House of Commons
Defence Committee


Fourth Special Report of Session 2014–15

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The 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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Committee staff

The current staff of the Committee are James Rhys (Clerk), Karen Jackson (Audit Adviser), Eleanor Scarnell (Committee Specialist), Ian Thomson (Committee Specialist), Christine Randall (Senior Committee Assistant), and Rowena Macdonald and Carolyn Bowes (Committee Assistants).

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Fourth Special Report


Government response

The Government welcomes the House of Commons Defence Committee’s interest in the rationale for, and conduct of, interventions and is pleased to present its response to its Fourteenth Report of Session 2013-14 Intervention: Why, When and How?

Our formal response to the Committee’s recommendations and conclusions is set out below. The Committee’s headings and findings are highlighted in bold, with the Government’s response set out in plain text. For ease of reference, paragraph numbering in brackets refers to the order in which they are presented in the Committee’s Report.

Introduction

1. We note that the Ministry of Defence defined intervention "as the projection of military force (augmented by other agencies as required) outside UK sovereign territory to achieve an effect in securing, protecting or promoting UK national interests through the use or threat of force". However this definition seems to us to be very narrow, as it takes minimal account of the UK’s wider responsibilities as a UN Security Council member or as a member of NATO or other alliances where national interests might have to be balanced by wider global responsibilities. We also note that several of our witnesses have referred to humanitarian intervention which does not appear to fit within the Government’s definition. We call on the Government to develop definitions of the terms "intervention" and "humanitarian intervention" which can be used across Government Departments and be included in the next iterations of the National Security Strategy and the Defence and Security Review. (Paragraph 7)

We believe that meeting the UK’s wider global responsibilities is an intrinsic part of the UK’s national interest. As set out in the 2010 National Security Strategy (NSS):

“Our national interest requires us to stand up for the values our country believes in—the rule of law, democracy, free speech, tolerance and human rights … we must continue to advance them, because Britain will be safer if our values are upheld and respected in the world.

To do so requires us to project power and to use our unique network of alliances and relationships—principally with the United States of America, but also as a member of the European Union and NATO, and a permanent member of the UN Security Council.”

In order to protect and further our enlightened national interest (the principle that our security, prosperity and freedom are interconnected, mutually supportive and constitute our national interest), the 2010 NSS established that our response must encompass two
complementary strategic objectives: ensuring a secure and resilient UK; and shaping a stable world. The shaping of a stable world and tackling the drivers of instability involves, amongst other instruments of Government, the use of the Armed Forces (i.e. intervention) for humanitarian purposes. We therefore believe that the broader concept of intervention desired by HCDC, including intervention for humanitarian purposes, is already contained in the 2010 NSS and it does inform MOD’s actions. However, we will consider the value of making this more explicit in future iterations of the NSS and SDSR.

Strategic rationale for intervention

2. A strategic and well-articulated vision of the UK’s position in the world would lead to more rational decisions on whether or not to intervene as well as a better public understanding of the rationale for any future decision. It would also assist in identifying the strategic objective of such operations, contributing to a more coherent UK foreign, defence and security policy. (Paragraph 21)

As we have stated in our response to the Committee’s recent report *Towards the Next Defence and Security Review: Part One*, the 2010 NSS set out a clear over-arching vision to use all our national capabilities to build Britain’s prosperity, extend our nation’s influence in the world and strengthen our security. Part II of the NSS referred to “Britain’s distinctive role”, which addressed the UK’s economic position, our place at the heart of many global networks and our role in international affairs. Following on from that vision, the 2010 NSS also set out the National Security Tasks which identify the ways in which the UK will act to achieve the objectives of ensuring a secure and resilient UK and shaping a stable world. SDSR 2010 also gave details of the policies to be pursued to achieve those objectives.

3. We remain concerned about the lack of realism in the Government’s assertion that there will be no shrinkage of UK influence when resources are still being reduced. We call on the Government to set out in the next National Security Strategy whether it still maintains this assertion and, if so, how it could be achieved. (Paragraph 22)

Global influence is not just about the size or even the capability of a country’s armed forces. The UK exerts influence in a variety of ways: diplomatic and economic, development assistance, and technological and cultural exchanges, in addition to our capability and willingness to use military force. Through the work of the National Security Council (NSC), the NSS, and the Strategic Defence and Security Review (SDSR) the Government has sought to coordinate these different aspects so the sum of the whole is demonstrably greater than the sum of the individual parts, looking to ensure that the UK’s influence does not automatically shrink as our proportion of the world’s economy and population naturally reduces. As the National Security Strategy will be produced after the next election it would be inappropriate to make assertions at this time.

