

Institution: University of Oxford
Unit of Assessment: UOA 21
Title of case study: Responding effectively to the changing character of conflict (21-01)
<p>1. Summary of the impact</p> <p>Professor Roberts' research insights into the changing character of conflict and the laws of war have informed national and international policy. They have shaped (i) initiatives to reform US and UK military training, official manuals and directives on the laws of war; (ii) improvements to UK detention policies and practices; (iii) the House of Commons Foreign Affairs Committee's conclusion that the UK's aims in Afghanistan should be re-focussed; (iv) the International Red Cross' view of the legal issues affecting their role in contemporary forms of occupation; and (v) UN assessments of the legal standing of UN forces in particular deployments.</p>
<p>2. Underpinning research</p> <p>The research was carried out at the University of Oxford where Adam Roberts held the Montague Burton Chair of International Relations (1986-2007), followed by a Senior Research Fellowship in International Relations. Since 1993, two central strands of his research have focussed on (a) the changing character of conflict and (b) the laws of war. From 2003 to 2013 much of the work in both areas was completed as part of the Leverhulme-funded University of Oxford programme, 'The Changing Character of War', for which Roberts was one of the original Co-Investigators and a Steering Committee member. Within the programme, he led research on the laws of war, the treatment of civilians and detainees in war, and the roles of the UN Security Council.</p> <p>(a) The changing character of conflict: Roberts' work analyses changes in the nature of conflicts within and between states since 1945, including civil (i.e. non-violent) forms of resistance, the increase in the multilateral use of armed forces for peacekeeping and other purposes, the decline in the incidence of major wars between developed states, and the rise in civil wars, mainly in post-colonial states. Two aspects of this work are closely linked to the impacts described. Firstly, the research shows that international normative principles, courts and institutions play a significant part in shaping and constraining these new forms of conflict [Section 3: R2, R5]. Secondly, it makes evident that an understanding of the specific context and path dependency of contemporary conflicts – including different national perspectives, histories, political systems, religions, cultures and languages – is essential to an accurate analysis of these wars and to the effectiveness of policy responses [R1, R3, R6].</p> <p>(b) The laws of war: Roberts' research demonstrates the enduring relevance of existing international law in new contexts - including peacekeeping operations, new types of military occupations, responses to terrorism, environmental despoliation in war, and the deployment of new weaponry [R2, R4, R6]. For instance, he documents the significance of rules relating to the protection of civilians and the treatment of detainees, and shows that existing laws often play a powerful role in assisting military objectives by harmonizing the practices of allies (for example, within NATO), and in influencing domestic and international opinion. His work analyses how existing laws of war are tested by new types of conflict and how they evolve in response to particular challenges [R2, R3, R6]. Roberts' work also highlights gaps in the implementation and enforcement of the law, and draws attention to the importance of both military and judicial responses to war crimes and crimes against humanity. The research draws out the implications of these insights for the work of national militaries, the UN, NATO, and for international security in general [R4, R5, R6].</p>

3. References to the research

(a) *The changing character of conflict:*

- [R1]** Vaughan Lowe, Adam Roberts, Jennifer Welsh and Dominik Zaum (eds.), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, Oxford University Press, 2008, xxi + 793pp. [paperback edition, 2009].
- [R2]** Adam Roberts, 'Detainees: Misfits in Peace and War', in Sibylle Scheipers (ed.), *Prisoners in War*, Oxford University Press, 2010, pp. 263-280.
- [R3]** Adam Roberts, 'Introduction', in Adam Roberts and Timothy Garton Ash (eds.), *Civil Resistance and Power Politics: The Experience of Non-violent Action from Gandhi to the Present*, Oxford University Press, 2009 [paperback edition, 2011], pp. 1-24.

(b) *The laws of war:*

- [R4]** Adam Roberts, 'The Laws of War in the 1990-91 Gulf Conflict', *International Security*, vol. 18, no. 3, Winter 1993/94, pp. 134–181. (Worldwide leading peer-reviewed journal – see ranking of international relations journals in Sciencewatch.com, where it is regularly in the top five.)
- [R5]** Adam Roberts & Richard Guelff (eds.), *Documents on the Laws of War*, 3rd edition, Oxford University Press, 2000, xvi + 765pp.
- [R6]** Adam Roberts, 'Transformative Military Occupation: Applying the Laws of War and Human Rights', *American Journal of International Law*, Vol. 100, no. 3, July 2006, pp. 580–622. (Worldwide leading peer-reviewed journal – consistently the highest-ranked international law journal 1981-2008, see Sciencewatch.com.)

