners on local communities. Parliament will have meaningful oversight of the relationships and, given the growing rise in authoritarian governments around the world, it is crucial that Scottish partners have the support needed to tackle abuses against civilians and address the causes at the source. When, however, there is evidence of abuses and an unwillingness on the part of the partner to address them, Scotland will not hesitate to end support to partners.

Protecting civilians with disabilities

In line with UN Security Council resolution 2475, mitigation tools specifically focused on protecting civilians with disabilities should be implemented; partners and local organisations should be involved in ensuring that such individuals have access to justice, basic services and unimpeded humanitarian assistance. People with disabilities and their representative organisation should be able to participate meaningfully in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding.

Monitoring, reporting on, and responding to civilian harm

The Sunday Times revealed in 2020 that rogue members of the SAS had carried out a series of night-time executions of Afghan civilians.²⁴ Of the 33 deaths, it was noted that 10 were

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almost identical in circumstances, with captured males returning to their homes to enable a search of the premises by SAS forces, only to get hold of a weapon and attack the soldiers with “clearly impossible chances”. Despite contemporaries in the UK Armed Forces expressing their concerns about this pattern, the relatives of the victims are still awaiting justice for the murders. Given allies in countries such as Australia have also recognised the importance of having a frank and honest debate about abuses, an independent Scotland should not replicate the UK Government’s blanket “no comment” policy on Special Forces.25

There must be a clear point of contact for civilians on the ground and NGOs to submit claims of civilian casualties. This can be facilitated by the creation of civilian harm tracking cells which gather information, including open source data reported by those affected, about incidents that may have harmed civilians.26 Affected communities, NGOs, INGOs, humanitarian organisations, and civil society groups should be given the means to nominate new incidents to be reviewed by the civilian harm tracking cell, building trust and credibility. This dedicated unit will also offer a clearer point of engagement for NGOs, monitoring groups, humanitarian organisations, and service members wishing to raise possible issues of concern. Where possible, units will include civilian witness interviews and site visits in their investigations, as well as high-quality civil society sources of information. The findings of these units will be publicly disclosed as soon as possible.27

Cooperation with civil society organisations

NGOs and civil society organisations are a valuable resource, often offering specialist knowledge on a wide range of complex challenges. Scotland should make specific efforts to work with NGOs and civil society organisations in and from developing and conflict-affected countries. Such cooperation has the potential to be a fruitful partnership between these organisations, the local population and Scotland. Where applicable, these organisations should also be invited to contribute to military curricula and deliver training to forces on POC.

SECTION III: PROTECTION OF CIVILIANS IN CONFLICT

Explosive Weapons in Populated Areas

When explosive weapons are used in populated areas – where conflicts increasingly take place – studies suggest that more than 90% of those killed and injured are civilians.\(^{28}\) Vital facilities such as sanitation systems and hospitals are disproportionately destroyed in attacks using these weapons, exacerbating risks to civilians who become further exposed to deadly diseases and further robbed of medical assistance. There must be a presumption against the use of wide-impact explosives in conflicts that take place in populated and urban territories.

The SNP fully supports the UN-backed Political Declaration on Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas.\(^ {29}\) An independent Scotland would look to sign on to this declaration. Additionally, Scotland should ratify the 2008 Convention on Cluster Munitions as well as the 1997 Anti-Personnel Landmines Convention.

Post conflict recovery

Harm to civilians does not abruptly end when conflicts do. Often it continues for a long time during post conflict recovery which is often complex, slow, and plagued by a lack of coordination. The UK’s interventions in Iraq, Libya and Afghanistan demonstrated this clearly where despite quick battlefield successes, building a more sustainable peace was not achieved. As such, it was civilians which suffered the most from governmental failures.

In contexts where there has been conflict, Scotland’s approach to the protection of civilians will be context-specific and guided by local NGOs, civil society organisations, locals, and governmental actors where appropriate. Where possible, these should steer both the planning and the implementation of post-conflict recovery programmes. Physical reconstruction will be paired with elements that rebuild the society and, if appropriate, the legitimacy of the state. Interventions will be defined by cooperation not impositions.


IMPLEMENTATION

While Scotland will be vocal in its commitment to the protection of civilians, it will also take decisive steps to implement these principles into its foreign, development and security frameworks.

In UN Peacekeeping missions where Scottish forces are present, advisors should be present to ensure that Scottish peacekeepers are following POC principles. The same advisors will also be able to assist Scottish peacekeepers in training local forces and partners in POC practices. Beyond participation in peacekeeping missions, Scotland will also support efforts in peacebuilding. This requires a long-term and committed approach, with harmony across Government departments to ensure effective cross-government and civil society collaboration.

One example of where the UK is not doing this is in Yemen. Despite funding humanitarian programmes in the country, the UK has also approved numerous arms license exports to Saudi Arabia, a state which has been a primary protagonist in prolonging the conflict. An independent Scotland would seek to avoid such contradictions through the above-mentioned parliamentary scrutiny mechanisms as well as ensuring coherence across Government departments in regard to the protection of civilians.

In international development projects, protection of civilian principles will be at the forefront to ensure that our actions do not make delicate situations worse. This includes an awareness of conflict and gender sensitivity to guide development to avoid harm and have a positive contribution to peace where possible. We will ensure that our development is inclusive and supportive for all members of a society. We will also take a zero-tolerance approach if instances of abuse take place by Scottish aid workers against the local communities, providing transparency and accountability about what went wrong and what could be done better.

The protection of civilians policy should be reviewed every 5 years under the supervision of and with support from elected politicians and their officials. The review will assess how effectively government departments have implemented protection of civilian policies and provide recommendations for improvement. The review process will also identify areas for multilateral engagement and how we can further develop mechanisms for the protection of civilians within international institutions such as the UN. The final review will be submitted to Parliament for scrutiny thereby ensuring transparency and democratic accountability within the process, as well as providing an opportunity for MPs to suggest additional recommendations to be debated. In addition to this, an interim report will be published between two and three years after the review which will provide an overview of how effectively POC principles are being implemented.
TOWARDS MORE EFFECTIVE MECHANISMS FOR THE PROTECTION OF CIVILIANS IN CONFLICT

This paper has set out our approach to the protection of civilians in conflict, highlighting where we believe the UK Government has fallen short and offering a picture of the role we believe an independent Scotland could play in the protection of civilians. As Scotland moves closer to a referendum on its constitutional future, we will continue to hold the UK Government to account as it callously slashes international development funding and turns its back on some of the world’s most vulnerable people.

As such, it is important that when Scotland’s time comes to be a good global citizen on the international stage, it is willing, ready, and able to defend those who cannot defend themselves.

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