4. The next National Security Strategy should consider the case for the UK developing a regional strategic focus, particularly in light of new or re-emerging threats to European defence and security. We acknowledge that there will be times when the UK would have to act beyond this regional focus. The next National Security Strategy and the next Defence and Security Review should also include a discussion on the UK’s future role in NATO and its resourcing by its members. (Paragraph 23)
We remain committed to delivery of the 2010 SDSR with NATO as the bedrock of our defence. NATO’s responses to the current security environment and its priorities for the future will be discussed at the Wales Summit and the outcome of these decisions will shape both the NSS and SDSR. The Summit agenda is still being developed but defence spending is expected to be part of the debate.

5. **We continue to support the Government’s adoption of an "adaptable posture" in the 2010 Strategic Defence and Security Review.** The threats to UK national security remain uncertain and unpredictable and it is important that the Government and UK Armed Forces retain the flexibility to deal with them. The 2010 National Security Strategy said that the national security apparatus had focused on non-state actors and that the current main national security threat was from international terrorism. We agree that these threats remain, but call on the Government to ensure that the next National Security Strategy gives due weight to the likelihood of a return to an increased threat of state versus state conflict and that the force structure, manpower, equipment and capability decisions in the next Defence and Security Review ensure that UK Armed Forces are able to meet all these threats. (Paragraph 24)

We welcome the Committee’s continued support for the adaptable posture adopted in the 2010 SDSR. As the Committee notes, the threats we face remain uncertain and unpredictable and it is important to retain the flexibility to deal with them. However, we must also ensure that our force structures, and indeed all tools of Government, are balanced to face those threats we deem most likely or most severe. It is for this reason that we are currently reviewing the National Security Risk Assessment (NSRA). The NSRA will in turn inform the NSS and SDSR.

6. **We agree that intervention in its many forms has an important role to play in the UK’s national security and maintaining the national interest.** We note the MoD’s statement that military intervention remains an option of last resort in the UK's national security strategy and should only be considered when other means have failed. Unfortunately, but understandably, the last resort is often seen by the public as the first resort due to the Government’s failure to communicate the other means it has employed prior to a decision to intervene. In addressing this perception, the Government should set out how it determines that other means have failed and that intervention is the best option. The Government should consider building on the so-called "Chicago doctrine" from 1999 by including in the next National Security Strategy a statement of the criteria for when and whether to intervene. (Paragraph 31)

The UK uses a variety of means to pursue our national security objectives: diplomatic and economic, development assistance, and technological and cultural exchanges, in addition to our capability and willingness to use military force. Through the NSC, the Government coordinates these instruments to seek to achieve our objectives. The 2010 SDSR set out broad criteria for 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.”

7. **We call on the Government to include in the next National Security Strategy (NSS) and the next Defence and Security Review a description of interventions that it regards**
as non-discretionary and the rationale behind this view. This would give a good indication of UK intent in terms of its national security interests. We note that the Ministry of Defence recognises that some interventions can be regarded as discretionary. While we understand that the Government will need to be selective in undertaking discretionary interventions, it should consider developing a base criteria for these types of interventions to be included in the next NSS. Such criteria would assist the Government in deciding whether an intervention was in the UK’s national interest and also assist in communicating and engaging with the public on intervention decisions. The next NSS should also detail what types of discretionary intervention operations the Government envisages the UK would be able to undertake on its own and those which it would undertake with allies. (Paragraph 32)

The uncertainty and unpredictability of the world makes it difficult to draw any hard line between what should be considered discretionary or non-discretionary. Any decision to undertake a ‘discretionary’ operation would be based around the criteria set out in the 2010 SDSR and on our response to the Committee’s recommendation six above.