Evidence of research quality: **R1**, **R2** and **R6** resulted from research under the auspices of a competitively awarded, peer-reviewed £1.1m grant from the Leverhulme Trust for 'The Changing Character of War' programme awarded to Roberts, Strachan, Goodwin-Gill, and Rodin, 2004-9 [F/08737/D]. **R5** was part-funded by a contract with the European Commission, 1995 (£7,650) that also resulted in other publications.

4. Details of the impact

Roberts' research has had substantial impact on national and international policy formation in five areas:

(i) *Impact on initiatives to reform UK and US military training:*

Since 2003 Roberts has been a member of the UK Defence Academy Advisory Board, which includes three academic representatives and gives advice on all the activities of the Defence Academy. In February 2013, he submitted proposals based on his research **[R2, R5]**, suggesting changes in the coverage of the law of armed conflict in the Advanced Command and Staff Course that aimed to increase the content on law and how it relates to armed operations. The Board accepted his proposals in principle, and implementation within the Defence Academy is ongoing **[C1]**. He also pressed for more emphasis on language learning to meet context-specific needs in conflict regions **[R1, R3, R6]** – a matter being taken forward by the Academy **[C2]**. In parallel, Roberts has been contributing to the restructuring of the training in the law of armed conflict throughout the Army, led by the Operational Law Branch of the Army (Warminster), and in particular, at their request, is involved in reviewing a new version of the Army's Operational Law Training Directive.

Roberts' research on the laws of war has also informed revisions of the US Laws of War Manual. In 2009, he was invited to join the International Peer Review Group for the US Department of Defense to evaluate the existing draft manual and recommend changes as part of the first revisions since the 1950s (and the first to cover all four armed services) **[C3]**. During the year-long review Roberts' work generated changes to the new draft manual, particularly regarding the

provisions on military occupation, which were supported by the Laws of War Working Group of the US Department of Defense in 2010 [R4, R5, R6]. The draft four-service manual, which awaits publication, has been described by the Chairman of the working group as the most comprehensive laws of war manual produced by any country [C3].

(ii) Impact on recommendations to improve UK detention policies and practices in Iraq and beyond:

As a result of the laws of war research [R2, R4, R5, R6], including work on military occupations and on detainees and torture in the ‘war on terror’, Roberts was selected in 2010 as one of seven retained experts to the Baha Mousa Public Inquiry to assist in examining the adequacy of current policies, doctrine and training in relation to the treatment of captured personnel [C4]. Drawing on his research [particularly R2], Roberts outlined developments in the UK armed forces since 2003 in relation to custody and interrogation techniques, and made recommendations for future detention policy, practice and training. He gave written and oral evidence to the Inquiry, 12 October 2010. The key points made, both analytical and prescriptive, informed the work and conclusions of the Inquiry, and were referred to in its final report, 8 September 2011 [C5]. The government accepted the findings of the Inquiry, including its recommendations for improvements to detention policies, practices and training [C5].

(iii) Impact on the House of Commons Foreign Affairs Committee’s recommendation to re-focus UK aims in Afghanistan:

Roberts’ expertise on the changing character of war [R1] led to invitations to give evidence to the House of Commons Foreign Affairs Committee Inquiry into Global Security: Afghanistan. His evidence (23 January 2009), citing his research and record of publication on terrorism, guerrilla warfare, and counter-insurgency doctrines, focussed on unique features of Afghan society and on the complexity and difficulty of the task undertaken by NATO and the UN [C6]. This evidence was mentioned many times in the Committee’s final report, and informed the Committee’s central conclusion that the UK, the UN and NATO should scale down their more ambitious and unrealizable projects and focus on security. Publication of the report in 2009 contributed to decisions to re-focus engagement in Afghanistan.

(iv) Impact on the International Red Cross’s conclusions on the legal issues arising in contemporary forms of occupation:

Roberts’ research on the laws of war and foreign military occupations [R4, R6] led to the invitation to join a Group of Experts convened in 2008 by the International Committee of the Red Cross to consider the legal issues arising in contemporary forms of occupation. Roberts attended three sessions held in Geneva during 2008–9, presenting a written submission on how occupations end. The ICRC’s main conclusion, citing the evidence presented by Roberts, was that the existing body of international law on occupations does not need fundamental renegotiation but can be interpretatively applied to the new circumstances of occupations [C7]. The resulting report guides the ICRC’s work in occupied territories as well as its representations to states and to international bodies [C8].

