



House of Commons Defence Committee

Operations in Libya

Ninth Report of Session 2010–12

Volume I: Report, together with formal minutes, oral and written evidence

Additional written evidence is contained in Volume II, available on the Committee website at www.parliament.uk/defcom

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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.

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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 Clayton McClesky (Intern).

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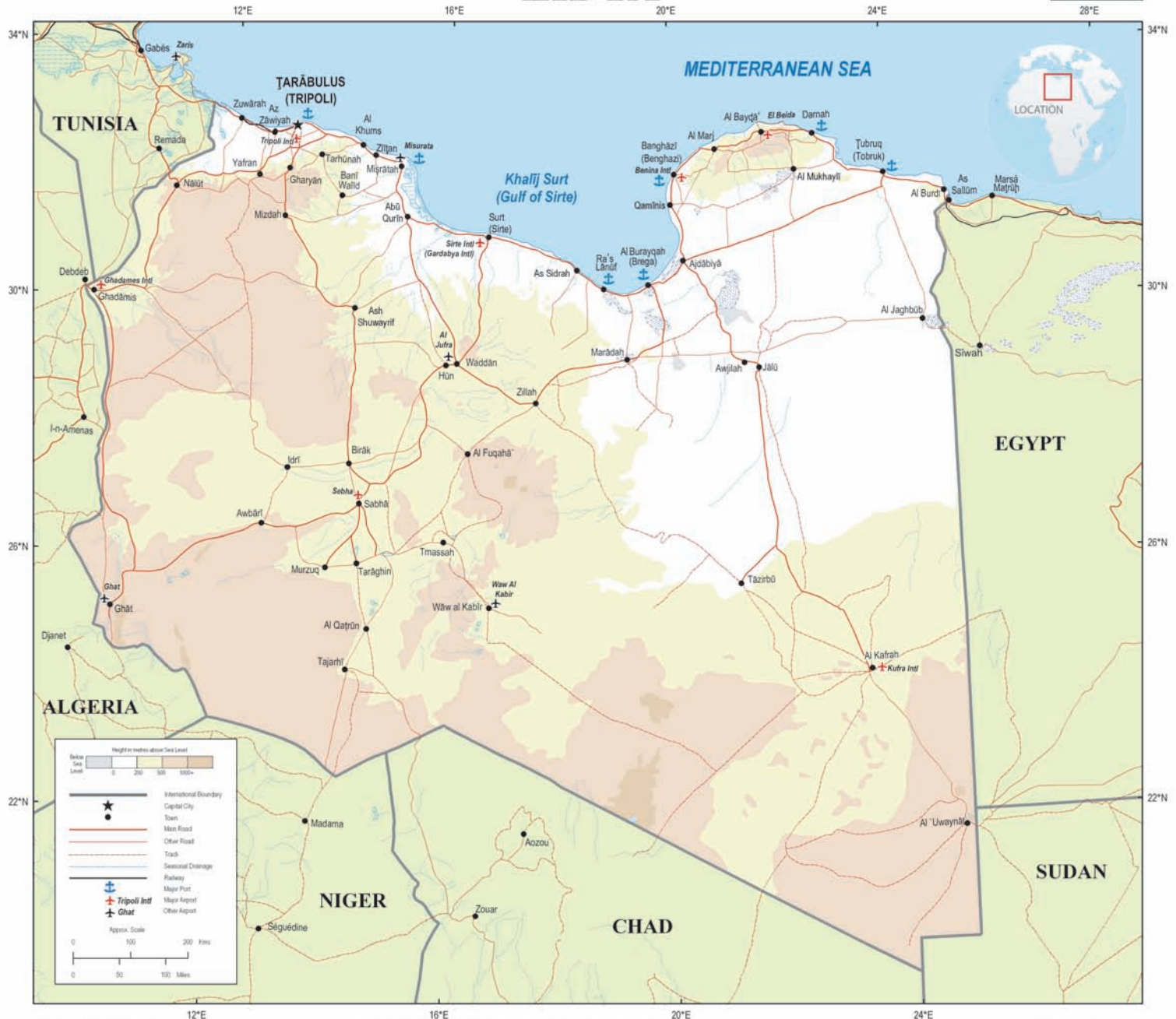
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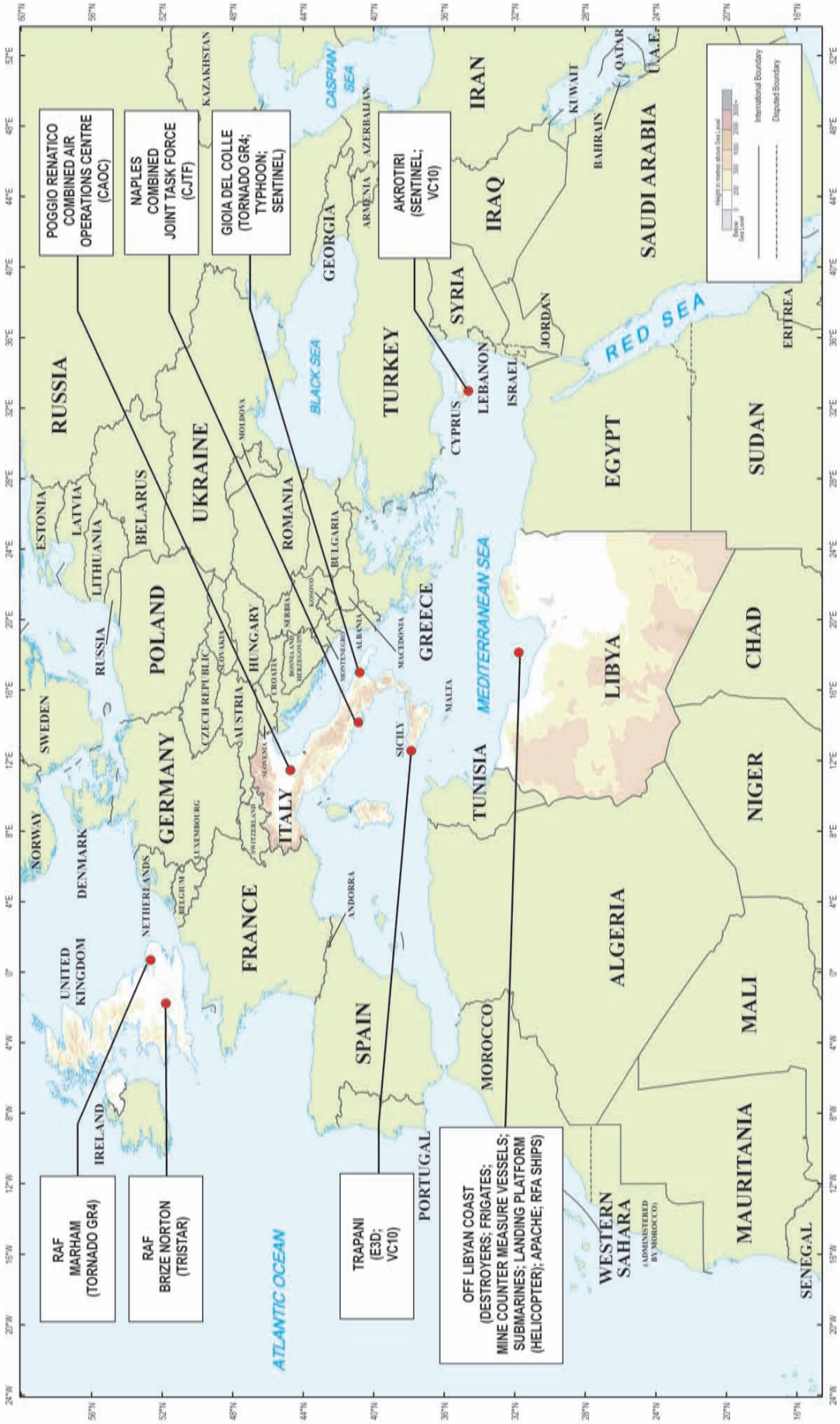
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UK DEPLOYMENTS IN SUPPORT OF OPERATIONS IN LIBYA

WORLD BRIEFING MAPS

Series
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Conclusions and recommendations

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)
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)

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)
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)
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)

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)
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)
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)
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)
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)
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)

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)
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 veto-wielding 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)

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)
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)

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)

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)
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)
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)

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)
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)
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)
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)
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)

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)

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 co-ordination 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)
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)

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)
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)

1 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.

Background

2. In February 2011, civilian unrest and protests against Colonel Gaddafi's regime began in Libya. On 24 February the Royal Navy and Royal Air Force began evacuating UK nationals from Libya.¹ In the space of a few days, the UK was able to evacuate over 800 UK nationals and over 1,000 other nationals.² On 26 February, an arms embargo on Libya was adopted in United Nations Security Council Resolution 1970. On 5 March, the Libyan opposition to Colonel Gaddafi officially established the National Transitional Council (NTC). On 17 March, the United Nations Security Council adopted Resolution 1973 which reinforced and tightened the arms embargo, established a no-fly zone in Libyan airspace and authorised "all necessary measures [...] to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory".³ The weekend of 19–20 March saw US, British and French military action to establish the no-fly zone over Libya begin under the names Operation Odyssey Dawn [US], Operation ELLAMY [UK] and Operation Harmattan [FR]. On 31 March, NATO took command of the operation under the name Operation Unified Protector (OUP). Operations concluded on 31 October 2011, after the capture and death of Colonel Gaddafi in Sirte on 20 October and the declaration of liberation by the National Transitional Council on 23 October. A detailed timeline of operations in Libya is below.

Timeline

15 February 2011	Protests begin in Benghazi against the Gaddafi regime, and in the following days spread across Libya
23 February–1 March	Chartered planes, military flights and military ships evacuate British and other nationals from Libya
26 February	UN passes Resolution 1970 imposing an arms embargo and other arms restrictions, freezing the assets of the Gaddafi family, and referring the situation in Libya to the International Criminal Court
5 March	Libyan opposition National Transitional Council (NTC) established and convenes first meeting

1 Ev 53

2 HM Government, *Libya Crisis: National Security Adviser's Review of Central Co-ordination and Lessons Learned*, December 2011. Available at: www.number10.gov.uk/news/report-on-libya/

3 The full text of the UN Security Council Resolutions 1970 and 1973 are available at: www.un.org/Docs/sc/unsc_resolutions11.htm

6 March	Counter-offensive launched by Gaddafi, retaking Ras Lanuf and Brega and pushing towards Ajdabiya and Benghazi
8 March	NATO steps up its surveillance operations in the central Mediterranean, deploying AWACS aircraft to provide round-the-clock observation of movements in Libyan airspace
10 March	France recognises NTC as 'legitimate representative of the Libyan people'
12 March	Arab League requests that the UN Security Council impose a No Fly Zone in Libyan airspace
17 March	UN passes Resolution 1973 authorising a No Fly Zone over Libya; China, Russia, Germany, India and Brazil abstain
19 March	US, UK and French military assets begin bombing campaign. First RAF Tornado aircraft arrive at Gioia del Colle, Southern Italy
20 March	French carrier <i>Charles de Gaulle</i> leaves Toulon Naval Base for Libya. First RAF Typhoon aircraft arrive at Gioia del Colle, Southern Italy
21 March	The House of Commons votes in favour of military action to implement UNSCR 1973
23 March	NATO ships and aircraft begin operating in the central Mediterranean to enforce the arms embargo by sea
24 March	NATO decides to enforce the UN-mandated No Fly Zone
25 March	NATO takes over from the US command enforcing the No Fly Zone
31 March	NATO takes command of coalition air operations in Libya. Subsequent operations are carried out as part of Operation Unified Protector
13 April	First meeting of the Libya Contact Group in Doha
14 April	First meeting of the Cairo Group of International Organisations. Foreign Ministers from NATO Allies and non-NATO contributors meet in Berlin; they commit to using all necessary resources and maximum operational flexibility to meet the UN mandate until such time as all attacks on civilians and civilian-populated areas have ended, the Gaddafi regime withdraws all military and para-military forces to bases, and the Gaddafi regime permits immediate, full, safe and unhindered access to humanitarian aid for the Libyan people
19 April	UK announces it is sending military advisers to Libya to help the opposition forces improve their organisation and communications, but not to train or arm them
30 April	NATO airstrike reported to have killed Gaddafi's youngest son and three of his grandchildren. Subsequent attacks on British and other Embassies.
26 May	NATO warplanes bomb more than twenty targets in Tripoli; widely described as the heaviest attack on the city since the campaigns began
1 June	International Commission of Inquiry into the Human Rights situation in Libya says that both Government forces and the opposition have committed war crimes in Libya, but notes fewer reports from opposition forces
4 June	First strikes by UK Apache attack helicopters, near the town of Brega
27 June	International Criminal Court issues a warrant for the arrest of Gaddafi, his son Saif al-Islam and head of intelligence Abdullah Senussi

29 June	French military officials confirm that weapons have been air-dropped to opposition forces in the Nafusa Mountains
15 July	Libya Contact Group meets in Istanbul. Recognises NTC as the “legitimate governing authority in Libya”
27 July	UK recognises NTC
20 August	Opposition forces push into Tripoli
22–23 August	Tripoli falls; Opposition forces enter Gaddafi’s compound in Bab al-Aziza
5 September	Paris Conference on Libya; over 60 countries attend
16 September	UNSCR 2009 agreed by consensus: establishes a UN mission in Libya and creates a mechanism for unfreezing assets. Leaves mandate to protect civilians in place. UN General Assembly votes in favour of NTC taking up the Libyan seat at the UN.
21 September	NATO extends Operation Unified Protector for up to 90 days
20 October	Colonel Gaddafi and his son Mutassim captured and killed in Sirte
23 October	Liberation declared by NTC Chair Abdul Jalil
28 October	NATO agrees to end military action on 31 October
31 October	End of NATO Operation Unified Protector

Data sources: Accidental Heroes: Britain, France and the Libya Operation, Interim RUSI Campaign Report, September 2011; Libya Crisis: National Security Adviser’s Review of Central Co-ordination and Lessons Learned, December 2011

Parliamentary approval

3. The Prime Minister made a statement to the House of Commons on 18 March which outlined UN Security Council Resolution 1973 and the UK’s intention to contribute to operations.⁴ Military operations by UK Armed Forces commenced the following day. A vote in the House of Commons on 21 March gave approval for military action, with 557 Ayes to 13 Noes. However, the Government faced some criticism that Parliament had not been recalled on Saturday 19 March to give approval prior to deployment of UK forces.⁵

4. 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.

Our Inquiry

5. On 27 April 2011, we held a one-off evidence session with the then Secretary of State for Defence, Rt Hon Liam Fox MP, and Ministry of Defence officials, to examine how the operation was progressing and the role and contribution of UK Armed Forces. That

4 HC Deb, 18 March 2011, cols 611–613

5 For example, see Early Day Motion 1560 of Session 2010–12 and also HC Deb, 21 March 2011, col 699

evidence is published with this report. On 19 July, with operations still ongoing, we announced an inquiry into the effectiveness of the operation and the role of UK Forces in Libya. We were particularly interested in establishing:

- the effectiveness of the continuing mission to protect civilians in Libya—the extent and success of coordination of efforts with French and US forces in particular;
- the costs of the operation and its implications for other UK operations;
- how capability decisions taken in the Strategic Defence and Security Review (SDSR) and subsequent policy documents had affected the UK contribution in Libya;
- the implications of this operation for the outcomes of the SDSR;
- the effectiveness of NATO command structures in the preparation and conduct of operations in Libya;
- the “end game”: what would a successful outcome look like and how did current operations contribute to achieving this?;
- the extent to which the UK and NATO were interacting with and supporting the opposition forces in Libya;
- whether the necessary planning was being done to ensure the long-term stability of Libya when the military effort was completed;
- what was the exit strategy?;
- the contributions of allies and partner nations in delivering a successful military intervention; and
- the broader implications of the intervention in Libya in the context of reacting to instability in the wider region.

6. Although our inquiry focused mainly on operational aspects of the mission, we were also keen to examine wider issues arising from the mission such as how the capability decisions in the SDSR and subsequent announcements had affected the UK contribution to operations in Libya. Our Report covers the development and adoption of the relevant UN Security Council Resolutions and NATO’s operational implementation of the Resolutions, including command and control structures and decisions, and the potential impact on the future of the Alliance, particularly the involvement of non-member nations. We then discuss the UK’s involvement in, and the lessons learned from, the mission.

7. We held three oral evidence sessions and our witnesses included the former Secretary of State for Defence, the Minister for the Armed Forces, the UK Permanent Representatives to the UN and the North Atlantic Council, the UK Military Representative to NATO, the First Sea Lord and the Chief of the Air Staff. We received written evidence from 12 individuals and organisations. We are grateful to all those who submitted evidence to our inquiry. A list of our witnesses and those who submitted written evidence can be found on

pages 68–69. We are also grateful for the assistance of our Specialist Advisers and staff during this inquiry.⁶

6 The Specialist Advisers' declarations of relevant interests are recorded in the Committee's Formal Minutes which are available on the Committee's website.

2 United Nations

UN Security Council Resolutions

8. The outbreak of civil unrest in Libya in February 2011 and the threat to the civilian population in places such as Benghazi led to urgent discussions and action by the UN Security Council. The relevant UN Security Council Resolutions, prior to the commencement of operations, are Numbers 1970 and 1973.⁷ Sir Mark Lyall Grant, UK Permanent Representative to the United Nations, explained the sequence thus:

Resolution 1973, which we passed in March, was the culmination of two previous steps. Once the demonstrations and protests had broken out in Libya, there was obviously international concern about the regime's response. In response to that, a press statement was agreed by the Security Council on 26 February. Then, when that was ignored by the regime, we escalated the pressure through Resolution 1970, which imposed an arms embargo and sanctions, and it referred the situation in Libya to the International Criminal Court. That was a deliberate escalation.

In the context of the discussions and negotiations on 1970, there was discussion about whether it would be necessary to authorise all necessary means to ensure humanitarian access to those who were under threat from the regime, but it was felt that it was not necessary to do it at that stage, and there was quite a lot of opposition to it from other countries on the Security Council at that stage. So we had a very tough sanctions resolution, and it was the first ever unanimous referral to the ICC. We put on the regime the obligation to protect their civilians. That was passed at the end of February.

When the situation deteriorated further, obviously we needed to give consideration to more dramatic action to protect civilians. As a result of a request from the Arab League to impose a no-fly zone, we began to focus on whether it would be possible to authorise and implement one. In the course of those discussions, again we looked at a number of different options for a way of protecting the civilian population in Libya, including the possibility of humanitarian corridors, safe havens, which had been used in some previous theatres in the Middle East, and a more broad-brush authorisation to use all necessary means to protect civilians. It was that last formula that was then employed in Resolution 1973.⁸

9. Resolution 1973 accordingly established a no-fly zone and gave authority to use all necessary means to protect civilians and civilian-populated areas (including in, but not exclusively in, Benghazi). Sir Mark explained that the other options of safe havens (as recommended by the Arab League) and humanitarian corridors would have required the

7 Two further Resolutions were passed: on 27 October 2011, Resolution 2016, to terminate the provisions of Resolution 1973, which provided the legal basis for military intervention and the no-fly zone, at 11.59 p.m., Libyan local time, on 31 October 2011 and Resolution 2022 on 2 December 2011 which welcomed the establishment of the Transitional Government of Libya and extended the mandate of the United Nations Support Mission to 20 March 2012. Available at: www.un.org/Docs/sc/unsc_resolutions11.htm

presence of foreign troops on the ground. Such a presence had been specifically excluded by the Arab League who had requested intervention.⁹

10. A further Resolution Number 2009 was passed in September 2011 which established a United Nations Support Mission and gave some exemptions from the arms embargo to allow weapons to be brought into the country, for instance for the UN Mission carrying side arms, having close protection for diplomats, or offering security assistance to the legitimate Government [of Libya].¹⁰

11. The authorisations embodied in the Resolutions were kept under regular review. As Sir Mark explained:

There is no deadline in the resolutions for the authorisation of protecting civilians or for the no-fly zone. In Resolution 2009, it was agreed that we would keep those authorisations under regular review. In the operative paragraph, we said that the Security Council “emphasises its intention to keep the measures...under continuous review and underlines its readiness, as appropriate and when circumstances permit, to lift those measures and to terminate authorization given to Member States in paragraph 4 of resolution 1973”. That is something that will be kept under review.¹¹

12. We asked Sir Mark about what input individual countries’ Defence Ministries and NATO had on the drafting of Resolution 1973 and on what was operationally possible. He told us that “the input was relatively limited in the early stages because Resolution 1973 was the culmination of two previous steps”.¹² He added:

In the course of those two weeks of the three different stages—press statement, and Resolutions 1970 and 1973—obviously there was a large amount of co-ordination and discussion within the British Government and between Britain and its allies, including the allies in NATO, about what the implications were of the various measures put into the resolutions. I would suggest that it was a more informal than formal input, and the dynamics were a response to the situation on the ground and the negotiating dynamics in New York.¹³

Sir Mark confirmed that he had a military adviser advising him on “what was and was not feasible”, and the FCO team in London, who were sending him instructions, were in touch with the MoD and with NATO allies.¹⁴

13. We asked how compliance with the UN Resolutions was monitored in respect of not only pro-Gaddafi forces but also those of the coalition and the Libyan opposition. Sir Mark explained:

9 Q 79

10 Q 89

11 Q 87

12 Q 78

13 Q 78

14 Q 79

A very complicated series of notifications is required under 1973, and in terms of the coalition forces, they are clearly set out in the provisions of 1973. In brief, different notifications are required for taking military action under operational paragraph 4, which is on all necessary means to protect civilians. We had to notify the Secretary-General in advance that we were planning to take action to implement that aspect of the resolution. Likewise, on the no-fly zone, there is a requirement to notify both the Secretary-General and the Arab League about implementation. In addition, once specific action has been taken, either to enforce the arms embargo or to protect civilians, the Secretary-General has to be notified. Obviously, we gave all those notifications. After a while, when NATO took over the command of the coalition operations, NATO started to do those notifications on behalf of the coalition as a whole, but for the first week or so the notifications were done by individual countries in light of the activities they took to implement the resolution.¹⁵

Why Libya?

14. During our inquiry the question was raised as to whether Resolution 1973 might be a precedent for seeking authorisation for intervention in other troubled areas, for instance, Syria where, arguably, even more civilians have been killed by the ruling regime. We heard from Dr Liam Fox, then Secretary of State for Defence and Sir Mark that in the case of Libya there were factors that did not apply elsewhere.¹⁶ For example, Sir Mark told us that Colonel Gaddafi was deeply unpopular and did not have the support of regional groups such as the Arab League and the African Union and that the UN Resolutions contained measures which the Arab League had requested be implemented.¹⁷ Also relevant was the defection of the Libyan Ambassador to the United Nations. Sir Mark added:

Those were three specific factors unique, if you like, to Libya, and they facilitated agreement on these tough resolutions. In other circumstances, such as Syria, those circumstances do not apply. The Syrian ambassador has not defected and the Arab League does not have such a strong position. Although its position is getting stronger by the day, it has not called on the Security Council to impose sanctions, and President Assad still has some support in the region. That is why it is more difficult to get strong action taken in the Security Council on Syria.¹⁸

15. On 21 March 2011, the Prime Minister told the House of Commons:

We have a specific situation in Libya, whereby there was a dictator whose people were trying to get rid of him, who responded with armed violence in the streets. The UN has reached a conclusion and I think that we should back it. As I said the other day, just because we cannot do the right thing everywhere does not mean we should not do it when we have clear permission for and a national interest in doing so.¹⁹

15 Q 82

16 Q 53 and Qq 103–104

17 Q 104

18 Q 104

19 HC Deb 21 March 2011, col 708

16. 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.

Legality of the action

17. There are circumstances where no international authorisation is required for the deployment of UK Forces. The question of the legality both of the Libyan operation overall and of individual targeting is vital, not only intrinsically but also because of the possibility that in future years those who took part in it might find themselves before the International Criminal Court.²⁰ In his statement to the House on 18 March, the Prime Minister commented on the UN resolution and asserted the legality of the action:

[...] demonstrable need, regional support and a clear legal base, the three criteria, are now satisfied in full. Now that the UN Security Council has reached its decision there is a responsibility on its members to respond. That is what Britain, with others, will now do. The Attorney General has been consulted and the Government are satisfied that there is a clear and unequivocal legal basis for the deployment of UK forces and military assets.²¹

18. We received evidence that some people nonetheless regarded the action as illegal. Chris Coverdale on behalf of the Campaign to Make Wars History and the Stop the War Coalition said the “the claim that the use of armed force in Libya is authorised by the Security Council operating under Chapter VII of the UN Charter is false”, as Article 41 of that Chapter states “The Security Council may decide what measures *not involving the use of armed force* [witnesses’ emphasis] are to be employed to give effect to its decisions.”²² Similarly, Patrick Lavender argued that the involvement of NATO was *ultra vires*.²³

19. The UK Government sought advice from the Attorney General on the legality of the deployment. The following summary of his advice was published in March 2011.²⁴

20 Qq 106–120

21 HC Deb, 18 March 2011, col 613

22 Ev w20–21 [Note: references to Ev wXX are references to written evidence published in the volume of additional written evidence published on the Committee’s website]

23 Ev w69

24 The text of the summary of the Attorney General’s legal advice can be found in the House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, pp 3–4

Summary of Attorney General's Legal Advice

Under the Charter of the United Nations the Security Council is the organ conferred with primary responsibility for the maintenance of international peace and security. In carrying out its duties the Security Council acts on behalf of Member States of the United Nations, who agree to accept and carry out its decisions in accordance with the Charter. Among the specific powers granted to the Security Council are those provided in Chapter VII of the Charter which is concerned with action with respect to threats to the peace, breaches of the peace and acts of aggression.

Security Council resolution 1973 (2011) of 17 March 2011 is annexed to this document [*not printed*].

In this resolution the Security Council has determined that the situation in the Libyan Arab Jamahiriya constitutes a threat to international peace and security. The Security Council has adopted the resolution as a measure to maintain or restore international peace and security under Chapter VII of the United Nations Charter, which provides for such action by air, sea and land forces as may be necessary to maintain or restore international peace and security.

Provision for a No Fly Zone is provided for by operative paragraphs 6 to 12 of the resolution. Operative paragraph 8 authorises Member States that have notified the UN Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organisations or arrangements to take all necessary measures to enforce the ban on flights established by operative paragraph 6.

Operative paragraph 4 of the resolution also authorises Member States making the notifications so provided, and acting in co-operation with the UN Secretary-General, to take all necessary measures to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory.

Operative paragraph 13 of the resolution, in substituting a replacement operative paragraph 11 in resolution 1970 (2011), further authorises Member States to use all measures commensurate to the specific circumstances to carry out inspections aimed at the enforcement of the arms embargo established by that earlier resolution.

The Attorney General has been consulted and Her Majesty's Government is satisfied that this Chapter VII authorisation to use all necessary measures provides a clear and unequivocal legal basis for deployment of UK forces and military assets to achieve the resolution's objectives.

20. On 22 March, we asked the Prime Minister for sight of the full advice provided by the Attorney General concerning the legality of the deployment of UK Forces and military assets in respect of Libya to achieve the objectives of Resolution 1973. The Prime Minister replied that “the long-standing convention that the Government is entitled to receive legal

advice in confidence is worth upholding” and that “the Government needs sound legal advice that remains legally privileged”. He added that the Government had exceptionally agreed to confirm that it had obtained advice from the Attorney General and to make available a note setting out the legal basis for the deployment of armed forces. He did not think it appropriate to establish an exception to “release certain legal advice or release to certain groups”.²⁵

21. On 3 May, following an attack on a command and control centre at the end of April which killed members of Colonel Gaddafi’s family, in response to calls for a further summary of the Attorney General’s advice to be published, the Foreign Secretary said:

Of course, the Government will consider requests made in the House in respect of the legal advice. We published very clearly a note on the legal advice at the time of the 21 March debate. However, again, I do not think that it would be right for Governments to start to publish legal advice on a regular basis every few days, but we will consider any requests that are made.²⁶

22. Sir Mark Lyall Grant, UK Permanent Representative to the UN, was confident that the military action was legal as Resolution 1973 incorporated Article 42 of Chapter VII of the UN Charter.²⁷ He said:

Resolution 1970 is under chapter VII and article 41, so it expressly excludes the use of force for that reason. Resolution 1973 is deliberately under chapter VII and makes no reference to article 41, which means that it incorporates all of chapter VII that includes article 41 and article 42, which is the authorisation of the use of force. That is why there is a difference between Resolutions 1970 and 1973, and Resolution 1973 was the specific military authorisation. Resolution 2009 goes back to chapter VII, but only article 41. There is a very clear division.²⁸

23. Cathy Adams, FCO Legal Adviser, agreed with Sir Mark’s comments. She added that the legality of the operation was a separate issue from how the operation was carried out:

As far as targeting is concerned, that is actually a slightly separate issue, because the legality of the operation is separate from the legality of how the operation is carried out, which is essentially what the ICC is looking at. It is certainly a very important issue. I am not from the MoD and I obviously cannot speak to this, but I know that the process that they go through in terms of ensuring that the targeting is compatible with international humanitarian law is scrupulous [...].²⁹

24. 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

25 Ev 57

26 HC Deb, 3 May 2011, Col 439

27 Article 42 of the UN Charter states: “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”.

28 Q 116

29 Q 115

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.

War crimes

25. The first UN reaction to the repression by Gaddafi's forces of the Libyan revolt was the press statement agreed by the Security Council on 26 February. When this was ignored, the Council adopted Resolution 1970 on 26 February, which included the first ever unanimous referral to the International Criminal Court (ICC).³⁰ On 3 March the ICC announced that it was investigating alleged crimes against humanity committed by the Gaddafi family.

26. We expect the international community to be even handed. It is important that the jurisdiction of the ICC is not limited to one side of a conflict. Problems may arise however when UK Armed Forces and NATO are operating with other forces who may not abide by the same rules. It was reported, for instance that 53 bodies were found in one hotel in Sirte, apparently murdered by NTC forces.³¹ Nick Harvey MP, Minister for the Armed Forces, agreed that such conduct, if proven, might potentially constitute a war crime, and said:

The UK Government would deplore mass killing in any circumstances in which it took place, and we would support the quest for the truth as to what happened on this occasion. If it can reputably and reliably be established that a crime has been committed, we would expect that to be pursued with the same vigour, whatever the circumstances.³²

27. It would be impossible for, nor the role of, the UK to investigate such allegations with its very limited resources on the ground, but the Minister told us that he certainly hoped that the Libyan authorities would do so.³³ Lieutenant-General Barrons, Deputy Chief of the Defence Staff (Operations), confirmed that the matter was regularly raised at the National Security Council, but, while the FCO and DfID were in the lead as far as the UK was concerned,³⁴ "the lead for this issue would normally sit with the United Nations and other

30 Q 78

31 BBC News, "Bodies of Gaddafi supporters 'found executed' in Sirte", 24 October 2011. Available at: www.bbc.co.uk/news/world-africa-15428360

32 Q 228

33 Q 225

34 Q 227

similar organisations”.³⁵ He added that in its conduct of military tactical operations the NTC had been “very alert indeed to the requirement to protect the civilian population”.³⁶

28. 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.

29. 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.

Regime change

30. During our inquiry, the Government also defended itself against the accusation that the coalition was ‘taking sides’ in the conflict, for example by the supply of equipment to the NTC,³⁷ or that regime change was an aim of the mission, maintaining throughout that all its actions were designed to protect civilians and that regime change was not authorised under Resolution 1973. We asked Rt Hon Liam Fox MP, then Secretary of State for Defence, what the UK aims were for the mission. He replied:

The UK aims [...] are for the protection of civilians, for Gaddafi to comply with UN Resolution 1973 and for the Libyan people to have the opportunity to choose their own future. Those are fully in line with NATO’s objectives, which are to protect civilians and civilian population areas under threat of attack by the regime, to implement a no-fly zone to protect civilians and to implement the arms embargo. Those aims are set out clearly under the UN Resolutions.³⁸

31. When asked whether self determination for the people of Libya and regime change was a goal he stated:

[...] I would have thought that a very clear aim for all of us is that the free decision of people to determine their own future is something that we would want to see. I would have hardly thought that required incorporation into the Resolution; I would have thought that to an extent it was self-evident. But it is clear that regime change would be a major policy initiative, and one that is not signed up to in the Resolution.³⁹

32. We suggested the coalition was sending mixed messages as a letter from President Obama, Prime Minister Cameron and President Sarkozy had said “our duty and our

35 Q 226

36 Q 226

37 Qq 5–6, 109–113 and Ev 55 [para 8.2]

38 Q 17

39 Q 19

mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Gaddafi by force. But it is impossible to imagine a future for Libya with Gaddafi in power”.⁴⁰ Dr Fox replied that:

That [the letter] very much echoes the views that have been put forward by the opposition forces themselves. They have already witnessed two unilateral ceasefires put forward by Gaddafi, during which time the population were still being slaughtered, so I can understand how they feel about having little faith in the word of a man who has broken it so frequently in the past. [...] ⁴¹

It is also very important to apply psychological pressure to the regime. One of the ways in which we could hasten the end of this conflict is for the regime itself to recognise that there is no long-term future. As long as Colonel Gaddafi believes there is a future, he is likely to want to continue the conflict. It is essential that we send clear messages that he is despised by many of his own people, he is isolated internationally and there is no future for his regime. If he continues to believe that there is such a possibility, it is likely that the conflict will continue.⁴²

33. We pursued this with Sir Mark Lyall Grant, UK Permanent Representative to the UN, who replied:

Other members of the Security Council have made that precise point [about regime change]. Some members have said, “You have been targeting civilian infrastructure, you have been targeting Gaddafi and his family and you are aiming for regime change. None of those are authorised in the resolution.” We say that we have not been doing that. We have not targeted civilian infrastructure, which has been remarkably intact. We have not been targeting Gaddafi. We have not been aiming, through this resolution and through the military action, at regime change.⁴³

However Sir Mark agreed that Colonel Gaddafi and other members of the regime could be targeted in a command post, “Of course there are circumstances when, if you can make that link to the protection of civilians, that military action is justified”.⁴⁴

34. 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.

40 Available at: www.bbc.co.uk/news/world-africa-13090646

41 Q 20

42 Q 21

43 Q 111

44 Q 113

Civilian casualties

35. Resolution 1973 authorised all necessary measures, excluding a foreign occupation force of any form, to protect civilians in Libya. The Government maintained that at all times UK Forces had acted within the terms of the Resolution and had gone to extreme lengths to ensure that civilian loss of life was kept to an absolute minimum. For example, Air Marshal Sir Christopher Harper, UK Military Representative to NATO, told us of an occasion when an attack was stopped due to civilians being in the target area:

Those forces that we did apply conducted themselves in an exemplary manner and, indeed, in full line with all the direction that came from the North Atlantic Council to make sure that we protected civilians. [...] A minute before weapon release, they found out that there was a possibility of there being civilians in the target area, stopped prosecuting the attack and brought the weapons all the way back home to the United Kingdom. [...]⁴⁵

36. Mariot Leslie, UK Permanent Representative to the North Atlantic Council, outlined the difficulties of avoiding civilian casualties saying “you then cannot see inside every single building to be absolutely sure that a shard of glass has not gone through somebody you cannot see, so you cannot say with honesty and certainty “I know for a fact that I have not killed a civilian.” We do not know that we have, and we believe that there would be very few, if we have at all”.⁴⁶ On the other hand, an article in the New York Times suggested that:

at least 40 civilians, and perhaps more than 70, were killed by NATO at [certain] sites, available evidence suggests. While that total is not high compared with other conflicts in which Western powers have relied heavily on air power, and less than the exaggerated accounts circulated by the Qaddafi government, it is also not a complete accounting. Survivors and doctors working for the anti-Qaddafi interim authorities point to dozens more civilians wounded in these and other strikes, and they referred reporters to other sites where civilian casualties were suspected.⁴⁷

37. In its interim Report on Libya, the Royal United Services Institute suggested that Colonel Gaddafi had made it “easy” for the coalition to maintain the legitimacy of continuing the operation by continuing to target civilians:

As it happened, Libyan forces made it easy for them by relentlessly attacking population centres wherever they operated; and Qadhafi played into their hands by continuing with his delusional bluster and threats. A more subtle dictator could have put the three principal allies under far greater political pressure when the Arab League blanched as it confronted the realities of what it had advocated, and voices in Europe and the US warned of a dangerous military stalemate.⁴⁸

45 Q 161

46 Q 177

47 New York Times, 17 December 2011. Available at: www.nytimes.com/2011/12/18/world/africa/scores-of-unintended-casualties-in-nato-war-in-libya.html?pagewanted=all

48 Royal United Services Institute Interim Campaign Report, *Accidental Heroes, Britain, France and the Libya Operation*, September 2011, p 4

38. 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.

39. We particularly asked about the action towards the end of the conflict when NTC forces shelled pro-Gaddafi forces in Sirte. It was alleged that this was outside the terms of the UN Resolution in that given that Gaddafi's forces no longer posed a threat to civilians and indeed, that it was now the NTC forces which posed the threat to civilians by their continued bombardment. Christian Turner, Director, Middle East and North Africa, FCO, said that it was not the Government's assessment that Gaddafi's forces were in fact neutralised, saying there was still (as at 12 October) a rump of resistance from pro-Gaddafi forces both in Sirte and Bani Walid and that there was continuing evidence coming out about civilian casualties.⁴⁹

40. We suggested to Government witnesses that under Resolution 1973 the coalition was supposed to be protecting civilians from casualties caused by NTC action as well as pro-Gaddafi forces. Christian Turner said:

That is absolutely right. As a result, the targeting that is still being carried out under the OUP [Operation Unified Protector] mandate has to be incredibly careful in built-up areas like Sirte. It is hard for us. We do not have people on the ground to provide that monitoring. We are trying to co-ordinate closely with the National Transitional Council to ensure that any allegations of civilian casualties caused by Free Libya forces, as we call them, are properly scrutinised and held accountable.⁵⁰

41. 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.

Missing weapons

42. In October 2011 reports emerged that large numbers of man-portable surface-to-air missiles, previously in the armament of pro-Gaddafi forces, were missing in Libya. The consensus among witnesses was that this problem was for the National Transition Council to resolve, although help should be available from the United Nations and elsewhere. NATO Secretary-General Anders Fogh Rasmussen said at a press conference: "It is a matter of concern if stockpiles of weapons are not properly controlled and monitored". He added since NATO did not have any troops on the ground, it was the responsibility of the

49 Q 107

50 Q 108

post-Gaddafi leadership—the National Transitional Council—to ensure that all weapons stocks are properly controlled and monitored and that “individual allies are in contact with the NTC to make sure they address this issue properly.”⁵¹

43. Sir Mark Lyall Grant, UK Permanent Representative to the UN, said that Resolution 2009 had recognised weapons proliferation as a concern:

[...] there is a limited amount I can say about that from the UN perspective, but we recognised in the most recent resolution, 2009, that there was a deep concern about proliferation of weapons, including MANPADS [Man-portable air defence systems]. Now action is being taken to address that [...].⁵²

44. Christian Turner, Director, Middle East and North Africa, FCO, thought that over the longer term the UN would take a lead on the issue:

Yes, there was a specific Libyan request for help on this. Obviously, it is a priority concern. Many of these weapons are old and difficult to handle. They need to be located and then dismantled. We assisted by putting in four experts to work alongside the Libyans and, also, with some US experts. That will hopefully provide the immediate location and demobilisation of those weapons. Over the longer term, I expect that to become part of a UN-led disarmament, demobilisation and reintegration programme, as part of the broad post-conflict settlement.⁵³

Nick Harvey MP, Minister for the Armed Forces, said:

Undoubtedly, this is a major concern for NATO and for the National Transitional Council and, frankly, it should be a major concern for the UN and other countries around the world. Your basic premise is broadly correct that there are munitions at large within the Libyan territory on a scale which is concerning. We are doing what we can to support international efforts. We have committed some personnel. The Americans are taking a lead on that because, unless we can succeed in working with the NTC to get this situation under control, the danger of those munitions and that equipment finding their way around the world is very real and everybody ought to take it seriously.⁵⁴

Lieutenant-General Barrons, Deputy Chief of the Defence Staff (Operations), added:

Of particular concern is the substantial number of man-portable air defence systems known to exist in Libya before the conflict and, as the Minister mentioned, that has already led to a US-led, UK-supported project to which we have currently committed four people and the Government have committed £1.5 million. With others, that team is scoping the problem. By that, I mean a survey of literally hundreds of bunkers is being conducted.⁵⁵

51 NATO press conference, 3 October 2011. Available at: www.nato.int/cps/en/natolive/opinions_78678.htm

52 Q 94

53 Q 94

54 Q 231

55 Q 231; see also HC Deb, 21 November 2011, col 33W

45. 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.

Weapons of mass destruction

46. Colonel Gaddafi was well-known to possess weapons of mass destruction, that had included nuclear and still included chemical, of which some had been given up before February 2011 following the UK Government's engagement with Libya on the issue. We asked our witnesses about the security of remaining weapons of this kind. Lieutenant-General Barrons said:

It was known in advance of the conflict that Libya held and had declared some stocks of chemical weapons. It was known where they were. They are still there, and a very close eye was kept on that stuff. They are currently under control and the ambition is to very quickly restart the Italian-led project that was setting about destroying them. Were there to be in the future undeclared stocks of chemical weapons, the NTC is completely clear that they would have to be dealt with in the same way, and obviously, since they are undeclared, we don't yet know.⁵⁶

47. In a written parliamentary answer on 29 November, Alistair Burt MP, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office (FCO), gave an update on chemical weapons in Libya in which he confirmed the discovery in Libya by the Organisation for the Prohibition of Chemical Weapons of what might be such weapons, which suggested that Colonel Gaddafi had not kept all the promises he had made in this regard. He added that the UK Government would continue to monitor the situation with international partners and expected the Libyan Government to ensure the safety and security of all stocks.⁵⁷ The FCO subsequently confirmed to us that the new discovery included chemical agents and chemical weapons and that the Libyan Government would officially declare them in due course and incorporate them into the destruction plan.

48. 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.

⁵⁶ Q 232

⁵⁷ HC Deb, 29 November 2011, cols 864-5W

Role of women

49. We note that women played an important role in supporting the uprising in Libya, moving out of their traditional roles and expectations to take a front-line role for example by carrying munitions, and providing medical care and support. We are encouraged that NATO has recognised the role of women in such situations with the acceptance of UN Security Council Resolution 1325 on the role of women in armed conflicts. Mariot Leslie, UK Permanent Representative to the North Atlantic Council, told us:

That resolution is embedded in everything NATO does when it approaches conflicts and operations. When NATO enters partnership arrangements with other countries, to help with security sector reform, for example, it ensures that all considerations in that UNSCR are taken into account in the way in which it does its training and mentoring programmes, its operations with other countries, its exercises and so on.⁵⁸

50. 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.

Entry and exit strategy

51. The 2010 Strategic Defence and Security Review stated that the UK would be:

more selective in our use of the Armed Forces, deploying them decisively at the right time but only where key UK national interests are at stake; where we have a clear strategic aim; where the likely political, economic and human costs are in proportion to the likely benefits; where we have a viable exit strategy; and where justifiable under international law.⁵⁹

52. Sir Mark Lyall Grant, UK Permanent Representative to the UN, set out how the Libyan operation could be ended:

The authorisation in the resolutions is for member states and organisations as appropriate; it does not mention NATO. Of course, NATO can stop doing what it is doing at any time it so decides. That is one decision point. Secondly, the Security Council could terminate the authorisations. As I mentioned, we will keep the measure under constant review and it will certainly be reviewed in mid-December, if not before, because that is the one timeline that is already included in the resolutions. If the UN terminates those authorisations, the only way that military action could continue to be taken is at the request of the legitimate Government of Libya.⁶⁰

53. In the event, the UN Security Council voted unanimously on 27 October 2011 in Resolution 2016 to terminate the provisions of Resolution 1973 which provided the legal basis for military intervention and the no-fly zone at 11.59 p.m., Libyan local time, on 31

58 Q 156

59 HM Government, *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*, Cm 7948, para 2.10

60 Q 91

October 2011. This was despite a reported request from the National Transitional Council at a conference in Doha on 26 October for operations to be continued.⁶¹

54. When we put it to Nick Harvey MP, the Minister for the Armed Forces, that the exit strategy from Libya had not been clear, he replied:

I think we had a clear aim. In the exit strategy, the objective was to prevent an atrocity against civilian life. That was not an open-ended commitment. It could have ended in a variety of different ways. It was always clear that this was at most a medium-scale engagement. The aims were entirely clear. [...] ⁶²

There must be a limit to the number of engagements that you take on at the outset knowing with absolute clarity what the exit strategy would be at the end of it. [...] ⁶³

The defence planning assumption is that, at any given point in time, we can sustain one medium-scale enduring operation and two other smaller-scale operations. This fitted, I think, the description of what one of those smaller-scale operations would have been. If the aim is clear, there are a range of exit strategies that you can adduce from that. The fact that you do not know for certain which of those it was going to be cannot be taken as invalidating the action or meaning that you should not be willing to embark. ⁶⁴

55. 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”.

