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Topic A: Foreign Military Bases

As one of the relatively few countries with active military bases in foreign countries, the United Kingdom is intimately aware of their significance on the world stage.(1) As the number of military bases operated by P5 countries diminished since the Cold War, more countries have entered into agreements to operate their own, such as China, India, Pakistan, and Turkey. As more and more states seek to expand their influence in the form of military bases, it is the First Committee's responsibility to establish reasonable guidelines in order to ensure uniformity among the agreements that will take form in the coming years. In the meantime, it is worth addressing some of the concerns of the global movement against foreign military bases of any kind, by increasing international transparency and specifying the legal frameworks under which military personnel can be held responsible.

The North Atlantic Treaty Status of Forces Agreement (SOFA), which includes the UK and 28 other member states, is the first and only multilateral agreement of its kind and therefore acts as a model for other legislations. Its first article sets forth a number of useful definitions that will help to standardize future agreements. (2) Though there are bilateral agreements, such as the US-Japan SOFA, they have certain issues that the First Committee should address in setting up guidelines for future agreements. For example, in the aforementioned agreement, US military personnel are subject to US laws while in Japan, which has created a great deal of friction with local authorities and has even led to increased death via traffic accidents due to American drivers only needing a military permit to drive on Japanese streets. Servicemembers should be held accountable for breaking the laws of the host country, and that process should be stipulated in the SOFA. Article VII of the NATO SOFA states that "the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offenses committed within the territory of the receiving State and punishable by the law of that State."(3) A similar clause should appear in a DISEC resolution addressing future guidelines for status of forces agreements.

The UK does not support a cap on foreign military bases and would like to see the expansion of mutually beneficial agreements across the world. With this, transparency between countries in a bilateral agreement as well as among the international community is essential. The UK advocates for an independent body to be established by the First Committee, constituted of representatives of neutral UN member states, to monitor the conditions of foreign military bases and ensure that the regulations of their founding agreements are followed. This body may also listen to any concerns that the host nations may have in order to facilitate communication and solve problems before they become exacerbated. This body will also oversee a comprehensive database of foreign military bases across the world and the agreements that lead to their creation, in order to streamline its work. Since there are many different kinds of SOFAs, the UK would create a detailed tier system to classify foreign military bases by size, while also providing qualifiers for various other characteristics—this system would also include ways to classify SOFAs that do not establish foreign military bases, such as the US-Iraq agreement that established the American withdrawal of troops in 2011.(4)

(1) "The Status and Location of the Military Installations of the Member States of the European Union" (PDF). Policy Department External Policies: 13–14. February 2009. Retrieved 4 November 2018.

(2) "Status of Forces Agreement (SOFA): What Is It, and How Has It Been Utilized?" EveryCRSReport.com, Congressional Research Service, 15 Mar. 2012, www.everycrsreport.com/reports/RL32453.html.

(3) "Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces." NATO, North Atlantic Treaty Organization, 14 Oct. 2009, nato.int/cps/en/natohq/official_texts_17265.htm.

(4) Isaacs, John, and Travis Sharpe. "How Comfortable Is the U.S.-Iraq SOFA?" Arms Control Center, Center for Arms Control and Non-Proliferation, 24 Nov. 2008, armscontrolcenter.org/how-comfortable-is-the-u-s-iraq-sofa/.

Topic B: Treatment of War Prisoners

The United Kingdom of Great Britain and Northern Ireland has a 438 page-long briefing for all UK Armed Forces interacting with Captured Persons (CPERS – one category of which is Prisoners of War, or POWs) under British authority, the Joint Doctrine Publication on Captured Persons.⁽¹⁾ This exceptionally detailed series of policy ensure that the United Kingdom follows all international standards for treatment of prisoners, and more. Extensive training is required for all armed forces, and the atrocities of places like Abu Ghraib are utilized as examples for shaping the conduct of commanders and thus the culture of respect needed to follow the Geneva Convention. The United Kingdom firmly believes in the necessity for each member state of the United Nations to similarly establish and clarify the connections between internal procedures and international law. Through transparent training and regulations that are internationally available and accessed, reviewed, and given recommendations by the International Committee of the Red Cross, all member states can ensure their armed forces behave in an informed and respectful nature.

The changing nature of warfare in the modern era has changed the nature of CPERS and therefore the relevancy of the Geneva Convention. Due to light footprint warfare, the number of irregular combatants has increased. With warfare shifting away from state-to-state warfare, the number of CPERS who the Geneva Convention protects has decreased. United Kingdom believes that a particularly concerning failure in the Geneva Convention is the massive exception of POWs accused of war crimes or crimes against humanity. It is the position of the United Kingdom that those accused of being war criminals and non-traditional combatants should be classified outside of traditional POWs and civilians into a modern protection, potentially set forth into international law through a Fifth Geneva Convention. The previous conventions do not have the specific language needed to ensure nations do not circumvent the nature of the law in places such as Guantanamo.

Nonetheless, even with the actual implementation of international law in each nation, the legal statutes currently outlined in the Geneva Convention as well as individual nations' mandates are thus lacking, with several loopholes. One of these is that many safeties and rights

retained by CPERS do not apply to those detained or arrested domestically or in territorial/internal waters. These gaps mean that national law instead of international humanitarian law to take precedence, allowing for dangerous ambiguity. Additional areas for improvement include explicit language for Vulnerable CPERS, defined by the United Kingdom as “an individual who by reason of mental or other disability, age or illness, is or may be unable to take care of himself or is unable to protect himself against significant harm or exploitation or is dependent on others for assistance in the performance of basic physical functions.” Those with disabilities or other identity-based differences from other CPERS and/or the armed forces overseeing the CPERS face undue neglect and abuse. Language must be added to Geneva Convention protections to include brainwashing as a form of abuse, laying out explicit timelines for release upon cessation of conflict, and international repercussions for a failure to follow these standards. Videography and photography of CPERS should additionally be banned, except for proof of life or communication outside of pressures of coercion that may be released to the government of the nation of origin of the CPERS and, through the government, their families. This can ensure that CPERS are not used as political tools to exert pressure on nations of origin towards the cessation of a conflict, as well as to respect the privacy of the CPERS.

From a pragmatic perspective, it is necessary for the United Nations to initiate connections between Non-Governmental Organizations and nations overseeing the care of CPERS. This allows for an impartial presence to provide medical treatment without cost to the host nation, including often underserved medical needs such as mental and dental care. The UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is limited in the failure of ratification on the part of twenty-six countries worldwide, including some which have come under fire for human rights abuses in recent years.(3) This subcommittee must be empowered by an increased emphasis on the part of the United Nations to encourage non-signatories to sign on, removing term limits for experts which can cripple their ability to create lasting change. Additionally, by collaborating with other multilateral organizations with mutual defense provisions, such as NATO, this solution would be bolstered further by increased accountability.

(1) Joint Doctrine Publication 1-10, 3rd Edition, Captured Persons (CPERS). Ministry of Defense of the United Kingdom of Great Britain and Northern Ireland, Chiefs of Staffs. January 2015.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/455589/20150820-JDP_1_10_Ed_3_Ch_1_Secured.pdf

(2) “Who Is a Vulnerable Adult?” Western Bay Safeguarding Boards.

<http://www.wbsb.co.uk/4482>

(3) “Subcommittee on Prevention of Torture,” International Justice Resource Center.

<https://ijrcenter.org/un-treaty-bodies/subcommittee-on-prevention-of-torture/>