



House of Commons  
Defence Committee

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# Operations in Libya: Government Response to the Committee's Ninth Report of Session 2010–12

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**Eleventh Special Report of Session  
2010–12**

*Ordered by the House of Commons  
to be printed 25 April 2012*

## Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies.

### Current membership

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Mr Julian Brazier MP (*Conservative, Canterbury*)  
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The following were also Members of the Committee during the Parliament:

Mr David Hamilton MP (*Labour, Midlothian*)  
Mr Mike Hancock MP (*Liberal Democrat, Portsmouth South*)  
Mr Adam Holloway MP (*Conservative, Gravesham*)  
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### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at [www.parliament.uk/parliament.uk/defcom](http://www.parliament.uk/parliament.uk/defcom).

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume. Additional written evidence may be published on the internet only.

### Committee staff

The current staff of the Committee are Alda Barry (Clerk), Judith Boyce (Second Clerk), Karen Jackson (Audit Adviser), Ian Thomson (Inquiry Manager), Christine Randall (Senior Committee Assistant), Miguel Boo Fraga (Committee Assistant), Sumati Sowamber (Committee Support Assistant) and Frances Haycock (Sandwich Student).

### Contacts

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## Eleventh Special Report

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The Defence Committee published its Ninth Report of Session 2010–12 on *Operations in Libya* on 8 February 2012, as House of Commons Paper HC 950. The Government's response to this Report was received on 12 April 2012. This is appended.

## Government response

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The Government welcomes the House of Commons Defence Committee's inquiry into 'Operations in Libya' published on 8 February 2012 (HC 950). The Government's response to the conclusions and recommendations in the Report is set out below.

### Introduction

**1. At the outset of our Report, we wish to pay tribute to the UK Armed Forces and civilian personnel who contributed to operations in Libya. They continue to impress us with the courage, dedication and professionalism with which they undertook this operation which we are convinced saved thousands of civilian lives. We also wish to acknowledge the contribution of the families of Armed Forces personnel. (Paragraph 1)**

The RAF, Royal Navy and Army contributed hugely to the NATO effort to protect Libyan civilians under United Nations Security Council Resolution 1973, helping to assure the liberty of the Libyan people. The Prime Minister has regularly paid tribute to the professionalism, dedication and bravery of our Armed Forces, and also the civilian personnel contributing to the operation, including hosting a special reception for those involved last December in Downing Street.

### Parliamentary approval

**2. We support the principle that Parliament should whenever possible be consulted and authorise the use of military force prior to its deployment. However, given the Prime Minister's statement on 18 March 2011 and the debate in the House of Commons on 21 March and that urgent action was required to safeguard civilians in Libya, we are content that Parliament was consulted as soon as practicable. (Paragraph 4)**

Currently, under royal prerogative powers, the Government can deploy armed forces into armed conflict. In March 2011, the Leader of the House of Commons acknowledged<sup>1</sup> that a convention had developed that, before troops were committed, the House of Commons should have an opportunity to debate the matter. He said that the Government would observe that convention, except where there was an emergency and such action would not be appropriate.

### United Nations

**3. Witnesses told us that there were unique circumstances in Libya and, given the gravity of the situation and the potential consequences of inaction, we agree that the international community was justified in its response. (Paragraph 16)**

We wholeheartedly agree that it was right that the international community, acting together, took action to help stop the violence against the Libyan people and find a sustainable solution to the situation. In Libya, there was strong regional support through

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<sup>1</sup> Hansard, 10 March 2011, Col 1066

the Arab League for intervention and a clear mandate from the United Nations Security Council authorising “all necessary measures” to protect civilians.

**4. We note the contrary opinions we have received regarding the legality of the operation in Libya. It is not for us to comment on the legality of the operation. We agree that the legality of the operation is a separate issue to the issue of the legality of how the operation was undertaken. In response to our Report, the Ministry of Defence should commit to review the conduct of the operation and its compliance with international law. We commend the Government for publishing a summary of the Attorney General’s legal advice and respect the decision not to publish the advice in full but are disappointed that the Prime Minister felt unable to share the advice with us on a private and confidential basis as this would have enabled us to scrutinise the operation in Libya more effectively. We recommend, however, that when a summary of legal advice has been published and developments occur that lead to updated legal advice being sought from the Attorney General, an updated summary of the advice should be published as soon as possible. (Paragraph 24)**

We stand by our opinion that the operation in Libya was legal under the permissions granted by the United Nations Security Council Resolutions. The rationale behind our decision not to disclose the legal advice provided by the Attorney General remains unchanged. We believe that the confidentiality of the advice is worth upholding and that legal privilege remains an essential component of our legal system. While the Attorney General’s legal advice remains confidential, as the Committee is aware, we released a summary of the legal basis for the operation. We would, of course, have considered releasing an updated summary of the legal basis if developments were so significant that a reassessment of the advice was warranted.

With regard to the legality of how the operation was undertaken, NATO has already addressed questions raised with respect to the conduct of the operation to assist the UN’s International Commission of Inquiry on Libya. NATO remains committed to communicating relevant details of the operation openly and transparently, as it did throughout the mission.

It was our policy to comply with the Law of Armed Conflict in the use of force throughout the campaign, subject to the additional constraints of Operative Paragraph 4 (OP4) of United Nations Security Council Resolution 1973. This was reflected in our policy, Rules of Engagement and Targeting Directives and we are confident that there is no requirement to conduct a review of our compliance with international law.