Implications for future UN actions

56. The adoption of Resolutions 1970 and 1973 was not without difficulties. Sir Mark Lyall Grant explained that in the context of negotiations on Resolution 1970 there had been discussion about whether it would be necessary to authorise all necessary means to ensure humanitarian access to all those who were under threat from the regime and there had been quite a lot of opposition to the proposal from other countries on the Security Council

61 Qq 219–221

62 Q 199

63 Q 200

64 Q 201

at that stage.⁶⁵ He explained that there had been unanimous support for strengthening the assets freeze, the arms embargo and the sanctions, and for setting up a panel of experts, but that there had been quite a lot of debate on the paragraphs referring to the no-fly zone and the protection of civilians, which several countries felt went too far. In the event, Resolution 1973 was adopted by a vote of 10–0, with five abstentions: Brazil, China, Germany, India and Russia.

57. It was clear that there was not unanimity in favour of military intervention. Five countries, including two veto-wielding powers, Russia and China, abstained on resolution 1973, and it is clear that the concerns of the doubters were not allayed as the operation unfolded, amid concerns that the Resolution had been stretched to the limit.

58. Sir Mark Lyall Grant, UK Permanent Representative to the UN, said:

As I mentioned before, there has been some concern on the part of veto-wielding powers in the Security Council about how Resolution 1973 was implemented, and I think they will be more cautious in the future about authorising military action. We will have to see. The fact that they vetoed a Syria resolution last week is a signal that there is some concern on their part. On the other hand, Resolution 2009 was unanimously agreed, and it has brought the Security Council back together again on the future of Libya. I hope that if there are circumstances in which civilians are under threat of widespread massacre, the Security Council will have the courage to authorise intervention again. The examples of Rwanda and others where we did not intervene are still very strongly held in the psyche of the United Nations.⁶⁶

59. Nick Harvey MP, Minister for the Armed Forces, told the Committee:

On the politics of future UN resolutions, I would say never say never. We just don't know what circumstances might obtain in the future that might cause different countries to view things in particular ways. You have touched on the issue of Syria, and I would have to concur with your implied judgment that there appears to be no prospect whatever that the Russians—or possibly the Chinese either—would allow another resolution of that sort, given that there is opposition even to drafts of resolutions that are mildly critical of the Syrian regime.⁶⁷

60. 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 veto-wielding countries of Russia and China, may make obtaining United Nations support more difficult for similar situations in the future.

61. 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

65 Q 78

66 Q 102

67 Q 240

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.

3 NATO

Initial command and control of the operation

62. Events in the spring of 2011 developed very quickly. The UN Security Council having adopted Resolution 1973 on 17 March 2011, on 18 March the Prime Minister told the House of Commons that enforcing the Resolution would be an international operation, further suggesting that any operations could be led by the US, France and the UK, with the support of Arab nations. It was initially uncertain whether NATO would play a formal role.⁶⁸

63. At a meeting in Paris on 19 March the three allies leading the operation, the US, the UK and France agreed that military action by French, British and US Forces would begin on 19–20 March, the aim being to protect Libyan civilians and to degrade the regime's capability to resist the no-fly zone being implemented under the UN's Resolution. At this time, the situation in Benghazi was deteriorating with civilians at immediate risk of massacre by pro-Gaddafi forces. After that meeting, however, there was some tension between the three allies following an announcement by the French President, without prior notification to his partners, that French aircraft had engaged Gaddafi forces in a series of attacks aimed at halting the advance of government forces on Benghazi. The Royal United Services Institute noted that this had had the effect of alerting all Gaddafi's forces to the fact that action had begun.⁶⁹

64. Command and control of operations initially rested with the US, under General Carter F. Ham, Head of US Africa Command, with the tactical joint task force conducting operations led by Admiral Samuel Locklear aboard USS Mount Whitney, deployed in the Mediterranean. The US made it clear that it would be handing over responsibility for the operation "shortly", though at that stage it was not obvious whether NATO or another individual country would take control from the US.⁷⁰

65. Negotiations continued until 23 March 2011 when NATO member states agreed that the Alliance would assume command of maritime operations to enforce the UN arms embargo in Libya. On 24 March, NATO leaders also agreed to the transition of command responsibility for enforcing the Libyan no-fly zone to NATO, while any ground attacks, for the time being, would continue to be a coalition responsibility under US command. The compromise was reportedly reached to allay Turkish concerns within NATO about the possibility of ground attacks causing civilian casualties. NATO subsequently assumed command of the no-fly zone on 25 March.⁷¹

66. On 27 March, despite opposition from some NATO member nations, NATO leaders agreed that the Alliance would assume command responsibility for all military operations

68 HC Deb, 18 March 2011, col 613

69 Royal United Services Institute Interim Campaign Report, *Accidental Heroes, Britain, France and the Libya Operation*, September 2011, p 4

70 US Department of Defense, Briefing by Vice Admiral Gortney on Operation Odyssey Dawn, 19 March 2011, and House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, p 10

71 *Ibid*, pp 10–11

in support of Resolution 1973. Mariot Leslie, UK Permanent Representative to the North Atlantic Council, commented “the decision to launch the NATO military operation was actually taken by the [NATO] Council ten days after the second UNSCR. That is a record time”.⁷²

NATO Command and Control

67. NATO formally assumed sole command of all military operations in the Libyan area on 31 March 2011. The NATO operation, known as Operation Unified Protector (OUP), was commanded by Allied Joint Force Command Naples and fell under the overall purview of the Supreme Allied Commander Europe Admiral Stavridis.⁷³

68. NATO allies originally agreed to conduct operations for a period of 90 days. Both the US and NATO also made it clear that providing direct close air support to the Libyan opposition forces was not part of the coalition’s mandate and that NATO had no intention of establishing an occupying force in Libya.⁷⁴ At the beginning of June 2011, NATO allies agreed to extend operations for a further 90 days from 27 June until the end of September 2011.⁷⁵ In evidence to us on 12 October Mariot Leslie confirmed that on 27 September, authority was given for a further extension of operations to 26 December 2011, should it still be considered necessary.⁷⁶

69. Mariot Leslie explained the normal process whereby NATO would generate forces in advance of an operation. Planning starts before a formal decision to have an operation is made. Formal planning would start with an initiating directive from the Council asking commanders to start planning. During that planning process the commanders would hold a force sensing conference, when they would ask individual nations “What could you provide?” This would be followed by a combined joint statement of requirements, when they will ask nations for specific capabilities, followed by a force generation conference and revised statements of requirement as the operation progresses.⁷⁷

70. In this case, there were clearly some problems in the early days of the operation. As Nick Harvey MP, Minister for the Armed Forces, pointed out, the allies had to get used to each other’s modus operandi in the early days, particularly in relation to “basic communications”.⁷⁸ Other analyses have reported that there was a potentially serious lack of co-ordination between French Air Force action around Benghazi and the rest of the coalition in the early stages on 19 March.⁷⁹ On this occasion, it was described as

72 Q 153

73 House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, p 11

74 *Ibid*, p 12 and see US Department of Defense News briefing with Vice Adm. Gortney from the Pentagon on Libya Operation Odyssey Dawn, 28 March 2011; “NATO will not arm Libyan opposition, Rasmussen says”, Trend News Agency, 31 March 2011; and NATO and Libya: Key Facts and Figures available at: www.nato.int/cps/en/natolive/topics_71641.htm.

75 House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, p 20

76 Q 144

77 Q 189

78 Q 270

79 Royal United Services Institute Interim Campaign Report, *Accidental Heroes, Britain, France and the Libya Operation*, September 2011, p 4

representing merely a political irritation, but in other circumstances could have been extremely serious given that one ally launched air-to-ground attacks before the coalition as a whole had attacked the air defence system of the adversary.

71. The speed at which the necessary forces were generated by NATO participants was accepted by both participants and commentators as remarkably quick in the current Alliance context. Mariot Leslie said:

For this operation they were made extraordinarily rapidly. I don't think there has ever been an operation when a crisis has appeared as this one did in mid-February and a matter of weeks later there is an operation already taking place.⁸⁰

She added that plans being developed in parallel rather than sequentially had assisted the rapid development of the required forces:

Nobody was reckless in what they did but there were times when the rather long chain of military planning had various bits going on simultaneously rather than sequentially, so the decisions were made on the basis of things brought together at the decision point, but had been going on in parallel. We had people working on concepts of operations for some part of the operation while simultaneously working out the rules of engagement for other parts of the operation, and then bringing the strands together of how you did an arms embargo, how you did a no-fly zone, how you would conduct attacks or measures to protect civilians.

They were working up the forces required and the planning often in parallel and then reconciling them just before the rules of engagement were brought to the council for decision. It was a remarkable tribute to our military colleagues, how quickly they worked. In the council, people worked with extraordinary speed—early, late or weekend—for about three weeks, to reach the final decisions, which the council took on 27 March.⁸¹

72. Air Marshal Harper, UK Military Representative to NATO, commented:

It was incredible, quite frankly.

[...] getting consensus from 28 nations; getting operational plans drawn together; establishing headquarters and a bespoke command and control system for a complex operation; generating the forces; accounting for all of the political nuances; and bringing in those nations that, in some cases, had some initial concerns that needed to be explained or discussed. Doing all of that in 10 days was quite a process.

[...] To generate that in 10 days was quite a feat. When one casts one's mind back to the Bosnia campaign, the same process took some 15 months.⁸²

This view was confirmed by Lieutenant-General Barrons, Deputy Chief of the Defence Staff (Operations):

80 Q 153

81 *Ibid.*

82 *Ibid.*

The hardest part of the command and control [...] was how to take the range of assets that were provided by nations and make them operate quickly and effectively in the sort of setting we found ourselves in, in Libya. That required some really adroit handling from the commanders, staff and airmen who were flying, to make that happen.⁸³

We asked why the NATO Response Force was not activated and were advised that “the NRF is largely a land construct, so it is not ideally suited to an operation of this nature”.⁸⁴

73. It was also essential that there was communication with the National Transitional Council for their awareness of the location of civilians. Lieutenant-General Barrons said:

In order to prosecute that operation successfully, it was clearly important that there was some connection between the National Transitional Council, which has a very good view of where the civilian population we are trying to protect exists, and the NATO chain of command. We need to be absolutely clear, however, that our remit is to protect the civilian population, no matter who is oppressing it. We are not therefore acting in any form of military capacity on behalf of the NTC, so it is an unusual position to be in.⁸⁵

74. 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.

NATO cohesion

75. Our witnesses praised the contribution of all NATO countries to the operations. Mariot Leslie, cautioning against drawing conclusions about the role of any one ally from this operation, said that no country had withdrawn from the command structure or refused to play its normal part, though some had played a less visible (and hence less well-reported) role than others. In some cases this might have been because it did not have equipment relevant to this particular operation, having agreed to concentrate on some other part of the NATO remit.⁸⁶ In other cases the contribution had been more by reinforcing parts of the command structure with specialist skills. Air Marshal Harper agreed, saying that even countries with domestic political difficulties had contributed.⁸⁷

83 Q 237

84 Q 169

85 Q 237

86 Q 128

87 Qq 153, 159 & 194

“NATO-plus”

76. As a result of Arab League concern about developments in the region and its support for action in Libya, some non-NATO forces became integrated into the command structure of operations. A meeting to discuss military operations and participation in Paris on 19 March was attended by European and North American ministers, representatives of the EU, UN and Arab League, and ministers from Iraq, United Arab Emirates, Jordan and Morocco. During the weekend of 19–20 March Qatar also joined the coalition. On 25 March the United Arab Emirates confirmed it would provide 12 fast jets to the operation.⁸⁸

77. The involvement of Arab League countries in the NATO operation in Libya was significant. Mariot Leslie, UK Permanent Representative to the North Atlantic Council, said:

That was the great success of NATO’s partnership policy. It is not the first time: we are now—if not this week, then by next week—up to 50 countries taking part in the ISAF operations in Afghanistan. I think Bahrain is just about to join us as No. 50. There are plenty of other operations in which NATO has partners involved. What was special about this one is that NATO, right from the start, when the council was looking at whether or not we were going to take on this operation to enforce UN Security Council resolutions, and following something that the British Foreign Secretary had formulated, said that it was important to us that there was a demonstrable need for military activity, a clear legal base for it and clear regional support. We already knew from national contacts that in particular the Qataris and Emiratis were likely to want to get involved if there were a NATO operation to plug themselves into. It was an operation that allowed them to use the types of interoperability with NATO that our partnership policies already allowed us to practise and exercise elsewhere. Right from the start, they were around the table, as were the Swedes, who work very well with NATO, using, incidentally, elements from the EU battle group— the Nordic battle group—and so were a number of other Arab countries. It was the council’s intention from the start—indeed, for some members it was almost a condition from the start—that there should be demonstrable regional support, which those partnerships did indeed demonstrate.⁸⁹

78. It is clear from the evidence we received that real value was added by non-NATO countries, representatives from the Arab League for example providing support to the NTC on the ground, and air assets provided by Qatar.

79. Any non-NATO country taking part in Operation Unified Protector, was expected to abide by the same regulations as the rest, as Lieutenant-General Barrons, Deputy Chief of the Defence Staff (Operations) made clear.⁹⁰ However we questioned witnesses on how the contributions of non-NATO nations fitted in with the formal NATO command chain or whether those nations were acting under bilateral alliances with the NTC. Lieutenant-General Barrons assured us that “any asset that was racked into Operation Unified

88 House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, pp 5–6

89 Q 131

90 Qq 248–251

Protector would be playing to exactly the same regulations” as NATO.⁹¹ He could not comment on the use of assets under any bilateral agreement.⁹²

80. Witnesses made clear that while the NATO mission excluded an occupying force, there were a number of allied personnel in Libya. Arab League countries were also represented on the ground. Lieutenant-General Barrons said:

there were various forms of European representation in Benghazi, alongside the NTC. That is one way in which diplomats and their military advisers can influence and advise the NTC’s senior leadership in Benghazi about how they might choose to conduct their campaign within the rules that have been set. You are absolutely right: there were representatives of Qatar and other Arab nations on the ground; they were there at the request of the NTC, sat alongside the NTC, and were able to provide advice, encouragement and guidance. Our contact with General Hamid, for example, and others meant that we too were able to make suggestions about how they would be able to conduct their operations and stay within the terms set.⁹³

81. 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.

Capabilities

82. NATO itself had limited military capabilities. Mariot Leslie said:

Almost the entirety of the military capability available to NATO belongs to the nations of NATO—so it is the US defence capability, the British defence capability, French, German, Polish and so on. Whenever there is a NATO operation, it is those national capabilities that are brought to bear under the NATO commanders.⁹⁴

83. It is clear that unexpected operations such as that in Libya rely on nations agreeing to participate, and then providing the capability which they have previously notified would be made available should an operation demand it. Mariot Leslie, UK Permanent Representative to the North Atlantic Council, said:

91 Q 250

92 Q 251

93 Q 248

94 Q 186

What those national capabilities are, including in peacetime, are part of a defence planning process in which NATO collectively looks at what it would like to ask of individual nations. It looks at the best efforts it would like them to make to assign things for NATO commanders. It gets exercise collectively. We are familiar with what each other has and what we might make available.

At the end of the day, on every single NATO operation and within any NATO operation, a nation could decide for reasons of its own—legal, political or whatever—that it was going to withdraw that capability at very short notice. The alliance solidarity prevents most people from doing that most of the time, but it is a perpetual tension between national sovereignty and collective endeavour that is a perennial issue for the alliance.⁹⁵

84. During our inquiry we explored the capability implications of a nation's decision not to participate in an operation, for example Germany's abstention in the UN Security vote and Turkey's opposition to military intervention in Libya, and difficulties this could cause given NATO's reliance on the pooling and sharing of military capabilities to undertake operations. Mariot Leslie said in evidence:

it makes you more reliant on other people. [...] On the case of Germany, it is worth reminding ourselves that the Germans did make their AWACS available in Afghanistan at very short notice to allow other alliance AWACS to be deployed to Libya. They were helpful over that point.

There is the perennial NATO issue of whether or not nations are going to make available the assets that they have assigned to SACEUR. Addressing that is as much a political question as it is a capabilities question. We have two problems. Do we have the capabilities—that is what the capabilities initiative will address—and is there the will to deploy them?⁹⁶

85. We questioned witnesses on whether there was any shortfall in assets across NATO during the operation. Air Marshal Harper, UK Military Representative to NATO, told us this would not be a matter for NATO as an organisation:

If a NATO member nation is doing its job and continuing to conduct the mission without declaring a shortfall, asking to stop, or asking within the alliance for other members to assist it, it is not NATO's business. [...]⁹⁷

but he was not aware of any NATO member declaring a shortfall:

not to my knowledge. We are aware that nations help each other out throughout the campaign, but that is only, if you like, the vibes that one had around the margins of meetings.⁹⁸

95 Q 186

96 Q 185

97 Q 188

98 Q 189

86. We asked the Ministry of Defence for further information on the processes followed by NATO in the event of a shortfall:

SHAPE [Supreme Headquarters Allied Powers Europe] monitored the CJSOR [Combined Joint Statement of Requirement] and national contributions on a daily basis, identifying any overall capability shortages and surpluses, including any shortages reported by Allies. Where a shortage existed, SHAPE could engage with nations holding such capabilities to try to obtain additional pledges.⁹⁹

Over-dependence on the US

87. It is clear from the evidence we received that there was concern at the highest level in NATO that there is an over-reliance on the provision of some capabilities such as unmanned aerial vehicles, intelligence and refuelling aircraft by the United States. Air Marshal Harper said:

There is no question but that this operation throws into stark relief the capability gaps that exist between the non-US members of NATO and the United States.

The Secretary-General's top priority at the moment is an initiative called Smart Defence, which looks at the capability of pooling and sharing initiatives in the future, whereby nations would get together, multinationally, to provide capabilities. Issues to be discussed include: assured access to those capabilities and their availability, and sharing costs with industry. But, there are significant moves under way at the moment in Allied Command Transformation to address that. Indeed, the United Kingdom plays a serious role in bringing those negotiations forward.¹⁰⁰

Mariot Leslie, UK Permanent Representative to the North Atlantic Council, added:

That is obviously absolutely right. The capabilities and the gaps that were shown up by this Libya campaign—not finished yet—are the ones that had already been identified by NATO. So, the spotlight was shone on them. There are some others that did not show up because this was a relatively limited operation and very close to NATO's shores. But, at last year's Lisbon summit meeting, a Lisbon capabilities package was adopted by all the heads of state and Government which included things like the priority for NATO to have more ISTAR—intelligence, surveillance, target acquisition and reconnaissance—capabilities available to it and the need to have more capabilities among its full structure for air-to-air refuelling. There were other things in that package, too—missile defence and so on.¹⁰¹

88. An Interim Report on Libya by the Royal United Services Institute concluded that the US provided at least 27% of the dedicated intelligence assets deployed during the operation.¹⁰² The NATO Secretary General has said that the “mission could not have been

99 Ev 56

100 Q 180

101 Q 180

102 Royal United Services Institute Interim Campaign Report, *Accidental Heroes, Britain, France and the Libya Operation*, September 2011, p 6

done without capabilities that only the United States can offer. Let me put it bluntly: those capabilities are vital for all of us. More Allies should be willing to obtain them”.¹⁰³

89. The publication of the new US Defence Strategic Guidance for Defence¹⁰⁴ on 5 January 2012 with its new focus on the Asia-Pacific region also has potential implications for future NATO operations. Although the US has re-emphasised its commitment to European security and to aid NATO allies in the event of attack, the US Administration acknowledged that its posture in Europe will need to be adapted. Future budget cuts would put “added pressure on all of us collectively to come up with some innovative pooling, sharing [and] multilateral procurement” as well as innovative approaches to “doing more with less.” The Administration has added that these issues will need to be addressed at the NATO summit in Chicago in May 2012.¹⁰⁵

90. 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.

91. 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.

103 NATO Secretary General monthly press briefing, 5 September 2011. Available at: www.nato.int/cps/fr/SID-FB3BDFC5-DEB36199/natolive/opinions_77640.htm

104 US Defense Department, *Sustaining US Global Leadership: Priorities for 21st Century Defense*, January 2012

105 US Defense Department Press Release, *Official: Strategic Guidance Recognizes U.S. NATO Commitments*, 9 January 2012. Available at www.defense.gov/news/newsarticle.aspx?id=66729

4 UK contribution to the operation

Role of the National Security Council

92. The operation in Libya was the first new operation since the creation of the National Security Council (NSC) in May 2010. In the early days of the operation we asked the then Secretary of State, Dr Liam Fox MP, about the role of the NSC. He told us:

As well as the National Security Council itself, the sub-committee, the NSC(L)[National Security Council(Libya)], has met on a very regular basis, and the NSC(LO) [NSC(Libya Officials)] for officials meets on an even more regular basis. For my own part [...] the flow of information that comes to us to help us to understand what is happening on the ground and the decisions that we will have to take come in a timely way. The process is now getting into a rhythm where the meetings are in a predictable timescale. The NSC has adapted quickly to what has been [...] a major challenge early on in its existence.¹⁰⁶

93. We also asked Dr Fox whether the NSC was “on top of” the overall strategy for the region (Middle East and North Africa). He replied:

The NSC does look at, and has looked at, the region as a whole. It would simply be untrue, Chairman, to say that any policy maker in the western world has been on top of the speed at which events have happened in the Middle East and North Africa. None of the self-professed experts whom I have been able to talk to predicted Tunisia or Egypt, or the speed of what has happened in Syria or Libya.

At my talks in the United States yesterday, the speed of the change of events is such that everybody is having to assess and reassess the impacts, as we go on; what it will mean for security in the region; what it will mean for our national security, as has already been alluded to during this session, and what it will mean for the UK and our allied interests abroad. If there is one thing that politicians would be wise to have in view of the speed of events, it is a little humility. We are not always quite as able to understand what is about to happen next as politicians sometimes like to pretend.¹⁰⁷

94. The NSC was also instrumental in promoting interdepartmental cooperation. Nick Harvey MP, Minister for the Armed Forces, said:

Principally, that was co-ordinated through the National Security Council and its Libya sub-committee, which met on a very regular basis. For a long time, it met daily; thereafter it met at least twice a week. There was a lot of contact between officials, hour by hour, throughout the campaign, including not only those in the Foreign Office but those in the Department for International Development and, at different points, the Treasury and other Departments. There were many different aspects to the engagement in Libya, of which the military component was but one.¹⁰⁸

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107 Q 77

108 Q 208

95. 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.

Capabilities deployed

96. In answer to a written Parliamentary Question, the Ministry of Defence gave the following information about the capabilities deployed for Operation ELLAMY:

At its peak, some 2,300 British servicemen and women were deployed on Operation ELLAMY. We deployed 32 aircraft including 16 Tornado GR4s, six Typhoons, five attack helicopters, refuelling tankers and specialist surveillance aircraft and helicopters. Over the course of the operation we also deployed eight warships and attack submarines.¹⁰⁹

The UK's contribution to the coalition firepower also included the use of Storm Shadow and Brimstone air-launched missiles.

97. In a statement on 21 October the Defence Secretary, Rt Hon Philip Hammond MP, stated that the UK had flown over 3,000 sorties over Libya, more than 2,000 of which had been strike sorties.¹¹⁰ Of the total NATO sorties conducted (26,281 sorties and 9,646 strike sorties as of 23 October 2011) the UK's contribution totals approximately 11% of overall sorties and 20% of strike sorties.¹¹¹

98. In response to a written Parliamentary Question, the MoD gave the following breakdown about the number of sorties carried out by UK Forces during Operation ELLAMY:

The approximate number of air sorties flown by the UK armed forces by month in support of operations in Libya is given in the following table:

Table 1: UK sorties

Month	Number of Sorties
March 2011	180
April 2011	430
May 2011	440
June 2011	490
July 2011	510
August 2011	540
September 2011	390
October 2011	240

Data source: HC Deb, 1 December 2011, cols 1059-60W

¹⁰⁹ HC Deb, 14 November 2011, col 517W

¹¹⁰ Ministry of Defence Press Release, *Hammond –Proud of Armed Forces' role in Libya*, 21 October 2011

¹¹¹ House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, p 24

In addition, from 19 March to 31 October 2011, C130 and C-17 aircraft flew 25 operational sorties that landed in Libya; and, Lynx helicopters also flew 172 sorties in support of operations in Libya. Flights in support of Operation ELLAMY have also been flown to and from Italy and Cyprus but the information on these sorties is not held in the format requested.¹¹²

99. Since operations began, the UK has contributed a total of 16 Royal Navy warships, submarines and Royal Fleet Auxillary vessels to humanitarian, combat and embargo operations off Libya.¹¹³

100. On 21 September 2011, the North Atlantic Council agreed to extend NATO's mission in Libya for a further 90 days. With the extension of operations in September, the UK altered its deployed assets slightly. The MoD withdrew its Typhoon jets and three Apache attack helicopters from theatre, leaving a remaining fast jet contingent of 16 Tornados and two attack helicopters.¹¹⁴

101. In October 2011, the UK had the following assets deployed on Operation ELLAMY:

- RAF Tornado aircraft based at Gioia del Colle in Italy
- RAF VC10 and TriStar air-to-air refuelling tankers based in Sicily and the UK
- RAF Sentry and Sentinel surveillance aircraft based in Sicily and Gioia del Colle. Sentinel aircraft were re-deployed from RAF Akrotiri in Cyprus to Italy on 18 October
- HMS Ocean (helicopter carrier), deployed with two Apache attack helicopters
- HMS York (Type 42 destroyer)—deployed to the Mediterranean to replace HMS Liverpool on 18 October
- HMS Bangor (Sandown Class minehunter)
- Fleet Air Arm Sea King helicopters (Airborne Surveillance and Area Control role)
- RAF air transport aircraft providing extensive logistic support to the deployed bases in Italy, Sicily and the Sovereign Base Areas in Cyprus.¹¹⁵

Air Capabilities

102. The role of the Royal Air Force in operations in Libya began on 24 February 2011, when the Royal Navy and the Royal Air Force started evacuating UK nationals from Libya.¹¹⁶ In the space of a few days, the UK was able to evacuate over 800 UK nationals and

¹¹² HC Deb, 1 December 2011, cols 1059–60W

¹¹³ MoD press release, *RFA Fort Rosalie finishes her Libya mission*, 3 October 2011

¹¹⁴ House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, p 24

¹¹⁵ House of Commons Library Standard Note SN/IA/5909, *Military Operations in Libya*, October 2011, pp 24–25

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over 1,000 nationals from over 50 countries.¹¹⁷ The UK Armed Forces used helicopters, Hercules aircraft and HMS Cumberland in this evacuation.

103. The RAF used various capabilities as part of operations in Libya; the main role of the Tornado was attack and of the Typhoon air combat and attack. Army Air Corps Apache helicopters were also used in the attack role. Other air capabilities included reconnaissance, refuelling and logistical support aircraft. We asked Air Chief Marshal, Sir Stephen Dalton, Chief of the Air Staff, about the success of air operations, who said:

First of all, the performance of Tornado has yet again proven it a bedrock of multi-role capability, having precision weapons, first-class reconnaissance capability and first-class targeting capability. As in Afghanistan and as before, it has demonstrated that the Tornado is an excellent platform for what we do and has proved to be very effective.

Typhoon, on its first outing in an operation as opposed to its defensive counter-air role in the UK and the Falklands, proved again to be very reliable—4,500 flying hours with no engine changes.¹¹⁸ It is an amazingly reliable piece of kit. Within a matter of days, we were able to bring forward its existing air-to-ground capability on top of its air-to-air capability and to deliver very effective and very poignantly laser-guided bombs, and eventually to make sure that it could conduct that role simultaneously with its air defence role. Therefore, it could provide the requirement to enforce the no-fly zone and target precisely and accurately targets on the ground.

All of those have proved extremely reliable and effective.¹¹⁹

104. Air Marshal Sir Christopher Harper, UK Military Representative to NATO, commented on the role of attack helicopters during the mission:

We actually saw a very capable air capability deployed from a maritime asset in the form of attack helicopters—at peak there were five—being operated from HMS Ocean. They played a very pivotal role in delivering capability at a particular point in the campaign, where there were significant movements of pro-Gaddafi forces up and down lines of communication. So, arguably, this was an area of UK involvement in the campaign in Libya where you saw jointery at its best.¹²⁰

105. On 21 December, Peter Luff MP, Minister for Defence Equipment, Support and Technology, wrote to us that “Typhoon, in its first multi-role mission in providing both air and ground attack, has demonstrated exceptional levels of survivability and, in its ground attack role, a targeting capacity with minimal collateral damage, proving it is truly a formidable aircraft”.¹²¹

117 HM Government, *Libya Crisis: National Security Adviser's Review of Central Co-ordination and Lessons Learned*, December 2011. Available at: www.number10.gov.uk/news/report-on-libya/

118 Note by witness following evidence session: this figure should read 3,035 flying hours

119 Q 272

120 Q 175

121 Ev 59

106. 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.

ISTAR capabilities

107. Early in the mission, the MoD announced an extension in the service of the Nimrod R1 signals intelligence aircraft which had been due to be decommissioned in 2011.¹²² ISTAR capability was key to the success of the operation as it provided effective targeting and helped minimise the risk of civilian casualties. Nick Harvey MP, Minister for the Armed Forces, told us that the protection of civilians was at the forefront of British and NATO planning and that rates of civilian casualties at the hands of NATO were very much lower than in any comparable action.¹²³ Air Chief Marshal Sir Stephen Dalton, Chief of the Air Staff, said that many potential targets were rejected because of the risk of civilian casualties.¹²⁴ Admiral Sir Mark Stanhope, First Sea Lord and Chief of Naval Staff, said that intelligence, surveillance and reconnaissance assets were essential in the prevention of casualties.¹²⁵ Air Marshal Sir Christopher Harper, UK Military Representative to NATO, also stressed the importance of intelligence, surveillance and reconnaissance:

It [Sentinel] played a key and pivotal role in the operation. There is no question about that. This is a highly capable ISR [intelligence, surveillance and reconnaissance] platform that is able to detect movement on the ground with extraordinary high fidelity and provide that information in real time. Discussion with the air commander would indicate that he relied extremely heavily on its capability and on similar capabilities provided by other platforms. So, without that capability I do not think that we would have seen the rapid success that has been achieved.¹²⁶

108. There was a heavy reliance on US Forces for ISTAR capabilities (see paragraph 88). As described above, Sentinel played a central part in Operation ELLAMY but is due to be decommissioned once its role in Afghanistan ends.¹²⁷ Air Chief Marshal Sir Stephen Dalton told us of its fundamental role:

It [Sentinel] was fundamental. We were able to link up and securely pass information from the Sentinel aircraft providing the ground-mapping capability through the AWACS in E3 aeroplanes, through secure satellite comms, through data links to the Typhoon and from Typhoon to Tornado and onwards. All that was done. Without

¹²² HC Deb, 30 March 2011, col 392W

¹²³ Q 241

¹²⁴ Q 241

¹²⁵ Q 241

¹²⁶ Q 178

¹²⁷ Q 275

that combat ISTAR [...] the ability to do something about what you find on the ground at the same time—this would undoubtedly have been a more complex operation. The technical capability is there, and it has proven itself to be combat-ready and combat-capable.¹²⁸

109. We asked Air Chief Marshal Sir Stephen Dalton if he would be sorry to see Sentinel go. He said:

The requirement for Sentinel is in the SDSR paper, which talked about the fact that when it was no longer required for Afghanistan, we would look to take it out of service. Of course, in the interim, its quality and its performance in Afghanistan and in Libya have demonstrated what a fundamental part of the ISR and the whole combat ISTAR piece it is. I feel that as ever, we will have the opportunity in the next SDSR to look at whether [...] that is one of the capabilities that we will want to look at again, to see whether it was the right decision to say that when it is no longer required for Afghanistan, it will go. I am sure that is what we will do.¹²⁹

110. 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.

Maritime capabilities

111. We asked about the impact of capabilities being withdrawn from standing tasks to operate in Libya on the Royal Navy's ability to perform these standing tasks and to be ready for other tasks which may arise. Admiral Sir Mark Stanhope, First Sea Lord and Chief of Naval Staff, told us:

[...] Before Libya, we had already recognised stretch in our ability to satisfy our commitment to have a warship in the Caribbean during the hurricane season. We were covering that with the Royal Fleet Auxiliary, which is entirely acceptable to do that job, although it did not absolutely satisfy it. During the Libya operation, to satisfy the standing overseas commitments, there was a need to extend some operational tasking programmes. We had to extend time on task for some units and manage our way through the period of the Libya crisis.¹³⁰

112. Admiral Sir Mark Stanhope further explained:

The contingent capability in the maritime sphere is the Response Force Task Group [...]. That was planned as a standard training requirement that would go into the Mediterranean and some of the units would transit to the Middle East in the early

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part of this year. We deployed that group early as a consequence of the growing crisis in Libya. In terms of its use, we worked it up in the Mediterranean and had it standing by for contingent option capability—in Libya or as required.

When the situation on the ground in Libya sorted itself it meant that we could make some judgments—we sent the remainder of that group into the Middle East for a period of time before returning it to the United Kingdom. HMS Ocean, for example, was deployed with it, expecting to be away for seven weeks; she is still on operations as contingent requirement in the Indian ocean. So our contingent requirement was available to be used for the crisis of the time. Some of it was used; some of it went on to be contingent in the Middle East.¹³¹

113. The Royal Navy contribution stressed the value of building flexibility into maritime thinking and capability: HMS Cumberland [Type 22 Frigate] made a key contribution to the safe evacuation of UK and entitled personnel from Benghazi; HMS Brocklesby [mine counter measures ship] was equally important to the underwater operations and to the mine countermeasures effort; the successful deployment of Army Attack Helicopters to HMS Ocean for the first time in live operations gave a very useful option to the Operational Commander and also proved to be an effective area of liaison with French forces; whilst the value of TLAM [Tomahawk Land Attack Missile] fired from submarines, and the 4.5inch gun and air and maritime surveillance and co-ordination from HMS Liverpool were again proven.

114. 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.

Aircraft Carrier and Harrier Force

115. The Government claimed that the success of the Libya operation indicated that the policy and decisions of the SDSR were justified, including those on enduring a capability gap on carrier strike and the decommissioning of the Harrier Force. During our inquiry, we discussed whether the UK would have deployed an Aircraft Carrier and Harrier Force if it had been available as part of the operation. This was an area of contention between witnesses during our inquiry. Other nations did deploy ships capable of carrying aircraft (US, Italy and France). The UK also deployed HMS Ocean to carry helicopters. The First Sea Lord agreed that a Carrier with Harriers would have been deployed if available but also said:

Using Libya as an example of the need, or not, for aircraft carriers can lead you to some false assumptions. If we had had a carrier with Harrier capability, as we used to, I suspect we would have used it as another option, and it might have been reactively tasked in some circumstances. But, let us be absolutely clear, it could not have provided the effect of Tornado with Brimstone and Storm Shadow. At that stage, Harrier was not capable of embarking those weapons. We would have had to have used the same effort to achieve the same effect. Of course, we had the advantage of local air basing rights and overflight rights, so we could position strike capability from Italy to be embarked into Libya. It worked—and it worked splendidly.¹³²

Nick Harvey MP, Minister for the Armed Forces, added:

If we had instead deleted Tornado at the end of 2010, the first challenge for the residual Harrier force would have been to re-engage in Afghanistan. That being so, it would have been highly unlikely that it would have been available for the action in Libya. Even if it had, it would not have had the same fire power, as the First Sea Lord has observed.¹³³

116. 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.

Munitions

117. On the attack capabilities which performed well, Air Chief Marshal Sir Stephen Dalton, Chief of the Air Staff, told us:

As far as we are concerned, the principal four weapons systems that were used all performed to an extremely high level of satisfaction in terms of their capabilities, and well above the predicted level percentage-wise, with very few exceptions. For instance, to talk about Brimstone in particular, 98.3% to 98.7% of the missiles fired went exactly as per the textbook and did exactly what we expected, so the quality of that was extremely high. The same is true, in ratio terms, of all the precision weapons that we dropped—and bear in mind that that is exactly what we require.¹³⁴

118. Admiral Sir Mark Stanhope, First Sea Lord and Chief of Naval Staff, told us about the maritime attack capabilities that had performed well:

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As far as maritime fires are concerned, the early requirement to use Tomahawk to suppress enemy air defence was proven yet again. Once you have suppressed the air defences, you can project power more comfortably from the air. Naval fires simply using the 4.5 gun, which some people have suggested was not appropriate in this modern era, was proven again in terms of the ability to put fire on the ground where necessary with some considerable precision. We had to work up our standard procedures to be able to do that, to ensure the required precision that was again necessary to guarantee the safety of life.

Not quite a naval fire, but a very important part of the ability to sustain some of the operations was the mine countermeasures vessel capability, which ensured that, when they placed mines, we were able to disable those mines to allow, ultimately, the passage of vessels in and out of Misrata. [...] ¹³⁵

119. There has been speculation that UK Forces nearly ran out of ammunition, for example, the newer version of the Brimstone missile during the operation, or that there was a stockpile of missiles in Afghanistan awaiting servicing. On 23 September 2011, the Royal United Services Institute raised concerns about supply problems for UK Armed Forces of some types of ammunition during the operation, particularly, Brimstone Missiles. It said:

Brimstone Missiles

Did UK forces nearly run out of ammunition in the Libya operation? It is a claim which has been much discussed in relation to the Brimstone missile. A new variation on this anti-armour missile is the Dual Mode Seeker Brimstone (DMSB) which makes it a laser-guided weapon with a small but very potent charge. But the military only had so many of these upgraded DMSBs, with a stockpile in Afghanistan of Brimstone that had not been used and were due for re-servicing. The supplier, MBDA, was able to increase production of the seeker heads; and other weapons were fired wherever possible. Supply then caught up with demand. But the stock of usable DMSBs was reported to have fallen to single figures at one stage. There is no question of the UK running out of munitions for this operation. Nevertheless, it ran very short of the new variant of the weapon which most suited the chosen tactics. ¹³⁶

120. Air Chief Marshal Sir Stephen Dalton told us:

In the whole area of weapons stockpiling, in the old days, [...] we would end up buying a whole stock of weapons; at the time, you needed to do that, because the production line was going to run from now to then, and stop. In today's world, what we do differently is that we make sure we have access to enough stock to meet what we think are the planning requirements in the early stages, and then we maintain a relationship with industry such that we can reorder weapons as required, when their usage starts to go up. We actually have that as part of our formal strategy and policy, and contracts are in place to do it.

135 Q 269

136 Royal United Services Institute Interim Campaign Report, *Accidental Heroes, Britain, France and the Libya Operation*, September 2011, p 6

That is exactly what we did here. As we started to use the weapons up, new weapons or converted weapons were tasked to industry to be produced and developed, and they were; they were delivered, and therefore the stockpiles were kept at a level commensurate with our operational requirements. Yes, inevitably, decisions are made on a daily, or shall I say a weekly, basis about whether we send weapons stock to this or that place, depending on where we are operating, to make sure that we keep the balance right and the required stocks in place.¹³⁷

121. Air Chief Marshal Sir Stephen Dalton further told us that the UK ordered more Brimstones when they realised they were likely to use more.¹³⁸ Part of the order included converting some of the standard missiles into “dual mode seeker” Brimstones.¹³⁹ Mr Harvey told us:

Munitions stockpile levels are classified, so I am not going to get drawn into that. We were able to sustain the effort throughout; we did not have any serious worries. [...] It [the system] operated satisfactorily throughout, without undermining what we could do in Libya or Afghanistan.¹⁴⁰

122. Air Marshal Sir Christopher Harper, UK Military Representative to NATO, reiterated that, as we discuss in the section on NATO, nations involved in the Alliance shared assets:

[...] this was an alliance operation, in which essentially the sum of the parts come together to deliver the required military effect. Therefore, any limitations suffered by an individual nation are made up for by what other members of the alliance contribute to the campaign. It was pretty widely reported that a lot of the key enablers were provided by the United States and, indeed, the debate has subsequently been opened as to whether European nations need to do more to fill the capability gap in terms of being able to have some of those key enablers for themselves. However, during this campaign, we did not suffer for lack of any particular capability. Indeed, alliance members and in particular the United States bent over backwards to make sure that we were always provided with the minimum capability required to be able to prosecute the mission as successfully as we did.¹⁴¹

Air Chief Marshal Sir Stephen Dalton told us that he was not aware of the UK having any discussions with allies concerning any shortfalls in assets or munitions.¹⁴²

123. We asked Admiral Sir Mark Stanhope if there was any removal of capability from some of the UK ships. He told us that there were no armaments used in the Libya

137 Q 255

138 Qq 255–256

139 Qq 255–256

140 Q 260

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campaign about which the UK had any concern in terms of shortage of stocks.¹⁴³ He further told us:

In deploying ships, we equip them for the mission which they are tasked for. That might be constrained with regard to the equipment placed on the ship. There are areas of risk in the positioning of ships that require us to put more equipment on board them, for instance, operations in the Arabian Gulf, where the threat levels are higher, than if we are going to operate them in the North Atlantic. Some of the vessels used for Libyan operations were not fitted with what one might call the area-specific kit, nor was it required.¹⁴⁴

124. During our inquiry, we also explored the selection of munitions for individual missions in Libya and the high proportion of precision weapons used by UK Forces which are more expensive compared to the other options or tactics that might have been used.¹⁴⁵ According to a written Parliamentary Answer on 14 September, up to 1 September 2011 “76% of weapons employed were precision guided” which included Dual Mode Seeker Brimstone, Enhanced Paveway II, Paveway IV, Storm Shadow missiles and Tomahawk Land Attack Missiles.¹⁴⁶ We put it to witnesses that other coalition members had used cheaper weapons without inflicting collateral damage or civilian casualties, as a consequence of using those weapons. Air Chief Marshal Sir Stephen Dalton, replied:

The other issue would be that, for instance, no other country had Brimstone and its dual-mode capability. The consequence of that is that those aircraft were doing very specific missions. In essence, therefore, what they achieved was unique in the overall scheme. So trying to make any comparison of that against what others were targeting [...] would be rather false unless you use something very simplistic, which is not valid, such as the cost per hour, because the effectiveness is what we are trying to achieve. [...]

[...] if you wanted to know what the cost-effectiveness of doing that was, you would very quickly get to a point where, in some cases, there was only one that could do it.¹⁴⁷

He added:

[...] you take the assets that were contributed by other nations and you then match the capabilities and weapons that those assets have to the targets that you have to go against. For instance, if we had tried to throw a squadron’s worth of F16s’ capabilities with 500 lb bombs against some of the targets that you send a Tornado with Storm Shadow in, you could have sent another three squadrons and you would not have achieved anything because it is the combination of the aircraft and the weapon that achieves the effect you want on the ground. So that is why it is not simple to do a

143 Q 264

144 Q 265

145 For details of costs of precision weapons see HC Deb, 18 October 2011, col 875W and HC Deb, 17 May 2011, cols 111–2W.

146 HC Deb, 14 September 2011, cols 1206–7W

147 Qq 292–293

quick, straightforward cost-effectiveness comparison between one aircraft and its capabilities and another and its capabilities in this sort of mission.¹⁴⁸

125. 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.

Impact on other operations and standing tasks

126. The Royal Navy and the Royal Air Force had to divert assets from other tasks and prioritise how to deploy them to undertake this operation. We were concerned that operations in Libya might have had an impact on operations in Afghanistan and standing tasks elsewhere in the world. We received the following responses to our questions:

Air Chief Marshal Sir Stephen Dalton: The overall position is that we were able to maintain all our commitments—for instance, UK air defence, air defence of the Falklands and our commitment to Afghanistan—while conducting the operation in Libya. We did necessarily prioritise where assets went on a daily basis. In some cases they were sent further east and in some cases they were kept in the Mediterranean. These are assets that are, by nature, designed to be able to flexed from one theatre to another when they are needed for the priority that they are doing. Therefore in terms of the overall ability to conduct what we are tasked to conduct as a standing set of tasks, we were able to do that without impact on the operational capability, and where we needed to move assets around we did so. Another example would be that we sometimes took TriStars off mounting air logistics deployments to make them into tankers to support the Tornados that were flying out of the UK. We backfilled that, if necessary, by using other assets. If we did not need to and we could delay the missions for the air logistic support, that is what we did. We prioritised the tasks at the time, depending on what they were.