Defence Planning Assumptions, set out in the 2010 SDSR to underpin our force structures, envisage the UK being able to undertake a non-enduring simple intervention, a non-enduring complex intervention, and an enduring stabilisation operation concurrently\(^1\), or for a limited time, and with sufficient warning, committing all our effort to a one-off intervention of up to three brigades, with maritime and air support. But, as the 2010 SDSR made clear, we rarely act alone internationally and will work in alliances and partnerships wherever possible to generate stronger responses. Alliances and partnerships are thus a fundamental part of our approach to defence and security. This is unlikely to change in the future.

8. We have welcomed the establishment of the National Security Council (NSC) and support its attempts to bring greater coordination and focus across Government on security matters to lead to greater operational effectiveness. National security requires a whole government joined up approach. However, we are concerned that the NSC becomes too involved in operational matters and short-term imperatives rather than giving the strategic lead on questions such as intervention policy. (Paragraph 34)

As set out in our response to the Committee’s recent report Towards the Next Defence and Security Review: Part One, while the National Security Council does discuss strategy, its primary role is to determine policy, agree actions and then evaluate the implementation of those actions. The balance between strategic and operational discussions will always fluctuate according to need. More strategic discussions have examined the UK’s relationships with China, Russia and India, alongside strategic work on the Emerging Powers, a cross-cutting look at how government spends resources overseas, and, currently, a strategy for long term relationships with and interests in the Gulf region. Discussions have been much more operational at critical moments on topics such as Libya, Afghanistan and Ukraine.

9. The legal justification for military intervention will continue to be controversial. We note the Government’s statement that when there is no UN Security Council Resolution

\(^1\) Operations of up to 1,000, 2,000 and 6,500 personnel respectively.
for action, there is a legal basis available under the doctrine of humanitarian intervention which would permit the UK under international law to take exceptional measures in order to alleviate a humanitarian catastrophe providing certain conditions are met. We question whether the Government's position is generally accepted by the international community or the British public. The Government should set out in detail in the next iterations of the National Security Strategy and the Defence and Security Review the principles of its legal position, including its relationship with the UN Charter, international law and the concept of the Responsibility to Protect, on the deployment of UK Armed Forces for intervention operations. This would assist with providing the public with greater information on, and understanding of, the Government's position on the use of UK Armed Forces rather than waiting to the heat of debate immediately prior to a potential deployment. (Paragraph 49)

We note the Committee's recommendation to set out the principle of our legal position in the next NSS and SDSR. The Government's position on humanitarian intervention as a legal basis for the use of force was set out in Appendix A to the Right Hon Hugh Robertson MP's letter to the Right Hon Sir Richard Ottaway MP in his capacity as Chair of the Foreign Affairs Committee, which is attached as Appendix A to this response.

10. We welcome the Government's publication of summaries of its legal position on the deployment of UK Armed Forces. We note the Government's view that the confidentiality of the Attorney General's full legal advice needs to be upheld and that legal privilege is an essential component of the UK's legal system. We hope that the publication of summaries of the Government's legal position on the deployment of Armed Forces will continue to be regarded as normal and best practice. We recommend that these notes should always state how this position was formulated and who was consulted. We further recommend that the Government should undertake to continue to publish its legal position on the deployment of the Armed Forces. (Paragraph 51)

The Government notes the Committee's recommendation on the publication of the Government's legal position on the deployment of the Armed Forces. The publication of summaries of the Government's legal position on the deployment of the Armed Forces will need to be considered on a case by case basis taking into account the confidentiality of the Attorney General's full legal advice.

11. The role of Parliament in conflict decisions is a contentious issue. The House of Commons' decision in August 2013 to reject the potential deployment of military force to Syria (despite provisions in the Government’s resolution that would have required efforts to secure a UN Security Council Resolution authorising such action and a further vote in the House of Commons on direct UK involvement) has significantly added to the debate on what the role of Parliament should be in conflict decisions and its relationship with the Royal Prerogative on such matters. The Government should intensify its efforts to resolve this matter. We regard Parliament's role as one of a strategic inquisitor on military deployments. As a first step, we call on the Government to clarify its position on whether it wishes to legislate to formalise the requirement to consult Parliament on military action or whether it favours codifying the role of Parliament in a Parliamentary resolution. We do not consider it appropriate for the Government to wait until the next possible military deployment to resolve this issue.
We conclude that, wherever possible, Parliament should be consulted prior to the commencement of military action, but recognise that this will not always be possible such as when urgent action is required. We call on the Government to commit to ensuring that a summary of the legal justification on military action is available to Parliament in advance of any such debate. (Paragraph 65)