**5. We welcome the Minister for the Armed Forces’ statement that the Government would expect National Transitional Council forces to be treated in exactly the same way as pro-Gaddafi forces with respect to potential war crimes, as it is essential that both sides in the conflict are treated the same not just in the interests of justice but also for the credibility and future of the International Criminal Court and support of the international community for future operations. (Paragraph 28)**

**6. While we are aware that there are circumstances where no international authorisation is required for the deployment of UK Armed Forces, we expect the**

**Government to ensure that UK military and civilian personnel comply with international law at all times. (Paragraph 29)**

We agree that all parties suspected of having committed war crimes during the conflict in Libya should be held to account. The International Criminal Court is an independent, judicial institution that is doing exactly this by investigating the situation in Libya. All allegations of serious crimes should be properly investigated and those responsible held to account. We agree with the Committee that UK Armed Forces and civilian personnel are expected to comply with international law at all times.

**7. We note the concerns expressed that, although not authorised under the UN Security Council Resolutions, regime change was a goal of the mission of Libya. Although it is difficult to see how the mission could have been successfully completed without Colonel Gaddafi losing power, we are concerned that this, rather than the protection of civilians as set out in the Resolution, came to be seen by some countries as an integral part of the mission. The apparent conflict between the military and political objectives meant that the Government failed to ensure that its communication strategy was effective in setting out the aims of the operation. In future, the Government's communication strategy needs to be more effective so that the public are confident of the aims and goals of such operations. (Paragraph 34)**

The NATO mission in Libya was to protect civilian life, enforcing United Nations Security Council Resolution 1973. The UK, as a contributing nation, was under NATO command and control for Operation UNIFIED PROTECTOR and the military objectives agreed with SHAPE. This was communicated to the media and public with daily updates on UK strike activity, as well as regular press briefings. We consider that all action possible was taken to keep the public informed, not only of the aims and goals of the operation but also the progress being made towards them, as far as operational sensitivities allowed. Our response to events in Libya was co-ordinated through regular meetings of the National Security Council. How to publicly communicate our activity was an integral part of this process. Government Ministers made it clear throughout the conflict that the purpose of the NATO military action was to protect civilians and not to deliver regime change. But Ministers were also clear in public that Qadhafi's actions stripped him of all legitimacy and that he needed to leave power and enable a transition to a new government in Libya. This should be seen as clearly distinct from the more limited military objective.

**8. We accept that the coalition forces did their best to prevent and minimise civilian casualties and we commend them for this approach. This lesson, taken from Iraq and Afghanistan, will, we hope make the building of the subsequent peace in Libya significantly easier. Nonetheless, it is at least possible that some civilian casualties were caused by coalition actions. In the absence of observers on the ground it is impossible to say whether, despite the best efforts of coalition forces, any civilian casualties were caused by coalition action and if so how many. (Paragraph 38)**

At the time that NATO was authorized to take action, the Qadhafi regime was violently suppressing protests by its citizens. The United Nations Security Council expressed grave concern at the "escalation of violence, and the heavy civilian casualties" and considered that the "widespread and systematic attacks...against the civilian population may amount to

crimes against humanity". In keeping with the UN mandate the essential military objective was to protect civilians and civilian areas from attack and threat of attack.

NATO's record shows that the conduct of Operation UNIFIED PROTECTOR was highly successful. NATO approached each individual targeting decision with extraordinary caution. It used multiple sources of intelligence, and a very strict target selection and review process. The day of the week, time of day or night, and the direction of attack were carefully considered to help assess the risk of civilian casualties. Not a single target was struck if there was reason to believe that civilians would be injured or killed. NATO has stated that two-thirds of possible targets were not struck for that very reason and other air strikes were aborted at the last moment due to the possibility of a civilian presence. The scale of the use of precision munitions during this campaign was unprecedented, minimising the likelihood of collateral damage and civilian casualties.

It is acknowledged that in a complex military campaign, the risk to civilian casualties can never be reduced to zero but without significant resources on the ground we are not in a position to make an assessment of the number of civilian casualties as a consequence of the uprising in Libya and NATO's military action. Some civilians may have been unintentionally affected by NATO action and we deeply regret any resulting loss of life or injury.

It is our understanding that the Libyan representative recently informed the UN Security Council that a Commission is being formed to consider questions of civilian casualties—and that the Libyan government plans to establish a mechanism to indemnify victims following its assessments. NATO has made clear that it intends to support this process. We too stand ready to work closely with the Libyan authorities in reviewing particular events, as well as in assessing what further action may be appropriate in specific cases. We have not, as yet, had any requests from the Libyan government to contribute to investigations.

**9. We note that under Resolution 1973, the coalition was obliged to protect civilians from casualties caused by National Transitional Council forces as well as pro-Gaddafi forces. In response to our Report the Government should set out how this obligation was carried out. Although we acknowledge that it is difficult to estimate numbers, this should include an assessment of the number of civilian casualties caused by coalition forces, pro-Gaddafi forces and NTC forces. (Paragraph 41)**

NATO upheld its responsibilities under United Nations Security Council Resolution 1973 by protecting all civilians, irrespective of whether they were pro-Qadhafi or anti-Qadhafi supporters. NATO's remit was to protect civilians and civilian populated areas, which it undertook meticulously. The Alliance and its partners conducted daily surveillance and attack sorties. This not only enabled NATO to prevent Qadhafi forces from threatening and killing civilians, but to ensure that the United Nations Security Council Resolution was universally observed. We were aware that National Transitional Council (anti-Qadhafi) forces often paused their action against Qadhafi's forces to permit civilians to leave the area. There were no incidents where NATO was required to engage anti-Qadhafi forces to protect civilians or civilian populated areas from their actions.