Admiral Sir Mark Stanhope: [...] we satisfied all of our standing overseas commitments throughout this period, with the exception of that single one in the Caribbean, which we covered through other assets. We managed our way through maintaining coverage in those areas through extended deployment for some ships and by stretching the length of string that some of them were on from various focal points in the South Atlantic, where they were in the South Atlantic. [...] at the early outset of the operation, when we were still under Op Deference—the recovery of

personnel from Libya itself—we took one unit that was en route to the Falklands and put it into the Mediterranean to provide support for a short period of time. [...] we had Cumberland coming back from the Indian Ocean, which we used to provide the necessary recovery of personnel from Benghazi. We managed it for the period of the operation through flexing and stretching some of the deployment baselines.¹⁴⁹

127. 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.

Anglo-French co-operation

128. The mission in Libya was the first new operation undertaken since the signing of the Anglo-French Treaty on bilateral defence cooperation in November 2010. We asked Nick Harvey MP, Minister for the Armed Forces, for his assessment of the effectiveness of the cooperation in the Libyan operation:

I think it has undoubtedly been a significant success. Of course, in the early days we had to get used to each other's modus operandi. We had some initial difficulties in basic communications, but those were overcome. As time went on, it went from strength to strength. We are pleased to have demonstrated the ability of the UK and France to act together in a leading role in the way that we have, which is encouraging for the future. NATO allies and the US will have been encouraged by that, too. On the back of the treaties that we signed with France last year, this was a very significant achievement in improving our interoperability and working relations with France.¹⁵⁰

129. 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.

Cost of Operations

130. In a written statement on 23 June 2011, Rt Hon Liam Fox MP, then Secretary of State for Defence stated that the costs of Operation ELLAMY for the six months from mid-March to mid-September were estimated to be £120 million with the additional cost of

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replenishing munitions of £140 million. The additional costs incurred by the Ministry of Defence on Operation ELLAMY would be borne by the Reserve, and would be in addition to the core Defence budget.¹⁵¹ In a further written statement on 12 October, the figure for the whole operation, from mid-March to mid-December, was revised to £160 million with the cost of replenishing munitions remaining at £140 million.¹⁵²

131. Following the evidence session with Nick Harvey MP, Minister for the Armed Forces on 26 October, we asked the MoD for additional information on the methodology used for calculating the additional cost of the operation and the cost of replenishing munitions. We received the following response:

Our estimates for the cost of operations in Libya are on the basis of the 'net additional cost of operations' (NACMO). It includes only additional costs incurred by the MOD as a result of the operation, and excludes costs which would be incurred anyway.

Top Level Budget Holders (TLBs) are tasked to provide the MOD centre with an estimate, based on policy agreed with the Treasury, on what spending should come from the core budget, and what is NACMO. For example, included in NACMO would be: costs of additional fuel and munitions consumption; extra maintenance requirements; spares; an assessment of capital depreciation; the deployment and recovery of equipment and personnel from theatre; accommodation; operational allowances; and theatre-specific training. Excluded from NACMO would be: base salaries of service personnel and civilians involved; a base level of equipment usage, such as occurs during standard training; and most significantly the procurement costs of equipment which will stay with the MOD after the operation.

With regard to munitions, HM Treasury have agreed to provide the cost of replenishing munitions from the Reserve, and will assess any future claims on a case-by-case basis. Final costs for munitions will be contingent on future decisions regarding required stocks and estimates for the market price of munitions. Not all costs are reclaimed in year—we often replenish munitions stockpiles over a number of years.¹⁵³

We also asked for the figures on how much was spent on oil, fuel and munitions during the operation:

Fully audited figures will be produced as part of the annual accounts.

On current estimates we expect the net additional cost of the operation to include around £25 million on oil and fuel.

In October, the previous Defence Secretary provided an estimate for the additional cost of munitions of £140 million; this was based on the continuation of Operation Unified Protector until mid-December. We are now working on a new estimate

151 HC Deb, 23 June 2011, col 24WS

152 HC Deb, 12 December 2011, col 30WS

153 Ev 56–57

based on the completion of operations in October, which I will announce in December.¹⁵⁴

132. On 8 December, following the completion of operations, the Secretary of State for Defence estimated that the net additional cost of Operation ELLAMY would be £212 million. This estimate was made up of £145 million of operating costs, plus a further £67 million on the cost of replenishing. He also stated that “the fully audited cost of Operation ELLAMY will be published in the Ministry of Defence’s annual report and accounts”.¹⁵⁵

133. However some commentators have suggested that the cost was much higher. In an article in the Guardian on 25 September, Francis Tusa stated that the cost could be between £850 million and £1.75 billion (see box below for further details).¹⁵⁶

Extract from Guardian Article (25 September 2011)

Francis Tusa’s key figures were quoted as:

- "Officially", as of late August, the UK's operation has cost some £230–260-million for the 25 weeks since March 19. **The new calculations put the cost of UK operations at well over £600-million, and arguably into the £1.25 billion-plus range.** This has to come out of existing MoD reserves
- A breakdown of the costs of mounting an air operation: £35,000 per Tornado GR4 mission, £45,000 per Typhoon Eurofighter active mission
- Bombs and missiles are more expensive: £183,000 for a Brimstone missile, £50,000 per Paveway guided bomb
- A long-range extra mission including cruise missiles cost £11m
- Use of the Italian base at Gioia del Colle has cost the UK at least £10m
- Up until the end of May, Tusa estimated missions had cost around £512m
- Since then, the estimates are of another £377m—taking to it to a max figure of £950m, for air and sea operations alone.

134. We asked Nick Harvey MP, Minister for the Armed Forces, for his assessment of Mr Tusa’s costings:

You referred to an article, which I think was in *The Guardian*. I have explained that we compute costs on the basis of net additional costs, and the journalist’s calculations in *The Guardian* story appear to be his cockshy at estimating the entire

154 Ev 57

155 HC Deb, 8 December 2011, col 41WS

156 See also Ev 57–59

cost, regardless of whether some of that was cost that the Department would already have been incurring. Governments never estimate the cost of an operation on that basis, and such calculations are almost impossible to verify because there is not really a methodology for doing so. I am sorry to say that I do not recognise his figures or the logic that he has deployed to arrive at them.¹⁵⁷

135. 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.

5 Implications for future operations

136. During our inquiry we discussed with witnesses the lessons that could be learned for future operations, not just in the context of the UK's contribution but also for the future of NATO and the UN. In evidence we heard that both NATO and the UK were committed to holding 'lessons learned' exercises for the Libyan operation. Other countries such as France are also carrying out similar exercises.¹⁵⁸

NATO Lessons Learned Exercise

137. Prior to the end of operations, at his monthly press conference on 5 September 2011, Anders Fogh Rasmussen, NATO Secretary-General, said that NATO could start learning the first lessons from the operation:

Most of those lessons are positive. [...] First, the crisis shows NATO's flexibility. Nobody saw it coming. But NATO decided to act within 6 days. We set up the operation. And we adjusted it when we needed to.

Second, it shows NATO's openness. We were joined by partners old and new. From the Middle East and Northern Europe. We agreed what needed to be done. We agreed how to do it. And we did it. Because our partners know us, they trust us, and they are ready to work with us.

Third, it shows NATO's strength. This was the first Alliance operation where European Allies and Canada took the lead. And the Alliance got the job done. European Allies and Canada led the effort. But this mission could not have been done without capabilities which only the United States can offer. For example: drones, intelligence and refuelling aircraft. Let me put it bluntly: those capabilities are vital for all of us. More Allies should be willing to obtain them.

That is a real challenge. And we will have to find the solutions at the next NATO Summit in Chicago.¹⁵⁹

138. We pursued the lessons that NATO could learn from the operation at our evidence session with UK Permanent Representative to the North Atlantic Council and the UK Military Representative to NATO. Air Marshal Harper, UK Military Representative to NATO, outlined how the NATO's formal lessons learned process would be carried out:

The lessons-learned process itself will be conducted by the joint alliance lessons-learned centre in Portugal, which is an Allied Command Transformation organisation. I am confident that it will indeed tackle every single part of the system in drawing together its conclusions. I know that the SACEUR, Admiral Stavridis, and the SACT, General Abrial, are keen that there should be an efficient and swift

158 Qq 191–194 & Q 197

159 NATO Secretary General Monthly press briefing, 5 September 2011. Available at: www.nato.int/cps/en/natolive/opinions_77640.htm

process, so that we do not lose momentum in learning these lessons and applying their results.¹⁶⁰

139. We have already mentioned the speed with which NATO reacted to developments in Libya and to the interaction with non-NATO states (see paragraphs 74 and 81). Another positive lesson identified by Mariot Leslie, UK Permanent Representative to the North Atlantic Council, was “the value of minimising civilian casualties and the positive effect that that had on the politics of the operation, both inside and outside the Council”. She added that although the conflict was ongoing [at the time of the evidence session] there might also be lessons for NATO from the way in which the conflict ended.¹⁶¹

140. Mariot Leslie and Air Marshal Harper agreed that the capability gaps highlighted by the operation and the over-reliance on the US for particular capabilities were areas for concern that NATO had to address. Air Marshal Harper said:

On the perhaps negative side, Libya has highlighted capability gaps. The gap in our ability to project a mission at this sort of range in these circumstances can only be filled at the moment by those capabilities held by the United States. As we described earlier, there are steps in place to try to address those gaps, and they are being given the right sort of priority.¹⁶²

141. Other witnesses’ views of the success of the mission suggested that the operation raised additional challenges for NATO which needed to be addressed. In their interim report on Libya, the Royal United Service Institute noted that the operation in Libya “reflected a number of new and sometimes novel, political and military elements”,¹⁶³ and:

The relationship between the United States and its other NATO partners is unlikely to remain unaffected by this crisis. Ambiguity over the command arrangements, the extensive back-up support that US assets had to provide, and the overt political splits in the alliance, even while it was acting as the military arm of the United Nations in enforcing Resolution 1973, saw NATO acting in a way it had never done before. [...]

If future NATO operations are likely to be as ambiguous and vulnerable as this one; success in this case principally dependent on the determination of France and Britain to act militarily, then bilateral and trilateral defence relations between the key European players may loom much larger in the future than their commitment to NATO, as such.¹⁶⁴

142. Professor M J Williams, Visiting Professor of Government at Wesleyan University, was critical of the NATO alliance:

[...] The Americans ostensibly ‘handed off’ the Libya mission to Europe, but they remained deeply involved. [...] NATO is at the very least a two-tiered alliance. Any

160 Q 194

161 Q 191

162 Q 194

163 Royal United Services Institute Interim Campaign Report, *Accidental Heroes, Britain, France and the Libya Operation*, September 2011, p1

164 *Ibid*, p 13

pretense that the Alliance is based on mutual solidarity is rubbish. Libya reinforced a division evident since the late 1990s. The UK must consider the impact of a multi-tiered NATO on future policy. [...]¹⁶⁵

143. 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.

UK Lessons Learned Exercise

144. In a statement to the House of Commons on 5 September 2011, the Prime Minister announced that Sir Peter Ricketts, the National Security Adviser, would lead a lessons learned exercise in respect of operations in Libya:

Of course, after any such conflict and an intense period of military, Government and humanitarian activity, it is right to learn the lessons. Sir Peter Ricketts, my national security adviser, will be leading a lessons-learned exercise on how the Whitehall machine operated and what lessons we can learn. That should include the operation of the oil cell, which I think did a very good job of trying to help deny oil to the regime and to make sure that the rebels, who were not getting oil products, got them.¹⁶⁶

145. In their evidence to us, the UK's Permanent Representatives to the UN and North Atlantic Council and the UK Military Representative to NATO told us that they expected to be consulted as part of the review.¹⁶⁷ The National Security Adviser's review was published on 1 December 2011 and covered the period of military action in Libya (19 March to 31 October 2011) and some of the key events in the lead up to military action.¹⁶⁸ The review focused on "how the central co-ordination mechanisms worked through the crisis" and covered seven key functions:

- Strategic direction/decision making
- Operational co-ordination and implementation
- Humanitarian response

¹⁶⁵ Ev w5

¹⁶⁶ HC Deb 5 September 2011, col 29; further information on the exercise was given at HC Deb, 12 September 2011, cols 983-4W

¹⁶⁷ Qq 121 & 191

¹⁶⁸ *Libya Crisis: National Security Adviser's Review of Central Co-ordination and Lessons Learned*, 1 December 2011. Available at: www.number10.gov.uk/news/report-on-libya/

- Stabilisation planning
- Co-ordination with Allies
- Informing Parliament
- Strategic communications¹⁶⁹

146. The review concluded that “overall the central co-ordination mechanisms worked well” and highlighted 14 specific areas.¹⁷⁰ However the review also stated that the “campaign highlighted a number of lessons for handling future conflicts, including:

- initial delays and other problems with the consular evacuation from Libya, which are reflected in the Review of Consular Evacuation Procedures¹⁷¹ which the FCO published on 4 July. The first priority in any crisis is likely to be effecting the safe extraction of those UK nationals who want to leave, as early as possible. The FCO is taking forward the recommendations identified in its Review;
- integrating better economic analysis and policy more prominently at the early stages of conflict planning;
- establishing a clear cross-Government process on UNSCRs, led by a senior FCO official, to maximise the effectiveness of sanctions and evaluate options while retaining the flexibility necessary in fast-moving international negotiations;
- the UK should 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;
- being ready to review long-standing policies, such as recognition of States not Governments, even where deeply engrained;
- bringing the Strategic Communication Steering Group (SCSG) into the Cabinet Office to support the newly-formed NSC communications team;
- the importance of establishing a clear operating rhythm as quickly as possible to balance the frequency of meetings against the need for sufficient time to implement Ministerial decisions; and
- briefing situation reports to Ministers more efficiently through e.g. a single dedicated oral briefer supported by a single integrated written update”.¹⁷²

147. 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

169 *Libya Crisis: National Security Adviser's Review of Central Co-ordination and Lessons Learned*, 1 December 2011, p 5. Available at: www.number10.gov.uk/news/report-on-libya/

170 *Ibid*, p 3–4

171 Available at: www.fco.gov.uk/resources/en/pdf/consular-evacuation-review

172 *Libya Crisis: National Security Adviser's Review of Central Co-ordination and Lessons Learned*, 1 December 2011, p 4. Available at: www.number10.gov.uk/news/report-on-libya/

part of this exercise. We note that the review stated that “overall the central co-ordination 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.

148. 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.

149. We pressed the Minister on whether the lessons learned exercise would include a calculation of the costs of the operation and an assessment of the cost effectiveness and value for money of the assets deployed during the operation, including comparisons with those of NATO allies. He responded:

It is a perfectly legitimate question and, as part of the lessons-learned exercise, we will most certainly be scrutinising questions of cost. On the particular point that you are making, where you suggest it would be a valid comparison to look at the costs of sorties made by the RAF against those made by other nations, such a comparison would only be valid if you were comparing like with like.¹⁷³

150. 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.

Conclusion: a successful operation?

151. When we asked Nick Harvey MP, Minister for the Armed Forces, for his assessment of the operation, he said:

I think by any objective measure, the operation as a whole and UK involvement in it should be judged a success. [...]

We have played a leading role on the military, diplomatic and humanitarian fronts. Militarily, we flew a fifth of all the air strikes, launched more than 50 helicopter missions from HMS Ocean and helped to enforce the maritime embargo and ensured that the sea lanes were free from threats to allow humanitarian aid to be delivered, which was particularly relevant in Benghazi and Misrata. I think that by all measurements it has been a success for the UK and a success for NATO. It has

demonstrated our expeditionary air, maritime and amphibious capabilities and we have shown our Armed Forces in the way we wanted to project them—as flexible, adaptable and able to sustain operations and routine defence commitments worldwide, using allies and allied basing facilities where appropriate.¹⁷⁴

152. When asked what had not gone so well, he responded:

We do not think from this that anything went conspicuously badly... It has certainly been the case throughout that we have been quite stretched as an alliance in terms of the intelligence picture with which we were working. There have been challenges in terms of air-to-air refuelling, for example, but in all instances, we have managed, working with allies, to deploy different bits of different nations' capability to make it work. I think that there is no conspicuous failure that we are chastising ourselves about, but it would be surprising if a lessons learned exercise did not distil for the future some practices that could improve another time.¹⁷⁵

153. Commodore Steven Jermy, a recently retired naval officer, was more critical in his assessment of the mission:

Events, and Her Majesty's Government's actions in Libya suggest that the UK has still not recovered its ability to think and act strategically in pursuit of the national interest. Although, at the time of writing, the campaign appears to have taken a more positive turn, this may be temporary, and very possibly more to do with good luck than with good strategy. Luck—good and bad—very often plays an important role in operations and war, and we should naturally be prepared to ride good luck. But equally, we should also work to understand how to improve our strategy-making and, thus, our overall strategic performance.¹⁷⁶

154. Professor M J Williams, Visiting Professor of Government at Wesleyan University, was also concerned that the operation had shown that the UK and other European allies remained dependent on the United States at a time when that country was changing its foreign policy and defence focus, that UK resources had been stretched by the operation and that the UK had been lucky that the operation had ended when it did.¹⁷⁷

155. 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.

156. 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

174 Q 196

175 Q 197

176 Ev w1

177 Ev w4–5

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.

Formal Minutes

WEDNESDAY 25 JANUARY 2012

Members present:

Mr James Arbuthnot, in the Chair

Mr Julian Brazier
Thomas Docherty
John Glen
Mr Dai Havard

Mrs Madeleine Moon
Sir Bob Russell
Bob Stewart

Draft Report (*Operations in Libya*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 156 read and agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report with written evidence reported and ordered to be published on 12 and 26 October and 15 November 2011.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 31 January at 2.00 p.m.]

Witnesses

Wednesday 27 April 2011

Page

Rt Hon Liam Fox MP, Secretary of State for Defence, **Major General D A Capewell OBE**, Assistant Chief of the Defence Staff (Operations), and **Mr Peter Watkins**, Director of Operational Policy, Ministry of Defence

Ev 1

Wednesday 12 October 2011

Sir Mark Lyall Grant KCMG, UK Permanent Representative to the United Nations, **Christian Turner**, Director, Middle East and North Africa, and **Cathy Adams**, Legal Counsellor, Foreign and Commonwealth Office

Ev 14

Mariot Leslie CMG, UK Permanent Representative to the North Atlantic Council, and **Air Marshal Sir Christopher Harper KBE**, UK Military Representative to NATO and EU

Ev 23

Wednesday 26 October 2011

Nick Harvey MP, Minister for the Armed Forces, **Admiral Sir Mark Stanhope GCB OBE ADC**, First Sea Lord and Chief of Naval Staff, **Air Chief Marshal Sir Stephen Dalton KCB ADC**, Chief of the Air Staff, and **Lieutenant-General Richard Barrons CBE**, Deputy Chief of the Defence Staff (Operations), Ministry of Defence

Ev 35

List of printed written evidence

1	Ministry of Defence	Ev 53
2	Letter from Rt Hon David Cameron MP, Prime Minister, to the Chair, Rt Hon James Arbuthnot MP	Ev 57
3	Francis Tusa	Ev 57
4	Letter from Peter Luff MP, Minister for Defence Equipment, Support and Technology, Ministry of Defence	Ev 59

List of additional written evidence

(published in Volume II on the Committee's website www.parliament.uk/defcom)

1	Commodore Steven Jeremy RN	Ev w1
2	Professor M J Williams	Ev w4
3	CJA Cope, Political Editor, Warship World Magazine	Ev w7
4	Keep Our Future Afloat Campaign (KOFAC)	Ev w10
5	Mike Young, Decision Workshops Ltd	Ev w13
6	Raytheon UK	Ev w18
7	Patrick M Lavender, former United Nations FAO Legal Adviser	Ev w20
8	Admiral Sir John Woodward GBE KCB and colleagues	Ev w21
9	Chris Coverdale, on behalf of the Campaign to Make Wars History & Stop the War Coalition	Ev w69
10	Squadron Leader R T Snare, RAF (ret'd) FRAes	Ev w70

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Special Report	The Comprehensive Approach: the point of war is not just to win but to make a better peace: Government response to the Committee's Seventh Report of Session 2009–10	HC 347
Second Special Report	The contribution of ISTAR to operations: Government response to the Committee's Eighth Report of Session 2009–10	HC 346
Third Special Report	Ministry of Defence Annual Report and Accounts 2008–09: Government response to the Committee's Fifth Report of Session 2009–10	HC 353
First Report	The Strategic Defence and Security Review	HC 345 (HC 638)
Fifth Special Report	Defence Equipment 2010: Further Government Response to the Committee's Sixth Report of Session 2009–10	HC 898
Second Report and First Joint Report	Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Report for 2010, licensing policy and review of export control legislation	HC 686 (Cm 8079)
Third Report	The Performance of the Ministry of Defence 2009–10	HC 760 (HC 1495)
Fourth Report	Operations in Afghanistan	HC 554 (HC 1525)
Fifth Report	Ministry of Defence Main Estimates 2011–12	HC 1373 (HC 1528)
Sixth Report	The Strategic Defence and Security Review and the National Security Strategy	HC 761 (HC 1693)
Seventh Report	The Armed Forces Covenant in Action? Part 1: Military Casualties	HC 762
Eighth Report	Ministry of Defence Annual Report and Accounts 2010–11	HC 1635

Oral evidence

Taken before the Defence Committee on Wednesday 27 April 2011

Members present:

Mr James Arbuthnot (Chair)

Mr Julian Brazier
Thomas Docherty
Mr Jeffrey M. Donaldson
John Glen
Mr Dai Havard

Mrs Madeleine Moon
Penny Mordaunt
Bob Stewart
Ms Gisela Stuart

Examination of Witnesses

Witnesses: **Rt Hon Liam Fox MP**, Secretary of State for Defence, **Major General D A Capewell OBE**, Assistant Chief of the Defence Staff (Operations) and **Mr Peter Watkins**, Director of Operational Policy, Ministry of Defence, gave evidence.

Q1 Chair: Secretary of State, welcome to the Defence Committee's inquiry into operations in Libya. Since you were in the United States yesterday, we are grateful to you for coming in so soon after what was presumably a long and gruelling flight.

Before we begin, I will make a general announcement about jackets. I never make an announcement about whether people have to wear jackets, but they don't have to, so anybody who wants to remove their jacket, please do.

Secretary of State, please will you introduce your team. It is hardly necessary, but nevertheless please do so.

Dr Fox: Thank you, Chairman. It gives me great pleasure, of course, to introduce my fellow witnesses. They are the Assistant Chief of the Defence Staff for Operations, Major General David Capewell, who the Committee knows well, and the Director of Operational Policy, Peter Watkins, who the Committee might know even better.

If I may, I would like to say a few words before we begin questioning, Chairman.

Q2 Chair: With what in mind exactly?

Dr Fox: If I may, I just want to set out one or two brief points about how we see this session and the shape that we are currently in.

Q3 Chair: This session being this evidence session?

Dr Fox: This evidence session.

Chair: Okay.

Dr Fox: To set the scene, Chairman, Britain is taking an active role in international efforts to protect civilians in Libya. We do so under the full and unambiguous authority of the United Nations and as part of a broad coalition which includes Arab nations among its number. As the Foreign Secretary told the House of Commons yesterday, 16 nations are contributing aircraft or maritime assets to the region under UN Security Council Resolution 1973. In total, 34 nations are either providing or offering various kinds of support, including military, allowing over-flights, logistical or financial support and humanitarian relief. We have worked closely across

Government through the National Security Council and internationally to ensure that military activity is but one of a range of measures that continue to be taken to maintain the pressure on Colonel Gaddafi's regime.

We continue to engage closely with our coalition partners. For example, yesterday, as you said, Chairman, I visited Washington to discuss the issues with US Secretary of Defense Robert Gates. In the last few weeks I have visited Qatar, the UAE—twice—Italy, Cyprus and France, and the US yesterday. I am sure that the Committee wants to join us in paying tribute to the skill, bravery and professionalism of the men and women of the UK and our allies' Armed Forces, who are making such a significant contribution to the operation in Libya. This is an active and fluid operation and it is an evolving campaign.

Q4 Chair: Can I stop you, please? Do bear in mind that the Foreign Secretary made a statement to the House of Commons yesterday. I think we are aware of the background to all of this. I am sure that the things that you have there to say will be adequately brought out in the questions that we will wish to ask, but—

Dr Fox: May I just add one point, Chairman? This is an active and fluid operation in an evolving campaign. The messages that come out of this session this afternoon will resonate with our Forces and with the Gaddafi regime. I hope the Committee will understand that there are areas of information which we could probably give more completely, but to make public too much information operationally at this time could prejudice our efforts in Libya.

Q5 Chair: Yes. Thank you very much for making that point, because I think it is extremely important, and I am sure the Committee will bear it in mind in the questions that we ask and the tone that we adopt in what we ask.

I should like to begin by asking about the issue of taking sides. It seems to me that we are taking sides. Do you agree that that is the impression that is being

27 April 2011 Rt Hon Liam Fox MP, Major General D A Capewell OBE and Mr Peter Watkins

given, or would you suggest that we are not taking sides?

Dr Fox: Absolutely the contrary. We are taking sides. We are taking the side of the civilians. That is what the UN Resolution is asking us to do. The civilians are being attacked by their own Government. It is incumbent upon us under the UN Resolution to protect them. To that extent, of course we have to take a side. Are we investing in a policy that has a predetermined view as to what the Government of Libya ought to be? No.

Q6 Chair: If we are taking that side, what are we doing to ensure that that side wins?

Dr Fox: It is not a question of—if you mean by side—either the regime or the opposition forces. What is incumbent upon us under UN Resolution 1973 is to ensure that the population is protected. Everything that we have done in recent weeks to achieve that—by degrading the military capabilities of the regime, by directly targeting their assets where they threaten the civilian population, by pushing them back as we did from Benghazi and what would have been a humanitarian catastrophe, by damaging their ammunition dumps, by degrading their fuel supplies, by making their logistics much more difficult, by degrading their command and control—all of these things are means by which we intend to diminish the ability of that regime to harm the civilian population.

Q7 Chair: The worry that I think was expressed by Bob Ainsworth in the House of Commons yesterday was that we are doing enough to make sure that the fighting goes on, but not enough to make sure that it comes to an end.

Dr Fox: There has been some talk, as the Committee is aware, of the concept that we are in a stalemate. I dealt with this issue yesterday in the United States. Over the last few days, we have seen opposition forces make significant gains in Misrata. It is not yet clear whether they in fact control the city; the situation remains a little confused there. We have seen the Italians decide to contribute ground attack aircraft for the first time. We have seen the Kuwaitis donating money to the opposition forces. We have seen ourselves and others with mentoring groups in Benghazi.

I think there is a danger in extrapolating the events of any one short period of time into the wider shape of a campaign. If we look back to where we were before the intervention, when it was entirely possible that the regime would launch a humanitarian catastrophe upon the people of Benghazi, and to where we are today and the military capability of that regime, we will see that we are a long way away from that starting point, so I do not recognise it as a stalemate and I think that we have made considerable progress.

If we look, for example, at the speed at which NATO was able to put together its command and control, we will see, I think, that it has been considerably faster than in previous conflicts. The fact that we have been able to assemble such a broad coalition with such a high level of firepower, including Arab countries, in that coalition has been a major achievement. I think that politically, economically, diplomatically and

militarily, we are moving forward, so I don't accept the suggestion that not enough is being done.

Q8 Chair: So you don't accept that it is a stalemate. When you were in the United States yesterday, did you tell Admiral Mullen that he was wrong?

Dr Fox: When I was interviewed, it was, I am quite sure, within earshot of Admiral Mullen. A moment ago, I made my view perfectly clear that when Admiral Mullen talked about it, he was talking in the context of last week. Since then, especially over the last 72 hours, we have seen a number of factors move in favour of the coalition. But as I said at the very outset, this is a fluid situation. We must always be careful not to look at the situation at any one time and extrapolate forwards and assume that that is what the future is going to look like.

Q9 Chair: We will come back to some of these issues during the course of the afternoon, but I think that that is helpful. We know that you have to go at 4 o'clock. There will probably be a vote in the House of Commons at 4 o'clock anyway, so this is time limited. Unless you have something essential to add, General Capewell, I hope you won't mind that I call Jeffrey Donaldson.

Q10 Mr Donaldson: Secretary of State, the UN Resolution permits all necessary measures to be taken to protect civilian life, but it also excludes a foreign occupation force in any form. What do you see as the limitations of the UN Resolution?

Dr Fox: We are quite clear that all necessary measures are subject to the test of being reasonable and proportionate to protect the civilian population, and I think that what we have done has always fallen within that. There are, of course, limitations to what can be achieved by air alone; we have always accepted that and it was accepted when the UN Resolution was passed and the no-fly zone was created, but our aim was not to impose upon the people of Libya a particular form of government. Our aim was to protect the civilian population. I go back to the whole aim of what we are trying to achieve in Libya, which is to ensure that men, women and children can sleep safely in their beds knowing that they will not be attacked by Gaddafi's forces. Everything that we have done has been with that in mind.

We have been extraordinarily careful on two fronts. One is to accept that in achieving the aims, we must at all times minimise the chance of civilian casualties. There are those who have said, and who have said to me when I have visited other countries, "Could we not have done more more quickly by air?" The answer is yes, but to do so would only have been possible if we were willing to accept greater collateral damage and higher risk of civilian casualties. Apart from the argument of being on the high moral ground and having a higher respect for life than Gaddafi clearly does, it has also been essential in maintaining the coalition internationally, not least with the Arab countries, that we have shown that respect for minimising civilian casualties. We have been very clear that there is a limitation on what we can do there. Likewise, when it comes to our mentoring groups, we

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have been very clear to point out that these groups are there to give greater organisational capability, to help with logistics and to help with communications. At all times, we have been very careful to act within the advice given to us by the Attorney-General about what actually is lawful, and what is not, under the UN Resolution.

Q11 Mr Donaldson: Of course, there are civilians who have no bed to sleep in at the moment, because in the west of the country they are moving towards the Tunisian border. There is the possibility of having to create some form of safe haven for those civilians. In your view, would the deployment of troops to help create and protect those safe havens for civilians—as the fighting in the west intensifies, the prospect of this happening increases—and the deployment of troops for humanitarian purposes to safeguard civilian life on the border with Tunisia be within the terms of the Resolution, or would you have to seek a new mandate?

Dr Fox: That is something on which we would have to seek advice, on a case by case basis, from the Attorney-General. The basis on which we operate is this: if there is any new development that we believe is different from that which has gone before, we would seek advice from the Attorney-General as to what form that may take. That is not a question that we have yet put to the Attorney-General, but I accept that it is something that we may have to look at.

Q12 Mr Donaldson: Have we got troops to deploy, if we need to?

Dr Fox: There is no intention to deploy any British troops on the ground in Libya.

Q13 Mr Donaldson: Even for humanitarian purposes?

Dr Fox: We have no intention to deploy British troops in Libya.

Q14 Mr Donaldson: Does the UN Resolution permit, under the current mandate, the Coalition Forces to target Colonel Gaddafi?

Dr Fox: We first of all, of course, do not talk about specific targeting, but we have made it very clear that we believe that the Resolution and all necessary measures to protect the civilian population very clearly allows us legal justification to target command and control assets. Where members of the regime may be involved with those command and control assets, they take risks in doing so. Our aim is to reduce the capability of the regime to make war on its people. We do not discuss individual targets, but we make it very clear what the general case is, and those involved are capable of understanding that.

Q15 Mr Donaldson: My question is simply this: would the UN Resolution permit it, if it were to be considered?

Dr Fox: Well, that again is a question for the Attorney-General; it has not come up, because we have not discussed that particular question. We have made it very clear that we are dealing with command and control assets. To make that a little clearer, when

people talk about Colonel Gaddafi's compound in Tripoli, for example, it seems to have the aura in the media of some sort of holiday villa; what we are talking about are reinforced areas that are being used for command and control of military assets, where an accommodation facility may happen to be incorporated within it. We are clear that our job is to degrade the regime's ability to make war on the people of Libya. We will continue to do so, and the resolve of the Alliance is undiminished.

Chair: You talked about the legal advice. Gisela Stuart.

Q16 Ms Stuart: I very much welcome that on previous occasions the Government made that advice available to Parliament. Will you undertake to make the subsequent advice available to Parliament, as it seems to be quite crucial to the decisions you will be taking?

Dr Fox: I will certainly discuss that with my Cabinet colleagues. That obviously has to be a collective decision. We of course did not make the legal advice available; we gave a summary of the advice. I know that may sound like semantics, but the Committee understands the complexity of the history of this issue. It has been the Government's intent throughout to make very clear the basis on which we are operating. If there were to be issues that were different from those that we have previously set out in summary, I will certainly give an undertaking to consult with my colleagues about whether the Government feel it necessary to make such information available.¹

Q17 Mrs Moon: What exactly does the NATO mission in Libya aim to achieve? Has that been agreed among the NATO partners? What have you clearly defined as your aim?

Dr Fox: The UK aims, if I may begin with those, are for the protection of civilians, for Gaddafi to comply with UN Resolution 1973 and for the Libyan people to have the opportunity to choose their own future. Those are fully in line with NATO's objectives, which are to protect civilians and civilian population areas under threat of attack by the regime, to implement a no-fly zone to protect civilians and to implement the arms embargo. Those aims are set out clearly under the UN Resolutions.

Q18 Mrs Moon: You said that it was for the people of Libya to choose their own regime, so is regime change a goal? Is that something that you are actively working towards?

Dr Fox: Regime change is not part of the UN Resolution.

Q19 Chair: Neither is choosing their own future, is it?

Dr Fox: But I would have thought that a very clear aim for all of us is that the free decision of people to determine their own future is something that we would want to see. I would have hardly thought that required incorporation into the Resolution; I would have thought that to an extent it was self-evident. But it is clear that regime change would be a major policy

¹ Ev 57

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initiative, and one that is not signed up to in the Resolution.

Q20 Mrs Moon: Are we giving mixed messages? I have just looked at the Libya letter from Obama, Cameron and Sarkozy, in which it is suggested that they cannot imagine a future for Libya with Gaddafi in charge. Is that not tantamount to saying that we are looking for regime change?

Dr Fox: The sentence before that makes it very clear. It states, "Our duty and our mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Gaddafi by force. But it is impossible to imagine a future for Libya with Gaddafi in power." That very much echoes the views that have been put forward by the opposition forces themselves. They have already witnessed two unilateral ceasefires put forward by Gaddafi, during which time the population were still being slaughtered, so I can understand how they feel about having little faith in the word of a man who has broken it so frequently in the past.

Q21 Mrs Moon: I can understand that too, but what I cannot understand is the almost dual-speak where one minute we are saying that regime change and targeting of individuals is part of our mission and then we are saying that it is not. Which is it?

Dr Fox: It is also very important to apply psychological pressure to the regime. One of the ways in which we could hasten the end of this conflict is for the regime itself to recognise that there is no long-term future. As long as Colonel Gaddafi believes there is a future, he is likely to want to continue the conflict. It is essential that we send clear messages that he is despised by many of his own people, he is isolated internationally and there is no future for his regime. If he continues to believe that there is such a possibility, it is likely that the conflict will continue.

Q22 Mrs Moon: But equally, if he believes that if he loses power he will be taken before the International Criminal Court, that gives him no reason for ever thinking of leaving Libya and finding a safe haven elsewhere.

Dr Fox: That argument is regularly put, but I would put the converse: do we really want a situation in which we give some of those who commit the most heinous crimes against humanity a get-out by saying, "If you'll only stop fighting, we'll let you go and you'll not be subjected to international law"? It is essential that in the longer term the International Criminal Court has not only a long reach but a long memory.

Q23 Mrs Moon: Can I be clear? The NATO allies are in agreement with the key aims of the mission. Is the Arab League in agreement with those aims?

Dr Fox: The Arab partners who are with us are clearly operating under the NATO aims and rules, including the NATO mission, command and targeting. The aim of our contact group is to ensure that as many of the countries in the region as possible come within the broader political umbrella of support. That is one of the ways in which we show that this is not "the west"

trying to impose a solution on Libya, but a broader coalition of nations that see a people who want to be free being brutally suppressed. This is the international community responding accordingly. It is one of the great achievements in Libya that we have kept so many of the Arab countries with us and that so many have been willing to become part and attend the contact group.

Q24 Mrs Moon: Are we at risk of a stalemate between the Libyan Government and the opposition forces? What more do you think NATO can do within the current mandate to ensure that we do not end up with a constant stalemate, with no one achieving a major amount of power?

Dr Fox: Well, as I have already said, I don't think that we are in a position of stalemate. We have seen substantial progress being made in some areas in recent days, although it may not be as fast as people might have liked or hoped for. However, when we see more countries still being willing to commit themselves to ground attack—the decision by Italy should be hugely welcomed; when we see the progress that has been made in Misrata—we have all seen the pictures of the dreadful humanitarian misery; and, when countries such as Kuwait are willing to come forwards as one of the countries in the region to commit funding, then we are seeing some movement. When we are seeing the US drones, for example the armed Predator, coming into use and when we are seeing targeting in Tripoli of command and control close to the centre of the region's power base, those are all reasons to assume that this is not a stalemate.

Q25 Mr Havard: As part of this, how will you judge and when will you know that you have achieved what it is that you are supposed to achieve? I am not looking for a date. That would be an impossible, ridiculous question. What do you see the process being by which you make that evaluation and you make that judgment? What discussions are you having with your international collaborators in the NATO-plus coalition to decide what the process and method is for deciding the exit strategy and, particularly, the military component of the exit strategy? How will you decide it?

Dr Fox: I am sure it is possible to give a date, but the only person capable of doing so is Colonel Gaddafi, in terms of when he stops waging war on his own population. Our strategy is clear: militarily, to continue the UN enforcement until the threat to civilians is lifted and, politically, to support the Libyan people in choosing their future. Those criteria, and therefore the date, need to be measured by the regime's actions, not Gaddafi's words. We have already heard him say that he is having a ceasefire, but we have not seen that. Even when, a couple of days ago, he was talking about pulling out of Misrata so that the tribes could get involved, we saw the continued shelling of the city. We will judge him and the subsequent actions that we have to take.

There will be those who say, "Does the coalition have the nerve, the guts, and the commitment to see through this campaign?" The message that I want anyone who is sympathetic to, or involved in, the

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regime to hear clearly today is that the international community understands what it has been asked to do and what its duty is. Its resolve will not falter until we have achieved militarily and politically what I have just set out.

Q26 Mr Havard: I suppose the answer to my question is that you will know it when you see it. How are you going to decide that? There is a varied coalition of people involved. Some may wish to make that judgment earlier than others. What is the discussion within the contact group or the NATO targeting processes or whatever about a common, agreed process to make such a decision?

Dr Fox: Well, of course, one side of that is relatively simple, which is that it will be when the civilian population are safe, and are neither being shelled, nor is there the ability to do so quickly. For example, I do not regard it to be a ceasefire if there is a tank at the end of the street pointing at me, which is just not firing during that hour. That is not safety for the civilian population. We will have to ensure that the forces do not threaten them and that they are not capable of inflicting that. As you say, that is, to an extent, self-evident. The allies are clear about that, and our focus is on the implementation of UN Resolution 1973, which lays out the very clear conditions that need to be met, including an immediate ceasefire, a halt to all attacks on civilians and full humanitarian access to all those in need. Those criteria, we believe, will fulfil UN Resolution 1973.

Q27 Mr Havard: But in that respect, it will not just be the actual coalition of actors prosecuting the mandate who will be part of the process, but presumably the UN itself in some fashion in evaluating, when it says, "Your bit is done. We now move to phase 2," or whatever.

Dr Fox: Nothing would please us more than for the kinetic element to be over, and for us to be able to focus on UN assistance to the humanitarian effort and to the rebuilding politically and otherwise of Libya. As to when that can happen, I go back to the point: ask Colonel Gaddafi, rather than me.

Mr Havard: If I see him, I will.

Q28 Mr Brazier: Secretary of State, we have already provided the Libyan opposition with body armour and communications equipment. We and the French have now provided a small number of officers as advisers. Presumably you are satisfied that that falls within the provisions of Resolution 1973. Is that the first step towards directly arming the opposition, and would that fall within the current UN Resolutions?

Dr Fox: No, it is not a first step. We have been careful that this is mentoring, not training. As I said, that comes inside the legal advice we get to make sure that we are always very safely inside Resolution 1973. Our mentoring role is to ensure that the opposition forces are able to organise themselves better, that their logistics are better and the communications are better. We believe that that is vital to their stated role and their ability to help protect the civilian population better. So it is not a first step, nor is it intended to be.

Q29 Mr Brazier: You have made a distinction. Some people would say that it is a distinction without a difference, but rather than argue that, may I ask whether you think the Libyan opposition is actually sufficiently organised and trained to be able to make proper use of the equipment that it has and the relevant equipment that we are giving it?

Dr Fox: We know that those on the opposition side are a very disparate grouping. They are not trained military, as we have seen from our TV pictures. I saw yesterday a geography teacher, a doctor and others discussing how they had taken up arms to protect their families and their communities without training so, clearly, they are at a disadvantage in that sense. But I go back to the point that I made at the outset: we are not there to be involved in choosing a side that will govern Libya ultimately. We are there to protect the civilian population. We judge that, as part of the protection of the civilian population, to give those opposition forces greater capabilities in terms of organisation, logistics and communications is well within what we believe we are able to do. In terms of training and supplying weapons, there is clearly an arms embargo that applies to two sides.

Q30 Mr Brazier: The logic is unassailable, Secretary of State. The question is whether it will deliver something that will resolve the impasse. The official phrase for the National Transitional Council is the legitimate, political interlocutor, but is the NTC a sufficiently unified and organised entity to represent a realistic government for the country, something that can pull together a current military struggle, a future bombed-out economy and the rest of it?

Dr Fox: If I may, I will ask Peter Watkins to say something about that. Let us be frank about the conflict. If we want to see our objectives achieved, one would be seeing a military force capable of taking on the regime. We have made it very clear that we are not in business for that. That is not what the resolution allows us to do. It is not within the aims of the United Kingdom or NATO. If we want to change the equilibrium none the less, the way to do that is to degrade the regime and, hopefully, bring about a change in the behaviour of the regime vis-à-vis the civilian population, and that is the option open to us by our continued use of air power and the degradation of the assets of the Gaddafi regime. It is clearly the path that we have chosen to take within the legality set out by the UN Resolution, but I think that Peter can give an answer to the more detailed question of the Transitional Council.

Mr Watkins: I think it is true to say that the ITNC faces huge challenges. We have now had a diplomatic mission alongside them for about three weeks, and we have been getting to know them through that process. We think they could potentially become an organisation that, as you say, represents all of Libya. They have been quite careful to ensure that they have representatives not only from the eastern part, but also from Misrata and the western towns and so on. There are some experienced people there, such as Mr Jalil, for example, the former Justice Minister, and there are others with a range of skills. Their programme is one that we would find admirable. They seek to establish,

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over time, a representative government, to move towards elections and so on. We think that they have the right aspirations and, potentially, the capability, but I won't pretend that they don't face huge challenges as well.

Q31 Chair: In relation to the body armour, was it supplied to the opposition forces with any restrictions on whether it was used by civilians?

Major General Capewell: A thousand sets, no restrictions, for distribution by the ITNC.

Dr Fox: The provision of body armour is permitted under the non-lethal military equipment exception to the arms embargo under operative paragraph 9(a) of Resolution 1970, but it does require prior approval from the Sanctions Committee set up under that Resolution. Given the pressing nature of the requirement and the provisions that the Committee has already referred to under operative paragraph 4 of Resolution 1973, it was determined that an immediate dispatch of the equipment was the most appropriate course of action. It was to enable those forces to protect themselves as they defended their communities against those forces threatening civilians. We believe that there was an overwhelming case for doing so.

Q32 Chair: So the provision of body armour for the protection of civilians was to enable forces to protect themselves. That's the word you just used.

Dr Fox: Its provision to the opposition and to any civilian police was to enable them to protect themselves as they defended the civilian population.

Q33 Mr Havard: This is to be used by those who are in a defensive position trying to stop an attack into a town to defend the civilians or by forward infantry who are trying to charge up the road and destroy. That's the sort of area.

Dr Fox: Yes, the primary provision was to enable them to protect themselves as they defended their communities. We saw an overwhelming need for those who were protecting the communities—if you look at places such as Ajdabiya, people tried to protect their own community—to be as adequately protected as possible, which is not unreasonable.

Q34 Chair: So you would expect this body armour to be used essentially by the soldiers of the opposition in protecting the civilians. Is that a fair summary of what you say?

Major General Capewell: First of all, it's difficult to determine who is a soldier and who is not.

Q35 Chair: That's a very good point. How would you do it?

Major General Capewell: I think anybody involved in the protection of civilians fills the criteria, and they may well be themselves civilians protecting themselves. Where these items of body armour go is, in many ways, moot, because they are all involved in this.

Q36 Chair: How much is this body armour worth? That may seem a very small question in the overall

cost of all of this, but I am just wondering who provided it and who paid for it.

Dr Fox: It came from contingent stocks, which won't affect current UK operations. As for the price tag, I am unable to give you that, but I shall look to see what it is. I am not sure if Mr Watkins is able to do that. He is very good with numbers.

