FLINTLOCK 2023
Legal Framework Working Group
Sanremo, 12-16 Sept. 2022

Ghanaian delegation presents overview of domestic laws authorizing security operations.

The What

From 12 to 16 September 2022, an international team of 33 military and civilian experts gathered at the Institute of International Humanitarian Law (IIHL) to think strategically about the legal frameworks that shape security force operations and how introduction of those real-world constructs into the FLINTLOCK would enhance its training value.

FLINTLOCK is U.S. Africa Command's premier and largest annual special operations exercise. Executed by Special Operations Command Africa, FLINTLOCK has taken place annually since 2005 in countries in and neighboring the Sahel region of Africa, with participation from over 30 partner nations from across the globe. The exercise is designed to strengthen the ability of key partner nations to counter violent extremist organizations, collaborate across borders, and provide security for their people. Additionally, the exercise bolsters partnerships between security forces and law enforcement, increasing their ability to work together during ongoing multinational operations and in response to crises.

Facilitated by event organizers and IIHL faculty, these military legal professionals, exercise planners, and civilian interagency representatives examined the mosaic of conflicts on the African continent, the wide range of strategies adopted to contain and combat violence and insecurity, and the benefits of civilian-and-military (civ-mil) cooperation and coordination. After the group

> *"I learned things this week that I needed to know to do my job."*
> *– African interagency participant*

compared the challenges historically encountered by security forces operating in the Sahel region, the working group unanimously concluded that their forces would benefit from more robust exercises that challenged them with legal frameworks and fostered greater communication with civilian agencies.

Working in small groups, the participants drafted mock documents setting out the framework for the fictional Counterterrorism Task Force (CTTF) Flintlock that will be used to enhance the exercise in March 2023. These documents will set the tone for FLINTLOCK '23 and compel the training audience to operate in accordance with all applicable laws and with the "legal finish" in mind.

The Who
33 military and civilian security professionals
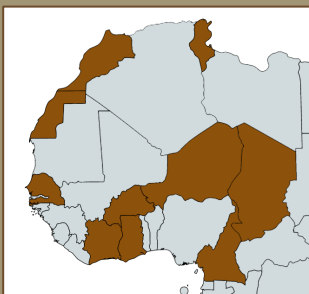
Representing 15 countries

9 African nations
(Burkina Faso, Cameroon, Chad, Cote d'Ivoire, Ghana, Morocco, Niger, Senegal, & Tunisia)

4 European nations
(Belgium, Italy, Netherlands, UK)

+ NATO & the US

Contributing diverse perspectives

8 military planning staff officers

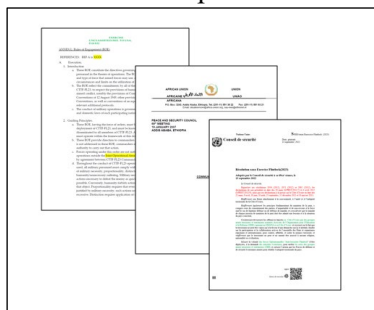**18** command legal advisors (LEGADs)

7 civilians representing ministries of Justice, Interior, and National Security.

> *With this enhanced focus on legal interoperability and civ-mil coordination, FLINTLOCK 2023 will provide vital opportunities for security forces to exercise best practices under realistic conditions.*

The Result

The working group drafted the following documents for use during FLINTLOCK:

- **UN Security Council Resolutions (UNSCR)** authorizing the use of force under Chapter VI of the UN Charter in Cote d'Ivoire (where the violence is scripted to remain below the threshold of armed conflict) and under Chapter VII in Ghana (where the violence is scripted to trigger the designation of a Non-International Armed Conflict).

The best part of the event was drafting ROEs and discussing conflict classification.
-- African military participant

- **African Union Communique** directing the establishment and deployment of a military task force to Cote d'Ivoire under the auspices of the African Union

- **Memoranda of Agreement** between the Host Nations and CTTF Flintlock setting out policies regarding detention and handling of detained persons, intelligence sharing, collection of exploitable material, and status of military personnel
- **Status of Forces Agreements** between the Host Nations and two troop contributing countries
- **Rules of Engagement** for troops operating in Ghana, authorizing force commensurate with a Non-International Armed Conflict (NIAC); and Rules of Engagement for operations in Cote d'Ivoire, authorizing force commensurate with a low intensity conflict (support to law enforcement) action.

The Way Forward

The following week, Major Anya Nikogosian, one of the driving forces behind the working group, briefed the new robust legal framework to the exercise planning team. One skeptical scripter suggested this new framework bogged down the exercise with too much contextual information. He recommended replacing country names with Red and Blue to avoid referring to host nation laws. But another planner, who participated in the

"Every single soldier who sets foot in the field should go through this kind of program."
– African military planner

working group, pointed out that this complexity is exactly what FLINTLOCK should be exercising; real world operations take place in real countries with real domestic legal structures. Ms. Gisela Westwater, the other architect of the legal framework working group, explained that the legal complexity would be seamless for the direct action units, who would continue to follow operation orders, except now those orders would direct them to collect exploitable materials and process detainees to enable later prosecution. Commanders and their staff, however, will need to be cognizant of the domestic laws that affect their operations and to coordinate with civil

Small group presenting work.

authorities throughout the planning process. To promote such civ-mil cooperation, interagency liaisons from Ghana and Cote d'Ivoire will be stationed at the Joint Multinational Headquarters (JMHQ) and subordinate commands.

For more information about this event, contact:

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