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SPECIAL EDITION

WHEN BRITAIN GOES TO WAR, WHO DECIDES?



RAF Typhoon fighter, January 2024



Ceasefire Centre for Civilian Rights empowers civilians in war zones to monitor and document violations of international humanitarian law and human rights. This month's newsletter discusses democratic control of UK war powers, gender-based violence in Iraq and international justice and the Israel-Hamas war. Don't miss the details inside about fundraising opportunities to help support our crucial initiatives.

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“THE CASE FOR INCREASING DEMOCRATIC ACCOUNTABILITY NOW SEEMS OVERWHELMING - WHEN WAR IS WAGED BY THE UK, IT IS DONE IN EVERYONE’S NAME, AND THIS PROFOUND LIFE-CHANGING AND POTENTIALLY WORLD-CHANGING COMMITMENT HAS TO BE APPROVED BY THOSE INSTITUTIONS REPRESENTING THE PEOPLE.” PROFESSOR NIGEL WHITE, AUTHOR OF THE REPORT



CALL FOR DEMOCRATIC CONTROL OF UK WAR POWERS

It’s been six months since the US and the UK began launching airstrikes on Yemen – a move made without a prior debate or vote in Parliament. The strikes have relit a longstanding debate over the prerogative power of the UK prime minister to deploy military forces.

Since 1945, the UK has been one of the most active countries in deploying its armed forces overseas. Although lip service is still paid to a supposed constitutional Convention which emerged after the invasion of Iraq in 2003 and aimed at securing parliamentary approval for the deployment of armed forces, successive prime ministers have shown increasing disregard for their obligation to consult Parliament when it comes to war powers decisions.



With new UK Prime Minister Keir Starmer having previously vowed to place human rights at the core of the UK’s foreign policy and promising “No more illegal wars” under his Labour leadership, now presents a crucial opportunity to change how the UK decides to go to war.

In April 2024, Ceasefire released a report examining how war powers are currently exercised within the UK’s political framework. It highlights the comparative lack of democratic oversight in the UK compared to other European countries as well as the UK’s track record of relying on controversial

“IN LIGHT OF THE UK’S INCREASING PRACTICE OF REMOTE OPERATIONS, PROACTIVE ACCOUNTABILITY IS ESSENTIAL TO ENSURE THE RIGHTS AND LIVES OF CIVILIANS ARE SAFEGUARDED. WHEN IT COMES TO OVERSIGHT FOR NEWER FORMS OF WARFARE, THE LEGISLATIVE AND POLITICAL FRAMEWORK IS LAGGING WELL BEHIND.” MAE THOMPSON, ADVOCACY OFFICER AT CEASEFIRE

legal justifications for its military interventions. The report argues for enhanced democratic control over the decision to engage in war, especially in cases of wars of choice which are less likely to adhere to international law, and in instances of hybrid and remote warfare which have so far evaded parliamentary scrutiny.

This report recommends:

- As an initial step towards democratic accountability, a War Powers Resolution should be passed to establish a normative framework for war powers decisions in procedural and substantive terms.
- Under a War Powers Resolution;
 - Parliament should have the right to receive the full legal advice of the Attorney General as well as from independent experts so that MPs can make an informed judgement as to whether to vote for or against a deployment of forces overseas.
 - Parliament should have the right to vote against military action based on the legitimacy and legality of the proposed operation, with the result that such action would be forestalled, ceased, or withdrawn.

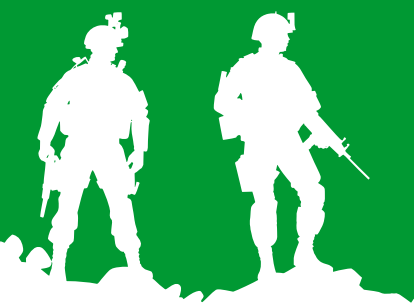
Further reading:

<https://www.ceasefire.org/uk-war-powers-convention-now-devoid-of-content-new-report/>

https://www.ceasefire.org/wp-content/uploads/2024/04/Ceasefire_War_Powers_Apr24.pdf

<https://www.ceasefire.org/uk-military-accountability-new-government/>

https://www.thenewhumanitarian.org/opinion/2024/07/08/wars-need-oversight-starmers-opportunity-change-uk-us-yemen?utm_content=buffera501f&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer



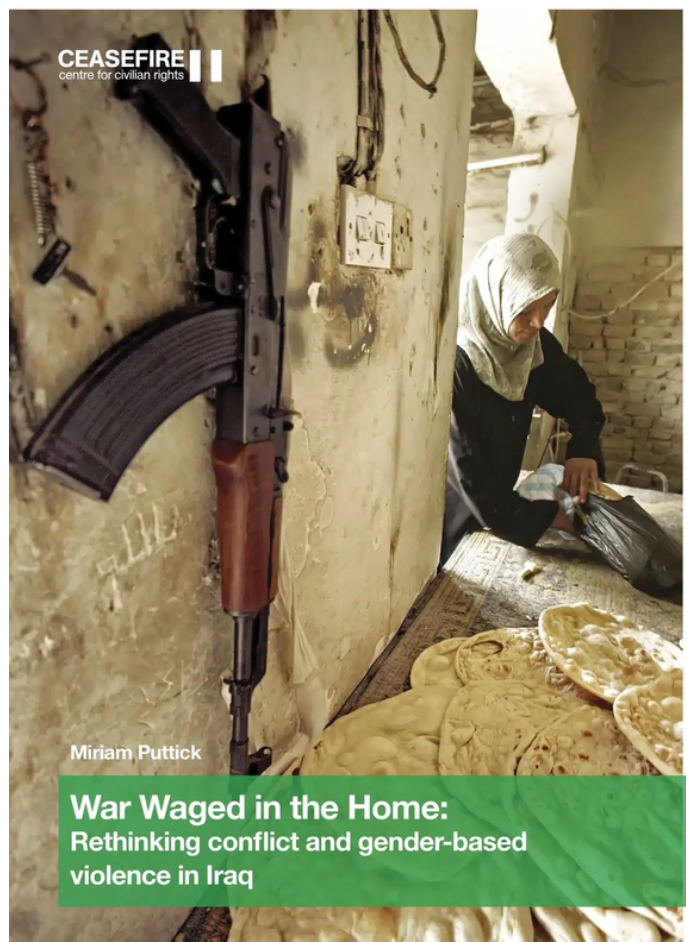
RETHINKING CONFLICT AND GENDER-BASED VIOLENCE IN IRAQ

“ONE OF THE MOST DANGEROUS PLACES FOR WOMEN AND GIRLS DURING CONFLICT IS INSIDE THEIR OWN HOMES.”

MIRIAM PUTTICK,
AUTHOR OF THE
REPORT

While armed violence in Iraq is decreasing, violence against women has gone up. With over 33,000 officially recorded cases in 2022, women are experiencing a surge in physical, emotional, and sexual abuse at the hands of their partners, including killings in extreme cases.

Ceasefire's report draws on the documented experiences of over 1,200 Iraqi women and girls who were exposed to intimate partner violence between 2018 and 2023. It finds that the status of intimate partners as combatants/fighters, former combatants and/or victims of violence are all linked to violence in the home. Conflict reinforces ideas of masculinity connected to violence and ideas of femininity limiting women to the domestic sphere. This is often reflected at the political level with conservative religious and tribal law and systems, supplanting Iraq's personal status law and further legitimating violence against women. Conflict has also degraded state structures and services that provided some protection to women and their rights.



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Iraq has experienced almost constant war for decades, from the Iran-Iraq War to the Gulf War, to the US-led invasion and, most recently, the war against ISIS. Continuous periods of conflict have reversed political and social advancements for women, weakened state institutions, revived traditional gender norms, and increased women's dependence on male providers. There has been a specific increase in forced marriage and child marriage, and a general increase in the vulnerability of women incapable of escaping abusive relationships. Overall, this has contributed to a rise in intimate partner violence.

Despite these findings, intimate partner violence is rarely seen as being connected to or caused by conflict. As a result, international and domestic programming to address conflict-related violence, by excluding violence in the household, currently fails to account for a major source of harm to women and girls.