Mr Watkins: I don't have a precise figure, Mr Chairman. This is basically armour that we had in stock against our potential needs. We are in the process of replacing that armour as part of our routine replacement programme so it was available to be given to the opposition in the way we are saying. I can't give you a precise value for it at the moment, and indeed it would be quite difficult to value it anyway, because it is not something that you can put on eBay and seek bids for.

Chair: You can buy Harriers on eBay.

Q37 Bob Stewart: Secretary of State, there is a huge strategic leap in all senses from an air war to a ground war. It is not a ground war but a team of observers put on the ground—boots on the ground. I think this is quite a worrying development, because of course it will be argued that it is under Security Council Resolution 1973, but what happens when the military team we put on the ground comes back to you, sir, and says, "We believe that it is an absolute requirement to help these people that they have, say, forward air controllers, trainers and liaison officers with the forces."? I am slightly concerned because if they are observers, are they actually helping the military of the opposition or are they just watching? They're not watching. But there we are. That's my question. What do you comment on that, sir?

Dr Fox: We have a very clearly defined remit to the team in terms of mentoring to the opposition to improve the National Transitional Council's ability to protect civilians in civilian-populated areas. That said, we have been very clear from the legal advice that we have that it should be limited to enabling them to organise their internal structures, to prioritise their resources and communicate more effectively. We have not at any point sought any advice on going further in that role. We are very clear that this is about protecting the civilian population. Of course, there is a major difference between ground forces and an air war. We all understand the limitations, but in passing the Resolution for the no-fly zone the international community took account of that. We recognised that there are limitations, but it was also very clear that it would be completely unacceptable effectively to have foreign forces on Libyan soil for political reasons that I am sure I do not need to go into.

Q38 Bob Stewart: Has the Security Council been consulted on the deployment of this team of observers? Presumably it is aware, but has it tacitly approved it? Are the Russians, the Germans and the Chinese content with this deployment?

Dr Fox: We are very clear from the advice that the Government get that we are acting entirely within Resolution 1973. We have been very careful at all times to do so. It is a view that is obviously shared by a number of other countries in terms of this mentoring

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process. We have, at all times, made it very clear that our basis for acting is that we believe that it is justified in protecting the civilian population and assisting those who themselves are protecting the civilian population.

Q39 Chair: I think that was an answer to a different question. Bob Stewart asked whether the Security Council had been consulted about this.

Dr Fox: I am not sure about the legal basis or need to do that.

Mr Watkins: The Security Council was not formally consulted, but it is certainly aware. There is no secret. It was announced by the Foreign Secretary, and I am sure our ambassador in New York will have brought it to the attention of the appropriate authorities there.

Q40 Bob Stewart: My final question: if one of these military officers were captured, are we sure that they would be treated properly under the Geneva Conventions and not treated by Gaddafi as a spy?

Major General Capewell: I think that is hard to tell. Certainly, Gaddafi is not rational, but we have made every attempt to make sure that they are not captured by defining very carefully the limits of their activity and making sure that we have plans to recover them if we believe the risk is increasing, just as we have with the rest of the Prentice mission.

Q41 Bob Stewart: So we can get them out?

Major General Capewell: Yes.

Bob Stewart: Great. Thank you.

Dr Fox: We would also hope that even if Colonel Gaddafi has scant respect for international law and human life, those who are members of his forces might have those values.

Q42 Chair: Can I come back to one issue about the United Nations: the possibility of seeking a new mandate or resolution. I mentioned earlier that there was no mention in 1973 of the issue of the Libyan people choosing their own Government. Would it not be preferable if a resolution could be taken through the United Nations expressing that as being the end goal?

Dr Fox: As I said, my personal view is that it is self-evident that we would want the people of Libya to be able to determine their own future. Why else would we, as an international community, be intervening to protect them? I am not aware of any suggestion that this would require us to go back to the United Nations, but I am perfectly happy to discuss it with our colleagues in the Foreign Office. If there had been any notion of such a necessity, I am not aware of it myself.

Mr Watkins: Clearly, as the Secretary of State has already said, we are not yet at the point where Resolution 1973 has been completely fulfilled by Gaddafi, so it would seem to us a little premature to be talking already about another resolution.

Q43 Mr Havard: Can I ask you about NATO Command and Control processes and structures? Are you confident that they are working? The answer to that is probably yes, but I would like to explore a little bit more if I could its efficiency and the question of

legality within it. We have a new element now, as you mentioned yourself. We have Predators and drones. General Cartwright in America says that “when you are struggling to pick friend from foe...a vehicle like the Predator that can get down lower and get IDs better helps us.” This is the business about picking out snipers on balconies and all the rest of the things in the American press. How is the targeting process being run that includes NATO-plus nations—albeit in a NATO-driven process—in terms of targeting and making decisions based upon the assets that are now available? It’s all very well having a T-line missile that disappears his garden shed just to remind him that that’s what you can do if you need to. That’s an easy target. The question of drones might be more difficult. So how is the targeting process working and are you satisfied with the legality and other things?

Dr Fox: I will ask General Capewell to address the details and I will then say a word about the politics.

Major General Capewell: There are two forms of targeting: first, the deliberate targeting, which is boarded [at a Target Board] at every level in NATO and boarded in the UK by the Secretary of State, where we address very carefully the issues of necessity, proportionality and legality. So that is done comprehensively throughout the NATO system and fundamentally culminates in the Joint Task Force Commanders Headquarters in Naples. That is deliberate targeting—for fixed sites, installations.

The point you make about Predator is because that is a dynamic target; it is moving or it certainly is not visible for a long period of time. The rules for those engagements are even more demanding, in that you have to absolutely identify that it is hostile and that it also fulfils the questions of proportionality and necessity. Those conditions are set in the rules of engagement, which are very clearly mandated throughout NATO and end up in the cockpit of the jet, so the pilot has also to be convinced that the target is legitimate.

Q44 Mr Havard: And the legal advice within the process?

Major General Capewell: Delivered at all levels by legal advisers and fundamentally back to the Attorney-General.

Mr Watkins: In addition to that, at the point when the operation was launched under NATO command, we—the Ministry of Defence, the policy staffs and the legal advisers—went through the NATO rules of engagement line by line, compared them with our UK rules of engagement, and satisfied ourselves that they were legal in every respect.

Dr Fox: Can I add to that, just for clarity, to give a sense of what that meant? When we were looking at how we would go about generically targeting, as I said at the outset we were very, very careful that, in any selection of targets, we would do so only when we were absolutely convinced that there was minimal risk to civilians. When we transferred that targeting process on to NATO we made it very clear that the rules under which we had been operating up to that point were the rules that our own forces would be expected to live up to under the NATO process. To that extent we have, as will other countries, effectively

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a red card that says that our forces will live up to certain ethical values in carrying out this mission. It has not been an issue because NATO has—as Mr Watkins was saying—very much followed what we would have followed.

Q45 Mr Havard: It is important for us to be sure that British people of all sorts are protected, because they are subject to the ICC, as you say. Of course, Americans aren't, but there we are. That's an interesting side debate we could have later about what the International Criminal Court might do or not.

Dr Fox: Can I give a very personal assurance on that? When it comes to a conflict, and a Secretary of State is asked to look at specific judgments, I took, as the Government took from the outset, that we would set our assessment of acceptable civilian casualties as close to zero as was possible to be. I can give, the Government could give, and this country could give an absolute assurance to the people of Libya and the people of the region that at all times we have sought, as far as is humanly possible, to minimise civilian casualties, because it makes a difference to our moral position in conflict, and it makes a difference to our ability to maintain a wide political alliance.

Chair: I think that's an extremely helpful and very important statement, and I am grateful to you for making it.

Q46 Mr Havard: Absolutely, and that is what we are trying to ensure. To pursue the question about targeting a little further, and the length of the process, it seems as though we have Norway and Sweden saying they're going to be in for three months. There's talk about us being in for six months, Turkey have a slightly different position to Spain, and so on. Under the command and control structures, what does that tell us about how that process can run over time, should it need to run for a period longer than three months?

Dr Fox: I would have thought, Chairman, that this Committee, more than most others, would have been well aware of the sort of debates that we had in ISAF about who was going to be there for what length of time, and there are clearly very strong parallels here. Perhaps the General would like to say a word about exactly how it operates on the ground?

Major General Capewell: I think the NATO structure that circumscribes all of this targeting business, to use your phrase, is designed for resilience and persistence. The structure can exist as long as NATO requires it to exist. As nations come in and out of the structure, making sure the legal requirements and the ROE are consistent with their requirements is part of that process. It's designed to endure. I'm recognising what the Secretary of State has said; we are in this for as long as it takes.

Q47 Mr Havard: Implications for British national security? Assessment of? The fact that we're in north Africa, we're doing things the way we are; positive or negative, what is the assessment of the impacts of our current actions in Libya on British national security? If you're not doing that, is the Home Office, or somebody else?

Mr Watkins: The Government, particularly the Home Office and the office for security and Counter-Terrorism within the Home Office, are monitoring the possible implications very carefully indeed. I cannot go into detail, obviously, but it is being monitored day by day.

Q48 Mrs Moon: You have just said that we are in it for as long as it takes. Have you any idea of how long it will take?

Dr Fox: As I said earlier, it is a question that would be well put, were we able to do so, to Colonel Gaddafi, who is the person most able to determine how long this conflict will continue. If Colonel Gaddafi were to stop attacking his people tomorrow, if he were to move to a safe distance, and if it was very clear that there was not a continued threat and we were able to get humanitarian assistance to the people of Libya, unhindered, in the way that UN Resolution 1973 demands of us, we would all be very happy. It is essential that the international community gives a very clear signal to the Gaddafi regime that our resolve is not time limited. We understand what is being asked of us. We understand what our duty is, and our resolve will not be time limited, will not be short, will not be finite.

Q49 Mrs Moon: Will it take considerably longer if the Americans pull back? I note that on 28 March the Pentagon acknowledged that the US continues to provide 80% of all air refuelling, 75% of aerial surveillance and 100% of all electronic warfare missions. Will it take longer if the Americans pull back their forces?

Dr Fox: We are able to carry out the mission to degrade the regime's capabilities more quickly if we have the speed of targeting and the range of assets available to maximise the pace. Are we grateful that the Americans have, for example, made Predator available? Yes, we are. Do we want all NATO partners to be maximising what they do in terms of the activities within NATO and the assets that they make available? Yes. I had no indication yesterday during my visit to the Pentagon that there was anything other than resolution in Washington about ensuring that Resolution 1973 is carried out.

Q50 Mrs Moon: I am very concerned about the supply and availability of missiles for both the UK and our allies, and whether we have sufficient for the current pace of airstrikes. Again, I note that the Department of Defense said on 28 March that 600 precision-guided munitions have been expended: 455 from the US and 147 from the coalition. It went on to say: "Gadhafi has virtually no air defense left to him and a diminishing ability to command and sustain his forces on the ground. His air force cannot fly, his warships are staying in port, his ammunition stores are being destroyed, communication towers are being toppled, and his command bunkers are being rendered useless." But "they still have tactical, mobile surface-to-air missiles which are still a threat." Do we still have the capability to have the number of missiles we will need to tackle those mobile, surface-to-air missiles?

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Dr Fox: First, may I say, that was a wonderful description of a non-stalemate. The speed and the scale of the degradation of his military capabilities was about as far from a stalemate as I could describe, so it was an excellent description. We believe that we have sufficient munitions and sufficient capabilities to carry out the tasks as set out for us in the NATO mission, but the Committee will understand, Chairman, why we would not comment on any specific stocks of any specific armaments held by the United Kingdom.

Q51 Chair: Are the stocks being replaced under the contingency reserve?

Dr Fox: Is the cost being met by the contingency reserve? The Chancellor has made it very clear that it is, if you'll permit my smile.

Q52 Mrs Moon: Again, I would like to raise the issue about communication with the public. Are you happy that there has been sufficient communication with the British public about this operation? Are you sure and confident that anxiety among the British public about mission creep and the risk of further engagement in a long-term mission is being addressed in relation to the public's understanding of what is happening?

Dr Fox: We will take every opportunity we can to give those reassurances, which is why I am grateful that we have had the chance to make some of those specific points this afternoon. The Government have made a number of statements. I do not think anyone could accuse the Government of not being forward leaning in terms of the willingness to communicate, for example, with Parliament, although I do accept the adage that if you want to keep a secret in the United Kingdom nowadays, the best place to speak it is in the House of Commons, as it is the least likely place to be reported.

The Government are very keen that we at all points make it clear that we are acting under UN auspices; that this is the international community that has come together, along with Arab countries and not just the usual coalition; that we are acting at all times to minimise civilian casualties; that we do understand the fear about mission creep; and that we are putting those fears to rest as best we can and as clearly as we possibly can. We are being very clear that we are setting out to degrade the war-making ability of a regime, which, had we as a country not intervened, would probably have unleashed hell on the people of Benghazi.

It is very hard sometimes to stand up and be very proud about something that you have helped to avoid happening. In terms of humanitarian catastrophes, what we as an international community stopped happening in Benghazi is something that I think history will be rather kind to us for. If we have been insufficiently clear about blowing our international trumpet about what we have achieved there, that is perhaps a criticism that we can take to heart, but having achieved the effect is of extreme importance.

Q53 John Glen: I'd like to turn to the wider region. If we accept that the motivation for being in Libya

is not about regime change—for instance, it is about protecting civilians—we have seen in the wider region considerable repression of a similar nature, perhaps in Yemen and Bahrain but particularly in Syria. In terms of the Resolution paving the way for similar resolutions on Syria, at what point should that happen; and if it should not happen, why is Libya treated differently? I am mindful of the fact that the general public probably do not see the qualitative distinction between what is happening in terms of wholesale slaughter in Syria and what is happening in Libya.

Dr Fox: I will ask Mr Watkins to say something about some of the diplomatic activity more widely. A good place to begin, though, is remembering how we got here. In Tunisia and Egypt, there was a spontaneous uprising of the people. The Armed Forces in both those countries stood aside and did not take the side of the Government in repressing the populations that wanted to control their own destiny.

In Libya, it was different. The regime did use its military power to suppress that voice in the most brutal way. The international community passed a resolution—ultimately two Resolutions—that gave an ultimatum to Gaddafi. When he continued to ignore the wishes of the international community, the international community acted. This was after we had been through sanctions, diplomatic pressure and all the means available to us, short of military activity, to persuade him to take a certain course of action.

Would we hope that other regimes learn that they should not oppress their people? Of course we would. What we have seen in Syria in the last few days has been the appalling spectacle of a despotic regime bearing down on its people in the most violent and brutal way, and every one of us would condemn that. Is there still a chance that it might go the other way? I would hope there is at least a flicker of hope. I say this for the following reason: I was in the Gulf at the time of the first Assad speech, when everybody hoped that it was going to be a reforming moment. Senior politicians in the region believed—because, I believe, they had been briefed to expect—that this was going to be an important moment, when Syria would turn a corner. It would be the end of emergency law and there would be political reform, allowing the voice of the people to be heard. In the event, there was disappointment and anger that that speech contained something very different, but we know that reform was at least being considered. We must redouble international pressure now in every way that we can, to say, “There is an alternative road for Syria. You are at a crossroads. To an extent, you've gone down the wrong track. Go back and look at the reform process again.” We must hope that it's possible for that to happen.

Q54 John Glen: Surely, given what we have seen over the last 48 hours, there hasn't been a willingness to follow that path. If it is not followed at the eleventh hour, presumably there is the means through another resolution. It would seem the logical thing for the Government to pursue that with their international allies, on the same basis that the action was taken in Libya.

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Dr Fox: The Foreign Secretary has made it very clear that with our international partners, we will now want to increase the pressure on Syria to bend to the will of the international community, to ensure that the people of Syria are free, safe and secure. Peter might want to clarify how that is happening.

Mr Watkins: The point I would want to make is that all these cases are different. The political processes are different in each country, and therefore, the opportunities available to us also differ. As the Secretary of State has said, Gaddafi obviously and blatantly discarded any attempt at a political process at a pretty early stage. In other countries, that is not the case. As the Foreign Secretary said yesterday, the political process in Bahrain is not as overt as we would like, but none the less it is still there, and we are seeking through diplomatic means to engage with them. Similarly, in Yemen, where there has been violence, firing on protesters and so on, there is a political process that we are engaged in. So, I think we have to adjust our methods according to the particular circumstances.

Dr Fox: Gaddafi had every opportunity given to him by the international community to choose a non-violent path for his country and his people, but he chose not to do that.

Chair: We agreed before this hearing began that we would try to spend the final part—and we have just over 20 minutes left—on the effect of what is happening on Libya on the Strategic Defence and Security Review.

Q55 Ms Stuart: Secretary of State, last time you came before this Committee, you were gentlemanly enough not to call me ridiculous when I suggested you were required to find a £1 billion saving before the end of the month—and of course, somehow, you weren't quite required to find that £1 billion. If you look at what the costs will be in Libya—at the Tornado or what the various missiles cost, because each one seems to have an enormous number of noughts behind the original figure—it is not cheap. Although you say it is coming out of contingency costs, it is nevertheless still a cost. Could you say a little about the reprieve that you clearly got in March from finding the £1 billion that you had been asked to find, and to what extent would you say that might be linked in some way or another with the operation in Libya, which clearly, was not foreseen?

Dr Fox: One might almost say that was leading the witness.

Chair: This is cross-examination. You are allowed to.

Dr Fox: The SDSR made it clear that we would expect to be able to maintain an enduring operation such as Afghanistan, an operation in the kinetic form that we have seen in Libya, and a smaller one. It has fallen within the parameters that we set under the adaptive posture in the SDSR. It has come within expectations. Perhaps the level, speed and intensity have come earlier than we might have ever hoped, but none the less, it has fallen within the realms of what the SDSR was set up to be able to deal with.

Q56 Ms Stuart: Given that you said that we are going to do whatever it takes, and it will take however

long it takes, what resources do we have that would allow us to do that? We don't have a bottomless pit of money. For how much longer would the UK have the means to be a meaningful partner in that international operation?

Dr Fox: As the Chair has already indicated, we have agreement that the additional costs will be met from the reserve. Again, I go back, if I may, to my original point that it is very important that these issues are discussed, but it is more important that we send a clear message, in the current mission, that we are not going to be limited by pounds, shillings and pence, if I can be so uncommunitaire. We have the resolve to see through the mission. It is very important that we do not signal at any point that we may waver in our commitment to what we are trying to achieve in Libya.

Q57 Chair: There is one question to which I did not hear an answer. Was the reprieve on the £1 billion funding gap caused by the Libyan operations?

Dr Fox: That is also, if I may say, Chair, leading the witness, because it makes an assumption that the question was correct. In terms of the wider picture in Libya, it would be wrong to conflate things, because what is happening in Libya is within what we expected our abilities to be under what we set out in the SDSR. We knew that we might be called upon to carry out a mission of this nature—not necessarily this specific one—and that was planned for within the SDSR. The assumptions that we made about the flexibility that we would require of military assets were taken with that in mind.

Q58 Chair: When do you intend to admit to the reprieve on the £1 billion funding gap?

Dr Fox: I intend to make a statement about PR 11 once we are past the Elections, Chair.

Chair: Fair enough.

Q59 Ms Stuart: Some of my colleagues will question some of the very specific assumptions, but I wonder whether you would like to say a bit more. Will the operation in Libya and the financial requirement have any impact on the Defence Planning Assumptions?

Dr Fox: No. As I say, what happens in Libya, in terms of the assets that we have devoted to it, comes within the planning assumptions that we made in the SDSR: that we have a long commitment in Afghanistan—a major, enduring operation—and that we would be able to carry out an operation such as Libya and a small concurrent mission at the same time. It is within what we expected that we might at some point be asked to do. It makes us all sad that we have been asked to do it in this way, given the circumstances.

Q60 Ms Stuart: And it is still within your sustainable criteria, as outlined in the strategic defence review, even if this goes on to be a medium-term operation?

Dr Fox: We believe it is sustainable and that we will have not only the military but the political will to carry this through to ensure that the UN Resolution is fulfilled.

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Q61 Ms Stuart: Without opening the SDSR?

Dr Fox: Let me be very frank. There are those who talk about reopening the SDSR, when what they mean is reopening the CSR. If people mean that there should be more defence spending, they should say so. If we have a reopening of the SDSR within the same financial envelope, with the same policy assumptions and in the same real world, given the expertise that we have we are likely to come to the same conclusions. If people believe that we should be spending more, that is a perfectly legitimate argument for them to make, but let them say which taxes they want to raise, which other budgets they want to cut or, indeed, whether they want to continue the insane habit of borrowing money at the pace we were doing before. It is a perfectly legitimate argument to make, but the two should not be conflated. I would politely suggest to the Committee that to say that we should reopen the SDSR, but without a change to the financial expenditure, might be a futile exercise.

Q62 Ms Stuart: At the risk of being very dumb, you are saying we will stay in there for as long as it takes, we have the money, it does not require reopening and we can meet it. Is that what you are saying?

Dr Fox: We are, I hope, sending a very clear signal today, from this Committee to the regime in Libya, that we intend to fulfil our obligations under the UN Resolution. Our resolve will not waver and we will do what it takes, along with our allies, to carry out our mission.

Q63 Mr Havard: Could I just be clear? I understood that what was said about the cost as it is currently—our current contribution to this activity, should it sustain itself over a six-month period at the current rate of spend—it that it is likely to amount to about £1 billion. Is that correct?

Dr Fox: I am not able to give the Committee figures on that, although we will have discussions in the usual way with the Treasury. But as I pointed out earlier, the Chancellor gave the promise that the extra costs of this mission would be met from the reserve.

Q64 Thomas Docherty: Secretary of State, I am sure that you are learning valuable lessons from the current air operations, both for the ongoing Libyan events and for contingency planning—following on from Mr Glen's question—perhaps elsewhere in the region or for other parts of the world. Have any of those lessons caused you to regret or reconsider the scrapping of the Harriers and the carrier-based capability of either Ark Royal or Illustrious?

Dr Fox: No, Tornado gives us capability that Harrier could not. In addition to the Paveway IV laser or GPS-guided bombs that both Harrier and Tornado can carry, Tornado gives us the stand-off, deep-penetration capability with the Storm Shadow missile and the Brimstone missile, which is a low-collateral weapon for use in urban areas, such as Misrata.

In addition, Tornado has a gun, which Harrier did not; Tornado has a longer range than Harrier; it needs to be refuelled less frequently; and it has a two-man crew, which helps with better mission control from the air. I remind the Committee of the logistics legacy:

there would not have been enough Harriers for Afghanistan and for what we have been asked to do in Libya had we taken the alternative decision and kept Harrier but not Tornado. If Mr Docherty is asking whether, had we had another £3 billion, we would have liked to have kept even more aircraft, the answer is obviously yes. But he will also remember that we are trying to deal with the Government's primary objective of a £158 billion deficit.

Q65 Thomas Docherty: I will not be drawn by the Secretary of State on where we could find the money and whether this is Treasury-driven or Defence Secretary-driven Defence Review.

You mentioned range and logistics. You probably would not correct me if I were to suggest that we are currently running at least one of our aircraft from Norfolk rather than from Italy. Do you not accept the argument that some commentators have made, that if you had either Ark Royal or Illustrious in the Mediterranean, you would not have a 2,000 or 3,000-mile refuelling chain?

Dr Fox: The question is the capability. We wanted to have the ability to achieve Storm Shadow's military effect. Brimstone, as I have said, is a flexible, precise, low-collateral weapon that fits neatly with our wish—our stated desire—to minimise civilian casualties. Those options would not have been available to us. It is tempting for those who wanted a different decision to say, "This is all about the money." Primarily this is about the capabilities. General Capewell might want to say exactly why the situation has been beneficial to us.

Major General Capewell: First, the Italian nation has been very generous in providing us with a huge range of airfields to operate from. In many ways, mounting this operation from Italy, where the command and control is also based, is a very effective way of delivering the campaign.

Q66 Thomas Docherty: Are you therefore denying that you are currently flying out of RAF Marham?

Mr Watkins: At the early stage of the campaign, some of the missions were flown from Marham.

Q67 Thomas Docherty: So there are now no Tornados flying from Marham; they are all in Italy. Is it correct that that is a big misassumption that people have been making?

Major General Capewell: In the early stages of the campaign they certainly were flown directly out of Marham, but no longer.

Q68 Thomas Docherty: Leaving aside the Harriers, Secretary of State, given both this operation and potential operations elsewhere, do you think that now might be a good time to pause—to use the Prime Minister's phrase today from PMQs—on deciding whether we should be cutting the number of Tornados and RAF bases?

Dr Fox: Well of course the basing review, which is under way, is likely to come to fruition some time in the summer. I imagine the Committee will want to ask a lot of questions about that. The decision to reduce the Tornado squadron is not part of the SDSR; that

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was part of the previous government's planning round 10. The decision over which ones to get rid of was left to the incoming Government, with the decision having already been made by the previous government, so it's not part of the SDSR. To reopen that would be to reopen the CSR as well as other elements. As far as I can tell—obviously, we listen to the military advice—there is no operational restriction on the assumptions we are making for numbers at the present time.

Q69 Thomas Docherty: My final question: have you asked either the Royal Navy or the Royal Air Force to work out what would be involved in spinning back up capability—either bringing Tornados back up to their previous level or bringing back the carrier strike capability—and have you asked them what is the point of no return for making either of those decisions?

Dr Fox: The Armed Forces have asked for specific capabilities, which at the moment can be provided only by Tornado and would not have been provided by Harrier. I remember the very first time I came before this Committee I said that we would have to make hard-headed decisions on the basis of the capabilities we required, not sentiment. I'm afraid that this is one of those.

Q70 Thomas Docherty: To be clear, have you asked them what is the point of no return for those capabilities?

Dr Fox: We made our decision that we were going to retire Harrier. Since that we have had the experience of what we required in Libya, which was more than capably fulfilled by Tornado—the aircraft and its fantastic pilots—in conjunction with Typhoon. In our view, there is no need to revisit that decision, and we are not doing so.

Q71 Penny Mordaunt: Are events in Libya having a negative impact on any of our other operations, in particular operations in Afghanistan?

Dr Fox: No, and at all times we have been very clear that our main effort is Afghanistan. That is what the MoD does above and beyond all else. In the decisions that the Department was asked to take; in looking at what we had available for Libya; and in looking at what we might require in terms of support—which of course isn't what people necessarily see; they see the fast jets and the front-line capabilities—we were always very careful that nothing that we would offer or commit to Libya would interfere with our main effort in Afghanistan.

Major General Capewell: Absolutely. The facts are that we are managing the Afghanistan campaign today, with no impact.

Q72 Penny Mordaunt: And what about a potential negative impact on Armed Forces personnel in terms of leave or those who may have been in extended readiness, perhaps going to Afghanistan—having them being deployed?

Dr Fox: We have had no impact on the relief in place in Afghanistan, which is going very well—it is going relatively quickly, in fact—and we have not had an

impact on Afghanistan through what has happened in Libya. As I made clear, we always assumed that we would be able to carry out a large enduring mission such as Afghanistan and an intervention such as Libya as well as a smaller one. That is what we planned for, and that is what we have so far been able to achieve, not least, I have to say, thanks to the incredible commitment shown by those in the Armed Forces.

Q73 Penny Mordaunt: What has been the actual impact in terms of numbers of people, for example, who would have had leave cancelled? Are you saying that there have been no changes to people's leave?

Dr Fox: I am not aware of that. There may well be. I am quite sure that, if it were the case, it would be rather rapidly brought to my attention.

Q74 Penny Mordaunt: I think that it is the case, just from what I have heard from constituents. I understand that you may not be able to answer today, but it would be helpful if you could look into the matter. If we are going to be doing things like Libya, it is important that we understand what the commitment is from our Armed Forces.

Dr Fox: I would be very happy to look at any specific cases that are being cited to see whether that is, in fact, happening. The aim is that we should be able to endure in Afghanistan and maintain that, without the inability to carry out one of the other operations or significant impact on our personnel.

Q75 Penny Mordaunt: How would that currently be monitored? I can give you anecdotal evidence, but presumably you are monitoring the impact that additional operations will be having on leave and on Reserve Forces. How does that work?

Major General Capewell: We will give you advice if you have a specific and precise case, but I think that you were getting to the harmony rules. Individually, some of them may well have been broken due to all sorts of reasons, such as delays in aircraft movement if you are talking about Afghanistan. In Libya, I cannot cite a specific example that supports your thesis.

Dr Fox: But we will be more than happy to look at any individual cases. There may be elements that we have not been aware of. We will certainly be happy to look at them.

Q76 Chair: Final question, Secretary of State. We know that you have to go. How has the National Security Council been operating in relation to all of this, and in relation to the decision to support the no-fly zone, the ceasefire and the United Nations Resolution?

Dr Fox: I think that the NSC has been operating well—increasingly well. As well as the National Security Council itself, the sub-committee, the NSC(L), has met on a very regular basis, and the NSC(LO) for officials meets on an even more regular basis. For my own part—and I am sure that as CDS is not here, I can speak for him, too—the flow of information that comes to us to help us to understand what is happening on the ground and the decisions that we will have to take come in a timely way. The

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process is now getting into a rhythm where the meetings are in a predictable time scale. The NSC has adapted quickly to what has been—let's face it—a major challenge early on in its existence.

Q77 Chair: Do you have the impression that the NSC is on top of an overall strategy for the whole of the region in case this continues for a long time and spreads?

Dr Fox: The NSC does look at, and has looked at, the region as a whole. It would simply be untrue, Chairman, to say that any policy maker in the western world has been on top of the speed at which events have happened in the Middle East and North Africa. None of the self-professed experts whom I have been able to talk to predicted Tunisia or Egypt, or the speed of what has happened in Syria or Libya.

At my talks in the United States yesterday, the speed of the change of events is such that everybody is having to assess and reassess the impacts, as we go on; what it will mean for security in the region; what

it will mean for our national security, as has already been alluded to during this session, and what it will mean for the UK and our allied interests abroad. If there is one thing that politicians would be wise to have in view of the speed of events, it is a little humility. We are not always quite as able to understand what is about to happen next as politicians sometimes like to pretend.

Chair: Indeed so. Therefore, we need to be prepared for all sorts of eventualities with a defence capability that is strong and always available. Thank you very much indeed to all three of you for coming to give evidence to us today.

My personal assessment is that you have fulfilled your mission in presenting a firm resolve to continue with this. We have not fulfilled our mission to gain clarity of exactly where we are going quite as successfully as you have fulfilled yours, but no doubt there will be further opportunities to do that during parliamentary exchanges over the next few weeks.

Wednesday 12 October 2011

Members present:

Mr James Arbuthnot (Chair)

Mr Julian Brazier
Thomas Docherty
John Glen
Mr Mike Hancock
Mr Dai Havard

Mrs Madeleine Moon
Sandra Osborne
Bob Stewart
Ms Gisela Stuart

Examination of Witnesses

Witnesses: **Sir Mark Lyall Grant** KCMG, UK Permanent Representative to the United Nations, **Cathy Adams**, Legal Counsellor, Foreign and Commonwealth Office, and **Christian Turner**, Director, Middle East and North Africa, Foreign and Commonwealth Office, gave evidence.

Chair: Good morning. Thank you for coming to give evidence in the first of our two evidence sessions on operations in Libya. This session will be divided into two parts: in the first part, we will hear about relations with the United Nations and how those relations affected the operations in Libya; the second part will relate to NATO and the European Union and operations in Libya. Then, on 26 October, we will have the Secretary of State for Defence and the Chiefs of Staff to talk about the British role on operations in Libya.

Welcome to this evidence session. Please introduce yourselves.

Sir Mark Lyall Grant: I am Mark Lyall Grant, the British Permanent Representative and Ambassador to the United Nations.

Christian Turner: I am Christian Turner, Director of Middle East and North Africa at the Foreign Office.

Cathy Adams: I am Cathy Adams, a legal counsellor in the Foreign Office and formerly a legal adviser of the UK Representation to the United Nations in New York.

Q78 Chair: May I begin by asking about the input that individual countries—individual countries in terms of their Defence Ministries—or that NATO had to the formulation and negotiation of the UN resolutions in the run-up to the drafting of Resolution 1973? What input was there from individual countries or from NATO?

Sir Mark Lyall Grant: Well, I would say that the input was relatively limited in the early stages, because Resolution 1973, which we passed in March, was the culmination of two previous steps. Once the demonstrations and protests had broken out in Libya, there was obviously international concern about the regime's response. In response to that, a press statement was agreed by the Security Council on 26 February. Then, when that was ignored by the regime, we escalated the pressure through Resolution 1970, which imposed an arms embargo and sanctions, and it referred the situation in Libya to the International Criminal Court. That was a deliberate escalation.

In the context of the discussions and negotiations on 1970, there was discussion about whether it would be necessary to authorise all necessary means to ensure humanitarian access to those who were under threat from the regime, but it was felt that it was not

necessary to do it at that stage, and there was quite a lot of opposition to it from other countries on the Security Council at that stage. So we had a very tough sanctions resolution, and it was the first ever unanimous referral to the ICC. We put on the regime the obligation to protect their civilians. That was passed at the end of February.

When the situation deteriorated further, obviously we needed to give consideration to more dramatic action to protect civilians. As a result of a request from the Arab League to impose a no-fly zone, we began to focus on whether it would be possible to authorise and implement one. In the course of those discussions, again we looked at a number of different options for a way of protecting the civilian population in Libya, including the possibility of humanitarian corridors, safe havens, which had been used in some previous theatres in the Middle East, and a more broad-brush authorisation to use all necessary means to protect civilians. It was that last formula that was then employed in Resolution 1973.

In the course of those two weeks of the three different stages—press statement, and Resolutions 1970 and 1973—obviously there was a large amount of co-ordination and discussion within the British Government and between Britain and its allies, including the allies in NATO, about the what the implications were of the various measures put into the resolutions. I would suggest that it was a more informal than formal input, and the dynamics were a response to the situation on the ground and the negotiating dynamics in New York.

Q79 Chair: So there was some military input into whether these resolutions were realistic and achievable?

Sir Mark Lyall Grant: There was. In my case, and locally I have a military adviser and obviously he was with me during the negotiations advising on what was feasible and what was not. There was Christian Turner in the team back here in the UK, which was obviously sending us instructions, and they were in touch with the Ministry of Defence and, likewise, with NATO allies. So there was that.

One of the reasons why we did not follow the Arab League recommendation, which was to set up safe havens, was that we did not think that it was militarily possible to do so without having troops on the ground.

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Likewise, we looked at the possibility of humanitarian corridors to allow humanitarian access, which again had been used in other theatres, but again we decided it could not be done without having forces on the ground. Because the Arab League had said that it did not want foreign forces on the ground, we excluded that. The options we ended up with were specifically designed, with a combination of what was politically realistic and militarily achievable.

Q80 Chair: It has been suggested that the Arab League was not very forthcoming in its overall support for the operations once they had actually begun. When I have put this to certain people involved in the Arab League, they have said that the Arab League asked for action in relation to Libya only because the United Nations had asked the Arab League to ask the United Nations for action. Do you recognise any of that?

Sir Mark Lyall Grant: No, I don't really recognise that. The Arab League issued a number of statements in late February and early March, and made it clear that it was asking the UN Security Council to impose a no-fly zone and safe havens to protect civilians.

Now, there was a difference between the overall Arab League position and certain Libyan parties. A key event in terms of negotiating the resolutions in New York was the defection of the Libyan Ambassador to the United Nations. He, in a very impassioned plea, called very specifically for the Security Council to take much tougher action, and he was the first to say that we wanted a no-fly zone and had to protect civilians. His was the strongest voice, but that was backed up by the wider Arab League, which then volunteered in its statement that it wanted a no-fly zone and safe havens to protect civilians. It is true that, in the endgame of the negotiations, it also wrote to the President of the Security Council to make that very clear to those members of the Security Council who were hesitant about this step.

Chair: Okay.

Christian Turner: Mr Chairman, I just add that 12 March is the key moment at which the Arab League was calling for that no-fly zone to be implemented and, in terms of the diplomatic co-ordination that Sir Mark describes, that was what led to a strong call for action which the League was supporting. There were different statements following that, including from Amr Moussa, who was secretary-general at the time, but the call in the second week of March was the beginning.

Q81 Chair: This may be an impossible question to answer, but when do you think the provisions of Resolution 1973 will be achieved?

Sir Mark Lyall Grant: That is a very difficult question to answer because 1973 contains a series of different provisions. It is a combination of 1970 and 1973. I appreciate that the concentration on military action is in 1973, but in some ways 1973 builds on 1970 and amends it in specific ways.

Resolution 1973 contains a series of political provisions—asset freezes, travel bans, a sanctions committee and panels of experts—so it is difficult to be specific about when it will all be achieved. Very

few Security Council resolutions are fully achieved in that sense. If you are referring to the military provisions, which, specifically, are the no-fly zone and the authorisation to protect civilians, that has no specific timeline but is clearly fixed on the condition of trying to protect civilians. So when civilians are no longer threatened, the assumption would be that it would not be necessary for the provisions to remain.

Q82 Chair: How is compliance with the resolutions monitored in terms of not only the regime's forces, but the coalition forces and the opposition forces?

Sir Mark Lyall Grant: A very complicated series of notifications is required under 1973, and in terms of the coalition forces, they are clearly set out in the provisions of 1973. In brief, different notifications are required for taking military action under operational paragraph 4, which is on all necessary means to protect civilians. We had to notify the Secretary-General in advance that we were planning to take action to implement that aspect of the resolution. Likewise, on the no-fly zone, there is a requirement to notify both the Secretary-General and the Arab League about implementation. In addition, once specific action has been taken, either to enforce the arms embargo or to protect civilians, the Secretary-General has to be notified. Obviously, we gave all those notifications. After a while, when NATO took over the command of the coalition operations, NATO started to do those notifications on behalf of the coalition as a whole, but for the first week or so the notifications were done by individual countries in light of the activities they took to implement the resolution.

Q83 Chair: What do you make of the abstentions of five main countries—China, Brazil, Russia, Germany and India? What will the consequences be?

Sir Mark Lyall Grant: Resolution 1970, which we passed at the end of February, was agreed unanimously, but on 1973, as you say, there were five abstentions. Those five countries were concerned about the wide-sweeping authorisation in 1973, which is one of the most wide-sweeping authorisations of military action that the Security Council has ever enacted. The five countries were concerned that the resolution went too far, which is why they abstained.

Q84 Mr Hancock: What was the issue? Will you elaborate on that? What was their hang up?

Sir Mark Lyall Grant: In the course of the negotiations, there was unanimous support for strengthening the assets freeze, the arms embargo and the sanctions, and for setting up the panel of experts, but on the two paragraphs that referred to the no-fly zone and to the protection of civilians, there was quite a lot of debate about how that would be implemented and what the implications and consequences would be.

At the time that we were pushing that resolution, Russia was promoting a separate resolution, which was a simple ceasefire resolution. It wanted a simple resolution, just calling on both sides to have a ceasefire. We felt that the time had gone beyond that. It was quite clear from the language that Gaddafi was using and the action of his troops on the ground that

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there would be a bloodbath in Benghazi and a massacre of civilians. The language he was using and troop movements meant we needed to take much more rapid action than that. There was a difference of view, however, although those five countries did not feel so strongly against it that they voted against the resolution. Of course, Russia and China in particular could have blocked the resolution if they had wanted to; they did not, because they realised that the political pressure and the fact that the Arab League was calling for the action meant that it would be politically difficult to block it. However, they abstained.

Q85 Mr Brazier: To follow that through one stage further. In the light of subsequent actions and the fact that we took, for very good reasons, that wide-ranging resolution extremely widely, to the edges of its possible interpretation, how do you think that Russia and China, the two veto carriers, lived with our interpretation? What was their reaction?

Sir Mark Lyall Grant: There has clearly been some impact in the discussions on the Security Council since then on areas outside Libya, as well as subsequent discussions on Libya.

Q86 Chair: Such as Syria?

Sir Mark Lyall Grant: We saw that last week on Syria. It was quite clear that the Russian and Chinese veto of quite a mild resolution in the end on Syria was justified by Russia and China on the grounds that they did not want to start down a road that would end up with military authorisations, as in the case of Libya. So it did have an impact. Certainly, some countries did feel that the resolution had been interpreted in a very wide degree. I do not think those concerns are justified, because during the negotiations on the text it was spelled out clearly to all 15 members of the Security Council what the terms of the resolution meant. It was not just a question of flying over Libya imposing a no-fly zone, and even the imposition of a no-fly zone would require strikes on the ground to take out the air defences. In addition, the protection of civilians specifically meant halting Gaddafi's columns and, if necessary, ships from attacking Benghazi. That was made very clear in the negotiations. Of course, that is one of the reasons why five countries abstained. It would not be reasonable of them to say afterwards that they were misled or that we had over-interpreted the resolution.

Q87 Mr Havard: I want to cover three general areas. I want to ask you about the resolutions; the business about an exit—whatever that might mean, and when and how it is decided—and something specific about man-portable missiles.

You talked about Resolution 1970, which was incorporated into 1973. That was also partly about an arms embargo. Could you say something about how that is now about to work or continue to work? It may now be found to be legitimate to supply arms—certainly other countries have felt it is—at a time when you are imposing an arms embargo. That is a different particular within a portmanteau resolution. Could you say something about that?

All of that leads us now to Resolution 2009, which is about ongoing activities. Could you explain how these different resolutions and parts are being assessed and decided upon, and the timelines of how they are going to be sequenced together?

Sir Mark Lyall Grant: Resolution 1970 imposed an arms embargo on all of Libya. The inspection regime of that arms embargo was tightened under 1973, which gave an obligation on member states to inspect and to prevent arms and mercenaries arriving in the country. The implementation of that has been taken up as one of NATO's tasks. The arms embargo was varied slightly by Resolution 2009, which as you rightly say we passed in September. That gave some exemptions from that arms embargo to allow weapons to be brought into the country for a variety of reasons, whether it was for the UN mission carrying side arms, having close protection for diplomats, or offering security assistance to the legitimate Government; so there has been some variation, but the basic arms embargo remains in force. That does not have any timeline or deadline, but obviously there will come a time when it is considered not to be necessary any more and it will be lifted.

The same goes for the other authorisations. There is no deadline in the resolutions for the authorisation of protecting civilians or for the no-fly zone. In Resolution 2009, it was agreed that we would keep those authorisations under regular review. In the operative paragraph, we said that the Security Council "emphasises its intention to keep the measures...under continuous review and underlines its readiness, as appropriate and when circumstances permit, to lift those measures and to terminate authorization given to Member States in paragraph 4 of resolution 1973". That is something that will be kept under review.

In practice, it will certainly be reviewed in the middle of December, because Resolution 2009 set up an initial mandate period for the UN support mission in Libya—UNSMIL—of three months, and the resolution was passed on 16 September, so we will certainly be reviewing the resolution as a whole by 16 December, and in the course of those discussions, we will consider whether the authorisations are still appropriate.

Q88 Mr Havard: Does all that mean that there may have to be a new portmanteau resolution to reappraise the previous resolutions?

Sir Mark Lyall Grant: Yes.

Q89 Mr Havard: Can we expect to see something like that just before Christmas?

Sir Mark Lyall Grant: Yes, there will certainly be another resolution before Christmas, because it will be necessary to do whatever we want to do with the UN mission, but I would expect that, just as Resolution 2009 made some amendments, as I mentioned, to the arms embargo and the assets freeze, when we review this again, we will review all the elements of Resolutions 1970 and 1973.

Q90 Mr Havard: Various politicians from different states are making declarations about the situation taking as long as it takes and so on, and those are the

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kinds of rhetorical statements that we expect, but what is the practical decision-making process? Who calls time on the various elements? Is it NATO, saying, “We have now discharged that part of the mission, so that is our bit done,” or are others, perhaps from your UN organisations, saying, “Well, our bit isn’t done”? How is the decision-making done? In whose hands does it rest? In many statements, people are saying that it will be for the Libyans to decide when it is done, but that is not strictly correct in relation to how the UN and the various allies supporting the missions will make decisions. Can you explain a little more how the decision-making process will happen? Who is in control of what?

Sir Mark Lyall Grant: My colleagues will correct me if I am wrong, but in a sense it is true that there are three different decision makers. NATO can, of course, decide that it will no longer implement the resolution as NATO. There is no obligation on it, as such: NATO is not mentioned in the UN Security Council resolutions.

Q91 Mr Havard: But NATO is part of a NATO-plus coalition, which includes Arab countries and others, and broadly it is getting a sanction from your resolutions.

Sir Mark Lyall Grant: That is correct, but the authorisation in the resolutions is for member states and organisations as appropriate; it does not mention NATO. Of course, NATO can stop doing what it is doing at any time it so decides. That is one decision point. Secondly, the Security Council could terminate the authorisations. As I mentioned, we will keep the measure under constant review and it will certainly be reviewed in mid-December, if not before, because that is the one timeline that is already included in the resolutions. If the UN terminates those authorisations, the only way that military action could continue to be taken is at the request of the legitimate Government of Libya.