**10. We are concerned by reports that large numbers of man-portable surface-to-air missiles, previously in the armament of pro-Gaddafi forces, are missing in Libya. We accept that the Government, the UN and NATO have acknowledged that this is a major concern for security in the region and the wider world. We expect the international community to support and maintain pressure on the new Libyan regime to ensure that these weapons are held securely and safely. We agree this should be part of a UN-led disarmament, demobilisation and reintegration programme, as part of the broad post-conflict settlement. We expect an update on progress on this in the Government's response to our Report. (Paragraph 45)**

United Nations Security Council Resolution 2017 of 31 October 2011 called upon the Libyan authorities, as well as all UN member states, to prevent the proliferation of arms, including Man-Portable Air Defence Systems (MANPADS), in Libya and the wider region. The UK-drafted UNSCR 2040 of 12 March 2012 mandated the UN Support Mission in Libya (UNSMIL) to support the Libyan authorities' counter proliferation activities. In conjunction with the Libyan Transitional Government and other international partners, we continue to ensure that Libya's stocks of MANPADS are secured. To date, our team, alongside Libyan, US and French colleagues has helped to identify, recover, confirm the destruction of and secure approximately 5,000 MANPADS and components.

The teams have now inspected the majority of the former regime's ammunition storage areas. We believe that many of the remaining MANPADS are now under the control of the regional military councils and militias. Therefore, we are continuing to work with the Libyan authorities and the UN to help facilitate the Disarmament, Demobilisation and Re-integration programme that should see MANPADS being returned to the control of the Libyan Transitional Government. We welcome the Transitional Government's decision to appoint the Libyan Mine Action Centre (LMAC) to take forward a co-ordinated programme to bring together a number of conventional weapons activities (including MANPADS counter-proliferation).

In addition to the military team that has been deployed to date, we have provided some £1.4 million towards the international effort, to be co-ordinated by the LMAC, to secure MANPADS going forward. This will entail the deployment of civilian teams who will continue the inspection of those ammunition storage areas that have yet to be visited. Under the auspices of the LMAC, further international assistance will be provided to the Libyans to clear unexploded ordinance both within Libya's towns and villages and also in and around the ammunition storage areas that were hit by NATO air strikes or in the fighting between the anti-Qadhafi forces and pro-Qadhafi forces. We have also identified, through our Stabilisation Unit, a suitably experienced and qualified person who will support the LMAC to drive forward a conventional weapons destruction programme that will include MANPADS.

**11. We acknowledge that the Organisation for the Prohibition of Chemical Weapons confirmed, following an on-site inspection, that the remains of the chemical weapons stocks declared by the Gaddafi regime were intact and secure, pending completion of destruction. We note with particular concern the discovery of a previously undeclared stock of chemical weapons. We also note that the Government stated that it would monitor the situation closely with international partners. In its response to our Report**



**the Government should state what further measures it has taken to address this issue and the progress made in the destruction plan. (Paragraph 48)**

The security of Libya's chemical weapons has been a priority for UK since the crisis began. We have raised the need to ensure the security of the stockpiles regularly with the Libyan Transitional Government. These materials are protected under armed guard, and could not easily be weaponised. We are monitoring the situation. Inspectors from the Organisation for the Prohibition of Chemical Weapons (OPCW) have confirmed that these stockpiles of chemical agent and precursors are still in place. Libya suspended its destruction programme in February 2011 following a mechanical failure at the chemical weapons destruction facility. Repairs have now been carried out. The Technical Secretariat of the OPCW must be on site to carry out continuous on-site verification of the destruction of the remaining chemical agent and precursor stocks. No date has yet been scheduled for destruction operations to resume. This is dependent on the Libyan Government restoring supporting infrastructure and putting in place sufficient measures to safeguard the safety and security of OPCW inspectors.

On 1 November 2011, the Libyan authorities told the OPCW that they had found further stocks of what they believed to be chemical weapons, which had apparently not been declared by the Qadhafi regime. The OPCW visited the Libyan facility at Ruwagha again in January 2012 and were again able to verify the remaining declared chemical weapons. Additionally the OPCW were able to verify that the further find comprised chemical munitions, which are declarable under the Chemical Weapons Convention (CWC). We welcome the swiftness with which the Libyan Government reported this find and their willingness to provide full disclosure and transparency. Under the CWC, Libya must now submit a detailed plan and completion date for destroying all of the declared materials to the OPCW. This will be submitted to the OPCW Executive Council, of which the UK is a member, for approval.

The Government remains in close contact with Libya, The Technical Secretariat of the OPCW and international partners, with a view to ensuring that Libya quickly and fully destroys its chemical weapon stocks. We are committed to supporting the Libyan led transition. To help the Libyans ensure the safe destruction of its chemical weapons, we have offered technical advice under the auspices of the OPCW and in liaison with international partners.

**12. The international community must help and support Libyan women in the future to ensure that there are opportunities for them to have a wider role in the building of the new Libya. (Paragraph 50)**

The UK is supporting women in the new Libya in a number of ways. The FCO is funding a six-month programme to help women improve their knowledge of democratic principles and how to engage with government and set up local civil society networks. A 13-month programme is aimed at developing advocacy awareness amongst women's groups. The FCO has also co-funded the first National Women's Convention which was held in Tripoli in November 2011 and has provided support to a women's centre in Yefren in the Nafusah mountains.