(v) Impact on United Nations’ policy regarding the application of laws of war to UN actions in the field:

Roberts’ research on the UN’s role in international security matters [R1, R6] and on the laws of war [R5] has been cited in high-level discussions within the UN. The work on the laws of war was drawn upon, for example, in making decisions in March 2013 regarding the status of the *intervention brigade* within the UN’s peacekeeping operation in the Democratic Republic of the Congo [C9]. The value of Roberts’ research to the UN has been publicly acknowledged by former UN Secretary General, Kofi Annan [C10].

In sum, Roberts’ work has shaped how a broad range of stakeholders including governments, the UN, and the International Red Cross respond to new forms of conflict and how they interpret their rights and responsibilities in these situations under the laws of war. It has had extensive reach informing outcomes as diverse as military training, detention practices, the definition of the scope

of combat operations, the deployment of humanitarian aid and peacekeeping operations – with implications for combatants, their enemies, detainees, and civilian populations.

5. Sources to corroborate the impact

This is a representative sample of sources corroborating the impact of Roberts' research:

- [C1] Roberts' written proposal for increased coverage of the law of armed conflict in UK Defence Academy courses to the Defence Academy Advisory Board (10 February 2013). Board meeting minutes showing acceptance of this proposal (14 February 2013) – held on file.
- [C2] The Director General of the Defence Academy of the UK confirms the acceptance of Roberts' proposal for changes to course content on the law of armed conflict and for increasing language training.
- [C3] The Chairman of the Department of Defense Law of War Group confirms Roberts' research-based contribution to the drafting of the US Department of Defense Laws of War Manual and the wider value of the draft manual.
- [C4] In addition to the MOD witnesses, the Baha Mousa Public Inquiry retained seven experts including Roberts to assist the Inquiry and provide evidence in examining the adequacy of current policies, doctrine and training.
http://www.bahamousainquiry.org/module_4/expert_witnesses/index.htm. Roberts' evidence http://www.bahamousainquiry.org/linkedfiles/baha_mousa/module_4/module4evidence/miv010312.pdf (Copy held on file.)
- [C5] Report of the Baha Mousa Public Inquiry led by Sir William Gage, 3 vols., Stationery Office, London, 8 September 2011 (HC 1452-1). Roberts' evidence to the Inquiry is mentioned in paragraphs 5.133, 16.8, 16.9, 16.146, 16.149, & 16.313. The Government accepted all (but one) of the Inquiry recommendations in principle – see press release. (Reports on file.)
<https://www.gov.uk/government/news/publication-of-the-baha-mousa-inquiry-report>
- [C6] House of Commons Foreign Affairs Committee, *Global Security: Afghanistan and Pakistan: Eighth Report of Session 2008–09*, Stationery Office Ltd., London, 2 August 2009 (HC 3052). Roberts' evidence to the inquiry is mentioned in paragraphs 15, 16, 22, 24, 30, 35, 230, 306 & 307. The text of Roberts' evidence to the inquiry is at pp. Ev 112–131 and cites research publications. Report, including text of Roberts' written evidence, also available at:
<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmfa/302/30202.htm>
- [C7] *Occupation and other forms of administration of foreign territories*, ICRC, Geneva, June 2012, Publication Ref. 4094 The report quotes Roberts' research findings on pp. 16, 137, 143 and 144 (conclusions). <http://www.icrc.org/eng/resources/documents/publication/p4094.htm>
- [C8] Senior Legal Adviser, International Committee of the Red Cross, Legal Division, Geneva, confirms the use of Roberts' research in the preparation of this document and its significance for ICRC.
- [C9] Under-Secretary-General of the UN, Tokyo, Japan confirms use of Roberts' and Guelff's research on the Laws of War in recent UN decision-making.
- [C10] Kofi Annan has referred publicly to Roberts' contributions to thinking about the UN's roles, including at the LSE on 4 October 2012 (27mins 44secs in). Interventions: A life in war and peace.
<http://www.lse.ac.uk/newsAndMedia/videoAndAudio/channels/publicLecturesAndEvents/player.aspx?id=1577>