Q92 Mr Havard: So, bilateral relations with Libya.

Sir Mark Lyall Grant: And the bilateral relations. So that is where the third decision centre comes into play, where the Libyan Government, even if there is not any UN authorisation, could request support from its allies.

Christian Turner: If I may add to that, Mark, I think the third of those will be key in seeing how the political process goes in the next three months. Obviously, the National Transitional Council are saying that they need to declare what they call liberation, which we expect would be likely to come after the fall of Gaddafi’s home town of Sirte.

Q93 Mr Havard: Do you have any information about the sort of shape of the British involvement, whether bilateral or through NATO, in terms of the ongoing mission activities—for example, providing the security you talked about and helping to train and do all the other things that are not active military intervention in the sense of firing guns?

Sir Mark Lyall Grant: I think, to be honest, Mr Havard, that is probably more for MoD colleagues,

but I do not know whether Christian wants to add anything.

Christian Turner: No, I come back to the point that we will need to see what the Transitional National Government of Libya request of us. That will be in the framework of the UN-led process led by UNSMIL. They have asked for a post-conflict stabilisation assessment. Seven areas were itemised at the Paris conference. I think that will lead to certain specific requests—for example, the security lead is with Europe—and we will have to see where the UK effort fits in with that. Ultimately, that would have to be led by what the transitional Government ask us for.

Q94 Mr Havard: There has been a lot of concern about man-portable missiles, as they are called. The Defence Secretary made a statement on Monday at questions here when asked about this. He said, “a small team of UK military specialists to work alongside the Libyans and the United States in preventing surface-to-air missile proliferation” is now taking place. Do you have any more information that you could give us about what is happening with this? That is the sort of thing that cuts across your arms embargo activity within this portmanteau resolution, isn’t it?

Sir Mark Lyall Grant: Yes. Again, there is a limited amount I can say about that from the UN perspective, but we recognised in the most recent resolution, 2009, that there was a deep concern about proliferation of weapons, including MANPADS. Now action is being taken to address that, but Christian is probably better placed to answer.

Christian Turner: Yes, there was a specific Libyan request for help on this. Obviously, it is a priority concern. Many of these weapons are old and difficult to handle. They need to be located and then dismantled. We assisted by putting in four experts to work alongside the Libyans and, also, with some US experts. That will hopefully provide the immediate location and demobilisation of those weapons. Over the longer term, I expect that to become part of a UN-led disarmament, demobilisation and reintegration programme, as part of the broad post-conflict settlement.

Q95 Mr Havard: I remember talking to General Dostum about that, but that is a different matter. There were other things. There are possible mass destruction things, things that were secured in a similar way—whether they be nuclear, biological or other things—and not just these missiles. Is a similar approach being taken to those in helping to resolve such security issues for the future? Is that being done in a similar way?

Christian Turner: That is correct—a particular concern about the chemical weapons stocks. Our liaison teams on the ground are working very closely with the National Transitional Council, as it now is, to make sure that we are providing what expertise and assistance we can to ensure that they are secured and kept safe.

Q96 Mr Havard: And all of these things are in the review in December?

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Christian Turner: Not formally part of that review, I don't think, because that is part of our ongoing assistance effort as part of the advisory team we have had working on the military side for some time—from the middle of April, I think. That has been an important part of our dialogue. So, if the Libyans say that they need our ongoing assistance with that, I think we would carry on providing it.

Q97 Mr Havard: So this might be one of a series of bilateral relations that you would do—

Christian Turner: Exactly. Irrespective of what—

Mr Havard: Maybe with the US or the French, or different combinations in any given time?

Christian Turner: That is correct.

Q98 Mr Hancock: May I ask you, ambassador, about the monitoring of resolutions by the Security Council? You raised in your answer to the first question from the Chairman the unanimous decision to refer matters relating to the people in Libya to the International Criminal Court. How has that been implemented and who is monitoring how that will materialise? In particular, there is the case of Musa Kusa, who was in the United Kingdom, is alleged to have been involved in some of the most horrendous crimes in Libya and yet was allowed to leave the United Kingdom. We did not refer him to the Court. Why was that?

Sir Mark Lyall Grant: The Security Council did not refer specific individuals to the Court. It referred the situation as a whole to the Court and asked the ICC prosecutor to report to the Security Council within two months on his examination. He did that two months after the passage of Resolution 1970, and he said that he thought there was a case to answer for three Libyans: Gaddafi himself, his son Saif al-Islam and the head of intelligence, Mr Senussi. Those three were therefore passed to the International Criminal Court for indictment, so there are obviously warrants out for them. Those are the only three Libyans who have been cited by the chief prosecutor of the Court. In terms of monitoring that, clearly all member states who are state parties to the ICC are required to co-operate with the Court. I think all states are required to co-operate with the Court. I am looking at my expert here.

Cathy Adams: Libya is obliged to co-operate with the Court.

Q99 Mr Hancock: Sorry, all?

Cathy Adams: Libya itself is obliged to co-operate. Other states who were not parties to the statute are urged to co-operate.

Sir Mark Lyall Grant: Only 110 countries out of 193 are state parties, not including the United States who are not party to the ICC. Clearly, as and when there is evidence that one of these three individuals may be going to a country, then we and other concerned countries will be encouraging them to arrest them and hand them over to the International Criminal Court. So, that is one strand of activity.

In terms of monitoring other parts of the resolutions, a sanctions committee was established which is made up of 15 members of the Security Council and is chaired by the Portuguese ambassador. All

notifications for implementation—requests for exemptions from the assets freeze, for instance—have to go through that committee, which meets regularly and decides whether particular requests are legitimate in the terms of the resolutions.

Q100 Ms Stuart: Looking ahead a little from the operations in Libya and the resolution which we acquired, I see that the Libyan operations are now led by the US and NATO in some shape and form. From a UN perspective, could you think of any other organisations, other than the US and NATO, that could implement any such resolution?

Sir Mark Lyall Grant: It is very unlikely that there would have been any other organisations with the capacity and the political will to implement the resolutions, so I think it was widely understood that the coalition would be based around NATO as its core, but Arab League participation was very important and was spelt out in Resolution 1973 very specifically, because the actions we were taking were in response to a request from the Arab League. Arab League participation in the operation was very important to many member states of the Security Council.

Q101 Ms Stuart: We will have a bit more about NATO in the second session. I want to focus on your experience of the way that the United Nations works. Given that NATO was stretched to its limits and given the cutbacks in defence spending, do you feel that there may be a reluctance to have future, wide-reaching UN resolutions against other countries, given that the UN may have trouble finding anybody to implement any of them?

Sir Mark Lyall Grant: It is often a challenge. When the United Nations was originally set up in the 1940s it was envisaged that the UN would have a standing army. Of course, it never happened. It is true, however, that there are now 120,000 UN peacekeepers around the world, and in that sense the UN Secretary-General is the second-largest commander in chief and will be the largest when American troops withdraw from various places around the world.

It is always a challenge finding countries that are prepared to put forward those troops, however, so what happens is that the Security Council will, say, mandate a peacekeeping operation in Sudan of 10,000 troops, but the UN then has to go out and ask countries to provide those troops. In a sense, that is always the problem with the United Nations, because it has no troops of its own, so it has to rely on member states' contributions when there are peacekeeping operations or enforcement operations, as this was.

Cathy Adams: It is probably worth noting that there are also some places where African Union missions are authorised by the Security Council.

Sir Mark Lyall Grant: The African Union has put certain troops on the ground, for instance in Somalia. That is an African Union force, and in Sudan there is a hybrid force, which is partly African Union and partly UN. There are examples of non-NATO regional organisations putting troops on the ground.

Q102 Mr Hancock: In that case, do you believe that there is now an established precedent for these

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matters, whereby similar resolutions could be enacted for other countries, possibly in the region?

Sir Mark Lyall Grant: Immediately after Resolution 1973, there was Resolution 1975, a week later, which authorised all necessary means to protect civilians in Côte d'Ivoire. That was carried out by a combination of the UN peacekeepers that were there and the French forces that were stationed in Côte d'Ivoire. So, that was an example not of a similar operation, because it was obviously much smaller, but of a specific military authorisation.

As I mentioned before, there has been some concern on the part of veto-wielding powers in the Security Council about how Resolution 1973 was implemented, and I think they will be more cautious in the future about authorising military action. We will have to see. The fact that they vetoed a Syria resolution last week is a signal that there is some concern on their part. On the other hand, Resolution 2009 was unanimously agreed, and it has brought the Security Council back together again on the future of Libya. I hope that if there are circumstances in which civilians are under threat of widespread massacre, the Security Council will have the courage to authorise intervention again. The examples of Rwanda and others where we did not intervene are still very strongly held in the psyche of the United Nations.

Q103 Mr Hancock: But who makes the judgment in the Security Council? What is the feeling? Is a Libyan civilian worth more than a Syrian civilian, for example? How are those judgments formulated in the room? Where do people draw the line? Far more civilians have been killed in Syria since the uprisings began there than were killed in Libya before we decided to intervene. How does that square within the Security Council itself?

Sir Mark Lyall Grant: I am not sure that is quite true in terms of numbers, but it is true that nearly 3,000 civilians have been killed in Syria, and because of that we brought forward the resolution on Syria which was vetoed. We felt that the situation in Syria had reached the stage where very strong UN sanctions should be taken, rather as the European Union, the United States and other countries individually have imposed sanctions, but that was not the view of other countries. Each country has to be seen on its merits. Each of the 15 members of the Security Council has its own national interest, and they sometimes come together and they sometimes vary. It is a negotiation. As it happens, we led on the situation in Libya and in Syria, and we drafted the resolutions that we are talking about.

Q104 Mr Hancock: So what made Libya different, then? What allowed you to get that one through? What was the circumstance that was more grave than some of the others that we know about?

Sir Mark Lyall Grant: I point to three issues in particular, which, from where I sat at the UN, were particularly influential. First, Gaddafi was deeply unpopular. He did not have any support in his own regional groups, either in the Arab League or in the African Union. Secondly, as I mentioned, the Arab League took a very strong forward position—the

African Union, a little less so—calling for the specific actions that we implemented. Thirdly, the Libyan ambassador to the UN defected in a very public way. In the Security Council, a very public forum, he started comparing Gaddafi to Pol Pot and Hitler, and that obviously had quite a dramatic impact on Security Council members.

Those were three specific factors unique, if you like, to Libya, and they facilitated agreement on these tough resolutions. In other circumstances, such as Syria, those circumstances do not apply. The Syrian ambassador has not defected and the Arab League does not have such a strong position. Although its position is getting stronger by the day, it has not called on the Security Council to impose sanctions, and President Assad still has some support in the region. That is why it is more difficult to get strong action taken in the Security Council on Syria.

Christian Turner: If I could add something from a regional context—Mark described this very well—the very specific set of circumstances around Libya and the whole of the Arab League, as I said earlier, was absolutely critical. Although there is the broader point that precedent has been set in each of the countries we are talking about—Syria, Yemen, and elsewhere in the region—it is very specific to the country concerned.

Q105 Bob Stewart: Can I return to Security Council Resolution 1973, Sir Mark? As I understand it, it is a chapter VII enforcement action, is it not? Classic enforcement.

Sir Mark Lyall Grant: That is right.

Q106 Bob Stewart: But constrained. I have read through the actual terms and essentially it says that under 1973, a chapter VII resolution authorises the use of force, including the enforcement of a no-fly zone and the requirement to protect civilians in areas targeted by the Gaddafi regime and its supporters. It is a classic enforcement action.

My question is about how that squares with the fact that, consistently, NATO forces have become, to use a populist term, the air arm of the rebel forces and continue to be so when, actually, Gaddafi's forces are neutralised, effectively. They are in full retreat and are just in the core centre of Sirte. My worry is that having read the legal justification, it does not wash with me. I cannot see, under Resolution 1973, how we can continue to have air operations against Sirte, when, actually, there is nothing Gaddafi can do to really hurt civilians any more under that resolution. How do you answer that?

Sir Mark Lyall Grant: I am not best qualified to answer that, but you are right that Resolution 1973 is a chapter VII resolution. It authorises force and the terms of the action are very clear. It talks about "acting nationally or through regional organisations" to take all necessary measures "to protect civilians and civilian populated areas under threat of attack". That is the authorisation, and all the actions that the coalition has taken have been in pursuance of that. There is a separate authorisation that establishes a no-fly zone, but those are the two military authorisations. They were both designed to protect civilians, and that

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is the justification for the military action that has been taken.

Q107 Bob Stewart: I accept that, but it does not quite answer the question, which is how the resolution justifies our continuing to take out Gaddafi's positions in Sirte, for example, because it was specifically designed for Benghazi. We passed it through the House of Commons, thinking that Benghazi was under huge threat. People like me said, "We have to agree this now". I know that I am almost being the devil's advocate here, because I can see your position, but I just want to tease this out. It is important because, retrospectively, we will be coming back to this situation, and I do not think that we have the wording right.

Sir Mark Lyall Grant: I will ask Christian to comment in a second, but, to be clear, paragraph 4 clearly states "including Benghazi", which means that it is not limited to Benghazi. We deliberately put that phrase in to highlight the fact that it was Benghazi that was immediately at threat at the time of the passage of the resolution. It is not limited to Benghazi.

Christian Turner: To address the point on Sirte, I do not think that it would be our assessment that Gaddafi's forces are neutralised. Both Sirte and Bani Walid have a rump of resistance from pro-Gaddafi forces. There is continuing evidence coming out about civilian casualties. There was an International Committee of the Red Cross report this morning which said just that.

Q108 Bob Stewart: I accept that, Mr Turner. Right, let's go back. What about the fact that there are civilian casualties caused by the rebel forces who are firing indiscriminately into Sirte? Under the UN Security Council resolution, you are supposed to be protecting them too.

Christian Turner: That is absolutely right. As a result, the targeting that is still being carried out under the OUP mandate has to be incredibly careful in built-up areas like Sirte. It is hard for us. We do not have people on the ground to provide that monitoring. We are trying to co-ordinate closely with the National Transitional Council to ensure that any allegations of civilian casualties caused by Free Libya forces, as we call them, are properly scrutinised and held accountable.

Q109 Bob Stewart: Under this resolution, are we able to give arms to the rebel forces?

Christian Turner: The definition of that is tightly controlled. We think that there are some specific circumstances under which defensive weapons could be provided with the aim of protecting civilians.

Q110 Bob Stewart: A defensive weapon is a rifle?

Christian Turner: No. I believe, although I am not an expert, that a rifle would not be a defensive weapon.

Q111 Bob Stewart: Then I can tell you that there are very few defensive weapons that cannot be offensive too. It worries me that later on there will be people coming back to this issue. The operation in Libya will be used as an example of where the Security Council

resolution has been pushed beyond its limits, so it will stop future Security Council resolutions for subsequent problems in the world. People will say that last time we approved a Security Council resolution, which was put up mainly by the United States, the United Kingdom and France—three permanent members, with countries like Germany abstaining—they pushed it not just to the end of the balloon, but beyond it. They will say that they are cautious about doing so in the future.

The lesson is that this Security Council resolution is a busted flush, in a way. That is my comment. Forgive me if I sound aggressive when I do not mean to be. It is just that we will have to justify the actions we have taken under a Security Council resolution, which in my view, technically, does not allow us to support the rebels as they go on into military operations. It allows us to stop civilians being killed on either side—technically, written down. If you have further comments, I will listen and then shut up.

Sir Mark Lyall Grant: No, I understand the point you are making, Mr Stewart. Other members of the Security Council have made that precise point. Some members have said, "You have been targeting civilian infrastructure, you have been targeting Gaddafi and his family and you are aiming for regime change. None of those are authorised in the resolution." We say that we have not been doing that. We have not targeted civilian infrastructure, which has been remarkably intact. We have not been targeting Gaddafi. We have not been aiming, through this resolution and through the military action, at regime change.

Q112 Bob Stewart: Actually, the Secretary of State said that we would target Gaddafi if he is in a command post.

Sir Mark Lyall Grant: Of course.

Q113 Bob Stewart: If he happens to be there.

Sir Mark Lyall Grant: Of course there are circumstances when, if you can make that link to the protection of civilians, that military action is justified. I am not the person best qualified to answer that question. I know, even from where I sit in New York, that all the actions that have been taken have been carefully examined and looked at legally to ask whether they can be justified and whether they are authorised by the resolutions.

The British Government have not taken any action that we do not believe is authorised by this resolution. But the implication that you are drawing—that others will say that, because of the way this has been implemented, we are going to be less enthusiastic about allowing such resolutions in future—may turn out to be the case.

Bob Stewart: I think that that is what I mean. I am just teasing it out for that very purpose.

Chair: Christian Turner, do you want to come in on this?

Christian Turner: I just want to add that I think you are right to distinguish between the political implications and the legality.

Just to clarify the offensive weapons point, the UK has not provided any such weapons. You will recall

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that we provided such kit as body armour. The targeting point, which Mark emphasises, is more for my Ministry of Defence colleagues, but there are very tight rules that go through those targeting sets, which led on occasion to sorties being abandoned if at points we thought that civilians were in the vicinity. That is all taken to as rigorous a position as we can.

As I said earlier, the analysis of that is that it is not easy, because we are not on the ground, but reports from outfits that have looked at it, such as the Royal United Services Institute, have commented that those casualties are lower than we have seen in previous conflicts.

Q114 Mr Havard: You will be aware that, at one level, there is an argument that the UN does not have authority to do this itself under its own charter. There is an argument that in Resolution 1970 there were definitions passed that meant you should not be doing some of these things. So it ranges from a question about the whole legality of doing any mission of this sort—Afghanistan, Libya or whatever—right through to the other end.

One of the things that concerns us in particular—me, anyway—is individuals who are later judged, with the benefit of 20:20 hindsight three years down the line, on what they did or did not do under the regime that you are talking about in respect of targeting and whether their behaviour was appropriate. We are a signatory to the International Criminal Court and our personnel involved—be they civilian or military—have particular legal obligations. I want to be clear that they will not be left exposed by political expediency of decision making and that legality is really there at a later date to protect them as individuals and maybe then collectively as a country—the moral obligations and all of the politics. So it operates from the macro to the micro.

Chair: Cathy Adams, do you want to answer?

Sir Mark Lyall Grant: Cathy can maybe answer this, but I am not aware of the argument that the UN itself did not have the legal authority to do it.

Q115 Mr Havard: But the Stop the War coalition raised an argument and they have public information.

Sir Mark Lyall Grant: The UN Security Council is responsible for maintaining international peace and security and within that definition it has extremely wide-ranging powers.

Chair: Such an argument has been put to us and you will find it in the written evidence.

Mr Havard: It will be in the evidence.

Cathy Adams: On the legality, I do not think there are any serious issues, as Mark says, about the fact that the Security Council has the power, under chapter VII of the charter, to authorise the use of force, which it did in this case.

As far as targeting is concerned, that is actually a slightly separate issue, because the legality of the operation is separate from the legality of how the operation is carried out, which is essentially what the ICC is looking at. It is certainly a very important issue. I am not from the MoD and I obviously cannot speak to this, but I know that the process that they go through in terms of ensuring that the targeting is

compatible with international humanitarian law is scrupulous, precisely for the reasons that you have given.

I will say a couple of words about the arms embargo, which has raised a couple of questions. It is worth emphasising two points. First, even when the arms embargo was first adopted, there were a number of exemptions from it, and there are various procedures either from notifying the committee or seeking exemptions from the sanctions committee. Some kit that has been supplied has fallen within those provisions.

Secondly, in relation to the relationship between the authorisation in paragraph 4 of Resolution 1973, the authorisation to use force and the arms embargo, if you look at the resolution, it says that the authorisation “to take all necessary measures” is “notwithstanding paragraph 9 of resolution 1970”, which is the arms embargo provision. It is effectively an expressed derogation. The phrase “all necessary measures” is often taken as an authorisation to use force, but it effectively means any measures that are necessary up to and including the use of force. It could be interpreted, in certain circumstances, as providing that conditions are fulfilled. That is absolutely key, as Mr Stewart has said, as is authorising other measures including possibly the supply of arms. But, as Mr Turner said, that has not been done in terms of offensive weapons.

Q116 Chair: Article 41 states: “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions”. Where does the power to employ the use of armed force come from?

Sir Mark Lyall Grant: Resolution 1970 is under chapter VII and article 41, so it expressly excludes the use of force for that reason. Resolution 1973 is deliberately under chapter VII and makes no reference to article 41, which means that it incorporates all of chapter VII that includes article 41 and article 42, which is the authorisation of the use of force. That is why there is a difference between Resolutions 1970 and 1973, and Resolution 1973 was the specific military authorisation. Resolution 2009 goes back to chapter VII, but only article 41. There is a very clear division.

Q117 Thomas Docherty: If you accept that around Sirte the Free Libya force is not taking measures to protect the civilian population when it is shelling them—the accusation that Bob Stewart made to you and you did not challenge—it is difficult to believe that, if the Gaddafi regime were carrying out that kind of attack, you would not have stepped in. How can I explain to my constituents who see us as playing to two standards that we are not?

Christian Turner: Most of the fighting around Sirte is not through aerial bombardment. The problem now is that the town is surrounded and they are working through neighbourhoods. Obviously, the broader point that we are discussing with Mr Stewart is that we want to see an end to civilian casualties. What the Free Libya forces are not doing is systematic targeting of

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civilian populations that we have seen from the pro-Gaddafi forces. So the ongoing involvement of the OUP forces is to try to prevent that and to go after the command and control centres. If we saw evidence that the Free Libya forces were causing widespread civilian casualties, we would absolutely be responding to that.

Q118 Thomas Docherty: Have you?

Christian Turner: Have we seen that? No.

Q119 Thomas Docherty: Have you spoken to the Free Libya forces to make it clear that we would not play double standards?

Christian Turner: Absolutely. So now at HQ in Tripoli the degree to which we are working continually in that advisory capacity with them is a very important part of our dialogue.

Sir Mark Lyall Grant: I might just add that Resolution 2009, which was passed in September and came after the recognition by the international community of the NTC as a legitimate Government, sets out some very tough political messages to the NTC. It says precisely that it is now its responsibility to protect civilians, to abide by international law and to protect foreign nationals and diplomats and so on. We recognise that there has been a change of Government and that there are now very strong obligations imposed by the Security Council on the NTC.

Christian Turner: To add to that, Chairman Jalil himself has been very robust and strong in his repeating of his commitment to those principles.

Q120 Mrs Moon: To reiterate, now that there has been a change of Government, in many respects the civilian population has had greater protection from potential retribution, particularly in a tribal society where there might otherwise have been greater blood-letting for those who had resisted. Do you agree that the civilian population has been protected by the overarching responsibility for all parties engaged in this conflict to protect civilians, whether from NATO or from the new Government within Libya?

Sir Mark Lyall Grant: Yes, I think that that is fair. In this sort of situation there are always concerns that there could be reprisals and that vulnerable groups could be targeted. There has been a particular concern about African migrant workers.

Because Gaddafi used quite a lot of mercenaries from Africa, anyone with a darker skin has been accused of being a mercenary. There were concerns that the NTC forces might carry out reprisals, which is why we covered in Resolution 2009 some very clear injunctions against reprisals and for protecting African migrant workers and other vulnerable groups. There is a very good understanding, as Mr Turner said, on the part of the NTC leadership, of the importance of national reconciliation and of the inclusivity of the political process—bringing in groups that are not naturally affiliated to them and protecting vulnerable minority groups. We are much more confident now that those groups will be protected than we were under the Gaddafi regime.

Chair: We are running out of time, I am afraid—Sandra Osborne.

Q121 Sandra Osborne: Can I ask you about the Prime Minister's announcement on the lessons learned exercise to be carried out by his National Security Adviser? I assume that you will have an input into that. What lessons have been learned as far as the UK's future role in the UN is concerned?

Sir Mark Lyall Grant: I have not thought in detail about that question. I imagine that I will be asked to contribute to the lessons learned exercise. Certainly, there will be some lessons for us in the Security Council. What happened in this particular case is that, because of the urgency of the situation, we had to move extremely fast. The resolutions were negotiated in a very short time, and had we had more time some of the uncertainties and legal wrinkles could have been sorted out better.

There are lessons about trying to bring on board as many of the Security Council members as possible at an early stage. We have been trying to do that on Syria, and we are trying to do that on Yemen and other countries that were also part of the Arab spring.

In a way, my task is to get the resolutions that the British Government feel are required or are necessary through the Security Council. As I mentioned, every member of the Security Council has slightly different interests, and therefore you have to make compromises in the negotiation, but the more you can bring along those who do not necessarily agree with your world view or who do not agree with your specific views of a region, the better the chance of having a strong, united voice.

There is no doubt that when the Security Council is united, speaks with one voice and votes unanimously, it gives a much more powerful political message than when there are divisions, when there are vetoes, when resolutions fail or even when there is a certain number of abstentions. Although they have the same legal force, provided they are not vetoed, resolutions have greater moral and political force if they are unanimous. There are lessons on how we can try to build those coalitions within the Security Council and bring other people along with us.

Christian Turner: We will be contributing to that National Security Council-led process to provide a Government-wide view on lessons learned. If I could just add my three quick ha'pennyworth to what Mark has said. First, the point on legitimacy, which we have been discussing in the regional context, has been a very important part of the policy on Libya. Planning early for stabilisation is not something that you are focused on, but the efforts we started in June to ensure that post-conflict look was very important. Finally, the emphasis throughout on the process being Libyan-led and the mantra about the wishes of the NTC being primary have all been key threads through the conflict.

Q122 Sandra Osborne: Did you notice any change in UK decision making or co-ordination with the advent of the National Security Council?

Sir Mark Lyall Grant: From my point of view, that has worked very well. There have been, more or less for the past six months, weekly official-level meetings

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of the National Security Council specifically on Libya, into which I have been able to participate by video conference from New York, and other posts have been able to do so as well. That has been extremely important in ensuring that we have coherence across Whitehall, but also that key posts such as NATO, the UN, Washington, etc. are all in line with the policy of the centre. I will not say that it would not have happened before, but the structures of the National Security Council have helped that.

Q123 Chair: Okay, thank you very much indeed—to all three of you—for that evidence. It was most helpful. We will now consider the NATO issue and I would be grateful if we could have a quick changeover.

Examination of Witnesses

Witnesses: **Mariot Leslie CMG**, UK Permanent Representative to the North Atlantic Council, and **Air Marshal Sir Christopher Harper KBE**, UK Military Representative to NATO and EU, gave evidence.

Chair: Thank you very much indeed for coming to give evidence. You were here throughout the earlier session. We may be able to take this session rather more briefly, because you have heard all the questions and some of them may have been covered already. Could you introduce yourselves?

Mariot Leslie: I am Mariot Leslie, the British Permanent Representative to NATO.

Air Marshal Harper: I am Air Marshal Chris Harper, the United Kingdom Military Representative to NATO.

Q124 Chair: Thank you, can we begin on the input that NATO and individual Defence Ministries across NATO had in the passing of the United Nations resolutions? You heard what Sir Mark said; is there anything you want to add or subtract from what he said, or any nuance you want to put into how much NATO was able influence the passing of the resolutions?

Mariot Leslie: He described the process well. NATO has a small liaison office in New York to the UN, because of the many operations in which the UN and NATO have a common interest, including notably Afghanistan, with the UN presence there. As long as there was no NATO operation, there was nothing for NATO to discuss with the UN, so there was no official relationship between NATO and the UN or UN staff on Afghanistan until such time as the NATO operation was up and running. We were therefore talking about an intergovernmental process, both in the UN Security Council and in NATO in the North Atlantic Council and the Military Committee, which Air Marshal Harper can speak about, in which those countries that were most active diplomatically between their capitals, but in New York and in NATO in Brussels, were well aware of what was going on at both ends. The North Atlantic Council started discussing the crisis in Libya in a very informal way—untasked, but raised in some of our informal meetings—in late February; I was raising it and then started having informal meetings with Libya on the agenda for discussion. As we got much closer to the point when the UN Security Council resolution was being negotiated, those discussions started wrapping up in the council. I think the Military Committee was also discussing it informally and NATO commanders were beginning on their own authority to do a very, very

light touch of what we call prudent planning—untasked, unauthorised and therefore not using resources, but just being aware of the situation and gathering information. NATO planning started more formally once the first UN resolution was passed at the end of February.

Q125 Chair: Air Marshal Harper, would you like to add anything about that? Were you able to say whether this would be a realistic task to achieve before the resolutions were passed?

Air Marshal Harper: There was certainly no aim to influence the process, but certainly to provide facts, figures and details whenever we were asked. As Mariot has just said, essentially most of the negotiation with the UN was done by capitals at that point.

Q126 Chair: Thank you. You have heard some of the questions about Sirte for example. How have the operations been monitored in relation to compliance with the UN resolutions from a NATO point of view?

Air Marshal Harper: Sirte is, if you like, the culmination of what is going on in Libya at the moment. The process of monitoring what has been occurring in Libya has been taking place throughout this military campaign, throughout which we have seen continued evidence of pro-Gaddafi forces—still to some extent controlled by Gaddafi himself, we believe—seeking systematically to prosecute the civilian population of Libya. It is that which we have therefore been trying to stop using the NATO operation.

In Sirte itself, we are very closely monitoring what is going on, as much as we can with the assets available, but as Sir Mark made clear, there are no NATO forces on the ground in Libya, so this is very much a case of being in very close contact with the NTC forces and being assured by them that there is no indiscriminate action taking place and that what they are doing is prosecuting their campaign in a military manner.

Q127 Chair: So the distinction you are drawing is that the Gaddafi regime had a systematic intention of attacking civilians, whereas the opposition forces have had no such malign intention. Is that right?

Air Marshal Harper: That is exactly right. Right from the beginning we heard statements by Gaddafi—I am

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sure I will not get the quote exactly right—along the lines of, “We will root them out like rats, city by city, town by town, house by house,” and that was in the lead-up to Benghazi. Some months later, while humanitarian operations were taking place, trying to evacuate civilian personnel from the city of Misrata, we saw Gaddafi forces starting to mine that port during the operation; there was indiscriminate artillery fire into Misrata at that time, which used anti-personnel weapons as part of its armoury. There are many other similar cases. We have seen throughout this the pro-Gaddafi forces systematically attempting to prosecute the civilian population of Libya.

Mariot Leslie: If I might add to that, Air Marshal Harper has quite correctly described, if you like, the application of what NATO is doing. Hard-wired in the way in which NATO has set up its rules of engagement, its concept of operations, its initiating directives that started the planning and in the execution directive with which the North Atlantic Council tasked the NATO commanders to carry out the operation, there was very close attention to those rules of engagement, to make sure that they were compatible with the UN Security Council resolutions. The steer that the Council was giving to the military commanders was, “You are to fulfil these resolutions, no more and no less, so use the whole scope of the mandate to achieve the political intent of the NATO Governments, but don’t step beyond it.” Just as the military commanders were interpreting that in the way that the Air Marshal has described, the Council was also watching very closely, with not only the United Kingdom but many other countries being very concerned to make sure that the limits were not overstepped in anything NATO did.

Q128 Mrs Moon: Do you see any implications for the political future of NATO and its command structures in member states refusing to participate in the operation?

Mariot Leslie: There has been a great deal in the press about that. I think it is probably worth explaining that the situation is much more complex than has sometimes appeared in the media. First of all, there was a process, as you would expect, of negotiation in the North Atlantic Council, running more or less in parallel with the negotiations in New York on what were the two original UN Security Council resolutions. There were clearly different views in the capitals and Governments of NATO members, but those views were resolved and very rapidly—extraordinarily rapidly—there was consensus inside the North Atlantic Council, on the basis of the consensus inside the Military Committee from whom we took advice, that we were to have this operation. NATO operations are by consensus—there is no voting in NATO—so all 28 members had agreed that the operation would take place. All had said at the time when we agreed that perhaps not everybody would be taking part in it, but nobody wanted to prevent those who did want to take part in it from taking part. That was an understanding around the Council table from the start.

You then see that, actually, every member of NATO took part in some way through the command structure.

Nobody withdrew themselves from the command structure or refused to play their normal part. A number of countries that perhaps did not appear in the combat operations none the less reinforced parts of the command structure, sometimes to bring staff with specialist skills to move into the Libya taskforce and sometimes simply to reinforce it themselves. A lot of that went on in a way that has not actually had a lot of attention in the media.

There were then some nations that simply did not have the capabilities that were required for what was a relatively limited operation. Let me name just two types of example. This was a maritime operation and an air operation. Some countries are land-locked and do not have much by way of a navy and, quite soon, the NATO commanders had what they needed by way of maritime capabilities for what was essentially the arms embargo. They did not need any more, so those countries that did not have big marine assets were not being asked to deliver them, and were not refusing to deliver them, because they were not being asked. If you look at some of the air assets, some countries had already agreed many years ago through the NATO defence planning process that they would not buy fast jets; they would not focus on that. NATO would provide air policing, for instance, over the Baltic countries, and they did not actually have many of the capabilities that were required for this operation. The overall picture of who contributed and who did not, and who might have contributed more is therefore rather more nuanced than perhaps has sometimes appeared in the press.

Chair: I will bring in Gisela Stuart very briefly on that point and then come back to you?

Q129 Ms Stuart: I fully accept what you say about countries not having navies. Can you just explain to me, as a matter of intrigue, what happens in countries that do not have a Government? As I understand it, the Belgians were very active participants. I am not sure about the constitutional structure in a country that sends its troops to war at a time when it does not have a Government.

Mariot Leslie: Belgium had a state and it had an interim Government—Government functions continued in Belgium. The Belgians played a remarkable role, both politically in helping to form consensus in the council and in taking part in the operations to protect civilians. Full credit to them.

Q130 Ms Stuart: And there were no constitutional problems—it was just straightforward?

Mariot Leslie: They managed it themselves, yes.

Chair: You imply that countries work better without Governments. *[Laughter.]*

Q131 Mrs Moon: A number of non-NATO countries were involved, particularly countries from the Arab League. Do you see greater opportunity for further engagement of countries outside of NATO in future operations?

Mariot Leslie: That was the great success of NATO’s partnership policy. It is not the first time: we are now—if not this week, then by next week—up to 50 countries taking part in the ISAF operations in

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Afghanistan. I think Bahrain is just about to join us as No. 50. There are plenty of other operations in which NATO has partners involved. What was special about this one is that NATO, right from the start, when the council was looking at whether or not we were going to take on this operation to enforce UN Security Council resolutions, and following something that the British Foreign Secretary had formulated, said that it was important to us that there was a demonstrable need for military activity, a clear legal base for it and clear regional support. We already knew from national contacts that in particular the Qataris and Emiratis were likely to want to get involved if there were a NATO operation to plug themselves into. It was an operation that allowed them to use the types of interoperability with NATO that our partnership policies already allowed us to practise and exercise elsewhere. Right from the start, they were around the table, as were the Swedes, who work very well with NATO, using, incidentally, elements from the EU battle group—the Nordic battle group—and so were a number of other Arab countries. It was the council's intention from the start—indeed, for some members it was almost a condition from the start—that there should be demonstrable regional support, which those partnerships did indeed demonstrate.

Q132 Mrs Moon: Were they integrated into the NATO command structure, or did NATO merely co-ordinate their separate activities? How did their integration within the NATO operation take place?

Mariot Leslie: Once the operation started, at the political level—the North Atlantic Council—we almost invariably met partners around the table. We met in what we call Operation United, but in Unified Protector format, with all the partner countries—five of them—sitting around the table with us. Technically speaking, to reach consensus, it was only the 28 members of NATO who could take a decision, but they were there in all the debates and their views were taken account of. In the Military Committee, the Military Representative can speak. At the command level I think they were involved in Naples.

Air Marshal Harper: Yes. Exactly the same, they are integrated in the Military Committee for meetings covering Operation Unified Protector, and they were integrated into the NATO command and control structure, so essentially they were under the command of NATO operations and directed in NATO operations as well.

Q133 Mrs Moon: Do you see any difference or change in the nature of the dialogue between NATO and the region as a result of the Libya engagement? Has it improved? Has it been helpful, or has it made things more difficult?

Chair: In the Middle East and North Africa?

Mrs Moon: Yes.

Mariot Leslie: It clearly improved it. It also proved wrong those allies who were saying before the start of the operation that it would be deadly for our relations with the Arab world, because they did not want anything to do with NATO, and thought we should perhaps continue as a coalition because they will not want to have anything to do with NATO. That was not

what Britain thought, and it was not how things turned out in the event. I am finding a much more vocal and interactive relationship with Arab countries.

Q134 Mrs Moon: Finally, do you think there will be a greater focus and interest in NATO generally in the future? Will the back door become something that is perhaps looked at more often?

Mariot Leslie: NATO has had long-standing partnerships with the Maghreb and the Near East in its so-called Mediterranean dialogue, which has not been very active recently, so this may be an opportunity to revive it. Libya was not a member of that so-called Mediterranean dialogue, and the question now arises whether it would like to join it. I think NATO would be very open to that. Then there is a thing called the Istanbul Co-operation Initiative—the ICI—which goes rather further into the Gulf countries. Not every Arab country belongs to it, but many do. Both those dialogues have been given a new lease of life by this operation, and I suspect that NATO as a whole will want to note that at its next summit in Chicago next May.

Q135 Bob Stewart: Is it true, Air Marshal, that seven Paveway bombs were dropped around Sirte on Monday?

Air Marshal Harper: I'm afraid I don't know the answer to that question. It is probably best addressed to—

Q136 Bob Stewart: If it is true, there are ongoing military operations around Sirte, which is slightly contradictory to the impression I had previously. We have talked about the Arab League. What exactly is the Arab League contributing in military hardware, particularly on the ground? Anything?

Air Marshal Harper: I do not know the answer to your question about contributions on the ground, but members of the Arab League, particularly Qatar and the UAE, as we have just discussed, have been closely involved from the beginning. But the Arab League as an organisation is not involved in the military operation.

Q137 Bob Stewart: I thought the Military Committee had a military briefing on what goes on in operations that are NATO controlled, normally on a daily basis. Does it, did it, or is that now non-existent?

Air Marshal Harper: The Military Committee does not meet daily and does not have a daily—

Q138 Bob Stewart: The Military Committee and the North Atlantic Council as such, which you sit on—

Air Marshal Harper: It does not meet daily.

Q139 Bob Stewart: But it meets at least weekly, doesn't it?

Air Marshal Harper: Yes. That is correct.

Q140 Bob Stewart: Does it have a military briefing on what is going on the ground?

Air Marshal Harper: Yes, it does.

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Q141 Bob Stewart: So it does not get told what is on the ground?

Air Marshal Harper: No, but your question was: what is the Arab League, as an organisation, doing on the ground?

Q142 Bob Stewart: So if there was anything on the ground, the Military Committee would know about it? I am being persistent, but I am not trying to be horrid.

Air Marshal Harper: That's all right. The Arab League as an organisation is not represented de facto on the ground, but there are Arab League member states involved in the operation. I am not aware of what those states are doing on the ground, but Arab League member states are involved in the operation. I am not aware what those states are doing on the ground.

Bob Stewart: Thank you.

Q143 Mr Hancock: How do you think NATO will measure a successful outcome to the operations in Libya? How will you establish an exit strategy—or have you already done so?

Mariot Leslie: Those are probably two separate questions. NATO has been saying clearly, and Defence Ministers who met last week in Brussels said yet again, that the operation has not finished; it will go on for as long as required but not a moment longer. You heard Sir Mark Lyall Grant and Christian Turner talking a bit about the manner in which the operation might end. I would expect it to end in a way that is concerted with what the United Nations is saying and what is said by the National Transitional Council—recognised internationally as the legitimate Government of Libya for the time being—and the North Atlantic Council. The North Atlantic Council will want to look at those other organisations and at whether the mandate to protect civilians from the threat of attack in Libya has been met, or whether there is still a serious threat to the civilian population. I expect a consensus view to emerge in the NTC, the UN and NATO, but NATO could take its own decision at any time in advance of the other two organisations and is not dependent on them.

Q144 Mr Havard: When is the next formal roll-over date review?

Mr Hancock: A further 90 days.

Mariot Leslie: We rolled it over again in September, so it therefore goes from 27 September to 26 December.

Q145 Mr Havard: The 26 December?

Mariot Leslie: Yes, December, but we are not sending a message to the world that we still necessarily expect to be continuing the operation then; we could end it as soon as we regard that to be necessary, or we could extend it. It was a technical roll-over of three months because we do it three months at a time.

Q146 Mr Hancock: If the transitional Government said, "We don't want you here any longer," would that be enough for you to walk away?

Air Marshal Harper: No, it would not. That would be potentially taken into account as one of the

conditions that might play into the decision, but only one. That is because, as we have said all along, the UNSCR mandates that we protect civilians. Even were there a request, if a risk to civilian life was still posed by pro-Gaddafi forces that consideration would have to be taken into account as well.

Q147 Mr Hancock: What planning is being done on the exit strategy? You didn't get round to answering that.

Mariot Leslie: We discuss it pretty regularly. The Council meets formally at least twice a week and informally as often as it wants but on a similar scale. We discuss the sorts of things I have already mentioned—what might happen in the United Nations, what the National Transitional Council might say, what is happening on the ground, and when we might think that the indicators have been met to allow us to bring the operation to a close.

We have always said, and Defence Ministers said it again last week, that it will be a political decision informed by military advice. The signal to the outside world at present is that the operation will continue as long as the mandate is necessary. At a time when pro-Gaddafi forces are still fighting, we do not want to be too explicit in a message that could reach the outside world about exactly what conditions would bring the operation to an end. It will come to an end when it is no longer necessary and when we think that civilians are no longer under serious threat of attack.

Q148 Mr Hancock: One of the serious potential problems arises out of the lack of control over weapons that were held by pro-Gaddafi forces, in particular surface-to-air missiles, which now seem to be unaccounted for. What is NATO doing about that issue?

Mariot Leslie: NATO is not doing anything about it—

Q149 Mr Hancock: So who is?

Mariot Leslie: NATO has destroyed quite a lot of the stocks of munitions that Gaddafi forces were drawing on. In the early stages of the campaign, a lot of those munitions stocks were bombed by NATO. At present it is individual countries helping the National Transitional Council in the ways that Christian Turner and Sir Mark Lyall Grant described.

Q150 Mr Mike Hancock: Disarming is one thing; finding out what has happened to the arms and in whose hands they are now potentially is an issue that must worry all of us. What are you doing about that particular issue? That is the question; not about disarming weapons you know or the ones you destroyed. The question is specifically about the widespread press reports that a large number of surface-to-air missiles have now disappeared. What is NATO's response to that, and how we can we be sure we can protect ourselves from that? What are we doing to go after those weapons?

Mariot Leslie: NATO does not have any forces on the ground. Where NATO intelligence can detect munitions and deal with them as part of the priorities—because Libya is a huge country and priorities have been preventing civilians from being

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attacked—where they have been relevant to those targets we have been taking on in NATO in order to protect civilians most imminently at risk of attack, NATO has dealt with ammunition stores. NATO does not have a ground-based campaign to find munitions and disable them.

Q151 Chair: If you have to bomb on a munitions dump, it is difficult to be sure what was inside it.

Mariot Leslie: If you do not have ground forces to do the follow-up operation, indeed.

Q152 Chair: And if the British Ministry of Defence can lose £6.5 billion-worth of assets, presumably the Libyan Ministry of Defence can do something similar. Moving on from that, Sandra Osborne.

Q153 Sandra Osborne: May I ask you about decision-making in NATO? How quickly can decisions actually be made given the consensus and all the rest of it that you have talked about?

Mariot Leslie: For this operation they were made extraordinarily rapidly. I don't think there has ever been an operation when a crisis has appeared as this one did in mid-February and a matter of weeks later there is an operation already taking place.

The decision to launch the NATO military operation was actually taken by the council 10 days after the second UNSCR—that is a record time. How did it happen? It happened because the military authorities were extremely effective at SHAPE and elsewhere in the planning that the council had tasked them. The international staff were backing that up very rapidly. The council was getting very quickly the assessments, including the intelligence assessments, for which it asked.

Nobody was reckless in what they did but there were times when the rather long chain of military planning had various bits going on simultaneously rather than sequentially, so the decisions were made on the basis of things brought together at the decision point, but had been going on in parallel. We had people working on concepts of operations for some part of the operation while simultaneously working out the rules of engagement for other parts of the operation, and then bringing the strands together of how you did an arms embargo, how you did a no-fly zone, how you would conduct attacks or measures to protect civilians.

They were working up the forces required and the planning often in parallel and then reconciling them just before the rules of engagement were brought to the council for decision. It was a remarkable tribute to our military colleagues, how quickly they worked. In the council, people worked with extraordinary speed—early, late or weekend—for about three weeks, to reach the final decisions, which the council took on 27 March.