**13. We note that the 2010 Strategic Defence and Security Review stated that the UK would be more selective in its deployment of UK Armed Forces and would do so where there was a “clear strategic aim...and a viable exit strategy”. Whilst accepting that operations should have a clear strategic aim, we recommend that the Government should develop this concept by undertaking a more detailed, comprehensive and strategic assessment before deciding to intervene. We also note the Minister for the Armed Forces’ comments that the operation could have ended in a variety of ways and that there is a limit to the number of engagements that can be undertaken where the exit strategy is known with complete clarity at the outset. Whilst recognising that the changing circumstances of operations may require exit strategies to be reviewed and updated, we are concerned that the Minister’s comments invalidate the SDSR’s assertion that UK Armed Forces will be deployed only where “we have a viable exit strategy”. (Paragraph 55)**

As the Committee has noted, we set out in the SDSR that we will be more selective in deploying the Armed Forces, deploying them decisively at the right time but only where:

- key UK national interests are at stake;
- we have a clear strategic aim;
- the likely political, economic and human costs are in proportion to the likely benefits;
- we have a viable exit strategy; and
- justifiable under international law.

This provides a clear benchmark against which we will consider any proposed deployments. The precise form any such analysis takes will of course be very dependent on the circumstances prevailing at the time, including the urgency, scale and nature of the proposed deployment.

We would reassure the Committee that the Minister for the Armed Forces’ comments were not meant in any way to invalidate the requirement for a clear exit strategy. As the Minister pointed out and as the Committee recognises, there is a limit to how far it is possible or sensible to try and envisage or plan the precise way in which we would exit an operation in advance of a deployment; it is essential to retain flexibility and the capacity to adapt to events. But by defining a clear strategic aim from the outset—as part of an integrated cross-Whitehall approach—we would expect Government to have a common understanding of the circumstances that would trigger an end to a military deployment and the shift to a civilian-led post conflict engagement.

**14. While we do not regard a UN Security Council Resolution as a prerequisite for military action by UK Armed Forces in all cases, we commend the Government for obtaining UN Security Council approval for operations in Libya. However we are concerned that the abstentions of five Council members, particularly the vetowielding countries of Russia and China, may make obtaining United Nations support more difficult for similar situations in the future. (Paragraph 60)**

**15. We note that some commentators have suggested that the action in Libya may have made it impossible (as evidenced by the Russian and Chinese concerns over Syria) for**

**the international community to take decisive action over other countries. The implication contained in that suggestion, that we should therefore not have supported the action in Libya, is one we reject. It is impossible for us to tell what the consequences would have been of allowing the killing of civilians in Benghazi, but we consider that the determination of the Arab League and of most countries of the United Nations that a massacre would be unacceptable was an example of the international community acting as it should. It was acting in a coordinated way to reflect the adoption by the United Nations in 2005 of the “Responsibility to Protect” enshrined in Resolution 1674. (Paragraph 61)**

We are pleased that the Committee has concluded that the international community was right to take decisive action to protect civilians in Libya. The intervention in Libya was indeed legal, necessary and right. We have also noted commentary comparing the situation in Libya with other current or future crises. In our view, each crisis is unique and there cannot be a “one size fits all” approach to foreign policy. In Libya, there was strong regional support for intervention and a clear United Nations Security Council mandate through Resolution 1973 which authorised “all necessary measures” to protect civilians. This will not be the case in every crisis; but the international community has a range of tools to support the protection of civilians. The UK will continue to work with our partners to urge an effective international response to prevent and respond to mass atrocities.

## **NATO**

**16. We commend NATO and UK Forces for the speed of the operational deployment in Libya. We are however concerned about the tensions regarding command of the operation during its early stages. There was confusion over the command and control of the operation in the early stages of the operation until NATO took command. We are particularly concerned at the apparent decision of the French Government to commence air operations without consulting allies. We call upon NATO and the Government to look very carefully at how command and control decisions were made in the early stages of the operation and to identify the lessons for any future operations which necessarily begin in an ad hoc manner. (Paragraph 74)**

As the Committee accepts, at the start of the coalition operation there were teething problems when operational activity began in an ad-hoc manner. Despite these initial difficulties, co-operation between all the NATO allies and partner nations involved improved as the operation progressed. Co-operation between the UK and France, both militarily and at the political level, was generally exemplary, contributing significantly towards developing the level of collaboration and interoperability envisaged in the UK/French Defence Co-Operation Treaty, which was signed in November 2010. We are currently working with the French on a lessons learned exercise from the operation to explore issues specific to our bilateral defence relationship.

**17. We welcome the significant involvement of non-NATO countries, particularly those from the Arab League and Sweden, to operations in Libya. However, we are concerned to establish how the contributions of non-NATO countries fitted into the NATO command and control structures and call on the Government to clarify the command and control structures that were implemented and how they were coordinated. We also call on the Government to clarify how it ensured that any bilateral**

**alliances between non-NATO countries and the National Transitional Council were monitored to ensure that they did not impact unfavourably on the NATO mission or were contrary to the measures in the UN Resolutions. An assessment of the integration of non-NATO countries should be a key part of the lessons learned exercises undertaken by NATO and the UK. (Paragraph 81)**

NATO's ability to integrate the non-NATO states into Operation UNIFIED PROTECTOR was very successful. Of particular importance was the involvement of a number of Arab nations (Qatar, the UAE, Jordan and Morocco, with all bar Morocco contributing military forces to the operation). We welcome their invaluable contribution to the operation. These partners, alongside Sweden, were incorporated into NATO's Command and Control structures, with their respective air assets available for tasking under NATO procedures. Military staff from these nations were represented in NATO Headquarters in Naples and Poggio Renatico, increasing understanding in theatre, Brussels and in capitals. On a political level, representatives from the non-NATO nations participating in the NATO operation participated in all relevant meetings in NATO Headquarters, including meetings of the North Atlantic Council and Military Committee. They also took part in, for instance, the Friends of Libya conferences. The inclusive way in which countries like these were involved in shaping the response to the Libyan crisis helped improved awareness and understanding by these partners of the humanitarian, political and military objectives of the campaign. We also maintained routine political, policy and military bilateral relations throughout the campaign, enabling issues relating to operations in Libya to be discussed. The NATO Lessons Learned process is addressing the issue of how non-NATO countries should be better integrated into NATO operations.