Having considered in depth the evidence submitted by both the Constitutional Committee and the PCRC and reflected thoroughly on the performance of the current convention, not least in respect of the Parliamentary debate and vote on Syria, the Government has concluded that the existing constitutional arrangement provides an effective mechanism by which to engage Parliament in conflict decisions.

The Government remains committed to the existing convention that before UK troops are committed to conflict, the House of Commons should have the opportunity to debate and express its view through a vote, except where there was an emergency or such action would not be appropriate. We also expect that future Governments will observe this convention.

The publication of summaries of the Government’s legal position on the deployment of the Armed Forces will need to be considered on a case by case basis taking into account the confidentiality of the Attorney General’s full legal advice.

12. We understand and acknowledge the current lack of appetite for military operations given the experiences and tensions of the past decade for operations in countries such as Afghanistan and Iraq. However, it is also necessary to understand and acknowledge that there are consequences to decisions by the UK and the international community not to intervene in humanitarian or non-humanitarian situations. Non-intervention decisions have implications for the UK’s place in the world and its influence which are as profound as a decision to undertake an intervention operation. Decisions not to intervene could have wide global implications for efforts to deter hostile actions by other states or non-state actors. The Government should be more forthright in stating the consequences of non-intervention when it proposes intervention actions. The next National Security Strategy and the next Defence and Security Review should also include an indication of how the Government balances and decides between these two choices. (Paragraph 70)

13. We welcome the Government’s intention that any deployment of UK Armed Forces should have a clear strategic aim. While conscious that deployments will differ and some will be of an urgent nature we repeat our call that the Government should develop this concept by undertaking a more detailed, comprehensive and strategic assessment before deciding to intervene. This should address the strategic ends, ways and means, including generating the necessary parliamentary support. We call on the Government to set out in the next Defence and Security Review how it determines and measures success against the strategic aims set for the deployment of UK Armed Forces. We have seen no sign that its approach has resulted in a more strategic use of the Armed Forces since the 2010 Strategic Defence and Security Review. (Paragraph 74)

We recognise the impact non-intervention can have on deterrence and this is taken into account when undertaking strategic assessments on the costs and benefit of intervention. Whilst no decision has yet been taken on the final scope of the next National Security

Strategy or Strategic Defence and Security Review, initial preparatory work is underway. The Committee’s recommendations will be thoroughly considered as part of this work.

**Interventions: How?**

14. The Government must ensure that the plans and resources for Future Force 2020 enable the Armed Forces to carry out the roles intended for them, including that of undertaking intervention operations. We note the commitment to a 1% real terms increase in the equipment budget from 2015 but this must not be achieved by further manpower cuts. We also note the concepts listed in the 2010 SDSR (readiness, reconstitution, reinforcement, regeneration and dependency) as being central to achieving the optimal effect for Future Force 2020. We will explore the MoD’s progress in fulfilling these concepts as part of our forthcoming inquiry into Future Force 2020. (Paragraph 80)

The Government remains committed to the delivery of Future Force 2020 and notes the Committee’s recommendations. We look forward to assisting the Committee with their forthcoming inquiry into Future Force 2020.

15. We agree that the UK will be required to work closely with allies and partners in interventions, not just in terms of military capability and force size but as a means of maintaining and demonstrating legitimacy. We note the Ministry of Defence's statement that it may sometimes be necessary to limit or modify the objectives of a possible intervention to achieve the broadest possible support from the international community. However, this must not be at the risk of undermining the strategic aim of the intervention operation. We agree with our witnesses that regional ownership of interventions can on occasions be important and desirable. The next National Security Strategy and the next Defence and Security Review should set out how the Government plans to develop regional partnerships which will help in delivering the UK’s national security objectives. (Paragraph 86)

We agree with the Committee that the objectives of a possible intervention should not be modified to the extent that they risk undermining the strategic aim, but the importance of working with allies and partners should not be underestimated. In most scenarios the involvement of regional partners and other allies provides attributes (be it regional knowledge, military capability or demonstration of political will) that make the strategic aim far more achievable than if the UK were to act alone. Under the International Defence Engagement Strategy we are already doing much to develop regional partnerships and build capacity for regional ownership of security challenges, contributing to the UK’s strategic national security objective to shape a stable world. The future development of regional and other partnerships is an important issue for consideration in the next NSS and SDSR.