Air Marshal Harper: It was incredible, quite frankly. I arrived on 9 March in NATO headquarters from my former job, which was as a deputy commander at Joint Force Command headquarters Brunsum. At that stage the main security concern was what was going on in the Gulf. Over the period of the next three weeks, I saw NATO headquarters essentially on an

operational footing, both at political and military levels.

Ambassador Leslie has described the process: getting consensus from 28 nations; getting operational plans drawn together; establishing headquarters and a bespoke command and control system for a complex operation; generating the forces; accounting for all of the political nuances; and bringing in those nations that, in some cases, had some initial concerns that needed to be explained or discussed. Doing all of that in 10 days was quite a process.

As the ambassador has said, for some three weeks there was roughly 18 to 20 hours a day of fevered negotiation, and sometimes having to go between nations to assist with the negotiation. To generate that in 10 days was quite a feat. When one casts one's mind back to the Bosnia campaign, the same process took some 15 months.

Q154 Sandra Osborne: What is your assessment of the level of civilian casualties?

Mariot Leslie: We have no means of knowing how many civilian casualties have been caused by Gaddafi forces. At various stages, we have seen numbers put out by Libyan authorities, but I have no sense of how we could validate those numbers. No doubt the UN will, at some stage, make some assessment as part of its needs assessment, but I do not think we have any good figures on which we can rely.

So far as the NATO campaign is concerned, from the start the rules of engagement contained a direction to the military commanders to minimise the risk of civilian casualties and of damage to civilian infrastructure. The commanders have done that extraordinarily well, partly because they take the direction extremely seriously, partly because there are some extremely skilled people fusing the intelligence and operating on it carefully, and—we haven't seen this to the same extent in other air campaigns, although the Air Marshal is better placed than I am to comment—partly because of the use of precision weapons. As Christian Turner said in your earlier session, there is a great deal of alertness on the part of the command chain, the taskforce in Naples and individual operators. If they see any risk of civilians suddenly appearing when they aren't expected, operations are aborted at short notice.

We will never know whether some civilians have been accidentally killed by NATO because we have nobody on the ground to do the post-strike assessments, but we do not know of any civilians who have been killed. Our belief is that the numbers, if any at all, are extremely small.

Q155 Sandra Osborne: In that case, will you comment on a quote from the Russian Foreign Minister? He recently said, "Members of the international community, first of all our Western partners, have chosen the path of supporting one of the sides in the civil war—probably the party that represented the Libyan people's legitimate aspirations, but this still increased the number of casualties among the civilian population". What is your response to that statement?

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Mariot Leslie: It doesn't really reflect what I have just described to you.

Q156 Mrs Moon: *The New York Times* carries a fantastic article on the brave role of women in Libya. Women are moving out of the traditional roles and expectations, and, in particular, they are operating to protect some of the fighters by carrying munitions and providing medical care and support. They are taking a front-line role that women in that country have not previously operated. How do you see NATO helping and supporting Libyan women in the future, perhaps through a humanitarian role, to ensure that there are opportunities for women to have a wider role in the building of the new Libya?

Mariot Leslie: I am sure you are aware of UN Security Council Resolution 1325 on the role of women in armed conflicts. That resolution is embedded in everything NATO does when it approaches conflicts and operations. When NATO enters partnership arrangements with other countries, to help with security sector reform, for example, it ensures that all considerations in that UNSCR are taken into account in the way in which it does its training and mentoring programmes, its operations with other countries, its exercises and so on.

Frankly, in the case of Operation Unified Protector, in which nobody is on the ground, I do not think it is a relevant consideration. In the future, if, as I hope and expect, Libya becomes a partner nation of NATO, all of that approach will of course be a mainstream part of the way in which NATO helps Libya with its own future security.

Q157 Chair: Did operations in Afghanistan have any impact on operations in Libya or vice versa, and if so, what?

Air Marshal Harper: Afghanistan, without question and throughout this campaign, has remained NATO's main effort, so no risk was ever taken against operational success in Afghanistan while prosecuting the campaign in Libya. There were movements of assets, platforms and capabilities between the two theatres. The straightforward answer to your question, Chair, is that no risk was taken in Afghanistan to benefit the Libya campaign. That was able to be done with resources made available specifically for that purpose.

Q158 Thomas Docherty: Obviously, this was a partnership operation by its very nature. Were you aware, either at the start or in the course of the operations, of any limitations, either political or military, that were placed on either the UK's ability or NATO as a whole by this partnership approach or because of the outcomes of the SDSR?

Air Marshal Harper: I am not sure that I understand the thrust of that question. Could you ask it again?

Q159 Thomas Docherty: For example—I'll take this in reverse—as an outcome of the SDSR, we did not have carrier capacity; we did not have a marine patrol ability. I suspect that that may have had an impact on, for example, ISTAR and our ability to do reconnaissance work. Did you find any limitations in

the fact that you were basing in Italy? Did you find any limitations in the fact that you were having to share assets or having to rely on other nations to provide you with assets?

Air Marshal Harper: The answer to your question, Mr Docherty, is that obviously this was an alliance operation, in which essentially the sum of the parts come together to deliver the required military effect. Therefore, any limitations suffered by an individual nation are made up for by what other members of the alliance contribute to the campaign. It was pretty widely reported that a lot of the key enablers were provided by the United States and, indeed, the debate has subsequently been opened as to whether European nations need to do more to fill the capability gap in terms of being able to have some of those key enablers for themselves. However, during this campaign, we did not suffer for lack of any particular capability. Indeed, alliance members and in particular the United States bent over backwards to make sure that we were always provided with the minimum capability required to be able to prosecute the mission as successfully as we did.

Mrs Moon: May I interrupt for a moment? Your voice is very quiet.

Air Marshal Harper: I do apologise.

Mrs Moon: I am struggling to hear you at times. I'm finding myself leaning more and more forward to hear you and I think that some of the people behind you are also struggling to hear, so could you please speak up a little?

Q160 Thomas Docherty: What additional capabilities would have been useful in the course of the operation, either for UK forces or did you find as you went along that it would have been helpful to be able to call on certain resources as a whole?

Air Marshal Harper: The principal focus for the alliance that springs out of Libya, one of the principal lessons learned, is that ISR—intelligence, surveillance and reconnaissance—is a key enabler that the alliance as a whole needs to address. At the moment, the principal capability for that comes from the United States. That said, our contribution, the United Kingdom's contribution, through assets such as Sentinel, which is a moving target indicator capability that we have, and Sentry, the airborne early warning and control system—the AWACS—played very key parts in this campaign as well. However, I think ISR will be shown as one of those areas that the alliance must concentrate on in the future.

Q161 Thomas Docherty: In terms of the cost-effectiveness of capabilities deployed, did we get good value for money from our capabilities?

Air Marshal Harper: The United Kingdom's contribution to this NATO campaign was exceptional. Those forces that we did apply conducted themselves in an exemplary manner and, indeed, in full line with all the direction that came from the North Atlantic Council to make sure that we protected civilians. Indeed, I remember well the event I think the ambassador was referring to, when aircraft flew from the United Kingdom to a target in the Tripoli area. A minute before weapon release, they found out that

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there was a possibility of there being civilians in the target area, stopped prosecuting the attack and brought the weapons all the way back home to the United Kingdom. My sense, hearing about that event, was one of pride at the professionalism displayed, but also at the capability that we had just been able to demonstrate, because that was a pretty significant mission.

Q162 Chair: Were they civilians or foreign journalists?

Air Marshal Harper: We heard that they were journalists. I do not know whether they were foreign.

Q163 Thomas Docherty: I understand the argument you rightly make about the merits of calling off that mission, but I would suggest that it is not cost-effective to fly all the way from, say, Marham to Tripoli, and then to turn round and come back. Are you aware of the comments of Rear Admiral Paolo Treu, the commander of Italian naval aviation, who told *DefenseNews* on 20 June, “Libya is really showing that these aircraft”—he was talking about Harriers—“are needed.” He said—this is the Italians we are talking about—“They are five minutes from the operational zone, which reduces...wear and tear...they cost less than Tornados and Eurofighters”. My understanding is that Italy, France and the US all deployed carriers at various point in operations. Two of the three—the US and the Italians—flew Harriers off their carriers. Was it more cost-effective to deploy Tornados and Typhoons, particularly, as you just said, when you flew them on occasion all the way from the United Kingdom, than to have an aircraft carrier sitting five minutes away, as the Italians did?

Air Marshal Harper: I think questions of cost and cost-benefit analysis in this instance should rightly be referred to the Ministry of Defence. From an operational standpoint, there was no difference, quite honestly, in the air power delivered from land bases or sea bases. One must note that, in many instances, aircraft that were flying from aircraft carriers did in fact require air-to-air refuelling. Air bases that float are useful in some circumstances. Whether they were particularly useful in this one will be a matter for, I am sure, considerable debate.

Thomas Docherty: Obviously, I accept that there is still a need for refuelling on occasion, but he also said—

Q164 Chair: Perhaps you can come on to that question in just a moment. Air Marshal Harper, you just said that questions of cost and cost-benefit should rightly be put to the individual nation states, and I am sure you are right that they should and that they will be. Surely, however, NATO, as an organisation takes some account of those issues in the way it decides to prosecute its operations, does it not?

Air Marshal Harper: Absolutely, it does, Chairman. All I would say, though, is that the capability requirement comes first and foremost here. The bed-down that we achieved very rapidly, as previously described, to be able to commence this operation made best possible use of available resources.

Q165 Chair: That is not what follows from what you said previously.

Air Marshal Harper: In what respect, Chairman?

Q166 Chair: You were talking about aeroplanes flying all the way from the United Kingdom. How can that be making the best possible use of the assets available?

Air Marshal Harper: Well, because at that stage of the campaign—we are talking about the very beginning; in fact, it was before the operation came under NATO auspices—we had not even forward-based our aircraft. I thought that point was particularly noteworthy because, even from bases in the United Kingdom, we were able to prosecute the mission as directed.

Q167 Mr Havard: May I just pursue the cost issue with you for a second? The Brits are making a contribution. People who are involved directly incur costs, and those costs are real. What about the other people who all thought this was a good idea? Are there countervailing contributions from other nations? Will there be some NATO accounting process at a later date that will require people to contribute tangibly, even if they did not contribute in terms of assets?

Mariot Leslie: There are standard procedures in NATO for this. For any NATO operation there will be a relatively small central element that is common-funded: the command and control structures, and a very few key capabilities. The bulk of the cost, as we know in Afghanistan, is funded by the nations that provide the forces. That is the division you always have in NATO, between the central command structures and the force structure generated by nations. In the case of this operation, there will be no difference. There will be some increased cost to NATO, and a common-funded element for the increased command and control systems in particular—for the setting up of the task force in Naples and all the things that went around it, including the AWACS, which are a commonly funded programme and one of the key centrally funded capabilities. Those operations costs come under the military budget. The United Kingdom’s share of that military budget is 11.5%, so we could be liable for up to 11.5% of the additional common-funded costs of this operation.

I think there will be a negotiation to be had, which has not yet started because the bills have not yet all been totted up and prepared for the various committees, about whether in practice there is enough ceiling under that budget to be able to do a certain amount of stuff by reprioritisation within the existing ceiling. Those negotiations will get under way, and I can assure you that the joint—because we are joint: we are the only nation that has a joint diplomatic and military delegation to NATO—

Q168 Mr Havard: We are not holding our breath for any sort of rebate, then?

Mariot Leslie: The joint delegation will be negotiating to make sure that as far as possible the military budget

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is not exceeded, or that it is only exceeded if there is a good accounting reason for it.

Q169 Chair: This is a very large question, which has been running for years, and no doubt will run for a few years more. You talked about command and control. Why wasn't the NATO response force activated?

Air Marshal Harper: The NRF is largely a land construct, so it is not ideally suited to an operation of this nature. The other thing is the sensitivity that is described, in terms both of time and of political sensitivity. I will let the ambassador talk a bit more about the latter. In the space of 10 days, what we were able to do was pull together an operation that used existing command and control mechanisms rather than relying on the NRF structures. As I say, those are principally set out to go and deploy into a theatre to deal with a land crisis management issue.

Q170 Chair: Has the NATO response force ever been activated?

Air Marshal Harper: The answer to that is yes, in response to the Pakistani earthquake. I cannot exactly remember the year.

Q171 Chair: It was 2009. It sounds like an air operation to me.

Air Marshal Harper: Well, it was a humanitarian relief operation, which used people on the ground and indeed was supplied by air and sea.

Q172 Thomas Docherty: Returning to the remarks of your Italian counterpart, I note that he also said—accepting the point that there is still a reliance to an extent on refuelling—“it is easier to do dynamic tasking and shift operations” when using a carrier rather than when land-based. Do you agree with his assessment?

Air Marshal Harper: Whether I agree or not is not really germane to this debate. It is about whether or not the capability can be provided. Dynamic targeting is an amazingly complex military exercise, and where the platform comes from—be it a land-based or a sea-based platform—is largely irrelevant.

Q173 Thomas Docherty: I think his point is about being five minutes away rather than however many hours away. If I took your example of the plane that came—a Tornado, I assume—all the way from the UK, how long and how many refuels did it take to get that crew over its intended target?

Air Marshal Harper: Your question originally, Mr Docherty, was about dynamic targeting, and the particular mission that we described, which was launched from the United Kingdom, was for a pre-planned military target, so dynamic targeting, if we start to get into the detail of what that involves, is an aircraft on station that is already airborne. It has to be within the vicinity of the target, once it is identified, and able to react to that target. So where it has actually originated from—where it takes off from—is largely irrelevant. Its position in space determines its suitability to prosecute a particular time-sensitive or dynamic target.

Q174 Thomas Docherty: I have two final questions. If you had had a carrier for fast jets, would you have deployed it, and secondly—a broader question—what is your view of the future of maritime air power, coming out of this operation?

Chair: I am not sure if that first question is fairly asked to a NATO military representative, because we had three aircraft carriers in the region in terms of NATO. It is more of a British question, isn't?

Thomas Docherty: That is a fair point, Mr Chairman.

Q175 Chair: So could you answer the second question?

Air Marshal Harper: We actually saw a very capable air capability deployed from a maritime asset in the form of attack helicopters—at peak there were five—being operated from HMS Ocean. They played a very pivotal role in delivering capability at a particular point in the campaign, where there were significant movements of pro-Gaddafi forces up and down lines of communication. So, arguably, this was an area of UK involvement in the campaign in Libya where you saw jointery at its best.

Q176 Mr Hancock: May I just try to clear up a little inconsistency between the answers you have given about civilian casualties and your inability to judge whether you were inflicting them? The Air Marshal was rightly proud of the fact that within one minute of deployment of bombs we were able to stop, because we were alerted to the fact that journalists were in the vicinity of where the bombs were targeted. You must have had some super-duper intelligence to be able to tell you that, but you do not seem to have the same intelligence to tell you the effectiveness or otherwise of your ability to avoid civilians. Why is that?

Mariot Leslie: It is much easier to demonstrate that there might be a civilian there—

Q177 Mr Hancock: No, they were definitely there; it came out later—didn't it?—that these were journalists who were there. They weren't civilians; they were journalists—[Laughter.] I know, but they were specifically identified as journalists, for goodness sake. They were not just a group of people there, and maybe the decision might have been different had they not been identified as a group of journalists. I am interested to know how that came about—that you cannot have the same intelligence on the ground to tell you how effective you are in avoiding civilians.

Mariot Leslie: I think it comes to the precautionary principle. If you have any reason to think there is a risk that you might cause damage to a civilian, then you do not do something. If, having believed you have eliminated all that risk, you are confident enough to take a target, you then cannot see inside every single building to be absolutely sure that a shard of glass has not gone through somebody you cannot see, so you cannot say with honesty and certainty “I know for a fact that I have not killed a civilian.” We do not know that we have, and believe that there would be very few, if we have at all.

Chair: I do not think I want to pursue this.

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Mr Hancock: I appreciate the plane was flying from the United Kingdom, but one minute from deployment we stopped it because of intelligence to say a group of people were there. I find that hard to understand.

Chair: I think we want to go back to Madeleine Moon.

Q178 Mrs Moon: Air Marshal, you were very positive about the contribution of Sentinel in terms of providing ISTAR capability. How different would the operation have been without it—if you had not had access to it?

Air Marshal Harper: It played a key and pivotal role in the operation. There is no question about that. This is a highly capable ISR platform that is able to detect movement on the ground with extraordinary high fidelity and provide that information in real time. Discussion with the air commander would indicate that he relied extremely heavily on its capability and on similar capabilities provided by other platforms. So, without that capability I do not think that we would have seen the rapid success that has been achieved.

Q179 Mrs Moon: So you do not see it as being past its sell-by date?

Air Marshal Harper: I absolutely do not.

Q180 Mr Havard: Some of this has been partly covered in some respects, but the NATO Secretary-General made a statement, saying that “this mission could not have been done without capabilities which only the United States can offer. For example, drones, intelligence and refuelling aircraft.” He went on to say, “Let me put it bluntly: those capabilities are vital for all of us”—that is, all of us in NATO—and, “More allies should be willing to obtain them.”

We have a defence and security review here. We have Force 2020 discussions. We are not the only NATO country. The US itself has made declarations about substantial cuts in its expenditure in the future. At one level the question is, what would happen if the Americans were not prepared to play in this particular mission? Perhaps the better question is, what are the capability questions that come from this on the basis that the United States may well not send large components of ground forces to future coalition activities in the European sphere? So, what lessons are being learnt in NATO about the capability reviews and what do you think the NATO response from the component countries should be to ensure against that?

Air Marshal Harper: I think this should be a two-part answer. I will cover the military side and hand over the rest.

Mr Havard: It is a very big question.

Air Marshal Harper: It is indeed. From the very beginning of this campaign the United States made it quite clear that it did not wish to be seen as in the lead of Operation Unified Protector but would provide as much military capability—the minimum level, actually—as necessary to achieve campaign success. It has been extraordinarily good to that promise throughout. It has adjusted priorities in other parts of the world and, indeed, taken risks with what it calls its strategic balance in order to provide the resources

necessary for the success that we have enjoyed. There is no question but that this operation throws into stark relief the capability gaps that exist between the non-US members of NATO and the United States.

The Secretary-General’s top priority at the moment is an initiative called Smart Defence, which looks at the capability of pooling and sharing initiatives in the future, whereby nations would get together, multinationally, to provide capabilities. Issues to be discussed include: assured access to those capabilities and their availability, and sharing costs with industry. But, there are significant moves under way at the moment in Allied Command Transformation to address that. Indeed, the United Kingdom plays a serious role in bringing those negotiations forward.

Mariot Leslie: That is obviously absolutely right. The capabilities and the gaps that were shown up by this Libya campaign—not finished yet—are the ones that had already been identified by NATO. So, the spotlight was shone on them. There are some others that did not show up because this was a relatively limited operation and very close to NATO’s shores. But, at last year’s Lisbon summit meeting, a Lisbon capabilities package was adopted by all the heads of state and Government which included things like the priority for NATO to have more ISTAR—intelligence, surveillance, target acquisition and reconnaissance—capabilities available to it and the need to have more capabilities among its full structure for air-to-air refuelling. There were other things in that package, too—missile defence and so on.

So, we were already on the case when the Libya campaign started. It showed how acutely important it was to crack on with this. Defence Ministers met last week. As the Air Marshal is saying, Smart Defence is one of the devices that countries hope they can use collectively to meet some of the capability requirements. But, we need to remember that, although Smart Defence will be a multinational initiative and facilitated by NATO, nations will choose, or not, to invest and then choose, or not, to make the capabilities available. By helping to produce common standards, however, with a common approach to and identification of where the most pressing gaps are, NATO hopes to be able to encourage—push, urge—countries to fill the gaps that are most important, and to give them some help in the way in which their co-operation is structured.

I expect that the next NATO summit in Chicago next May will want to look at the output of that, but a lot of projects are already just about ready to go and very close to signature. Others are still being worked through. As the military representative was saying, the Allied Command Transformation in Norfolk, Virginia is working very hard to try to bridge some of those gaps and to persuade nations to bridge them. At the end of the day, it will be nations that have to put the money in from very tight defence budgets. So, we are talking about spending available money better, rather than, through this initiative, necessarily generating larger defence budgets, which is a political question that should probably be put to someone else.

Q181 Mr Havard: Because of Resolution 2003, maybe NATO has found its role in the sense that the

duty or responsibility to protect, for the first time, is illustrated clearly for the United Nations in this operation. These questions come into stark relief now, and I suggest that in Chicago the Americans will be saying what they will not be doing rather than what they will. Is it bilateral arrangements then? You are saying that NATO is a facilitator in this regard, but who might contribute and what might they contribute? The French-British treaty, for instance, might provide examples of capabilities, and other combinations of similar bilateral relations or a unilateral decision on buying procurement all come together, so, "What is NATO saying it needs in its toolbox?" is a question that you will put forward at the summit? We can see that coming—can we?—at Chicago? We are not going to see very much more before?

Mariot Leslie: The question of what NATO needs in its toolbox is already on the table at NATO. It is being negotiated very actively both in the committees that support the North Atlantic Council and the committees that support the Military Committee. We know pretty much what is on the list. It is the things we have already mentioned: air-to-air refuelling, some logistics and supply things, and some specialist types of skills and enablers, including targeting, have shown up. We did not find huge problems on long supply chains in Libya, for the reasons that we have explained.

Q182 Mr Havard: From your experience of the Libyan exercise, do you think that there is a big implication for NATO's out-of-area ambitions or declarations given that the US may not be prepared to provide in quite the same way in the western hemisphere as it has in the past?

Mariot Leslie: It did provide, actually; it was not that it was not prepared to provide. It said that it did not want to take a leadership role, but it did actually provide. It said that it would like other allies to do a little bit better and make more of a contribution.

Q183 Chair: Did NATO have other shortages—for example, in relation to missiles?

Mariot Leslie: NATO did not have any missiles; the missiles belonged to the nations that were supplying them. I think that that is probably a question that needs to be asked nation by nation. It is one that you might well want to put to the people you are seeing on 26 October.

Q184 Ms Stuart: I just want to pick up on pooling and sharing. It sounds terribly nice, but you then went on to talk about access to capabilities. In your planning, we did not think Germany would abstain. You would suddenly find yourself in a position that pooling and sharing comes to nothing because your access to capabilities is suddenly thwarted by one country making a decision that you had not anticipated. How realistic is it to come up with a framework that cannot be scuppered by access suddenly and unexpectedly being denied?

Mariot Leslie: It has always been the case in NATO. The Smart Defence initiative would not change the fundamental premise.

Q185 Ms Stuart: No, but the pooling and sharing makes you reliant on these things.

Mariot Leslie: Indeed—it makes you more reliant on other people. You are absolutely right. On the case of Germany, it is worth reminding ourselves that the Germans did make their AWACS available in Afghanistan at very short notice to allow other alliance AWACS to be deployed to Libya. They were helpful over that point.

There is the perennial NATO issue of whether or not nations are going to make available the assets that they have assigned to SACEUR. Addressing that is as much a political question as it is a capabilities question. We have two problems. Do we have the capabilities—that is what the capabilities initiative will address—and is there the will to deploy them? It would be nice to have them while working on the question of the "will".

Q186 Thomas Docherty: Let me go back to the Chairman's question. I am slightly puzzled about how the asset as a whole is under NATO, but you are saying that the weapons belong to the UK. I suggest that that is a diplomatic answer. Why is there that distinction in your mind?

Mariot Leslie: It is how NATO works. NATO has a relatively small biggest defence alliance in the world, but it is still relative to the forces of the nations that make up NATO. It has a relatively small central command structure. It currently has a so-called peacetime establishment of about 13,000. We agreed in Lisbon to bring that down to about 8,500, and there are military structures at NATO headquarters. It has very few commonly funded enabling assets such as the AWACS.

Almost the entirety of the military capability available to NATO belongs to the nations of NATO—so it is the US defence capability, the British defence capability, French, German, Polish and so on. Whenever there is a NATO operation, it is those national capabilities that are brought to bear under the NATO commanders.

What those national capabilities are, including in peacetime, are part of a defence planning process in which NATO collectively looks at what it would like to ask of individual nations. It looks at the best efforts it would like them to make to assign things for NATO commanders. It gets exercise collectively. We are familiar with what each other has and what we might make available.

At the end of the day, on every single NATO operation and within any NATO operation, a nation could decide for reasons of its own—legal, political or whatever—that it was going to withdraw that capability at very short notice. The alliance solidarity prevents most people from doing that most of the time, but it is a perpetual tension between national sovereignty and collective endeavour that is a perennial issue for the alliance.

Q187 Thomas Docherty: I understand that concept. Forgive me for being shown as the stupidest member of the Committee but when you are tasking out jobs, surely one of the things that you must ask each of the nations is, "Do you have the asset to carry out that job?" It strikes me that one of the questions that must

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go through the NATO commander's mind—I expect he will ask this of the air force and the navies—is, “Do you have the capability to go and do this?” Having the weapons is an extension of, “Do you have the aircraft or the vessels?”

I think the Chairman's question was, “Did you have concerns?” Did NATO commanders ask the Governments whether they were satisfied that they had enough munitions to continue to carry out operations? I think that that is a reasonable thing for NATO to have done. If you are telling me that NATO did not ask that—

Air Marshal Harper: Force generation is the process that you are describing here and the answer is no. We understand what is declared to NATO by member states as their available capability and you therefore trust that nation to be able to provide the capability that they have declared if and when they assign forces to a particular operation.

Q188 Thomas Docherty: Not at the start, but as it went along, did NATO not go back to the various nations and at any point ask, “How are you for Paveway IIs?”

Air Marshal Harper: If a NATO member nation is doing its job and continuing to conduct the mission without declaring a shortfall, asking to stop, or asking within the alliance for other members to assist it, it is not NATO's business.

Q189 Chair: Did any NATO member declare any shortfall?

Air Marshal Harper: To NATO, not to my knowledge. We are aware that nations help each other out throughout the campaign, but that is only, if you like, the vibes that one had around the margins of meetings.

Mariot Leslie: I don't know whether this helps, but there is a process as forces are generated for an operation. It starts fairly early on in the planning stage, before a decision has been taken to have an operation. First, there is an initiating directive from the Council, in which commanders are asked to start planning. Once that has started, there is a formal process in train, even though no decision has been taken to have an operation. There is a point in that planning process at which the commanders will have what they call a force sensing conference, in which they ask individual nations, “What could you provide?”

That is not a commitment from the nation, but it is a pretty good indication that they would be there on the night with that stuff. On the basis of that, they then draw up, as part of the planning, a combined joint statement of requirements, and they turn to nations and ask, “Could I have so many aircraft from you and so many ships from you?” That gets further defined at a force generation conference, and then there are various revised statements of requirement as the operation goes on and as it changes its shape. All that is part of the standard NATO procedure.

Q190 Thomas Docherty: Does it specifically go down to the minutiae, so they would say, “We will

give you a dozen Typhoons, x Paveways, Brimstones and whatever else”, or is it simply the air asset itself?

Mariot Leslie: No, it is as detailed as you are suggesting. To give you a sense, the force sensing for NATO took place on 19 March, before NATO had an operation although it had already initiated planning. The first force generation conference was on 28 March. That must have been a record; I don't think there has ever been a development from force sensing to force generation conferences inside 24 hours.¹

Q191 Chair: To warn those who are listening, we will ask these questions to the Secretary of State when he comes and talks to us.

Finally, there is a lessons-learned procedure going on. You will presumably be asked to contribute to that, do you think?

Mariot Leslie: I expect so.

Q192 Chair: What, at this initial stage, do you believe are the lessons that we should be learning, and what do you believe are the lessons that we should not be learning?

Mariot Leslie: I think that there will be lots of lessons learned. There will be a NATO lessons-learned exercise and a British lessons-learned exercise. First, the operation has not finished, so there may be some lessons to learn from the manner in which it finishes. The quick lessons I would identify are the speed and coherence with which NATO acted, both politically and militarily, and the agility of the command structure. There were teething problems, and they need to be addressed, but it got up to running a viable operation very quickly, having addressed those problems.

Chair: So those are two positive lessons.

Mariot Leslie: Yes. It seems that me—this has to be tested, so this is an initial view—that we learned what the United Kingdom had been contending all along, which is when you have a operation, you are going to have to augment it from the force structure from nations to meet the command requirements of that specific operation; indeed we had to on this occasion. We learned about the value of our partnerships, which we talked about a little—the way in which we brought in countries such as Qatar, the Emirates and Sweden, and that working, inter-operating, consulting and exercising with them, well in advance of knowing that you might need them for an operation, pays dividends. We learned all the lessons about capability gaps, which we have just been discussing, and we know that we need to address them. We learned the value of minimising civilian casualties and the positive effect that that had on the politics of the operation, both inside and outside the Council. You might want to ask this of the Defence Secretary, who has just been to Libya, but for the post-conflict stabilisation I expect us to find that the fact that there was very little damage to civilian infrastructure, at least caused by NATO, will be an important point in the stabilisation of Libya and getting it back on to stable government and stable Government services afterwards. Those things were perhaps some quick lessons from my side.

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Q193 Chair: What lessons would it be a mistake to draw from Libya?

Mariot Leslie: It would be a mistake to rush to conclusions about the role of any one ally in this particular operation.

Chair: The role of any one ally.

Mariot Leslie: The role of any one single ally and what political or military role they did or did not play, because you cannot draw those conclusions from a single operation.

Mr Havard: Having the French fully integrated into the NATO process clearly helped, for example—if you compare the situation now to Bosnia, which you were talking about—with the speed of ability to make decisions.

Q194 Chair: Air Marshal Harper, is there anything that you would like to add?

Air Marshal Harper: Yes. I think lesson number one, which is the positive one, is that NATO works. It should quite rightly be seen as the gold standard for a military alliance, and it has command and control mechanisms that match that gold standard. I would offer that I think the new NATO command structure will improve on even that.

I would certainly agree with Ambassador Leslie's point about it being a mistake to consider particularly the contribution, or lack of it, by any one particular ally, because what I noted throughout this campaign was an extraordinarily constructive approach by all

NATO allies. Even those who had political difficulties in their home environments were extraordinarily helpful when it came to mounting these operations, so even those not on the front line were backfilling slots in headquarters, providing people down to the air operations centre at Poggio Renatico and helping in other ways. I thought that that was extremely good and, indeed, the constructive sense that I have described is a way ahead perhaps for the alliance to be able to operate in the future.

On the perhaps negative side, Libya has highlighted capability gaps. The gap in our ability to project a mission at this sort of range in these circumstances can only be filled at the moment by those capabilities held by the United States. As we described earlier, there are steps in place to try to address those gaps, and they are being given the right sort of priority.

The lessons-learned process itself will be conducted by the joint alliance lessons-learned centre in Portugal, which is an Allied Command Transformation organisation. I am confident that it will indeed tackle every single part of the system in drawing together its conclusions. I know that the SACEUR, Admiral Stavridis, and the SACT, General Abrial, are keen that there should be an efficient and swift process, so that we do not lose momentum in learning these lessons and applying their results.

Chair: Thank you very much indeed to both of you for your evidence. I am sorry that it has gone on for far longer than I expected, but it has been extremely interesting and helpful.

Wednesday 26 October 2011

Members present:

Mr James Arbuthnot (Chair)

Mr Julian Brazier
Thomas Docherty
Mr Jeffrey M. Donaldson
John Glen
Mr Dai Havard

Mrs Madeleine Moon
Penny Mordaunt
Sandra Osborne
Bob Russell

Examination of Witnesses

Witnesses: **Nick Harvey MP**, Minister for the Armed Forces, **Admiral Sir Mark Stanhope GCB OBE ADC**, First Sea Lord and Chief of Naval Staff, **Air Chief Marshal Sir Stephen Dalton KCB ADC**, Chief of the Air Staff, and **Lieutenant-General Richard Barrons CBE**, Deputy Chief of the Defence Staff (Operations), gave evidence.

Q195 Chair: Minister, may I welcome you and your distinguished team? Please would you introduce the team? It is not that we do not know who they are, but it is always good for the record.

Nick Harvey: Thank you very much. I have to my left Admiral Sir Mark Stanhope, First Sea Lord, and to my right Air Chief Marshal Sir Stephen Dalton, Chief of the Air Staff, and also to my left Lieutenant-General Richard Barrons, Deputy Chief of the Defence Staff with responsibility for operations.

Q196 Chair: You are most welcome. We understand that neither the Secretary of State nor the Chief of the Defence Staff can be here today, and we accept that that is for good reason. Thank you very much for coming to give evidence to us on the inquiry on Libya. We will have a lot of questions today, I am afraid, but we would like to start with understanding at this stage—it may be too soon to tell—what you think went well, and what you think went not so well, in relation to the operation from a UK point of view. I know that the Prime Minister has instituted a lessons learned inquiry by the National Security Adviser, but if you could tell us what you think went well and what did not go well, that would be a good start.

Nick Harvey: I think by any objective measure, the operation as a whole and UK involvement in it should be judged a success. When the UK and our allies started military operations, Colonel Gaddafi's forces were hours away from inflicting a humanitarian catastrophe on Benghazi and Misrata was besieged by snipers and under heavy artillery attack. NATO's air strikes, the enforcement of the no-fly zone and the arms embargo succeeded in degrading Gaddafi's ability to attack or threaten civilians or civilian-populated areas. I believe that NATO has saved countless lives and helped the Libyan people to bring an end to 42 years of Gaddafi's tyrannical rule, leaving the Libyan people now free to choose their own future. I think the UK contribution to all of that has been very significant.

We have played a leading role on the military, diplomatic and humanitarian fronts. Militarily, we flew a fifth of all the air strikes, launched more than 50 helicopter missions from HMS Ocean and helped to enforce the maritime embargo and ensured that the sea lanes were free from threats to allow humanitarian

aid to be delivered, which was particularly relevant in Benghazi and Misrata. I think that by all measurements it has been a success for the UK and a success for NATO. It has demonstrated our expeditionary air, maritime and amphibious capabilities and we have shown our Armed Forces in the way we wanted to project them—as flexible, adaptable and able to sustain operations and routine defence commitments worldwide, using allies and allied basing facilities where appropriate.

I think the operation pays testament to all of those involved, both the military personnel and, of course, the many dedicated civilians who provided support to them in different ways. I believe that it has been profoundly significant militarily and diplomatically, and, in giving to the Libyan people the right to determine their future, it has been a success.

Q197 Chair: I think we would all wish to share in the tribute that you have paid to our Armed Forces and the armed forces of other countries who did the same thing. We are grateful to you for expressing it that way. That is the answer to the first part of the question.

Nick Harvey: We do not think from this that anything went conspicuously badly. You referred in your introduction, quite rightly, to a lessons learned exercise, which certainly we, NATO and the French are doing, and I would think that when that piece of work has had time to mature and all the different aspects of this have been considered, there will be things that we conclude could have been done better. It has certainly been the case throughout that we have been quite stretched as an alliance in terms of the intelligence picture with which we were working. There have been challenges in terms of air-to-air refuelling, for example, but in all instances, we have managed, working with allies, to deploy different bits of different nations' capability to make it work. I think that there is no conspicuous failure that we are chastising ourselves about, but it would be surprising if a lessons learned exercise did not distil for the future some practices that could improve another time.

Q198 Chair: Capability gaps—I think I am particularly looking at the First Sea Lord and the

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Chief of the Air Staff—that became apparent during the Libyan operation; what would you say they were?

Admiral Sir Mark Stanhope: Shall I take that first? First, capability gaps as an alliance were not exposed. I think the alliance worked well, recognising the support that was provided by the Americans in the early stages and indeed throughout in some areas. It certainly demonstrated areas within the alliance as a whole where there was a paucity of some of those assets. ISR—intelligence, surveillance and reconnaissance—stands out as an area where as an alliance we were short of what was required. We need to look to that in the future as one of the key enablers for us to be able to do this business.

Air Chief Marshal Sir Stephen Dalton: I absolutely support the issue of knowing what the situation was before we even started, because it was not something that we had in the bank—why should we have? Secondly, there is the need for us to have a better integrated capability on secure communications. That is my clear priority, particularly that capability which is deployable when you already have a major part of your assets deployed on the main effort in Afghanistan. That is an area that I would want us to have another look at to see whether we have got it right.

Q199 Chair: We will come on in more detail to the issue of surveillance and ISTAR generally. How will this experience feed into the next Strategic Defence and Security Review? One of the reasons why I ask that question is that one of the things that was said only a year ago in the SDSR was, “we will be more selective in our use of the Armed Forces, deploying them decisively at the right time but only...where we have a clear strategic aim” and “where we have a viable exit strategy”. That was not the case here, was it?

Nick Harvey: I think we had a clear aim. In the exit strategy, the objective was to prevent an atrocity against civilian life. That was not an open-ended commitment. It could have ended in a variety of different ways. It was always clear that this was at most a medium-scale engagement. The aims were entirely clear.

Q200 Chair: But the exit strategy wasn’t, was it?

Nick Harvey: There must be a limit to the number of engagements that you take on at the outset knowing with absolute clarity what the exit strategy would be at the end of it.

Q201 Chair: I did not draft the SDSR; you did.

Nick Harvey: No, and I take your point. The defence planning assumption is that, at any given point in time, we can sustain one medium-scale enduring operation and two other smaller-scale operations. This fitted, I think, the description of what one of those smaller-scale operations would have been. If the aim is clear, there are a range of exit strategies that you can adduce from that. The fact that you do not know for certain which of those it was going to be cannot be taken as invalidating the action or meaning that you should not be willing to embark.

Q202 Chair: No, I am not suggesting that. The Prime Minister accepted that there was not an exit strategy.

Nick Harvey: Not a single, clear one.

Q203 Chair: Yes. It means that this must feed into the next Strategic Defence and Security Review. Perhaps you should be a little less dogmatic about having an exit strategy before you go into something like Libya.

Nick Harvey: I think the entire lessons learned exercise, as well as the practical experience of all those involved, will inevitably feed into the next SDSR process, which I would sincerely hope, because it is unlikely to be conducted at the same time as a Comprehensive Spending Review, may be able to be conducted, as the Committee observed, at a slightly different pace.¹

Q204 Chair: Yes. While we were doing the operation in Libya, what contingent capability did we have, for example, around the shores of the United Kingdom?

Nick Harvey: If you are asking that question about the shores of the United Kingdom—

Q205 Chair: Well, what contingent capability did we have, not just around the shores of the United Kingdom?

Nick Harvey: We will start with the naval piece.

Admiral Sir Mark Stanhope: Let me address the standing overseas commitments that we have. Before Libya, we had already recognised stretch in our ability to satisfy our commitment to have a warship in the Caribbean during the hurricane season. We were covering that with the Royal Fleet Auxiliary, which is entirely acceptable to do that job, although it did not absolutely satisfy it. During the Libya operation, to satisfy the standing overseas commitments, there was a need to extend some operational tasking programmes. We had to extend time on task for some units and manage our way through the period of the Libya crisis.

Q206 Chair: I am not entirely sure that I understand that answer. What were you not able to do, in terms of contingent liability, that you would have been able to do before the Libya operation?

Admiral Sir Mark Stanhope: The contingent capability in the maritime sphere is the Response Force Task Group—HMS Ocean, HMS Bulwark, Operation Cougar. That was planned as a standard training requirement that would go into the Mediterranean and some of the units would transit to the Middle East in the early part of this year. We deployed that group early as a consequence of the growing crisis in Libya. In terms of its use, we worked it up in the Mediterranean and had it standing by for contingent option capability—in Libya or as required. When the situation on the ground in Libya sorted itself it meant that we could make some judgments—we sent the remainder of that group into the Middle East for a period of time before returning it to the United Kingdom. HMS Ocean, for example, was deployed with it, expecting to be away for seven weeks; she is

¹ Ev 56

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still on operations as contingent requirement in the Indian ocean. So our contingent requirement was available to be used for the crisis of the time. Some of it was used; some of it went on to be contingent in the Middle East.

Q207 Chair: CAS, anything to add?

Air Chief Marshal Sir Stephen Dalton: I think there are two things. It has been great to be able to demonstrate, yet again, that you can move aircraft and air power from one area to another when you need it to be there. So although today the priority may be Afghanistan and Libya, tomorrow, if a requirement came from somewhere else, it could be moved there. In some cases, we had additional assets that we could have deployed—again, we did that to bolster up the requirements in Afghanistan and in Libya, and have brought them back again. You can do that very flexibly. In other areas, we had to manage aircraft on a task-prioritised base, which is what we do—that is what you do with air power.

Q208 Chair: Was there good interdepartmental co-operation during the operation?

Nick Harvey: Yes. Principally, that was co-ordinated through the National Security Council and its Libya sub-committee, which met on a very regular basis. For a long time, it met daily; thereafter it met at least twice a week. There was a lot of contact between officials, hour by hour, throughout the campaign, including not only those in the Foreign Office but those in the Department for International Development and, at different points, the Treasury and other Departments. There were many different aspects to the engagement in Libya, of which the military component was but one.

Q209 Chair: May I move on to the formulation of the plans for the beginning of the operation? What input did the Ministry of Defence have in the drafting of the United Nations Security Council resolution? What input did the Ministry have in relation to the military risks of the engagement?

Nick Harvey: A military adviser is embedded in our UN mission, in New York, who offered military advice. Instructions, of course, were also fed to the UK mission from the Foreign Office here, which had consulted the Ministry of Defence in those early stages. The NATO contingency planning started before the Security Council resolution was agreed, on the assumption that a clear legal basis would emerge for NATO to act, as well as a demonstrable need for regional support. The NATO nations in the UN Security Council fed into the negotiations around that resolution and they were considering NATO operational capabilities as part of that process.

There was a huge amount of informal discussion across Government and with other allied Governments about the implications of the proposed UNSCR measures. There was also a full risk assessment of the political, legal and human risks. All the countries that subsequently got involved had had an input into framing the resolution and its terms.

Q210 Chair: Including you, for example, CAS?

Air Chief Marshal Sir Stephen Dalton: No, not directly, but I would not expect to be involved at that stage. They had the policy staff and the commitment staff under General Barrons and the director-general of policy, who will be involved in the other Government Departments and across Whitehall. I expect that it is really more appropriate for him to discuss what involvement there was.

Lieutenant-General Barrons: There is a mechanism that works day to day, which would take the sort of military advice that can be generated within the Ministry of Defence to support the Foreign Office's direction to our elected staff of the United Nations and the military diplomatic staff at NATO headquarters. In the construction of this mission, the standing process was applied. Therefore, as the United Nations and the North Atlantic Council began to consider the issues, there was plenty of opportunity, which was well taken, to provide military advice and to support our staff in those two places.

Q211 Chair: So the construction of the mission began before the United Nations resolutions were passed?

Lieutenant-General Barrons: The construction of how you might go about this and what it might involve is, of course, an iterative and continuous process. A lot of thinking and planning would have gone on before the decisions were actually taken, as you would anticipate. That is not the same thing as steps being taken to execute a decision that we would need our alliances and organisations to take first.

Q212 Mr Havard: On that basis, there is a question that has been bugging me. Who has oversight of compliance with the British involvement in that process after it has begun? Who in the Ministry of Defence is charged with that? I presume that the Secretary of State is responsible for everything at the end of the day, but who is actually ensuring that the British understanding of the British activity—in order to be properly compliant with the law and everything else—is actually being carried out, so that individual service people and everybody else are clear about where they stand in terms of their legality?

Lieutenant-General Barrons: If we start from the point that the operation has been launched—instructions have been issued, decisions taken and the operation has begun—the commanders in the field will report daily what they are up to and that is supplemented by intelligence and media and other sources of information. All of that is collated into a sense of what is going on, and my organisation in the Ministry of Defence owns that process day-to-day. We take the summation of that and we are required to take it to the Chiefs of Staff committee and to CDS on operational matters. My civilian counterparts ensure that that information is conveyed to the Secretary of State and other Ministers. That is amplified by the discussion that continues daily with key allies about what they think they are seeing and what they are doing.

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Part of my organisation's job is not just issuing instructions to the folks who are to execute the operation and articulating the military side of that across Whitehall, but also holding the commanders to account for how they are doing on behalf of CDS.

Q213 Mrs Moon: How confident are you that the National Transitional Council will carry out its commitment to protect all civilians, including pro-Gaddafi forces?

Nick Harvey: I have to say that, thus far, the performance of the National Transitional Council has—I think it would be fair to say—exceeded most people's expectations. There was obviously a fear that, in the aftermath of the conflict, things might have descended into the sort of scenes that we have seen elsewhere. It is a matter of considerable relief that, thus far at least, the situation has been really relatively peaceful. When the forces of the National Transitional Council went into Sirte they showed considerable restraint, for example, in repeatedly authorising pauses to enable the civilian population who wished to, to get out and not get drawn up in the fighting. Without trying to rush to judgment too soon, I would say so far, so good. The way they have conducted themselves and the progress of the effort there to bring many different, diverse parts of Libyan society back together again, is doing pretty well at this stage.