**18. For the time being, there will still be a heavy reliance on US command and control functions for future operations. It should be a priority for NATO to examine this. However, whilst accepting the current economic climate and its implications for defence capabilities, we are concerned that future operations will not be possible if the US is not willing or able to provide capabilities such as unmanned aerial vehicles, intelligence and refuelling aircraft. It should be a priority for NATO to examine this over-reliance on US capabilities and assets. This challenge will be heightened by the US stated intention to shift its military, geographic and strategic focus to the Asia-Pacific region. (Paragraph 90)**

**19. We have no evidence of any shortfalls in military assets held by NATO nations needed for operations in Libya. Nonetheless we seek assurances that the UK is pressing NATO to consider the issue of over-reliance on any single nation, and is itself considering the balance of its future forces and how it can best add to the overall mix of NATO capabilities and command and control capacity. (Paragraph 91)**

At the height of Operation UNIFIED PROTECTOR there were 17 countries directly contributing military assets providing different kinds of support including military, logistical, financial support and humanitarian relief. Some NATO allies shared significantly more of the burden than others and this imbalance needs to be addressed in the future. We would have welcomed, and we regularly encouraged, greater contributions by other NATO members towards the operation.

While in practice only around half of NATO's allies contributed forces to the operation, Operation UNIFIED PROTECTOR did not set a precedent in this sense—it was not the first NATO operation where not all allies have had operational involvement. For example, not all allies are participating in the current NATO operation in Kosovo. There is a discrepancy between what some allies are willing to contribute to the Alliance in terms of defence spending and willingness to deploy on NATO operations, and the benefit they expect to take from it in terms of security guarantees, infrastructure, appointments and influencing policy direction. We agree that this is something at which we, NATO and our allies should take a hard look. To an extent, we are beginning to see this happen in the process of allocating senior posts in the new Command Structure, where an element of weighting is being introduced to reward those allies that meet the 2% GDP defence spending target and those that provide forces/assets for operations.

We will continue to emphasise that European nations must maximise their investment in military capability development. We support NATO's Smart Defence initiative, which we consider should be a key effort for NATO in the build up to the NATO Summit in Chicago in May. We believe that Smart Defence will help allies acquire military capabilities that they could not manage or afford alone, or will deliver them more cheaply through co-operation with others. However, we are equally clear that Smart Defence must not become an excuse for nations to reduce their defence expenditure. Nations need to commit to the programmes and initiatives under the Smart Defence agenda. We are currently considering which are of relevance for UK participation, but welcome the opportunity to co-operate either bilaterally or in groups of a small number of allies in line with the vision we set out in the Strategic Defence and Security Review.

## UK contribution to the operation

**20. The National Security Council appears to have worked well in respect of the situation in Libya, particularly in coordinating the response of Government Departments. This was important as the mission in Libya had many component parts, not just the military operation. (Paragraph 95)**

We welcome the Committee's recognition of the effective way that the National Security Council worked on Libya, overseeing and directing all the various elements of national strategy and the UK's contribution to the operation.

**21. We commend all air units on their role in the operation, both in a combat role and in the Non-combatant Evacuation Operations for UK and other civilians by Hercules prior to the commencement of combat operations. We note the Chief of the Air Staff's view that both Tornado and Typhoon had operated well. We particularly note that in its first operational role Typhoon performed very reliably. We also note that the Joint Helicopter Command was able to deploy successfully Apache helicopters to the Mediterranean Sea as well as maintain numbers in Afghanistan. (Paragraph 106)**

We welcome the Committee's acknowledgement of the vital role performed by the RAF and the performance of the Typhoon aircraft. We are very pleased with the results from its first operational deployment, demonstrating that it is a world class aircraft. The deployment of the Army Apache helicopters was another significant milestone,

demonstrating a potent amphibious capability that gave NATO commanders a broader range of tactical options.

**22. ISTAR capabilities are vital to the ability of UK Armed Forces to undertake operations such as those in Libya. We note that it was necessary as part of the mission to extend the service life of the Nimrod R1 signals intelligence aircraft. We expect the MoD to give a higher priority to the development of such capabilities in advance of the next SDSR. In response to this report we also expect the MoD to clarify the position on the future of Sentinel and whether consideration is being given to its retention and what impact retention would have on other budget areas. (Paragraph 110)**

We agree with the Committee's acknowledgement of the importance of Intelligence, Surveillance, Targeting, Acquisition and Reconnaissance (ISTAR) capabilities, and their important role in operations in respect of Libya. We are replacing the capabilities provided by the Nimrod R1 through the AIRSEEKER programme and are acquiring 3 Rivet Joint aircraft from the US. The first aircraft and AIRSEEKER system is expected to enter service in December 2014. Until this time UK aircrew will be deployed on USAF Rivet Joint aircraft safeguarding UK core competencies.

The SDSR planned to retire SENTINEL from service in April 2015 subject to Operation HERRICK conditions. Following operations in Libya, the Ministry of Defence was asked to consider how to preserve the decision to retain SENTINEL beyond 2015. Given the significant costs involved and the financial challenge faced across Government, the MoD will not rush into an early decision.

