

Our recent Member Opinion on Sir David Davis MP's Military Operations Bill raised a number of questions about the proposed new legal framework for military operations, including the extent of the duty to investigate allegations of serious wrongdoing.

A new article by Lieutenant Colonel the Reverend Nicholas Mercer, a former senior Army lawyer and Command Legal Adviser with 1 Div during the 2003 Iraq War, offers a strongly argued contribution from a different perspective.

Writing in *Declassified UK*, Mercer challenges some of the language surrounding "lawfare", repeated investigations and Northern Ireland legacy cases. In particular, he argues for the importance of the investigative obligations arising under Article 2 of the European Convention on Human Rights, and relates that argument to the current Independent Inquiry relating to Afghanistan.

Some of his conclusions will themselves be contested. But one point already apparent from discussion of the Davis proposals is that while there is much we all agree on, there is no uniform "military" or "veterans'" view of some of these difficult questions.

BAFF exists to represent and advocate for serving and former members of the Armed Forces, but that need not require us to pretend that those members will always agree about every aspect of the legal framework within which military operations should be conducted.

We therefore draw members' attention to Mercer's article as another contribution to an important debate which we expect to continue.

Members with relevant experience or views who would like to contribute to that discussion are particularly welcome to contact us.

[Nicholas Mercer: I was a senior British Army lawyer. This is the truth about 'lawfare'](#)

[BAFF Member Opinion: Sir David Davis's Military Operations Bill: First thoughts from a BAFF member](#)