Q214 Mrs Moon: Do you have any concerns about the killing of Gaddafi and the 50 members of his forces?

Nick Harvey: We have made it clear to the National Transitional Council that we believe that should be properly investigated and we hope very much that they are going to do that and they have indicated that they are. It is not what we would have done or the way that we would have wanted to see it happen, but in due course perhaps we will understand more about what exactly did happen. But I do not personally, at this stage, form the judgment that that was in any way typical of what is happening across Libya or the approach that the National Transitional Council is taking to try to bring about a reconciliation across the nation.

Q215 Mrs Moon: Was there any suggestion that NATO forces were aware that the convoy leaving Sirte, which was heading for the border, actually contained Gaddafi?

Nick Harvey: I have no knowledge of that.

Lieutenant-General Barrons: The answer to the question is no.

Q216 Mrs Moon: So there was no awareness at all that Gaddafi was in that convoy?

Lieutenant-General Barrons: No.

Q217 Mrs Moon: Were there at any time any opportunities for NATO forces to intervene to protect Gaddafi and ensure that he was taken alive for trial?

Nick Harvey: There were not really any NATO forces on the ground.

Q218 Mrs Moon: I know they were not on the ground, but were they aware, for example, that his whereabouts had been located and that there were attempts to extract him from the drain, or wherever it was he was found? Were NATO forces at any point given any opportunity to intervene and urge that he be taken alive?

Lieutenant-General Barrons: The answer to that question is unequivocally no.

Q219 Mrs Moon: Last week, the NATO Secretary-General announced the winding down of the operation while retaining a capability to protect civilians. I understand there is a preliminary decision that operations will cease on 31 October. What is the UK's current operational commitment? What would be the role of our Armed Forces after 31 October?

Lieutenant-General Barrons: If I may, the current position is that we were anticipating a North Atlantic Council meeting today, which has now been postponed. On the assumption that that meeting today had confirmed the direction of travel towards concluding Operation Unified Protector on 31 October, the Secretary of State for Defence may agree today to reduce some of the forces that are currently committed to the operation before 31 October because there is no need for them to remain on task. We arrive at 31 October if the North Atlantic Council affirms that the operation has concluded. Then the operation has concluded and the legal basis on which we have been conducting operations ceases at that point and there is then no basis, which currently exists, to continue those operations. That will remain the case unless and until there is a specific request—for example, from the NTC—to nations on a bilateral basis for specific help, which has not yet occurred.

Q220 Mrs Moon: I understand that such a request has been made, actually. Such a request has been made by the National Transitional Council for support from NATO to continue through to the end of the year. Are you aware of that, Minister?

Nick Harvey: No, certainly not in that all-encompassing sense. I believe that there have been some provisional discussions about what sort of help and support they might wish in the future from some of the countries who have been involved in this effort, but it is much too early at this stage to anticipate what form that might take. Broadly, I think it would be support and training and advice, but I am certainly not aware of anything in terms of direct military involvement of the sort you describe. I don't know whether General Barrons can add to that.

Lieutenant-General Barrons: That is correct. There are clear discussions about what help the NTC might want after Operation Unified Protector has been closed. That has not yet presented itself as a formal request either to us nationally or to NATO or to allies. There is a meeting today in Qatar with the NTC that will begin to discuss the issue, so we may be on that road, but there are—

Q221 Chair: I think it is at that meeting that the Chairman of the NTC has made that request, in Doha.

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Nick Harvey: So you are saying it has happened in the past hour or two?

Chair: It was reported on the BBC at 12 minutes past one.

Mrs Moon: The Committee is always bang up to date with its information. The Minister should know that.

Mr Havard: It's all that ISTAR and intel we've got.

Nick Harvey: Very impressive.

Lieutenant-General Barrons: If I may, we are expecting that meeting today to discuss the sort of help the NTC might want in the future. Of course, it will take time for Government to decide how they wish to service that.

Q222 Mrs Moon: Our understanding is that one of the things they are asking for is help in developing their defence and security capability. One area where it has been suggested that the UK has a problem is that the cost of our training is more expensive than the training provided by other nations. I understand the Treasury has fixed a level of training cost that is higher than that of other NATO allies. Therefore, we are an unattractive bargain when shopping around for defence and security training. Is that something you will discuss with the Treasury? Is it something you feel would be helpful for us to provide to the Libyans?

Nick Harvey: It would depend on the extent to which they were able to meet their need anywhere else. If there is a need for them to come to us for support with training, we would enter into a discussion with them. One would hope that the economic outlook for Libya, as time goes on, is sufficiently encouraging that they would pay the price that was asked for what they thought was going to be necessary. That's not immediately, but it would have to be the expectation going forward.

Q223 Mrs Moon: So you have no plans to talk to the Treasury about making the services available at a more reasonable rate?

Nick Harvey: I have no plans to at this stage, but if this became a material issue we could engage in a discussion with the Treasury at any point.

Chair: Can I impose a pause there and bring in Thomas Docherty?

Q224 Thomas Docherty: Minister, going back to your earlier remarks, you painted a rather rosy picture, if I may say so, of the NTC and its activities. I appreciate that you dwelt on the Gaddafi situation and perhaps inadvertently skipped over the recent events. I think it is fair to say that many of us regard the murder of 53 individuals whose bodies were found outside a hotel to be a war crime. Do you agree that is a war crime?

Nick Harvey: It potentially might be. We would need to know more about it. I can see *prima facie* that that could be argued.

Q225 Thomas Docherty: Okay. Are you actively seeking an investigation of those circumstances?

Nick Harvey: I think it would be virtually impossible for us to investigate it, but we would certainly hope that the Libyan authorities will do that. If it is possible

to assist any international effort to do so, I am sure we would be up for doing that, but it is difficult to see on what basis we ourselves could contribute very much to such an investigation.

Q226 Thomas Docherty: Are you not providing assistance to other potential war crime allegations in the country?

Nick Harvey: General Barrons, do you have anything?

Lieutenant-General Barrons: We do not have a presence on the ground, other than a very small number of people in support of the ambassador. The lead for this issue would normally sit with the United Nations and other similar organisations. Whether the 53 bodies constitute a war crime, or crime, will obviously be for others to judge. I think it sits well outside the military lane. I would merely add that, as far as the NTC's conduct of military tactical operations is concerned, it has been very alert indeed to the requirement to protect the civilian population. Once you step out beyond the conduct of military operations and you are dealing with the complexity of post-conflict Libya—if I may refer to it as that—where there is no script, there are many competing interests and more than 42 years of difficulty to overcome, there will clearly be difficult pressures at work, but I doubt that the Ministry of Defence are the right people to ask about how to handle that issue.

Q227 Thomas Docherty: Are you talking to DFID, the Foreign Office or other Departments about this issue, because I suspect that this is one of those that might fall between various stools?

Lieutenant-General Barrons: It is regularly raised in the National Security Council environment at official and higher levels. This is something that the Foreign Office leads on, and which the Department for International Development supports.

Q228 Thomas Docherty: Am I therefore right in saying that the UK Government believes that there is the potential for a war crime, and that if it is proved that there is a war crime, you would expect members of the NTC to face exactly the same prosecution? If you think back to Yugoslavia, for example, one of the big issues was that, for a while, we did run a double standard; it has taken us a long time to do that.

Minister, can you give a guarantee to this Committee that the UK Government does not propose to run two different standards—one for the NTC and one for the Gaddafi forces?

Nick Harvey: The UK Government would deplore mass killing in any circumstances in which it took place, and we would support the quest for the truth as to what happened on this occasion. If it can reputably and reliably be established that a crime has been committed, we would expect that to be pursued with the same vigour, whatever the circumstances.

Q229 Mrs Moon: How would you define a successful post-conflict Libya? What would you be looking for to measure that success and how would it be measured?

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Nick Harvey: I would have thought the first test that we would apply would be to see stability and peace in that country. We would be looking for organs of government to establish themselves and for the rule of law to be adhered to. In the longer term, one would hope to see Libya prosper, but that is a longer-term aim. The first requirement in the short term is to see peace, stability and law and order.

Q230 Mrs Moon: If you get to the point of seeing peace, stability and law and order, and we deal with the proposed request that we remain for some time, who will make the final decision about when Britain's forces are pulled out of Libya and are no longer involved in the operation in relation to Libya?

Nick Harvey: The National Security Council and all those on it, with the Prime Minister in the Chair and other Cabinet members, including the Secretary of State for Defence, being around the table.

Q231 Mrs Moon: One of the risks for the future of Libya has been that large numbers of weapons have been made available to the National Transitional Council, which has found a large number of weapons caches belonging to the Gaddafi regime. There are also suggestions that there are large numbers of surface-to-air missiles and weapons of mass destruction unaccounted for. Are you aware of that? What is your assessment of the security implications of that? And what are the NATO allies doing to try to find those weapons?

Nick Harvey: Undoubtedly, this is a major concern for NATO and for the National Transitional Council and, frankly, it should be a major concern for the UN and other countries around the world. Your basic premise is broadly correct that there are munitions at large within the Libyan territory on a scale which is concerning. We are doing what we can to support international efforts. We have committed some personnel. The Americans are taking a lead on that because, unless we can succeed in working with the NTC to get this situation under control, the danger of those munitions and that equipment finding their way around the world is very real and everybody ought to take it seriously. General Barrons, do you want to add any specifics?

Lieutenant-General Barrons: It is absolutely clear: there is no shortage of small arms and ammunition in Libya. Much of that has come from the opening up of the stocks that the former regime upheld, and they were prodigious. Those stocks are not yet under control because they have been dispersed around the country. They are currently in the hands of various forms of militia and security organisations, so corralling that quantum will be very difficult and we should acknowledge that the very porous borders to Libya will not make it straightforward. So there is clearly a risk.

Of particular concern is the substantial number of man-portable air defence systems known to exist in Libya before the conflict and, as the Minister mentioned, that has already led to a US-led, UK-supported project to which we have currently committed four people and the Government have

committed £1.5 million. With others, that team is scoping the problem. By that, I mean a survey of literally hundreds of bunkers is being conducted.

Q232 Mrs Moon: So they are on the ground?

Lieutenant-General Barrons: They are on the ground now. Where these weapons are identified, they are recorded and destroyed. There is still some way to go with that. There is a risk that the systems will leak from Libya, but steps are being taken to minimise that risk. The NTC is very alert to that and is as clear as we are about the dangers, and is fully engaged in supporting the project.

Weapons of mass destruction have been mentioned. It was known in advance of the conflict that Libya held and had declared some stocks of chemical weapons. It was known where they were. They are still there, and a very close eye was kept on that stuff. They are currently under control and the ambition is to very quickly restart the Italian-led project that was setting about destroying them. Were there to be in the future undeclared stocks of chemical weapons, the NTC is completely clear that they would have to be dealt with in the same way, and obviously, since they are undeclared, we don't yet know.

Q233 Mr Havard: May I just go back to the question of the convoy? I am confused about how it was targeted and why it was targeted. Was it an aggressive action by the convoy that seemed to be trying to escape to the border? I have some questions about how this counts as a piece of dynamic targeting, the intelligence comes from it and NATO priding itself on having these elaborate arrangements so that it doesn't shoot up civilians and doesn't stray beyond the resolution.

Let me tell this story: an Eritrean mercenary, dying from his wounds, gives you intelligence. It comes into your central unit. You now have some intelligence, but there is a lack of confidence—that it was not understood to be a convoy carrying Gaddafi and it was a some sort of extrajudicial execution process. We need some more clarity. How does a convoy of what appears to be largely civilians escaping to the border become decided by NATO to be a target to be shot at by its jets? How does that happen?

Lieutenant-General Barrons: If I may start, the Chief of Air Staff may wish to follow. In terms of the intelligence picture—the point you made in the middle of your question—did we know that Mr Gaddafi was in that convoy? No. Therefore, the question of it being targeted because of Mr Gaddafi doesn't really arise. The issue for NATO would be, what was the convoy about? If it were part of the command and control of operations that are asserting themselves against the civilian population, it would constitute a legitimate target. The NATO commanders would take that judgment.

If the NATO commander—in this case, it was the NATO Combined Joint Taskforce commander himself—took the view that that convoy, within the permissions and authorities he had, constituted a legitimate target, it would be entirely appropriate for him to direct the aircraft that were in the skies at the

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time to interdict. I obviously can't speak for him, but he clearly took the view that it was a target that fell within his permissions and constituted part of the command and control apparatus surrounding the pro-Gaddafi forces.

Q234 Chair: How can you tell that a convoy is part of a command and control apparatus?

Lieutenant-General Barrons: It would depend on the information available to the task force commander at the time. He would have been acquiring that not just through what was seen from overhead, but from the messages he was getting from a number of sources, including, not least, the NTC itself. However, he would have had to form the judgment that that convoy fell within his permissions. Clearly, I cannot speak for him, and I would therefore not be able to run through the detail of that judgment.

Q235 Mr Havard: So this was a piece of dynamic targeting, in the same way as a lot of other dynamic targets were chosen throughout the conflict. It seemed to be in some way a threat to civilians because it was part of a command and control structure and therefore was interdicted by NATO. Coincidentally, Gaddafi happens to be in one of the trucks; he escapes, and history moves on.

Lieutenant-General Barrons: Yes.

Q236 Chair: CAS, is there anything you would like to add to that?

Air Chief Marshal Sir Stephen Dalton: No, not really. The key thing for this, as General Barrons said, is the fact that the commander on the spot—this was all connected up—had to have assurance in his own mind that what he was doing was within his rules of engagement and the permissions that he has. Clearly, he did.

Q237 Mr Brazier: General Barrons, could I ask you to explain how the command and control arrangements developed for the operation—in your last answers, you gave us a rather piercing insight towards the end—and, in particular, what changes the UK had to make in the way we organised things in order to accommodate these rather unusual arrangements?

Lieutenant-General Barrons: I will start with the easy bit, which is the NATO command structure. Clearly, it was necessary, in establishing this operation, for the NATO chain of command to establish command and control over the operation, and that was done. The Chief of the Air Staff is absolutely the expert in how that was done in the air domain.

In order to prosecute that operation successfully, it was clearly important that there was some connection between the National Transitional Council, which has a very good view of where the civilian population we are trying to protect exists, and the NATO chain of command. We need to be absolutely clear, however, that our remit is to protect the civilian population, no matter who is oppressing it. We are not therefore

acting in any form of military capacity on behalf of the NTC, so it is an unusual position to be in.

The hardest part of the command and control—the Chief of the Air Staff would no doubt wish to elaborate on this—was how to take the range of assets that were provided by nations and make them operate quickly and effectively in the sort of setting we found ourselves in, in Libya. That required some really adroit handling from the commanders, staff and airmen who were flying, to make that happen.

Q238 Mr Brazier: Right. CAS, do you want to come in on that?

Air Chief Marshal Sir Stephen Dalton: We started through a process where, as it was being decided exactly who was going and what organisation was going to command and control the operation past the first couple of days, there was a necessity to ensure that we hung our absolute command and control structure on NATO. The beauty of having NATO there in the first place was that such a structure already existed.

We then needed to supplement it so that the right SMEs—subject matter experts—were available to the command structure to ensure that the right air packages could be put together, and that the right control could be kept over the whole build-up and when conducting the operation, at the same time. That was done, and that is why the structure was put in place between Naples and Poggio, to ensure that such a structure was there, with the different levels of command between the CJF at Naples and the combined joint taskforce of the air component at Poggio—it was able to command and control what was going on.

At the same time, we must not forget that the naval element was going on as well, which, again, was commanded through Naples. Again, it was based on the NATO structure that exists there, which enabled us to supplement it and therefore we already had something in place that we could use as the basis.

Q239 Mr Brazier: First Sea Lord, do you want to add anything?

Admiral Sir Mark Stanhope: That was exactly correct.

Q240 Mr Brazier: Minister, may I ask you two political questions arising from the very clear insight we have had? First, do you think that realistically, any similar operation is always going to have to be either US or NATO-led? Secondly, crucially, in light of the subsequent reaction, from the Russians in particular, to the operation, the comments, the very modest resolution on Syria and so on, is there any prospect of us ever again getting such UN approval for a NATO or US-led operation?

Nick Harvey: I think it is very difficult to see how a complex intervention on any sort of scale could take place without a mature command structure. I share your view that one would struggle to see how anything new could be constructed on an ad hoc basis. Therefore, it probably would mean that. A structure like ISAF can be created for something that is

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ongoing, but again, clearly, that is very strongly NATO and American-led.

On the politics of future UN resolutions, I would say never say never. We just don't know what circumstances might obtain in the future that might cause different countries to view things in particular ways. You have touched on the issue of Syria, and I would have to concur with your implied judgment that there appears to be no prospect whatever that the Russians—or possibly the Chinese either—would allow another resolution of that sort, given that there is opposition even to drafts of resolutions that are mildly critical of the Syrian regime.

Q241 Sandra Osborne: One of the main aims, as you have already stated, was to protect civilians, but it has been reported that 80% of the casualties in Misrata were civilian casualties. What is your assessment of the level of casualties throughout the operation, including those caused by UK forces and NATO?

Nick Harvey: I would have to say that it has been at the absolute forefront of both British and NATO planning that we were, above all other things, seeking to protect civilians. I think that history will judge that the rates of civilian casualties at the hands of NATO or the United Kingdom were very much lower than in any comparable action in the past. It is very difficult at this stage to draw an estimate of the number of civilian casualties caused by pro-Gaddafi forces or, indeed, by what we were calling the free Libya forces and the forces loyal to what is now the NTC.

The NTC, notwithstanding what other Members have said, has repeatedly made clear the need to respect the rule of law and to prevent revenge attacks. I say again that I think it is to be commended for that. The UN human rights commission of inquiry established that there have been instances in which forces were responsible for committing acts that might constitute war crimes, which may have to be followed up and followed through, but I don't think we saw any widespread attacks against civilians by the liberation forces. That is in stark contrast, frankly, to the conduct of the Gaddafi regime, which, in Misrata and elsewhere, showed a complete disregard for civilian life. At this stage, I don't think we are yet in a position to make reliable estimates of numbers.

Air Chief Marshal Sir Stephen Dalton: Can I just emphasise our enormous, absolutely tremendous efforts to make sure that any chances of civilian deaths being caused by activity from the air, certainly, and from the sea were looked at in incredible detail at lots of levels? A number of targets—many, many targets—were rejected because of the chances of having civilians on the site. In some cases sorties were turned round mid-flight and brought weapons back because of the chance that there would be civilians there. So this is something that was taken extreme care of. Then the guys in the air, when they were actually firing the weapons, because they were precision weapons, again often took the option of diverting the weapon away from the target if something came along to indicate that there were civilians there. So an enormous great effort went into

how the air precision weapons were dropped and to ensure that the targets themselves were not going to be overrun by civilians in any way, shape or form.

Admiral Sir Mark Stanhope: Can I add to the answer? It underpins the importance of that ISR persistence that it is not just, "Go out, find the target, and send off an aircraft or naval gunfire support". You have to be persistent in your ISR to make sure that when the munitions arrive you are still going to be able to achieve that level of prevention of casualties outside the mission set zone. The persistence is of fundamental importance.

Q242 Sandra Osborne: Do we have an idea of how the civilians were killed by the pro-Gaddafi forces?

Nick Harvey: How many?

Q243 Sandra Osborne: How were they killed? Was it in the course of fire? Were there massive numbers of executions or murders?

Nick Harvey: There was a huge amount of completely indiscriminate fire.

Lieutenant-General Barrons: If I may, the picture varies considerably across Libya. You mentioned Misrata where there was a really, really hard fight between the NTC and the pro-Gaddafi forces. The nature of that fight was really a combination of the application of artillery and tank fire indiscriminately into the built-up area of Misrata, followed up by hard-pressed infantry attacks and an exchange of small arms fire. So many of the casualties in Misrata were undoubtedly caused by the shelling of the area of the town by the pro-Gaddafi forces, in circumstances in which the civilian population were unable to leave and in many cases unwilling to leave because they feared that if they did they would suffer as badly on their departure.

That is not the picture that you would find in Tripoli, which remains in many areas undamaged, and contrasts significantly with the approach taken by the NTC on its approach to Sirte and Bani Walid, where they provided opportunities for the civilian population to leave, not least because they were very alert to the requirement on us to protect the civilian population, no matter where that threat came from. Like any hard-fought conflict, there were, regrettably, many civilian casualties. We are unable to put a number on that because we are not present on the ground and therefore do not have the way to go and look.

Air Chief Marshal Sir Stephen Dalton: But it was the very presence of the aircraft overhead that often saw that gunfire going on and therefore because of the permissions that existed at the time, that was evidence of an attack on the civilians and those weapons were pretty well taken out when they started to fire, quite often indiscriminately. That was part of the plan—to make sure that if we saw that happening those weapons were then taken out. In some cases, despite the fact that the Gaddafi forces had tried to hide them in amongst the towns and the buildings and elsewhere, the precision weapons that were available and the skills that were used demonstrated that that could be done with the minimum of collateral damage often when, for instance, other buildings were less than six

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feet away from the weapon. So this is what we were able to do and this is fundamentally what we were about.

Q244 Sandra Osborne: Do you believe that the provision of arms to the opposition forces was consistent with the UN resolutions?

Nick Harvey: Well, the UK provided non-lethal equipment, for example communications equipment which we believed was necessary to assist in the protection of civilian life. We also sent, for example, body armour. Again, we took the view that it was non-lethal. I would say in passing that all equipment that we gifted was assessed against our usual export control criteria and for compliance with the international sanctions that were in force there. As for anything that other Governments might have done, that is really very much a matter for their judgment, but in terms of what we sent, which was non-lethal equipment, we believe that that did not break international embargos and that it was a necessity to achieve our objective of protecting civilian life.

Q245 Sandra Osborne: But is the position of the UK Government that the provision of arms to the opposition forces was contrary to the UN Security Council resolutions?

Nick Harvey: Well, we didn't do so ourselves. We supplied, as I said, non-lethal equipment. The judgments that other Governments made are matters for them to justify.

Q246 Sandra Osborne: Like the pro-Gaddafi forces, were the NTC also firing indiscriminately? If so, was action taken to stop them doing so?

Nick Harvey: It was impressed upon them throughout, in all different parts of Libya—recognising of course that there were many disparate elements to the opposition to Gaddafi—that the concern of the international community, and our overriding priority, was the protection of civilian life. That was stated and restated repeatedly to all elements of the opposition. If we had seen any instances of indiscriminate actions by the liberation forces that we thought were imperilling civilian life, we most certainly would have protested to them and demanded that it stop.

I must say, however, that our overall firm impression was that they recognised the need to protect civilian life. We have already touched upon the instances in which they went out of their way to enable civilians to get out of some of the areas of the most contentious fighting. If there have been, during the course of all those months and across that huge territory, instances where anything of that sort has happened, we would hope to see that followed up in the appropriate way in due course, but we do not have knowledge of that and do not believe that to have been the case.

Q247 Chair: On 29 June, the French air force said that they had dropped weapons into the mountains to the west of Libya. Do you think we would be in the position we are in today in relation to Libya had they not supplied those weapons?

Lieutenant-General Barrons: The greatest supply of weapons to the NTC came from the stocks that were already in Libya. The very small amount that France announced that it had delivered at that stage would have been locally significant, but set against the sheer quantum of weapons and ammunition that exists in Libya—in some cases weapons were captured and in many cases they were turned over by elements of the pro-Gaddafi forces as they changed sides, which was highly significant in the closing stages in Tripoli—I do not believe that the outcome would have been any different.

Q248 Mr Havard: You have explained very clearly how you influenced, as it were, the behaviour and the actions of the pro-Gaddafi forces and, in doing so, tried to avoid civilians becoming casualties, but you had the ability to influence the NTC side as well.

Major-General Hamad bin Ali al-Attiyah from Qatar has said today that the “the numbers of Qataris on ground were hundreds in every region.” There were people on the ground—they were not Brits on the ground—and you had ways of making the NTC forces more efficient as they went along, presumably and partly so that you could influence them so that they could avoid actually doing some of the things that you did not want them to do, as well as do some of the things that they might productively want to do. Is that the reality of where we are? That there was no one on the ground is a bit of mythology, and had there been, the NATO mission as currently constructed could not perhaps really have been conducted in the way that it was. I just offer that as an observation. Maybe there would have been more casualties; maybe it is positive; maybe it is negative. Surely, though, in your targeting process, you had the ability to influence the NTC-side of the operation as well as to exert influence on the other side. Is that a fair picture and what does that tell us about how you were conducting the operations on the ground to protect civilians on either side?

Lieutenant General Richard Barrons: In terms of the mythology that there was no one on the ground, the facts are clear: there were various forms of European representation in Benghazi, alongside the NTC. That is one way in which diplomats and their military advisers can influence and advise the NTC's senior leadership in Benghazi about how they might choose to conduct their campaign within the rules that have been set. You are absolutely right: there were representatives of Qatar and other Arab nations on the ground; they were there at the request of the NTC, sat alongside the NTC, and were able to provide advice, encouragement and guidance. Our contact with General Hamid, for example, and others meant that we too were able to make suggestions about how they would be able to conduct their operations and stay within the terms set.

Q249 Mr Havard: Can I be clear? The Qatar air component was part of the NATO-tasked operation, certainly initially, and was part of the no-fly activity?

Lieutenant General Richard Barrons: The Qatar air force was not part of NATO, but was part of the air effort, yes.

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Q250 Mr Havard: Now you are saying that the NTC were making requests of the Qatar forces to do other things. We had a NATO-plus coalition, prosecuting a UN mandate. How much of this plus bit is in the NATO-plus part, or is the plus bit also operating bilaterally with the NTC? How does all of this fit together in terms of the NATO-plus coalition's responsibilities under the UN mandate, and which parts are not included?

Lieutenant General Richard Barrons: If I may start, I am sure the Chief of the Air Staff will wish to follow. The UN Security Council resolutions apply equally to everybody. The aircraft and any other assets that Qatar produced were still limited to the missions that we had, which were the no-fly zone, the arms embargo and protection of the civilian population. Any asset that was racked into Operation Unified Protector would be playing to exactly the same regulations as us.

Q251 Mr Havard: What about the other part?

Lieutenant General Richard Barrons: I cannot speak for Qatar. Whether nations conducted things bilaterally would be a matter for them.

Q252 Chair: Anything you would like to add to that?

Air Chief Marshal Sir Stephen Dalton: No.

Q253 Penny Mordaunt: My questions are to the whole panel, but it probably makes sense to start with the Air Chief Marshal and the First Sea Lord. What impact did Libya have on our existing commitments, including Afghanistan and standing naval and air commitments?

Air Chief Marshal Sir Stephen Dalton: The overall position is that we were able to maintain all our commitments—for instance, UK air defence, air defence of the Falklands and our commitment to Afghanistan—while conducting the operation in Libya. We did necessarily prioritise where assets went on a daily basis. In some cases they were sent further east and in some cases they were kept in the Mediterranean. These are assets that are, by nature, designed to be able to flexed from one theatre to another when they are needed for the priority that they are doing. Therefore in terms of the overall ability to conduct what we are tasked to conduct as a standing set of tasks, we were able to do that without impact on the operational capability, and where we needed to move assets around we did so. Another example would be that we sometimes took TriStars off mounting air logistics deployments to make them into tankers to support the Tornados that were flying out of the UK. We backfilled that, if necessary, by using other assets. If we did not need to and we could delay the missions for the air logistic support, that is what we did. We prioritised the tasks at the time, depending on what they were.

Admiral Sir Mark Stanhope: That is slightly lined up with the question that the Chair asked at the beginning, but we satisfied all of our standing overseas commitments throughout this period, with the exception of that single one in the Caribbean, which we covered through other assets. We managed

our way through maintaining coverage in those areas through extended deployment for some ships and by stretching the length of string that some of them were on from various focal points in the South Atlantic, where they were in the South Atlantic. It is worth bearing in mind, of course, that at the early outset of the operation, when we were still under Op Deference—the recovery of personnel from Libya itself—we took one unit that was en route to the Falklands and put it into the Mediterranean to provide support for a short period of time. It did not break the ministerially required distance or the requirements for the Falklands. Of course, we had Cumberland coming back from the Indian Ocean, which we used to provide the necessary recovery of personnel from Benghazi. We managed it for the period of the operation through flexing and stretching some of the deployment baselines.

Air Chief Marshal Sir Stephen Dalton: Sorry, just so that I do not mislead anybody, we did exactly the same when it came to the extraction of the workers in the various oilfields in Libya—we used every available asset to go and get those people out, including those who were on national contingencies, but that is why you have them on national contingencies: to go and do when you are required to. That is what we did in that way to achieve that aim.

Admiral Sir Mark Stanhope: Just to embellish the point I made to the Chairman about the use of the response group taskforce, that is what it was for. That is what contingency is all about, and we were able to deploy it early to the Mediterranean—

Q254 Penny Mordaunt: This is Cougar?

Admiral Sir Mark Stanhope: This is Cougar. We deployed it early to the Mediterranean, on what was already a pre-planned training programme—to work itself up and be made available to give options, if required, and then deploy it further on to the Gulf when those options had been assessed. HMS Albion, for instance, was not required.

Q255 Penny Mordaunt: There has been speculation that UK Forces nearly ran out of ammunition during the operation—for example, the newer version of the Brimstone missile—or that there was a stockpile of missiles for reservicing in Afghanistan. What is your response to that assertion? Were there other areas of concern, and what action has been taken to guard against that happening in the future?

Air Chief Marshal Sir Stephen Dalton: In the whole area of weapons stockpiling, in the old days, shall we say, we would end up buying a whole stock of weapons; at the time, you needed to do that, because the production line was going to run from now to then, and stop. In today's world, what we do differently is that we make sure we have access to enough stock to meet what we think are the planning requirements in the early stages, and then we maintain a relationship with industry such that we can reorder weapons as required, when their usage starts to go up. We actually have that as part of our formal strategy and policy, and contracts are in place to do it.

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That is exactly what we did here. As we started to use the weapons up, new weapons or converted weapons were tasked industry to be produced and developed, and they were; they were delivered, and therefore the stockpiles were kept at a level commensurate with our operational requirements. Yes, inevitably, decisions are made on a daily, or shall I say a weekly, basis about whether we send weapons stock to this or that place, depending on where we are operating, to make sure that we keep the balance right and the required stocks in place.

Q256 Penny Mordaunt: What happened in the specific case of the Brimstone missile?

Air Chief Marshal Sir Stephen Dalton: That is exactly what we did. Having used a certain number and recognised where the rate was going and that we were likely to use more, we tasked industry; they produced shifts to come in to work on the existing production lines, as part of the existing contract, to start producing more weapons. In some cases, that was by converting the absolutely standard missile into the dual mode seeker Brimstone missile and, in some cases, it was by starting to look at how to produce new ones. That is where it was started up, and that is where the feed came from to enable us to keep stocks going.

Q257 Penny Mordaunt: Was there a stockpile in Afghanistan of missiles that had been out there a long period of time and were there for reservicing? What happened with that?

Air Chief Marshal Sir Stephen Dalton: No. Weapons are stored in various locations—obviously, some forward in the operational theatre, and quite a lot back, in purpose-built storage facilities where necessary. They are then deployed to the theatre where they are needed at the time—hopefully, ahead of time, obviously—and they then go into place, ready to feed the stocks. In some cases, weapons will be moved from one theatre to another to make sure the balance is right across the piece. That is part of the active management process that we have in place to make sure that weapons stocks are where they are needed when they are needed, and that is exactly what we did.

Q258 Penny Mordaunt: You are confident that the processes in place to make the most efficient use of what we have worked, and you were happy with what happened?

Air Chief Marshal Sir Stephen Dalton: I am but, to be absolutely clear, that is because we had sovereign capability to produce that level of weapons and technical capability. The weapons were produced by sovereign manufacture, and therefore we were able to do that. It is part of the strategy to make sure that we understand that.

Q259 Chair: Is it right to say that you were able to do that only because MBDA anticipated the need before the MOD asked for the missiles?

Air Chief Marshal Sir Stephen Dalton: They were asked to ensure that they were ready to start

production of the weapons when we formally went to them and said, “Start producing them.”

Mr Havard: That might have been a yes.

Q260 Thomas Docherty: Minister, I have two questions, one following from Penny’s. Did our stocks of new Brimstones reach single figures?

Nick Harvey: Munitions stockpile levels are classified, so I am not going to get drawn into that. We were able to sustain the effort throughout; we did not have any serious worries. The Chief of the Air Staff has explained the way the system operates. It operated satisfactorily throughout, without undermining what we could do in Libya or Afghanistan.

Q261 Thomas Docherty: I am sure you have had a chance to read a transcript of the evidence from Air Marshal Harper. He informed the Committee that, although no nation declared to NATO that it was running low on assets or munitions, he was aware that nation talked to nation about sharing and that they had declared to each other privately around the margins—I think that was his phrase—that they were running short. Was the UK one of those nations?

Nick Harvey: Chief of the Air Staff, did we at any point have a discussion of that sort with our allies?

Air Chief Marshal Sir Stephen Dalton: Not that I am aware of.²

Q262 Thomas Docherty: That is a diplomatic answer, sir.

Air Chief Marshal Sir Stephen Dalton: No, it is the true answer: I am not aware of that. I cannot see why it should be. I will answer your questions directly. No, it is the answer to your first question.

Nick Harvey: For the avoidance of doubt, I have no knowledge of any such discussions, either.

Q263 Thomas Docherty: Are you aware of which nations were referred to by Air Marshal Harper?

Nick Harvey: No, I am not.

Q264 Penny Mordaunt: I want the First Sea Lord to have a chance to come in on that question whether, in addition to the Brimstone missile, there are other areas of concern he has. I am thinking of the hollowing out of the capability on some of our ships and the armaments they had.

Admiral Sir Mark Stanhope: There were no armaments used in the Libya campaign about which we had any concern in terms of shortage categories with regard to stocks.

Q265 Penny Mordaunt: Does that include not just what was used but what was there? I am thinking of ships being deployed with very much under the number of Sea Wolf or Harpoon missiles.

Admiral Sir Mark Stanhope: In deploying ships, we equip them for the mission which they are tasked for. That might be constrained with regard to the equipment placed on the ship. There are areas of risk in the positioning of ships that require us to put more

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equipment on board them, for instance, operations in the Arabian Gulf, where the threat levels are higher, than if we are going to operate them in the North Atlantic. Some of the vessels used for Libyan operations were not fitted with what one might call the area-specific kit, nor was it required.

Q266 Penny Mordaunt: And you were comfortable with that?

Admiral Sir Mark Stanhope: With the operations off Libya, as they progressed, yes, I was comfortable with regard to the equipment, self-defence equipment and the ammunition stocks, which is what we are talking about here, that they held.

Q267 Thomas Docherty: Can I ask the panel, which UK attack capabilities do you believe performed particularly well in the operation?

Nick Harvey: My impression is that they all did, but I expect you are looking for a little more commentary than that. I will ask the Chief of the Air Staff and the First Sea Lord to comment.

Air Chief Marshal Sir Stephen Dalton: As far as we are concerned, the principal four weapons systems that were used all performed to an extremely high level of satisfaction in terms of their capabilities, and well above the predicted level percentage-wise, with very few exceptions. For instance, to talk about Brimstone in particular, 98.3% to 98.7% of the missiles fired went exactly as per the textbook and did exactly what we expected, so the quality of that was extremely high. The same is true, in ratio terms, of all the precision weapons that we dropped—and bear in mind that that is exactly what we require.

Q268 Thomas Docherty: What about the thinking that, of the 1.5% that were not precise, a significant proportion were within five metres? Is that fair?

Air Chief Marshal Sir Stephen Dalton: In many cases, less than that, but as ever, precision gurus that we are, we are talking about being exactly on. You are absolutely right: in many cases, it was only a matter of a couple of feet and so not significant in terms of what they were aimed at and what they achieved.

Q269 Thomas Docherty: That is slightly different from 70 years ago, perhaps.

Air Chief Marshal Sir Stephen Dalton: Just a little.

Admiral Sir Mark Stanhope: As far as maritime fires are concerned, the early requirement to use Tomahawk to suppress enemy air defence was proven yet again. Once you have suppressed the air defences, you can project power more comfortably from the air. Naval fires simply using the 4.5 gun, which some people have suggested was not appropriate in this modern era, was proven again in terms of the ability to put fire on the ground where necessary with some considerable precision. We had to work up our standard procedures to be able to do that, to ensure the required precision that was again necessary to guarantee the safety of life.

Not quite a naval fire, but a very important part of the ability to sustain some of the operations was the mine countermeasures vessel capability, which ensured that,

when they placed mines, we were able to disable those mines to allow, ultimately, the passage of vessels in and out of Misrata. While it is not a fire, that was a significant enabler to the overall business.

Q270 Thomas Docherty: What assessment has been made of the effectiveness of the co-operation with our French allies and the French armed forces during Operation Ellamy?

Nick Harvey: Oh, I think it has undoubtedly been a significant success. Of course, in the early days we had to get used to each other's *modus operandi*. We had some initial difficulties in basic communications, but those were overcome. As time went on, it went from strength to strength. We are pleased to have demonstrated the ability of the UK and France to act together in a leading role in the way that we have, which is encouraging for the future. NATO allies and the US will have been encouraged by that, too. On the back of the treaties that we signed with France last year, this was a very significant achievement in improving our interoperability and working relations with France.

Admiral Sir Mark Stanhope: May I have the privilege of going back before I answer that point? Not represented here, other than by General Barrons, is another element of fires that I previously forgot to mention, which is the use of attack helicopters flown by a mixture of naval and Army personnel, but by Army personnel in the main. That was a significant contributor to the flexibility.

Q271 Thomas Docherty: I can see why you are the First Sea Lord, because my next question is: what assessment have you made of the effectiveness of Ocean, the attack helicopters and Sea Kings, either individually or in partnership?

Admiral Sir Mark Stanhope: The partnership arrangement was fundamental. The ability to get the ISTAR from the Sea King SKASaCs, those that fly with the big radar to provide ground surveillance, and the flexibility of the package enabled the tasking of the attack helicopters in a very flexible way. We did not just click our fingers and do it; we have been working it up for some considerable time. Operating in that way, notwithstanding the novelty of how we did it, was something that we already practised. It was effective. It had its limitations—it was not a replacement for a fixed-wing air in any way—but it had its utility in terms of the flexibility of tasking that was required.

Chair: There is a vote in the House of Commons, so I shall suspend the Committee for 10 minutes and hope that everyone can get back here quickly.

Sitting suspended for a vote in the House.

On resuming—

Q272 Thomas Docherty: Air Chief Marshal, what assessment has been made of the performance of Typhoon and Tornado on operations?

Air Chief Marshal Sir Stephen Dalton: There are three things on that question. First of all, the performance of Tornado has yet again proven it a bedrock of multi-role capability, having precision

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weapons, first-class reconnaissance capability and first-class targeting capability. As in Afghanistan and as before, it has demonstrated that the Tornado is an excellent platform for what we do and has proved to be very effective.

Typhoon, on its first outing in an operation as opposed to its defensive counter-air role in the UK and the Falklands, proved again to be very reliable—4,500 flying hours with no engine changes.³ It is an amazingly reliable piece of kit. Within a matter of days, we were able to bring forward its existing air-to-ground capability on top of its air-to-air capability and to deliver very effective and very poignantly laser-guided bombs, and eventually to make sure that it could conduct that role simultaneously with its air defence role. Therefore, it could provide the requirement to enforce the no-fly zone and target precisely and accurately targets on the ground.

All of those have proved extremely reliable and effective. We have, of course, had to make sure that the ISR piece that supports them, which is the key element to make sure it all joins up, is equally available. As we have already said, those assets are in short supply. Undoubtedly, if we had had more of those, we could have done more effective operations, but they are nevertheless joined up in a way that makes the whole thing come together.

Q273 Thomas Docherty: For the Committee's benefit, in approximately 4,500 flying hours, what kind of mileage are you talking about?⁴

Air Chief Marshal Sir Stephen Dalton: Good God! It would have to be a guesstimate. Each sortie typically lasted six to seven hours. In some cases, it transited 700 miles to get there and made the point that it could stay airborne and do the job for a long while when it got there. Thousands and thousands of miles have been flown, but actually, the vast majority of that was over the Libyan coast or mainland, providing the persistent support that was needed on the ground. Typhoon has a long loitering capability compared to many fixed-wing fast jet aeroplanes.

Q274 Thomas Docherty: I think you will probably be aware of the comments by Air Marshal Harper about ISTAR. He said that ISTAR "played a key and pivotal role in the operation. There is no question about that...without that capability I do not think that we would have seen the rapid success that has been achieved." Would you agree with that?

Air Chief Marshal Sir Stephen Dalton: Absolutely right. It was fundamental. We were able to link up and securely pass information from the Sentinel aircraft providing the ground-mapping capability through the AWACS in E3 aeroplanes, through secure satellite comms, through data links to the Typhoon and from Typhoon to Tornado and onwards. All that was done. Without that combat ISTAR—in other words, the ability to do something about what you find on the ground at the same time—this would undoubtedly have been a more complex operation. The technical

capability is there, and it has proven itself to be combat-ready and combat-capable.

Q275 Mrs Moon: Sentinel is one of the platforms due for retirement. Will you be sorry to see it go? Would you prefer it to be kept?

Air Chief Marshal Sir Stephen Dalton: The requirement for Sentinel is in the SDSR paper, which talked about the fact that when it was no longer required for Afghanistan, we would look to take it out of service. Of course, in the interim, its quality and its performance in Afghanistan and in Libya have demonstrated what a fundamental part of the ISR and the whole combat ISTAR piece it is. I feel that as ever, we will have the opportunity in the next SDSR to look at whether, as the Chairman was asking earlier, that is one of the capabilities that we will want to look at again, to see whether it was the right decision to say that when it is no longer required for Afghanistan, it will go. I am sure that is what we will do.

Q276 Chair: You're sure that you will decide to keep Sentinel?

Air Chief Marshal Sir Stephen Dalton: No, sure to have a look at it in the next SDSR.

Q277 Mrs Moon: The statement that I was given when I asked about Sentinel was that it will be withdrawn from service when it is no longer required to support operations in Afghanistan, so in 2014, potentially.

Air Chief Marshal Sir Stephen Dalton: No. It depends what the operations in Afghanistan turn out to be. Combat operations in Afghanistan will finish at the end of 2014, not necessarily the whole requirement.

Q278 Mrs Moon: Again, Air Marshal Harper described Sentinel, saying: "It played a key and pivotal role in the operation. There is no question about that. This is a highly capable ISR platform that is able to detect movement on the ground with extraordinary high fidelity and provide that information in real time", and that we "relied extremely heavily on its capability and on similar capabilities...without that capability I do not think that we would have seen the rapid success that has been achieved." I assume, therefore, that when you look again, you will, hopefully, be looking to retain it, perhaps in an upgraded form.

Nick Harvey: Let me endorse what the Chief of the Air Staff has said. NATO, at the Lisbon summit last year, identified that across the alliance, ISR is a priority that we need to turn our attention to. I am confident that when we conduct the lessons learned exercise from Libya, the performance of Sentinel will be one thing on which we will focus. Certainly, the next SDSR will give us an opportunity to consider our future ISR needs and requirements. At that stage, we will be able to consider whether we should indeed extend the life of Sentinel further or, if we are not going to do that, how we will procure some other capability that can plug the gap. I entirely endorse the

³ Note by witness: this figure should read 3035 flying hours

⁴ *ibid*

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Chief of the Air Staff's confidence that this issue will be re-examined in the next SDSR.

Q279 Thomas Docherty: Minister, how did you deal with the lack of a UK fixed-wing aircraft carrier and the reliance on land-based forces?

Nick Harvey: I believe that we coped extremely well. We were able to fly sorties with Typhoon and Tornado, which we did to great effect, as part of the international alliance that had been amassed for the purpose. Of course it is the case that the Americans, the Italians and the French, at various points, used aircraft carriers in the course of the Libyan action, though it is equally true to say that the Italians and the French retired them partway through and the Americans used their carrier at considerably less than its capacity. Of course, the more assets you have available to you in any military engagement, the more options you have got, but we were able to make a thoroughly worthwhile contribution to that international action without needing our own British carrier. The risks that we took, and that we acknowledged that we were taking when we resolved to take a capability gap on carrier strike, were, in my view, vindicated by the events as they unfolded in the Libyan action.

To cast your mind back to the decision in the SDSR, we were coming from a situation where Tornado and Harrier had been our two aircraft in that role, and we are moving to a future, in Future Force 2020, where Typhoon and the JSF will succeed them. The decision that we had to take during the interim was whether we were going to continue operating three aircraft types—Harrier, Tornado and Typhoon—or whether, in order to achieve the impact on the defence budget that we needed, it would be better to delete either Harrier or Tornado rather than salami-slice both of them.