16. We note the US’s stated intention to have a greater strategic focus on the Pacific region. However, the level to which the US will reduce its strategic focus on, and interest in, European affairs is unclear, particularly in the light of recent events in Ukraine. We call on the Government and other European NATO countries to develop a strategy for the future role of NATO and its resourcing that takes this into account. This should include a vision of the leading role to be played by the UK in encouraging
European NATO states to take on a greater degree of responsibility in NATO operations. The NATO summit in September 2014 provides an opportunity for consideration of such matters. The summit also provides an opportunity to discuss the role of non-NATO countries in NATO-led operations. We call on the Government, in its response to this Report, to set out how it intends to take these matters forward at the summit. (Paragraph 87)

The NATO Summit in 2014 comes at a crucial time for the Alliance and Trans-Atlantic security as the security challenges we face become more unpredictable and less easy to manage. The Wales Summit will be a critical opportunity to shape the future of the Alliance and ensure that NATO has the right posture, capabilities and partners to continue its vital role in defending against the full range of global security threats facing us in the 21st Century.

The bedrock of our security remains an unbreakable bond between North America and Europe in NATO. However, it is right that the US should increasingly be a security partner with Europe, rather than a provider of security for Europe. The UK is in a unique position to lead and influence the debate in NATO on a more equitable way of sharing the capability and operational burden within NATO, building on our privileged relationship with the US and our leading role in Europe.

In recent years, NATO partners have considerably augmented NATO’s capabilities by bringing greater political legitimacy and additional capacity to operations, including by providing 10% of the air campaign in Libya, and by constituting almost half of the nations participating in the NATO-led campaign in Afghanistan. The Summit is an opportunity to re-affirm the value we attach to partnerships and to maximise our cooperation with our partners, particularly with those willing and able to make force and financial contributions to operations and capability initiatives.

17. The development of new capabilities, such as the ability to take offensive cyber action, has profound implications for the way the UK intervenes. Although these capabilities bring with them advantages, in terms of not putting UK Armed Forces personnel in harm’s way, their use also raises a number of questions. The next National Security Strategy and the next Defence and Security Review should consider the implications of these capabilities and their use in future interventions. (Paragraph 89)

As the Committee has noted, the MOD announced in September 2013 that, to supplement our defensive capability, the UK will build a cyber strike capability: an offensive capability to deter adversaries from attacking us. Any use of these cyber capabilities will be in accordance with national and international law, and the use of any UK military capability is subject to strict ministerial oversight. The UK Government position is that International Humanitarian Law, following the principles of humanity, proportionality, and military necessity and ensuring that only appropriate military targets are selected, applies equally to cyber operations in the course of an armed conflict as to any other military operation. The threat posed in the cyber domain will be considered in the NSRA review, the findings of which will inform the NSS and SDSR.

18. We welcome the Government’s commitment to a "Comprehensive Approach". We also welcome the emphasis on conflict prevention envisaged in Building Stability
Overseas Strategy (BSOS) and the International Defence Engagement Strategy (IDES) and the involvement of UK Armed Forces with other agencies. It is important that the Armed Forces and other actors understand the context in the countries in which these activities are taking place, including the development of the language skills required for effective engagement with the local population and authorities. The Government should also outline the metrics it has developed to measure the effectiveness of both the BSOS and the IDES. In interventions where the purpose is not for humanitarian reasons, care must be taken to ensure that the coercive or deterrent action taken is proportionate and that the risks are fully assessed. (Paragraph 96)

We recognise the importance of increasing the Armed Forces’ understanding of the culture, language and context of the countries in which they serve. In order to develop this, Defence Attaché (DA) career management and training are currently being reviewed to ensure that attachés are best equipped to deliver the IDES. It is envisaged that this will include the development of a Defence Engagement career stream that will deliver a professionalised military diplomat with credibility and developed cultural, language and other skills that can subsequently be re-cycled back into the DA Network later in a career. In a similar vein, the placing of UK Loan Service teams alongside the Armed Forces of a number of foreign nations is becoming increasingly recognised as key to IDES delivery and a range of measures have been recommended to optimise this approach.