**23. We commend the actions of the Royal Navy in the operation particularly in respect of the evacuation of civilians from Benghazi, the enforcement of the arms embargo and the early deployment of the first Response Force Task Group. However we note that important tasks, such as the Fleet Ready Escort and counter drugs operations, were not able to be carried out due to meeting the Libya commitment. Given the continued high levels of standing maritime commitments it is likely that this type of risk taking will occur more frequently as the outcomes of the SDSR are implemented. This will be a significant challenge for the Royal Navy and the MoD who should outline their plans to meet this challenge in response to our Report. (Paragraph 114)**

We welcome the Committee's recognition of the Royal Navy's contribution to the Libya operation. The Committee is right to recognise that our Armed Forces are only able to do so many things at the same time. We do not expect that after 2015 our Armed Forces will be operating routinely at the level of intensity they have sustained in recent years. Should they be tasked to conduct specific operations, we have rigorous planning procedures to generate the specific capability packages required, and to identify and manage the risks we face. These procedures are informed by lessons learned from previous operations. In such circumstances we will need to look carefully at the relative priority of other tasks, as has always been the case. Such decisions can of course only be made in the context of the strategic circumstances and priorities prevailing at the time, rather than in the abstract.

**24. In our SDSR report we noted the decommissioning of the Harrier Force. Whilst none of our witnesses told us that the Libya operation could not have succeeded without a fixed wing aircraft carrier, we note that three ships capable of carrying**

**aircraft were deployed in theatre as well as the helicopter carrier HMS Ocean. We also note that the First Sea Lord told us that if a carrier with Harrier Force capability had been available it would probably have been used. In response to our Report the Government should indicate if the operation could have been carried out more effectively and efficiently with an aircraft carrier. We repeat our support for proceeding with both Queen Elizabeth class carriers to ensure one is always available for operations. (Paragraph 116)**

We note the Committee's views. If carrier strike capability were available for the Libya operation, we would undoubtedly have considered its use. But it must be remembered that Libya is the kind of situation where we would have expected to use land bases. Libya operations are also of the kind where we would have expected to gain basing and over-flight rights from allies and partners and to share the burden of air operations. This is exactly what we achieved.

The capability delivered by Tornado and Typhoon in Libya could not have been solely delivered by Harrier from our existing carriers. The advanced air-to-air capabilities of Typhoon allowed us to patrol the no fly zone. Tornado provided us with a wide range of advanced weapons including Brimstone and Storm Shadow which were not available on Harrier. The Storm Shadow enabled us to engage targets outside of the range of defensive systems protecting our platforms, and the Brimstone provided us with a precision low collateral damage weapon effective against a wide range of tactical targets. The other key element in the SDSR Tornado/Harrier decision was the ability to cover contingency operations whilst continuing current operations in Afghanistan; this would not have been the case if we had maintained Harrier.

**25. We note the high reliability and accuracy of the principal air munitions employed, but we also note reports regarding shortages of munitions, such as the new variant Brimstone missile, during the operation. UK Armed Forces require large enough stocks of 'Warlike Materiel' which can be quickly replenished when used. This requires larger stocks of those items which are more difficult to procure or slower to produce. In response to this report the Government should outline the contingency measures that are in place and whether it has any plans to review them. We accept that that it was necessary for UK Armed Forces to use costly precision guided weapons on some missions in order to minimise or avoid civilian casualties and collateral damage. In response to our Report, we request a detailed explanation on how decisions on which munitions to deploy are made, and at what command level, and whether cost is one of the factors considered. (Paragraph 125)**

Our current stockpiles are based on an assessment of likely contingent scenarios in accordance with Defence Planning Assumptions and our policy has been to invest in the acquisition of precision weapons over the less accurate and higher-yield ballistic weapons that previously formed the majority of our weapons inventory. Experience on operations in Iraq, Afghanistan and most recently in Libya has reinforced this decision as adversaries continue to engage friendly forces in the urban environments. The level of stockpiles is reviewed on a regular basis and is determined by an understanding of potential scenarios. The work is also tested against recent operations to understand the magnitude of any potential reductions in weapons stockpiles, and reflects the ability of industry to restore stockpiles should they be depleted.

The current version of Dual Mode Sensor Brimstone was procured under Urgent Operational Requirement procedures to meet a specific Operation HERRICK requirement in very short timescales and is not part of the core weapons programme. An awareness of the likely target sets in Libya identified a need for these weapons to be diverted there. The contractor's ability to enhance weapon production ensured no additional risk was taken in Operation HERRICK. Of note, the Brimstone 2 core weapons programme is ongoing and will deliver an insensitive-munition compliant missile for use on both Operation HERRICK and contingent operations in 2013.

The decision to deploy weapons on any operation is dependent upon the effects required against an adversary, mindful of the likely areas of weapons employment. For example, the use of legacy Brimstone or ballistic 1000lb weapons against an armoured convoy in open terrain is a valid weapon-to-target match whereas this would be inappropriate should a single tank be nested in an urban environment where precision and collateral awareness would be key. The decision to deploy weapons on any operation are therefore made by operational planners (i.e. PJHQ) in consultation with in-theatre and HQ AIR planners given the likely target sets and the range of weapons available in Defence's stockpiles—Rules of Engagement and the Operational Targeting Directive will influence this decision. Cost is not a factor in the decision to deploy a weapon.