This report recommends:

- Protecting women and girls from gender-based violence in all its manifestations, including domestic violence, should be a main priority in post-conflict policy reform, transitional justice processes, and humanitarian programming.
- Comprehensive national legislation against domestic violence and all other forms of gender-based violence and adequate resources devoted to its implementation should be enacted as a priority by the Iraq government.
- Shelters for domestic violence survivors should be opened in all major population centres, domestic violence courts established in every governorate and other measures adopted to improve women's access to justice including increasing recruitment of women in the policy forces and judicial system.

Further reading:

<https://www.ceasefire.org/iraq-rise-in-family-based-violence-against-women-linked-to-conflict/>

https://www.ceasefire.org/wp-content/uploads/2024/04/Ceasefire_War_at_Home_April24_EN_ONLINE.pdf

INTERNATIONAL JUSTICE AND THE ISRAEL-HAMAS WAR

In Israel-Palestine, massive violence has impeded aid efforts and further increased civilian casualties. The death toll is staggering, with over 38,000 reported killed in Gaza (OCHA) in addition to the 1,200 people killed in Israel on 7 October. Over 88,000 Palestinians are reported injured (MoH Gaza). There has been a critical shortage of food, clean water, and medical supplies along with frequent power outages, severely affecting healthcare services. Access constraints coupled with ongoing violence and blockades have severely disrupted the entry and distribution of humanitarian aid supplies.

Despite this, there have been several positive developments including the award of further provisional measures against Israel by the International Court of Justice (ICJ) in May. The ICJ ordered that Israel must immediately halt its military offensive in the governorate of Rafah. The court also ordered Israel to allow unrestricted access for any UN commission of inquiry, fact-finding mission or other investigative body to collect evidence and record conditions in Gaza and investigate allegations of genocide.



The International Court of Justice © R Boed/Flickr

Another positive development was the application by the prosecutor of the International Criminal Court (ICC) for arrest warrants against Hamas leaders Yahya Sinwar and Mohammed Deif and against Israeli Prime Minister Benjamin Netanyahu and Israeli Defence Minister Yoav Gallant for war

crimes and crimes against humanity. The application for the arrest warrants will be decided by a panel of three ICC judges in a process that takes an average of two months. If arrest warrants are issued, states who have ratified the ICC's Rome Statute would be obligated to arrest those charged if they have the opportunity. It would heavily limit suspects' foreign travel, preventing PM Netanyahu from visiting Western allies without the risk of being arrested.

Most recently, on 19 July, the ICJ issued a landmark opinion which stated that Israel's occupation and annexation of Palestinian territories violate international law. It also ruled that Israel's discriminatory practices violated the international prohibition on racial segregation and apartheid. The court called for Israel to withdraw its forces from all occupied territories, remove all settlers from the West Bank and East Jerusalem, revoke legislation that upholds the occupation and discriminates against Palestinians, allow displaced Palestinians to return to their original residence and compensate Palestinians for damages caused under the occupation. The court's findings will go to the UN General Assembly, which will decide on its response, including the option of adopting a resolution. While the ruling is significant in supporting the rights of Palestinians, for the ruling to be effective, the international community must hold Israel accountable to bring its illegal occupation to an end.

Ceasefire Centre for Civilian Rights is continuing to draw attention to violations of international humanitarian law (IHL) by the Israel Defence Forces and by Hamas and other Palestinian armed groups. Ceasefire has repeatedly called on the US and UK governments to uphold their international obligations to halt arms transfers to Israel and to promote IHL compliance. Ceasefire will continue to advocate for civilians in Israel-Palestine to ensure their rights are protected.



FUNDRAISING OPPORTUNITIES

HOW CAN YOU HELP?



DONATE



LEAVE A LEGACY



ONLINE SHOPPING



TAKE UP A CHALLENGE



£25

will cover daily documentation of violations against civilians.



£50

will support the delivery of high-quality training on documenting civilian rights violations in conflict-affected areas.



£100

will help us to rapidly analyse violations submitted by civilians and publish urgent reports.



£200

will allow us to bring civilian representatives to international fora to advocate for their rights.



£500

will help us to develop new partnerships with organisations on the ground.



£1000

will allow us to expand our activity in new conflict situations.

If you have another event or collaboration in mind, please get in contact with us. We would love to partner with you!

For corporate partnerships:

<https://www.ceasefire.org/corporate-partnerships/>

Email: fundraising@ceasefire.org


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