Looking beyond the DA and Loan Service Network, under the auspices of the Defence Language and Cultural Capability Management Board, there has been significant progress in reinvigorating cultural and language skills. The Defence Centre for Languages and Culture opened in September 2013, and the reintroduction of culture modules in language training, including where appropriate for spouses, has already taken place. Further single Service initiatives seek to record accurately both language and cultural skills, and thus allow them to be better exploited by the MOD.

When measuring the effectiveness of international defence engagement, it is usually impossible to link progress towards UK goals to specific activities (such as the attendance of an individual on a UK defence training course). The MOD has therefore taken an outcomes-based approach, using a metric (the “Maturity Model”) to measure overall progress against UK MOD objectives, including in securing access, basing and over flight rights; capacity building; building influence; supporting UK trade and exports; and defence industry cooperation. Like most of the benefits of defence engagement, the outcomes we measure are long term, and subject to buffeting by events, and so while we measure the maturity of our outcomes against our objectives now, the real importance of these metrics is the change we will see in the next 5 to 10 years.

19. Strategic communications are vital for intervention operations. The perceptions of local populations affected by such operations are crucial to the success of these missions. Success also requires the strategic aims and objectives of the mission to be understood by the public in the UK. We call on the Government to develop coherent and understandable meanings for the terms used across Government Departments for its intervention policy and defence engagement strategy. It should also develop methods to increase public understanding of them as this will assist in improving public understanding and perceptions of the use of the Armed Forces. (Paragraph 101)
The Armed Forces are held in high esteem by UK society at large, as demonstrated by regular polling and the public support shown at events held nationwide around Armed Forces Day. But we recognise that support for the Armed Forces is not always the same as support for the aims and objectives of an operation. The new communication strategy for Defence will emphasise the role of the Armed Forces at home and abroad, underpinning the security, prosperity and global success of the UK. With regard to the channels used to communicate with the public, we shall be increasing the use of social media.

20. We welcome the intention to plan for viable exit strategies for deployed UK Armed Forces although we recognise that this risks sending signals to adversaries that intervention is bound in time, space, military force or desired effect. However, it is vital that consideration of an exit strategy should commence at an early stage, perhaps even prior to deployment. (Paragraph 108)

21. Interventions bring with them responsibilities in respect of exit strategies and end states and these will invariably take longer than anticipated. Securing the peace is as important an objective as winning the war. The Government should set out in the next National Security Strategy and the next Defence and Security Review how it defines and assesses successful exit strategies and end states, including how long they should take for each of the actors involved and how it measures the success of the transition from exit strategies to the desired end state. Exit strategies must also ensure safety of Armed Forces personnel remaining in country and that of other UK agencies such as DFID. (Paragraph 109)

Interventions must not be open-ended and it is only right that we have a strategy for what we seek to achieve and how this will be maintained once forces withdraw, though of course it is also essential to retain flexibility and the capacity to adapt to events. By defining a clear strategic aim from the outset—as part of an integrated cross-Whitehall approach—we would expect Government to have a common understanding of the circumstances that would trigger an end to a military deployment and the shift to a civilian-led post conflict engagement. We note the Committee’s recommendation to consider end states and exit strategies in the next National Security Strategy or Strategic Defence and Security Review.