**26. Although the UK was able to satisfy both operations in Libya and the Military Standing Tasks and other operational commitments, Operation ELLAMY was conducted prior to the implementation of many of the Strategic Defence and Security Review decisions on capability reductions. We believe the Government will face significantly greater challenges should an operation of similar size be necessary in the future and it will need to be prepared for some difficult decisions on prioritisation. We consider that Operation ELLAMY raises important questions as to the extent of the United Kingdom's national contingent capability. We urge the Government to review the United Kingdom's capacity to respond to concurrent threats. This work should be conducted as a matter of urgency before the next Strategic Defence and Security Review. (Paragraph 127)**

We made clear in the Strategic Defence and Security Review (SDSR) that we will be more selective in our use of the Armed Forces, and as we said in our response to the Committee's previous report on the SDSR (HC 1639, published on 10 November 2011) we judge that our Armed Forces will continue to be able to undertake what is asked of them. Future Force 2020 outlines a broad range of capabilities that, within the Defence Planning Assumptions (DPAs), will deliver the adaptable strategic posture described by the National Security Strategy and SDSR. The DPAs described in SDSR allow Defence to shape and size our Forces for the future. They do not set today's baseline and do not constrain political choice, although they do help give an indication of when operations might exceed planning assumptions. The SDSR provides for the possibility of concurrent operations, and we remain confident that although smaller, the Future Force 2020 structure will allow us to meet a wide range of commitments. As set out above, we do not expect after 2015 that our Armed Forces will be operating routinely at the level of intensity they have sustained in recent years. We agree with the Committee that should they be tasked to conduct specific operations we will need to look carefully at the relative priority of other tasks in such circumstances, as has always been the case. These issues of prioritisation, contingent



capability and concurrency will of course be considered in preparation for and during the next SDSR.

**27. We welcome the successful interoperability of Anglo-French Forces during the operation, particularly in respect of maritime-based attack helicopter operations. We note the Minister's comments that there were some problems in the early stages of the operation and request an account of what these were and how resolved. We will continue our scrutiny of the Anglo-French Defence Treaties. (Paragraph 129)**

The UK and France committed themselves to close cooperation when the 'Defence and Security Co-operation Treaty' was signed in 2010. However, the communication and information systems (CIS) to allow quick and easy communication, including passing classified information, between governments and Armed Forces was not fully developed at the time of the Libya campaign. Some of these difficulties were resolved by directing the operation from a NATO headquarters, others by ad hoc means. The CIS difficulties are being addressed as funding allows. The UK and French systems for providing strategic direction to the Armed Forces do not mirror each other and the national ways of working were only partially understood at the outset of the campaign. The establishment of the Combined Joint Expeditionary Force and its associated exercise programme should resolve some of these difficulties in the longer term. National differences remain but these are better understood and therefore their impact is minimised. When analysing the Libya lessons both nations have decided to prioritise joint work in the key areas of: command and control; information systems; intelligence, surveillance, targeting and reconnaissance; and precision munitions.

**28. We note that in December 2011 the Government stated the estimate for the whole operation was £212 million, made up of £145 million of operating costs, plus a further £67 million on the cost of replenishing munitions used in Libya. We also note that the Secretary of State for Defence announced that fully audited figures would be produced as part of the annual accounts. We expect the details included in the accounts to be as complete as possible and should include a detailed explanation of the component parts of the additional costs, including those of replenishing munitions. In response to our Report the MoD should indicate the timetable for them being reimbursed the additional costs by HM Treasury. In light of the fact that other commentators have estimated the cost of operations to be much higher than the MoD estimate, we expect the MoD and HM Treasury to provide us with a detailed and transparent explanation of the methodology used when calculating its figures. We remain concerned that the MoD does not understand the full costs of operations in Libya. (Paragraph 135)**

The Ministry of Defence does understand the cost to the public purse of operations in Libya. The Department has, on a number of occasions, explained the method used to generate the 'Net Additional Cost of Military Operations' (NACMO). NACMO is based on the marginal costs of the operation. This is a standard accounting treatment used to separate the cost of a specific activity from the background costs which would continue regardless of that activity. It is widely used across Government and in the Private Sector, and has been the basis on which the costs of military operations have been calculated by successive administrations.

The Ministry of Defence has been transparent in providing Parliament with a number of estimates for the net additional cost of operations in Libya. It is challenging to provide accurate in-year cost forecasts for an ongoing military operation. But we have tried to do so, because we recognise the importance of being open on this point. When we wrote to the Committee regarding our Supplementary Estimate in February, we set out that latest estimate for the cost of Libya is now £130 million of operating costs, plus £69 million on the cost of replenishing munitions.

We have explained the NACMO methodology to the Committee on a number of occasions and regret that this remains an area of confusion. Some of the written evidence provided to the Committee by external witnesses may not have helped.

For example, some commentators seem to have calculated 'total costs' by including the procurement and development of the aircraft, along with pilot training and other sunk costs which the Ministry of Defence would have incurred regardless of the Libya operation. Others have included the cost of bases in Cyprus which the UK operates regardless of the Libya operation. These costs are funded out of the core Defence budget, and would be incurred by the Ministry of Defence regardless of our participation in any operation. To assign these costs to Operation ELLAMY would give the public a misleading impression about the cost to the public purse of operations in Libya.

The Ministry of Defence has stated that fully audited costs will be contained in the annual report and accounts, which make clear the level of spending on the core budget as opposed to that devoted to operations. We will try to include as much detail as possible at that stage. The Ministry of Defence will reclaim costs in the financial years in which they fall. Most of this will be in Financial Year 2011–12. However, some munitions will be replaced in future years, with costs reclaimed as they are incurred.