As you know, that was debated in a lively manner as part of the SDSR process. The decision was taken that we will need carrier strike for the future. That is why we have committed to a carrier strike capability for the long term. We will not always be able to depend on the sort of international arrangements that we had on this occasion, but we calculated that we would be able to do so, in foreseeable circumstances, for the next few years. I believe that Libya bore that out, but I shall ask the First Sea Lord to give his perspective.

Admiral Sir Mark Stanhope: Using Libya as an example of the need, or not, for aircraft carriers can lead you to some false assumptions. If we had had a carrier with Harrier capability, as we used to, I suspect we would have used it as another option, and it might have been reactively tasked in some circumstances. But, let us be absolutely clear, it could not have provided the effect of Tornado with Brimstone and Storm Shadow. At that stage, Harrier was not capable of embarking those weapons. We would have had to have used the same effort to achieve the same effect. Of course, we had the advantage of local air basing rights and overflight rights, so we could position strike capability from Italy to be embarked into Libya. It worked—and it worked splendidly.

The Minister's point is important, however. In future, we risk engagement elsewhere in the world where air

basing and overflight rights might not be available. Without that option, all our possibilities might be closed down, so the Government have made a clear decision to build a future aircraft carrier and put on it the Joint Strike Fighter that will be capable of embarking all the weapons that are currently in our arsenal—and probably better ones.

Nick Harvey: If we had instead deleted Tornado at the end of 2010, the first challenge for the residual Harrier force would have been to re-engage in Afghanistan. That being so, it would have been highly unlikely that it would have been available for the action in Libya. Even if it had, it would not have had the same fire power, as the First Sea Lord has observed.

Q280 Thomas Docherty: I will come back to some of the other points in a second, but I want to be clear: are you saying that had the Government disposed of Tornados and kept Harrier, there would have been a significant impact on our ability in Libya?

Admiral Sir Mark Stanhope: Unquestionably, yes. The immediate challenge for the Harrier force would have been to work itself up again into being capable of performing the task in Afghanistan, and no one should underestimate how big a challenge that would have been. But whatever stage it was at in meeting that challenge, there was no possibility that it could have engaged in Libya at the same time.

Q281 Thomas Docherty: You will obviously be aware of the Committee's discussions with Air Marshal Harper about the comments of—apologies to him if I get his name wrong—Rear Admiral Paolo Treu, the commander of Italian naval aviation. I do not propose to quote him verbatim, because I am sure that you have been briefed on that. But fundamentally, he said that the situation in Libya demonstrated the advantage of flying Harrier off a carrier. Remember that this is the Italians talking, who had the nearest basing. He said that it was far more cost-effective than simply using land-based forces. He said that using naval power in partnership with land-based forces resulted in less wear and tear on the aircraft. He also said that it was easier to do dynamic tasking and shift operations when using carriers because they were only five minutes away from target rather than being, in some cases, a round trip of six or seven hours away. Is the Rear Admiral wrong?

Nick Harvey: It depends what he means. If he is talking about the cost per flying hour or the cost per sortie, I should imagine he is entirely right, but you cannot consider that in isolation from the effect that you are trying to deliver. If we had sustained two aircraft types instead of deleting one at the end of last year, you would have to factor into any cost comparison the overall cost of sustaining two aircraft types. If you were simply looking at the action in Libya in isolation from that issue, you have to factor in the different effect that you are capable of delivering from a Tornado from that which, had they been available—a mighty big hypothetical—you would have delivered from a Harrier. The actual cost of getting the aircraft into the air, making a flight and

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coming back may per sortie have been cheaper—I readily admit that—but it seems an almost meaningless statistic.

Q282 Thomas Docherty: With due respect, Minister, you have already said that it was Treasury-driven need to take an air asset out of existence. So it is not unreasonable at all to ask whether you have made an analysis of the cost of running purely land-based operations.

Nick Harvey: Of course.

Q283 Thomas Docherty: Will you share it with the Committee.

Nick Harvey: I have answered innumerable parliamentary questions on the cost of doing just that but, with respect, how is it meaningful to compare the cost of a Harrier sortie with that of a Tornado sortie if the effect they are going to deliver is not comparable? It is of passing interest, but it is almost irrelevant.

Q284 Thomas Docherty: I would suggest that not all the sorties that were carried out by Typhoons and Tornados had to be carried by those aircraft. The fact is that both the United States and the Italians chose to use Harrier. Were they wrong to have used Harrier?

Nick Harvey: Of course not.

Q285 Thomas Docherty: Were they ineffective by using Harrier?

Nick Harvey: Of course not, but they were using it for a different purpose. You are comparing apples with pears. If you were comparing the costs of two alternative ways of doing the same thing, it would be of some considerable significance. But if you are comparing the cost of doing two quite different things, I am struggling to see the relevance of it.

Q286 Bob Russell: Minister, did any political or operational limitations occur due to the reliance placed on partner nations basing and logistics supply?

Nick Harvey: No, we were extremely grateful to partner nations for what they were able to do for us. We were hugely grateful to the United States for the support that it was able to give to us and to others, and we really should note the invaluable role played by Italy in this operation. The UK and NATO are very grateful to the Italians for all their support for our operations over Libya, in addition, of course, to contributing their own military assets. Malta also provided valuable support to the UK's commitment. Overall, the international collaboration during the whole of this operation has been of the very highest order. The NATO alliance—as we observed early on, it was NATO Plus—actually worked together incredibly well.

Q287 Bob Russell: Thank you. I was going to ask two or three questions about what additional capabilities would have been useful. Colleagues have raised that in general and you and your colleagues have answered them. I shall put the open question to you: are there any further additional capabilities over

and above those you have already mentioned, which possibly could have shortened the action, which many people felt was somewhat prolonged, bearing in mind the weight of the nations that were taking on Libya?

Nick Harvey: The critical military difference that might have achieved the outcome quicker would have been the deployment of ground forces, but that would have been completely unacceptable in terms of the international politics of that. As for other equipment that we might have benefited from, you can never have enough ISR. The more you have got, the more it enables you to deal with the other equipment that you have available for the action. I do not know whether General Barrons wants to add anything to this from an operational perspective.

Lieutenant General Richard Barrons: It is tempting to think that, if we had had more ISR, more fast jets and more tankers, we would have been able to take on more targets at once. Would that have expedited the conclusion of the campaign? I don't know, because it is obviously counter-factual, but the fact is that the decisive part of the campaign was always going to be on the ground when the NTC was able to complete its ambition to remove the Gaddafi regime. Its ability to do that had to grow over time, so it is not necessarily the case that more air effort would have resulted in a quicker outcome, because the NTC military forces were on a really steep learning curve.

Bob Russell: Thank you.

Q288 John Glen: I would like to turn to costs and value for money. In a written ministerial statement of 12 October, the cost of operations was estimated at £160 million with a further £140 million estimated to be the cost of replenishing munitions. I am keen to understand what goes into those figures. There have been some significant, different estimates in the press; Francis Tusa has calculated that it could be between £850 million and £1.75 billion, which is quite a difference.⁵ I would be grateful if you could set out, Minister, what aspects are included in the statement that the MOD issued, in terms of training costs, wear and tear and other costs borne by the MOD so that we can have a full understanding of what that figure includes.

Nick Harvey: The estimates for the cost of operations in Libya are on the basis of net additional cost of the operations. That will generate a figure that we will claim from the Treasury reserve. It includes only additional costs, not costs that we would have incurred anyway. It would include, for example, the costs of fuel, munitions, extra maintenance requirements, spares, the deployment and recovery of equipment and personnel, accommodation, theatre-specific training and operational allowances, but it would not include things such as the basic salaries of the participants, which we would have been paying anyway. Slightly trickier calculations are made after the event about some of the things that you were touching on, including capital depreciation.

Q289 John Glen: But they are real costs, aren't they?

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Nick Harvey: Oh yes, they are real costs, and although I am saying that they are trickier, that does not mean that we will not adduce a cost from that and present it to the Treasury accordingly. The estimate for Libya comprises two parts: the additional cost of operations and, as a separate estimate, the cost of replenishing munitions. On 12 October, as you have said, the previous Secretary of State issued estimates based on the extension of operations into mid-December, which we can now reasonably anticipate will not happen. They were costs covering a nine-month period, and that estimate was £160 million in additional costs and £140 million on the cost of replenishing munitions—a total of about £300 million. Clearly, when we know exactly when the operation has finished and how much it has cost we will present fully audited costs to the Treasury, which will form part of our accounts and our annual reports.

You referred to an article, which I think was in *The Guardian*. I have explained that we compute costs on the basis of net additional costs, and the journalist's calculations in the *Guardian* story appear to be his cockshy at estimating the entire cost, regardless of whether some of that was cost that the Department would already have been incurring. Governments never estimate the cost of an operation on that basis, and such calculations are almost impossible to verify because there is not really a methodology for doing so. I am sorry to say that I do not recognise his figures or the logic that he has deployed to arrive at them.

Q290 John Glen: Can I move on to talk about the cost-effectiveness of the capabilities? We have gone over the debate of what would have happened had we had a carrier, but we can make some meaningful comparisons between other countries and their utilisation of sorties per aircraft, for example, or the number of pilots per aircraft. Will an evaluation of the cost-effectiveness of deployed, in this case, RAF assets be made with like-for-like comparators within the NATO alliance? That would be a meaningful calculation that would begin to get to an assessment of the value for money of that asset. I know it is very difficult when the outcome is ultimately a good one, but it is a legitimate question in terms of effectiveness.

Nick Harvey: It is a perfectly legitimate question and, as part of the lessons-learned exercise, we will most certainly be scrutinising questions of cost. On the particular point that you are making, where you suggest it would be a valid comparison to look at the costs of sorties made by the RAF against those made by other nations, such a comparison would only be valid if you were comparing like with like.

Q291 John Glen: Canada and Belgium's shore-based assets were deployed from bases—

Nick Harvey: It depends on exactly what they are doing, and if what they are doing is broadly comparable, a cost comparison may indeed be valid, but the nature of different sorties being flown by different nations in the alliance during the course of the Libyan action was varied. We would have to be extremely cautious of any simplistic comparison model in case we strayed into the territory of not

comparing like with like, because the effectiveness of sorties or the number of targets hit or whatever would again depend on what the targets were and what dangers and challenges were implicit in making the hit.

Please do not imagine that I am pooh-poohing the entire notion of making cost comparisons—I am truly not—but we would have to do so with extreme caution that we really were comparing like with like.

Q292 John Glen: No, I understand the caveats, but I want to push it a bit further in a different area. We extensively used Storm Shadow and Brimstone. However, many of our allies did not use them and did not sustain collateral damage and casualties as a consequence of using much cheaper weapons. Given the actual outcomes, is that something that is a legitimate area for consideration?

Nick Harvey: It might rather depend on what the target was, but let me ask the Chief of the Air Staff to answer.

Air Chief Marshal Sir Stephen Dalton: That is exactly the point here. There were other nations that used a comparator to Storm Shadow—the Italians and the French—but the cost-effectiveness of employing them in the same way would have been exactly the same as ours would be.

The other issue would be that, for instance, no other country had Brimstone and its dual-mode capability. The consequence of that is that those aircraft were doing very specific missions. In essence, therefore, what they achieved was unique in the overall scheme. So trying to make any comparison of that against what others were targeting, as the Minister has said, would be rather false unless you use something very simplistic, which is not valid, such as the cost per hour, because the effectiveness is what we are trying to achieve.

Q293 John Glen: It would be difficult, because we will not be able to look back and understand those operational decisions owing to the sensitivity of the targets, so there will be no effective scrutiny of those decisions.

Air Chief Marshal Sir Stephen Dalton: What will be effective is the fact that when the mission commanders decide which target sets the different air forces, different formations and different types are going against, they match them against those targets and the conditions of those targets. Therefore, if you wanted to know what the cost-effectiveness of doing that was, you would very quickly get to a point where, in some cases, there was only one that could do it. Regarding your example of F/A-18s and F-16s, there might be a comparison, depending on the targets that they were going for, but I would equally say that there could very well not be a comparison, because of the target sets that they were going for. It is not just the price per hour; it is the effectiveness of what they are achieving on the ground.

Q294 John Glen: Were we deployed in more expensive and sensitive targeting that would have involved more expensive assets, or were all allies used

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in similar ways? It seems that you are suggesting that we were up for expensive, top-end activity that necessitated expensive weaponry.

Air Chief Marshal Sir Stephen Dalton: No, what I am saying is that you take the assets that were contributed by other nations and you then match the capabilities and weapons that those assets have to the targets that you have to go against. For instance, if we had tried to throw a squadron's worth of F16s' capabilities with 500 lb bombs against some of the targets that you send a Tornado with Storm Shadow in, you could have sent another three squadrons and you would not have achieved anything because it is the combination of the aircraft and the weapon that achieves the effect you want on the ground. So that is why it is not simple to do a quick, straightforward cost-effectiveness comparison between one aircraft and its capabilities and another and its capabilities in this sort of mission.

Q295 Chair: How much did we spend on oil and fuel generally in the course of the campaign?

Nick Harvey: That is not a figure that I have at my fingertips. If the Committee is interested in that, we could in due course try to tell you.

Chair: It would be helpful to have a figure on how much was spent on that, not least to work out how much it cost to bring Tornados down from faraway places and also how much we spent on munitions. If those figures could be provided I would be grateful.⁶

Q296 John Glen: We do know that an answer to a parliamentary question said that Tornado fuel costs were £5,000 per hour. We know from two weeks ago that Tornados completed 7,000 hours of flying ops. So that is £35 million to start.

Nick Harvey: There would have been further oil requirements on top of that, I fear.

John Glen: Absolutely.

Chair: I should be grateful if you could provide those figures.

Q297 Mr Havard: There will be a question later about the lessons learned exercise. Presumably as part of the lessons learned exercise there will be something a little more qualitative or some granularity in terms of the financial effects and assessments. As part of that perhaps we can have some visibility at a later date of how that was achieved and what they were.

Nick Harvey: There will certainly be a detailed scrutiny of the costs so that we can learn lessons on whether there would be a more cost-effective way of delivering a particular effect in future. Overall, we have helped NATO to avert a humanitarian disaster and the cost-effectiveness of the whole thing is difficult to measure because we are measuring it in terms of human life. I think that we will conclude that the effort the international community made was worth, in human terms, avoiding that catastrophe.

Q298 John Glen: Do you think, given the extensive costs which are obviously yet to be fully calculated, there will be an attempt to reclaim some of them from

the Libyan Government when they are in a position to accommodate that?

Nick Harvey: NATO's intervention in Libya was under a clear UN mandate which has saved countless lives. It is helping to bring new hope to a country that has suffered tyrannical rule for 42 years. We didn't do this for financial return. It has not been something that we have suggested at any point along the line. We are not mercenaries for hire. We did this because we felt that this was the right thing to do. I hope very much that in the future Libya will become a prosperous and stable nation but I do not think we would help them achieve that if, on top of all the challenges they face in trying to put together a nation state now, we were to send them an invoice. That just is not what we did this for.

Q299 John Glen: But what about the equitable transfer of the burden of costs across NATO in terms of transfers and payments across, given that the distribution of the costs by NATO members was probably not equitable?

Nick Harvey: Well, there are always the discussions within NATO about sharing the burdens both militarily and financially. Those are discussions that we will continue to pursue with our NATO colleagues, but no one should underestimate the difficulties of achieving progress in the direction that all of us would like to see.

Thomas Docherty: Speaking of burden sharing, have the Ministry of Defence and the Foreign Office now agreed for future activities who pays for evacuating civilians, because I understand that that was one of the issues that caused a slight delay with sorting out who was paying for the flights?

Nick Harvey: I am not aware that we have been in any dispute with the Foreign Office on that.

Chair: Everyone is looking at you, DCDS.

Lieutenant-General Barrons: No. The fact is, if the Ministry of Defence supplies capability in support of the Foreign Office, the Ministry of Defence is inclined to present a bill for its trouble. What it never does is slow down the speed of response. It is not as if there is an argument, as it were, on the line of departure, about who is going to pay before we go and rescue our citizens. That does not occur.

Q300 Thomas Docherty: So have you billed the Foreign Office for—

Lieutenant-General Barrons: I think the Ministry of Defence is in the habit of billing as many Government Departments as it can.

Nick Harvey: I can absolutely confirm that. There are Treasury guidelines to Government Departments about the way we charge each other. As the Minister responsible for requests for military aid to the civilian authorities, I deal with these all the time, and certainly the Treasury's opening position is that we should recover full costs from each other unless there is a particular reason, using certain criteria, not to.

Chair: I would like shortly to bring the meeting to an end, because I know at least some of us have other appointments.

⁶ Ev 56

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Q301 Mr Havard: I have got a heading about implications for SDSR, NATO and so on: there is a debate in the United States that you, obviously, understand, and it reflects everything—John McCain saying we should have used our air power more, and we could have done it shorter. There is a whole debate, however, about whither NATO, and what happens in the future, and how we deploy ourselves in terms of what the future NATO will look like. There is an argument, in other words, in America, that this is a NATO failure. Some people argue that a transformational discussion will now take place, and Libya is the illustrative platform for that transformational debate to take a leap forward.

What do you say about what that says for how we deploy ourselves now, given our declaration of what we think 2020 will look like, and our position? Is there a revision of that? I would like to know what you think: if we act within NATO, that is one set of questions; but how could we act independently, and what have we learned about the necessity? Should we need to go to the Falklands, or if we had to do something independently in relation to Cyprus, where are we in terms of capability?

Nick Harvey: Well, Future Force 2020 aims to give us the ability to undertake operations on our own, but the circumstances in which that would happen would, I sincerely hope, remain quite few and far between. NATO remains absolutely the bedrock of our defence, and it was certainly the underlying assumption in the

National Security Strategy and the SDSR that most of the international engagements that we would anticipate participating in would be with NATO allies; and therefore, in making decisions about our own military capabilities we take into account the ability we believe we would have to co-operate with others and make use of their capabilities.

I agree with you that what happened in Libya may mark something of a new chapter in America's attitude towards Europe and the rest of NATO. I certainly do not for one minute think that the Americans are going to turn their back on Europe and NATO, but I do think, as we look forward, the countries of Europe—I have said this many times before—will need to accept the challenge of carrying more of the burden of our security on our own shoulders, not expecting the Americans to provide as much for us in the next 50 or 60 years as they have in the last. Certainly their conscious decision not to step to the front of this action and lead it, but rather to have NATO do it, but through an enhanced role for the French and the British, may well prove to be an augury of what is to come. It makes it all the more necessary for the countries of Europe to work more closely together, to up our game and to deliver a greater proportion of our own security in the future than we have in the past.

Chair: On that uplifting note we should draw matters to a close. Thank you to all our witnesses for a most helpful and interesting session.

Nick Harvey: Thank you.

Written evidence

Written evidence from the Ministry of Defence

On 24 February the Royal Navy and Royal Air Force started evacuating British Entitled Persons from Libya, following widespread protests and fighting across the country. Over the next two weeks almost 1,000 persons were evacuated from locations across the country. Shortly after the evacuation was complete, the security situation deteriorated significantly.

On the evening of 19 March UK Armed Forces, along with their US and French counterparts, launched military operations in Libya with the aim of protecting the civilian population of Benghazi from an imminent attack by Colonel Gaddafi's forces.

By 31 March NATO had assumed effective command of all operations to enforce UN Security Council Resolutions (UNSCRs) 1970 and 1973 as Operation Unified Protector (OUP).

Committing military forces to Libya averted an imminent humanitarian catastrophe in Benghazi and has saved countless lives since. The UK continues to make a significant contribution to the NATO mission in Libya under the national operational name of Op ELLAMY.

Q1. The effectiveness of the ongoing mission to protect civilians in Libya

1.1 When the UK and its allies commenced military operations Colonel Gaddafi's forces were hours away from inflicting a humanitarian catastrophe on Benghazi, and Misrata was besieged with snipers and under heavy artillery attack. Hundreds of thousands of innocent civilians were fleeing the country.

1.2 NATO's intervention in Libya has saved countless lives and is helping bring democracy to a country that has suffered tyrannical rule for 42 years. The Libyan people are now free to choose their own future. The Alliance has achieved considerable successes and continues to enforce a no fly zone and arms embargo. So far Coalition aircraft have flown over 21,000 sorties—8,000¹ have been strike sorties—and destroyed over 5000 targets. The UK contribution has been significant and we continue to play a leading role on the military, diplomatic, and humanitarian fronts. Militarily, we have flown a fifth of all strike sorties, launched over a 150 helicopter missions from HMS OCEAN, helped enforce the maritime embargo, and cleared Misrata port of sea mines.

1.3 NATO's actions in Libya have severely degraded the former regime's offensive capabilities and significantly limited their ability to threaten innocent civilians. What is left of the Gaddafi's regime is isolated domestically and internationally. Those towns and cities now under the control of the National Transitional Council (NTC) are slowly beginning to return to normality.

1.4 There still remains a job for the UK, NATO, and our Arab partners to do in Libya. The Prime Minister and NATO Secretary General are clear that operations will continue until all attacks and threats of attack against civilians have ended.

Q2. The extent and success of coordination of efforts with French and US forces

2.1 UK personnel are involved at all levels of the NATO command process and continue to shape the strategic and operational direction of the campaign.

2.2 OUP is being co-ordinated through the existing NATO command structure. The UK is playing a pivotal role in the North Atlantic Council and influencing operational planning in the SHAPE military headquarters. The day to day running of the operations is being conducted from NATO commands in Poggio and Naples for the air and maritime components respectively.

2.3 Co-operation between the UK and France, both militarily and at the political level, has been exemplary and contributed significantly towards developing the level of co-operation and interoperability envisaged in the UK/French Defence Co-Operation Treaty, which was signed in November 2010.

2.4 The US contribution to OUP has been vital to the operation's success. The US has not only provided a significant contribution but made available a number of niche capabilities, particularly Intelligence Surveillance and Reconnaissance assets, which other Allies do not have.

Q3. The costs of the operation and its implications for other UK operations

3.1 We currently estimate that the net additional cost of Op ELLAMY is in the region of £110 million from the start of the operations in mid-March to mid-September. In addition, we estimate the cost of replenishing munitions expended over this period may be up to £130 million. These figures are slightly lower than those announced by Secretary of State to Parliament in June (£120 million and £140 million respectively) but are not the final figures. The Chancellor of the Exchequer has confirmed the net additional costs of operations in Libya will be met in full from the Reserve.

¹ Figures correct as at 1 September 2011

3.2 Maintaining our contribution to operations in Libya has meant we have had to prioritise our forces so we can meet other operational commitments. In addition to Libya we are heavily committed in Afghanistan and have numerous non-discretionary tasks both at home and overseas. We will need to prioritise some capabilities if Op ELLAMY endures beyond September. However, the risks are judged manageable and, where possible, mitigation actions are already in place; we are quite clear we can manage what we are being asked to do.

Q4. How have capability decisions taken in the SDSR and subsequent policy documents affected our contribution in Libya

4.1 The Strategic Defence and Security Review (SDSR) set out the need to retain high-readiness forces, which provide for the possibility of a military response to a wide range of potential crises, alongside continuing to fulfil our standing commitments.

4.2 Events in Libya have confirmed the validity of the SDSR decision to adopt an adaptable posture with flexible forces. The outstanding performance of our Armed Forces on Op ELLAMY demonstrates the UK remains able to project power and influence at speed.

4.3 The SDSR was based on a thorough and realistic assessment of capabilities our Armed Forces require to meet the threats we face now and in the future. The difficult decisions to gap or reduce capabilities that might have been used in Libya, such as Carrier Strike, were necessary to move towards a balanced and affordable equipment programme.

4.4 We have always been clear that we would bear some additional risk in the short term but, as set out in the SDSR, we retain a broad spectrum of capabilities that enable us to project power in an effective and timely manner. Where capability gaps do exist they can be mitigated by working with allies and through over-flight and basing rights. We recognise there are certain deficits in some strategic enablers that NATO, nor we, are able to provide without the support of the US. The operations in Libya are proving that the decisions taken in the SDSR were right. The capability delivered by Tornado and Typhoon in Libya simply could not have been delivered by Harrier from our existing carriers.

Q5. The implications of this operation for the outcomes of the SDSR

5.1 Recent events in Libya demonstrate: firstly, the SDSR's recognition of the uncertain world we live in was right; secondly, the consequent importance of the UK adopting an adaptable posture with flexible forces. In particular, the SDSR set out the need to retain high-readiness forces, including air and naval operations, that provide for the possibility of a military response to a wide range of potential crises.

5.2 The financial pressures on the Government have not diminished and unless we were to make even greater reductions elsewhere, Defence must contribute to the broader Government deficit reduction not least because our national security depends on our economic stability.

Q6. The effectiveness of NATO command structures in the preparation and conduct of operations in Libya

6.1 NATO has proven its ability to deliver a robust and credible response to new security challenges. The NATO command structure has proved largely sufficient for the nature of current operations in Libya.

6.2 What NATO has undertaken is challenging due to the large land area covered, the speed with which the operation had to be mounted, and the very complex situation on the ground. This generated some initial teething problems and we recognise it took some time to achieve full capability.

6.3 NATO has embarked on a lessons learnt exercise, which we are contributing to. Allies have agreed the use of the NATO Crisis Management Process was generally successful.

Q7. The "end game": what would a successful outcome look like and how do current operations contribute to achieving this?

7.1 Success is achieved when the conditions set out in UNSCRs 1970 and 1973 have been met and the Libyan people are free to choose their own future. An indicator of this will be a situation on the ground across the whole of Libya where the civilian population no longer requests or needs NATO support in enforcing the UNSCR 1973 to protect them.

7.2 Given that the threat to Libyan citizens emanated from the former Libyan Government, a successful resolution to the operation in this case must include the formation of a new legitimate, representative, and inclusive governing authority, which protects rather than attacks its own citizens. The NTC is increasingly recognised internationally as such, and has committed to the holding of national elections once stability in Libya has been achieved. Political engagement and technical assistance to help the NTC in its stabilisation efforts will continue once military operations have ceased.

Q8. The extent to which the UK and NATO are interacting with and supporting the opposition forces in Libya

8.1 The UK has been extremely pro-active in establishing diplomatic contacts with the NTC. We very quickly established a diplomatic presence in Benghazi and on 5 September dispatched a small diplomatic team to re-open the British embassy in Tripoli. Establishing a diplomatic presence early allowed us to work closely with NTC and the Free Libyan Forces, and provide a key conduit for discussions on transition and reconstruction. The MoD has provided significant support to the FCO mission by providing Defence Advisors, transport, and communications equipment.

8.2 The UK has also provided a significant amount of practical and materiel support to the NTC. In April, we provided satellite phones and 1,000 sets of body armour, and in July we delivered 5,000 high visibility vests and T-shirts for use by civilian police in Benghazi. We are planning to supply the NTC with a further 5,000 sets of body armour, 6,650 police uniforms, and communication equipment for the sole use of the civilian police force.

8.3 At the strategic level the UK has been playing a leading role in coordinating the international community's efforts on Libya. We chaired the London Conference in March and pushed hard for the establishing of the Libyan Contact Group. The Contact Group has met four times since March, and one particular success was the Group's recognition of the NTC as the legitimate governing authority of Libya. Separately, the Chiefs of Defence Staff of participating NATO allies and partners have met on four occasions since March to discuss the operation in Libya.

Q9. Whether the necessary planning is being done to ensure the long-term stability of Libya when the military effort is complete

9.1 In the increasing number of areas under NTC control, including Tripoli, we have been encouraged by the relatively smooth transition, the restoration of security, and the re-establishment of health and other public services. The Paris Conference on 1 September welcomed the NTC's clear plan for conducting the political transition in a spirit of unifying the Libyan people and reconciling both sides in the conflict. The NTC is working on a Constitutional Declaration that enshrines these principles and sets out a timetable for the election of a democratically accountable government. This process must be Libyan led and owned, supported by the international community.

9.2 The Paris Conference re-affirmed that the United Nations (UN) will play a central role in leading the international community's response to the post-conflict needs of Libya. The UN has been conducting post-conflict planning on Libya for several months including making preparations for a possible UN peacekeeping mission. Ian Martin was appointed the UN Special Representative for Post Conflict Planning on Libya earlier this year.

9.3 In June the International Stabilisation Response Team (ISRT), in which the UK, US, Italy, Denmark, Canada, Australia, and Turkey all played a role, visited Benghazi. The ISRT produced a report identifying the immediate challenges facing the Libyan people and where the international community could support Libyan stabilisation priorities, should they request it. The ISRT report has been drawn on by the NTC in the formulation of its own stabilisation plan. We have been encouraged by the NTC's willingness to focus on the importance of post conflict planning, for example they held Stabilisation Conferences in Dubai during August.

9.4 We have learned from past conflicts the importance of international institutions planning early for stabilisation operations. We will continue to support the NTC as the legitimate governing authority in Libya and are looking at how we can further contribute to Libya's immediate and future needs in addition to the military and humanitarian support we have already provided.

Q10. What is our exit strategy?

10.1 The exit strategy is to implement UNSCRs 1970 and 1973 successfully. In practice this means that attacks on civilians by the former regime are no longer taking place. This will allow the Libyan people the opportunity to choose their own future. NATO and partners are responsible for delivering the first part of that. The Libyan people must be responsible for the second part supported appropriately by the international community led by the UN. We have always been clear this crisis will not be resolved by military action alone. We will continue to engage politically with the NTC and to provide assistance to the UN-coordinated stabilisation effort where required.

Q11. The contributions of allies and partner nations in delivering a successful military intervention

11.1 At the height of the operation there were 17 countries directly contributing military assets to OUP. Today there are 16 with other nations either providing or offering various kinds of support including military, logistical, financial support and humanitarian relief. Of particular importance is the involvement of a number of Arab nations, and we should welcome their invaluable contribution to the NATO-led operation.

11.2 We are engaged with Allies on an ongoing basis to discuss military contributions to OUP and where nations may be able to provide more. Some NATO allies have shared significantly more of the burden than others and this imbalance needs to be addressed.

Q12. The broader implications of the intervention in Libya in the context of reacting to instability in the wider region

12.1 Operations in Libya are not currently affecting the UK's ability to meet its standing home and overseas commitments.

12.2 However, the collective impact of current operations, including Libya, on standing commitments and preparation for contingent operations is acknowledged to have added to the current challenges faced by Defence.

12.3 The UK military presence elsewhere in the Middle East and North Africa continues to reassure key regional partners, deter actions likely to contribute to further instability in the wider region, and contributes to our capacity to conduct current operations in Afghanistan and elsewhere.

9 September 2011

Supplementary evidence from the Ministry of Defence

Q203: Confirmation that the next SDSR will not be held at the same time as the next Comprehensive Spending Review. What will be the timetable of the reviews, including how the National Security Strategy will fit into this?

The relationship between the SDSR and the Spending Review will need to be addressed when a decision has been made on the timing of the latter. The current Spending Review sets out the allocation of resources across government departments up to financial year 2014–15. The Government is committed to producing a new National Security Strategy (NSS) and Strategic Defence and Security Review (SDSR) every five years, and to review the National Security Risk Assessment every two years. We therefore expect the next NSS and SDSR to be held in the next Parliament.

Q261: Details of the process followed to decide which capabilities each NATO country and other allies would provide for the campaign. Also, details of the process followed if any ally reported a shortage of capability. The Committee would be grateful to receive examples of these processes in action during the campaign. (See also Qq 187–190 from evidence session on 12 October)

NATO has a developed process to identify and generate the forces and capabilities required for a specific operation or for NATO's Response Force. This process is called Force Generation. It is a continuous process, with an annual Global Force Generation Conference to allow nations to re-affirm or pledge commitments to on-going operations and contingencies. Additionally, specific Force Generation Conferences can be held at any time to match capabilities against specific operational needs.

In the case of Operation UNIFIED PROTECTOR (OUP), the Operational Commander determined, and agreed with SACEUR, the capabilities required to prosecute the campaign. These capabilities were set out in the Combined Joint Statement of Requirement (CJSOR). Nations then pledged forces through formal Force Generation against the CJSOR. The CJSOR varied during the campaign to match the evolving military requirement and nations could, and did, pledge additional forces to the operation as required. For example the UK deployed four additional Tornado GR4 aircraft to Gioia del Colle in mid-July and Italy deployed a Predator Unmanned Aerial Vehicle in August. Pledged forces were transferred to NATO command.

In the case of Operation Unified Protector, NATO's Partner Nations (Sweden, Qatar, UAE and Jordan) also contributed to the CJSOR. Some nations also deployed assets in support of operations in Libya under National Command arrangements, which were also made available for NATO tasking. The UK's deployment of HMS OCEAN was done under such arrangements.

SHAPE monitored the CJSOR and national contributions on a daily basis, identifying any overall capability shortages and surpluses, including any shortages reported by Allies. Where a shortage existed, SHAPE could engage with nations holding such capabilities to try to obtain additional pledges.

Qq288–289: The Committee would be grateful to receive a detailed explanation of the methodology used for calculating the additional cost of the operation and the cost of replenishing munitions.

Our estimates for the cost of operations in Libya are on the basis of the "net additional cost of operations" (NACMO). It includes only additional costs incurred by the MOD as a result of the operation, and excludes costs which would be incurred anyway.

Top Level Budget Holders (TLBs) are tasked to provide the MOD centre with an estimate, based on policy agreed with the Treasury, on what spending should come from the core budget, and what is NACMO. For example, included in NACMO would be: costs of additional fuel and munitions consumption; extra

maintenance requirements; spares; an assessment of capital depreciation; the deployment and recovery of equipment and personnel from theatre; accommodation; operational allowances; and theatre-specific training. Excluded from NACMO would be: base salaries of service personnel and civilians involved; a base level of equipment usage, such as occurs during standard training; and most significantly the procurement costs of equipment which will stay with the MOD after the operation.

With regard to munitions, HM Treasury have agreed to provide the cost of replenishing munitions from the Reserve, and will assess any future claims on a case-by-case basis. Final costs for munitions will be contingent on future decisions regarding required stocks and estimates for the market price of munitions. Not all costs are reclaimed in year—we often replenish munitions stockpiles over a number of years.

Q295: *Figures on how much was spent on oil, fuel and munitions during campaign?*

Fully audited figures will be produced as part of the annual accounts.

On current estimates we expect the net additional cost of the operation to include around £25 million on oil and fuel.

In October, the previous Defence Secretary provided an estimate for the additional cost of munitions of £140 million; this was based on the continuation of Operation Unified Protector until mid-December. We are now working on a new estimate based on the completion of operations in October, which I will announce in December.

November 2011

Letter from Rt Hon David Cameron MP, Prime Minister to the Chair

Thank you for your letter of 22 March about the Defence Committee's request to see the legal advice provided to the Government by the Attorney General on the legal basis for the deployment of UK forces and military assets to Libya.

As I said during my Statement on Monday 29 March, I think the long-standing convention that the Government is entitled to receive legal advice in confidence, and then to act in the terms of that legal advice, is worth upholding.

I see this as a matter of principle. I hope you agree that the Government needs sound legal advice that remains legally privileged. I do not think we can make an exception to release certain legal advice or release to certain groups. It begs the question why won't we release subsequent advice or release it to wider groups. Therefore I am not minded to break with this precedent.

Nevertheless, recognising the significance of this issue, the Government considered it appropriate in these exceptional circumstances to confirm that we had obtained advice from the Attorney General. We also considered that it was right that Parliament should be informed about the legal position to inform its debate which was why we made available to Members a note setting out the legal basis for the deployment of our armed forces. In doing so I hope you agree we have struck the right balance.

30 March 2011

Written evidence from Francis Tusa

Outline: This extract has been drawn up for the House of Commons Defence Select Committee to explain some of the methodology of calculating the costs of Operation Ellamy, the UK contribution to Operation Unified Protector.

The issue of operational costs is complicated by an opacity of detail—deliberate?—from the MoD and Treasury, as well as accounting rules that are far from easy to grasp. This leads to potential, and understandable confusion.

“Lord Strathclyde: Of course the noble and gallant Lord, with all his considerable experience, understands the cost of these arms, but this is the kind of action that we would expect our Armed Forces to be able to deal with. If costs escalate substantially over the next few weeks, no doubt the Secretary of State for Defence and the Chancellor of the Exchequer will need to discuss where this money will come from.”

21 March 2011, House of Lords

“Mr Osborne: My hon. Friend alerted me to the fact that he might ask this question. The House will understand that it is too early to give a robust estimate of the costs of the operations in Libya, but I can say that they should be modest compared with some other operations, such as Afghanistan. The MoD’s initial view is that they will be in the order of tens of millions of pounds, not hundreds of millions. I can tell the House today that whatever they turn out to be, the additional costs of operations in Libya will be fully met from the reserve.”

22 March 2011, House of Commons

- There is a “Conspiracy of Optimism” here, right from the outset, that any operation would last a very short space of time, and would cost very little;
- Note Lord Strathclyde’s comments that everything would be fine until an operation goes over a couple of weeks: this provides an important piece of information, that the defence budget does not include the cost of any significant operations beyond the barest minimum; and
- This is backed up by the fact that the largest defence vote, “Request for Resources 1”, does not include contingent expenditure, and which is occasionally described as “being prepared for tasks”, a sign that it does not cover actual missions beyond a very small level.

Taking air operations, which were the major element of Operation Ellamy, a 26 January 2010 Written Answer stated about flying hours and costs:

“By way of illustration approximately 40% of the Harrier and 30% of the Tornado GR4 hours in the table were actually consumed on operations. A proportion of Typhoon and Tornado F3 hours were consumed in the Falkland Islands and performing Quick Reaction Alert missions.”

- Note that in this statement, there are seen to be three levels of costing:
 - The forecast operational costs of an enduring operation such as Operation Telic/Herrick;
 - The forecast costs of enduring defence missions such as QRA or air defence of the Falklands Islands; and
 - The level of training required to meet these tasks/missions.
- Note that contingent operations are not covered by the budgeting for such things as flying hours, training etc.

Conclusion: The defence budget does not have a contingency reserve for unforeseen operations, such as the starts of Operations Telic and Herrick, or Ellamy. These are entirely unfunded from the defence budget.

For reference, the budgeted flying hours for the Tornado GR4 fleet have been constant at around 22,000 hours per year for the past few years. This includes the baseline hours required for air support of Operation Herrick.

No similar statistics are as yet available for the Typhoon, but looking at planned hours per pilot for training and QRA, multiplied by the number of airframes gives a figure of 12–15,000+ flying hours per year.

BASIC CALCULATIONS

Flying cost data comes from Written Answers as up-to-date as January 2011. Typical data includes:

Tornado GR4	£35,000 per hour
Typhoon	£70–90,000 per hour

The data tends to get followed with a paragraph:

“This includes forward and depth servicing, fuel costs, crew costs, training costs and the cost of capital charge and depreciation. The Typhoon cost per flying hour reflects the smaller numbers of aircraft currently in the fleet and their relatively short period in service. This is expected to reduce significantly over the in-service life of the aircraft.”

Other costs for support aircraft have tended to revolve around £30–40,000 per flight hour. In all calculations, low costs have been adopted to avoid over-inflating figures.

The point about the c£35,000 per flight hour is that this is the basis on which the MoD has to account for such activities, that is it has to take account of spare parts, maintenance contracts and the like. It is a very “global” figure, but it is an accurate one.

Another figure has been provided for the cost of a flight hour, based solely on fuel costs. This, for a Tornado GR4 is £5,000. When undertaking fuel-only calculations for all aircraft, this is the cost per hour that has been used, which hides the fact that the VC10, Nimrod R1, and E3 Sentry have four engines, all of which are fuel hungry.

To give a very simple set of calculations, consider the following, based on the outline number of hours flown by the main combat aircraft:

TORNADO GR4

7000 hours flown each @ £35,000	£245,000,000
7000 hours flown each @ £5000	£35,000,000

TYPHOON

2519 hours flown each @ £35–40,000	£88,165,000–100,760,000
2519 hours flown each @ £5000	£12,595,000

- Note that the “fuel only” cost, even adding an extra increment for the support aircraft, doesn’t come remotely close to the stated cost of operations of some £160 million, excluding weapons costs. This would seem to show that “official figures” are not a true and realistic calculation of the costs of operations.

November 2011

Letter from Peter Luff MP, Minister for Defence Equipment, Support and Technology, Ministry of Defence

I thought your Committee members might be interested in the unclassified RAF brief I have attached about the performance of Typhoon on operations in Libya. Typhoon in its first multi-role mission in providing both air defence and ground attack, has demonstrated exceptional levels of survivability and, in its ground attack role, a targeting capability with minimal collateral damage, proving that it is a truly formidable aircraft.

As you may be aware, Typhoon has already been exported to Saudi Arabia and Austria where it is in operational service, and it is also competing in a number of other important markets.

I am happy to discuss any further questions you might have about Typhoon’s performance.

21 December 2011

TYPHOON FORCE ON OPERATION ELLAMY—NARRATIVE

1. The Typhoon Force was warned of a possible deployment on 17 Mar 11; by 1,300Z on 20 Mar 11, 10 aircraft were in transit to southern Italy. This responsiveness bears testament not only to the hard work and commitment of the Force’s support personnel, but also to the Force’s inherent ability to swing rapidly from a UK training role to an operational one. Equally impressive, the rapid provision of support infrastructure and turnaround of the deployed aircraft in theatre allowed RAF Typhoons to be employed in support of UN resolution 1973 by 1,200Z the following day, less than 18 hours after their arrival. Two aircraft were immediately employed to meet the air defence task; this move signalled the beginning of the continuous employment, the RAF’s Typhoons maintained operations seven days a week until their departure from theatre. Additionally, the Typhoon’s contribution of four missions per day was maintained with only 31 support personnel. It is usual, across modern aircraft types, for this rate of combat missions to require more support personnel.

2. Having established itself in the air defence role, notice to transition Typhoon to the air-to-surface role was given on 31 March. Less than a week later, on 7 April, the first Typhoon operational multi-role sortie was flown. RAF Typhoon squadrons had not practiced air-to-ground operations for over a year; the ability of the pilots and ground crew to make this significant role-change, in a very short period of time, reflects the Typhoon’s operational flexibility and the utility of its avionics. After only two simulator sorties to refresh vital operating skills, the pilots were able to deliver air-to-ground weapons, with precision, by utilising the intuitive weapons interface that Typhoon offers. The Typhoon’s ease of operation and minimal training burden in the multi-role configuration was demonstrated further by the deployment of a second cadre of multi-role pilots; all of whom had no previous Typhoon air-to-surface experience. After only one week’s training in the UK, they were declared combat ready and deployed on Operation ELLAMY where they delivered air-to-ground weapons without excursion from the Rules of Engagement.

3. The Typhoon’s most impressive characteristic, to those not familiar with its potent performance, was the ease with which it carried large weapon payloads over significant distances in the changeable air environment. On several occasions, en route to the operating area, Typhoon pilots were able to climb over thunderstorms that required other aircraft, with less performance, to re-route around them. This characteristic stood Typhoon apart from its contemporaries. Carrying up to 4x air-to-air missiles, 4x 1,000lb bombs, a targeting pod and two under wing fuel tanks, Typhoon can fly at 40,000 feet and at speeds of over 500 knots while using relatively little fuel. This low fuel consumption had obvious benefits in terms of endurance; it allowed Typhoon to loiter over significant periods providing airborne cover with its complement of air-to-air weapons. Moreover, it also ensured that the Typhoon was less of an air-to-air refuelling burden in the busy airspace.

4. Typhoon's performance on Operation ELLAMY was a result of more than just its manoeuvrability and power. The combination of Typhoon's long-range radar picture and Link-16 data link provides the pilot with exceptional and unrivalled situational awareness of the operating area. This capability on Operation ELLAMY ensured that the aircraft was effectively and efficiently employed. It enabled Typhoon pilots to support those Coalition aircraft with inferior on-board sensors, controlling rendezvous with air-refuelling tankers in poor weather, and cueing other aircraft's weapon systems from information passed over its data links from Command & Control platforms. The RAF's Typhoons returned home from Operation ELLAMY on 23 September 2011 once it was clear that the operational conditions had been met. Since returning from operations, the Typhoon Force has continued to grow its capacity. Moreover, it has contributed significantly to the ongoing Typhoon Export Campaign, with deployment on Exercise ATLC 17 in UAE and the current deployment of aircraft from No 6 Squadron, RAF Leuchars, to Exercise BERSAMA LIMA in Malaysia as part of the Five Powers Defence Arrangement. A summary of Typhoon's performance on Op ELLAMY is captured below:

<i>OP ELLAMY STATS</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep (23 Sep)</i>	<i>Total</i>
Hours Flown	182:16	453:19	526:21	504:07	569:28	561:30	238:27	3,035:28
Planned Missions	32	111	124	62	143	125	49	646
Achieved Missions	29	106	115	64	130	117	52	613
Weapons Released	0	17	35	25	87	45	25	234
Frame Swaps	0	2	5	5	5	2	0	19
COMAO	Average of 2 to 3 Composite Air Operations flown each week							66

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