## Implications for future operations

**29. Some aspects of NATO's involvement in operations in Libya were particularly positive, especially the involvement at an early stage of non-NATO nations. However, we also note concerns expressed to us that the US "handed off" the operation to European allies and that NATO is a divided Alliance. We consider that the US decision not to lead the engagement in Libya was positively beneficial, in that it forced European members of NATO to face their own responsibilities, and shone a light on the gaps in European capabilities—gaps which we consider it essential to be plugged. Experiences from operations in Libya have revealed challenges for the political and military future of NATO, including the requirement to develop new ways of working especially if the US does not participate in operations and there is further involvement of non-NATO countries. These challenges must be considered as a matter of urgency. (Paragraph 143)**

**30. We commend the Government for commissioning a lessons learned exercise undertaken by the National Security Adviser. We request a list of all those consulted as part of this exercise. We note that the review stated that "overall the central coordination mechanisms worked well". However we also note that the review highlighted a number of lessons for handling future conflicts. In response to our Report, the Government should set out the steps to be taken and timescales involved to resolve these concerns. We look forward to hearing how the Government proposes to**

**“ensure that it obtains key command positions in those parts of a reformed NATO Command Structure that are most likely to be relevant to the conduct of future operations”, including clarification of which key command positions. (Paragraph 147)**

The National Security Adviser sought views from all National Security Council Member Departments, as set out in Annex B of his review. Departments were able to consult more widely as appropriate. The National Security Adviser will ultimately hold departments to account to ensure that implementation happens in a timely fashion. Much work has already been completed including for example, the Foreign and Commonwealth Office has completed its review of consular evacuation procedures, and subsequent expansion of its Crisis Management Centre. Other lessons identified relate to future conflicts and work is ongoing to incorporate them into planning and exercises, for example, integrating briefing into a single product to improve the intelligence and military situation reports for the National Security Council. The National Security Adviser will keep the Prime Minister updated on progress.

Final agreement to the shape of NATO's streamlined new Command Structure was agreed in June 2011. Since then discussions have been taking place between NATO's Chairman of the Military Committee and Allies over the allocation of the most senior command appointments (one star officers—Commodore/Brigadier/Air Commodore equivalent—and above). This has to be agreed by all 28 allies. In the new, smaller Command Structure, the UK's share of senior “starred” positions is set to fall commensurately from 26 to 19 (but this still remains a reasonable reflection of the UK's financial and operational contribution to the Alliance). Because of this, and the need to learn the lessons from NATO's operations in Libya, it is important that the UK secures influential command appointments across the new structure, particularly those relevant to the conduct of future operations. The UK has been working closely with NATO and allies to achieve this. Final agreement of the plot is due by the end of April. Once the senior command positions have been agreed, attention will turn to the allocation of the remaining more junior posts in the command structure (every “star” comes with an expected contribution of around 40 junior posts). This part of the exercise is due to be completed by the end of October 2012.

**31. We note that the National Security Adviser's review stated that individual departments would conduct their own lessons learned exercises. The MoD should clarify the remit, format and schedule of the reviews it has carried out or will be undertaking and we expect to see the reports. We request a briefing from the MoD's Defence Operational Capability on the lessons learned from the Libya operation. (Paragraph 148)**

The Ministry of Defence conduct lessons learned exercises from operational deployments as a matter of routine. The work, undertaken by the Directorate of Operational Capability (DOC), serves to provide an independent source of evaluation within the Armed Forces to capture and process the operational lessons learned. Such reports are not released. We consider that releasing the report would compromise the role of the DOC organisation and limit its utility to the Ministry of Defence moving forwards. However, the headline lessons learned from Libya operations identified by DOC will be incorporated into the routine operational updates given to the Committee by senior military commanders and officials.

**32. We commend the Minister for the Armed Forces' commitment to include the costs of the operation in the lessons learned process. This should include an assessment of cost effectiveness and value for money of the assets deployed. We note his comment that cost comparisons with allies on different types of operations are only valid if comparing like with like (including the difficulty of the operation), but recommend that where possible these comparisons should be undertaken. (Paragraph 150)**

We agree that cost-effectiveness and value for money is important. With regards to comparisons with allies, the Ministry of Defence captures and records information as part of the lessons learned process. Where appropriate, comparisons with allies are conducted.

**33. We note the concerns of witnesses regarding the operation, but believe that the mission in Libya should be regarded as a success. NATO and other nations acting under the authority of the United Nations have ensured the safety of Libyan civilians who would otherwise have been at risk of being killed by pro-Gaddafi forces. (Paragraph 155)**

**34. UK Armed Forces have contributed significantly to the successful conclusion of the operation. UK Service personnel have yet again performed their duties in a professional and dedicated manner. The capabilities deployed by NATO and the UK performed well, minimising civilian deaths and collateral damage. However the mission has also highlighted challenges and issues that need to be addressed and taken forward by the United Nations, NATO and the UK Government. The mission in Libya was successful in discharging the UN mandate. The real test is whether the success of this mission was a one-off or whether the lessons it has highlighted mean that future such missions can be successfully undertaken, whilst maintaining the UK's capability to protect its interests elsewhere. (Paragraph 156)**

This Report highlights the success of our Armed Forces—and the civilian personnel involved from across government—in saving thousands of civilian lives in Libya by taking action against the Qadhafi regime. The Libyan campaign shows that we retain the contingent capability to conduct operations in addition to our commitments in Afghanistan, counter-piracy off the Horn of Africa, Gulf security and standing tasks such as the Falklands and defence of the UK; and that we retain the capability to project power abroad and meet our NATO obligations, supported by what is the world's fourth largest defence budget.