22. Lessons learned from military deployments are vital and the Government must ensure they take place in a timely manner. We note that the Ministry of Defence says it works with other Government Departments in capturing best practice. The Government must ensure that a unified vocabulary is used across Government. As well as ensuring the capture of good practice, the lessons learned process must capture mistakes so that future operations can be appropriately informed and planned. The Government should outline what steps it is taking to engender a culture of openness and willingness to share mistakes and the lessons learned from them across the various participants involved in such operations. (Paragraph 117)

As a consequence of the MOD’s lessons learning process to date, notable improvements have been made in tactical and technical areas, such as the Op HERRICK Theatre Capability Review, development of our doctrine, counter-Improvised Explosive Device training, urgent operational requirement procurement and flight safety. Where appropriate, lessons reports are shared with other government departments, such as DFID in the case of Typhoon Haiyan. MOD, together with other Departments, also works
closely with the Stabilisation Unit, which identifies lessons learned on conflict, security and stabilisation across Government, so that performance can be improved. Defence has identified the need for a more effective overall approach to learning, so that at the operational and strategic levels we critically learn from history, training, education, operations and strategic events, and routinely apply what has been learnt to future activity. To do this we are developing a Defence Organisational Learning Strategy (DOLS). The DOLS involves developing the right behaviours, processes and tools across Defence to achieve lasting improvements, so that we systematically apply the acquisition, analysis and use of knowledge to our full range of activities. This initiative is, therefore, not primarily about learning the lessons of a specific operation, but instilling a culture of learning across Defence.

23. We welcome the Government’s use of Global Strategic Trends and the Future Character of Conflict as part of the work on the next National Security Strategy (NSS) and the next Defence and Security Review (DSR). We call on the Government to include in the next NSS and the next DSR an outline of the contribution of this work to improvements in the UK’s national security. In response to our Report, the Government should set out the use it has made of external academic and research resources as part of its analysis of future global trends and national security requirements.

The MOD is working closely alongside broad partnerships, including academia, as part of its strategy work. An example is a current seminar series funded by the Economic and Social Research Council, which seeks to connect the academic community to British defence and security policy. Such seminars bring together speakers and participants from across academia, civil society, government, the MOD and Armed Forces to consider key challenges facing British defence. Subjects covered to date include the ‘UK’s place in the world’ conference held at Kings College London and ‘the UK and the Changing Character of Conflict and Intervention’ conference held at the University of Birmingham. In addition, we have sought specific support for a series of strategic studies in the last two years from the academic community and broader communities including NGOs and think-tanks (examples include RUSI, RAND, Chatham House, and IISS).

The recently published ‘Global Strategic Trends—Out to 2045’ and the forthcoming ‘Future Operating Environment 2035’ will inform the next NSS and SDSR and we note the committee’s recommendation in respect of the important role of these documents in providing context.

Conclusions

24. Intervention policy and decisions have the potential to be controversial and to polarise opinion. This Report is intended to assist the articulation of the rationale for an intervention strategy in the next National Security Strategy and the next Defence and Security Review which might make for better decision making by Government and assist in alleviating some of the controversy on decisions to intervene. (Paragraph 120)

25. As a starting point the Government must articulate a realistic vision of the UK’s place in the world, its level of strategic influence and the way the world is changing as well as the identification and prioritisation of the risks to it. The next Defence and
Security Review should then translate this vision into defence planning assumptions and the development of the appropriate force structure. This would assist more strategic decisions on why, when and how to intervene. (Paragraph 121)

26. The next National Security Strategy (NSS) and the next Defence and Security Review (DSR) should define and communicate the circumstances in which the UK might intervene and the role of interventions, and set out the legal basis for the UK's interventions. The NSS and the DSR should also set out what interventions the Government regards as non-discretionary and those which are discretionary. The Government should also outline the different approaches it might use such as defence engagement, conflict prevention and the projection of military force and how it ensures coordination and unity of purpose between the different Government Departments and agencies and ensures that appropriate lessons are learned from previous interventions. This will lead to more effective intervention operations in the future. (Paragraph 122)

As the work for the next National Security Strategy will span the period of the next election, it would be inappropriate to make decisions on its final scope at this time. However, we note the Committee’s conclusions and these points will be considered carefully as part of the ongoing preparatory work.

Appendix

Written evidence from the Rt Hon Hugh Robertson MP, Minister of State, Foreign and Commonwealth Office to the Foreign Affairs Committee on humanitarian intervention and the responsibility to protect (USA 19)

Further to my letter of 6 January, I am pleased to enclose at Annex A responses to the questions posed in the [Foreign Affairs] Committee Specialist's follow-up letter of 9 December regarding the UK Government’s position on humanitarian intervention and the responsibility to protect.

I hope the Committee finds this information useful.

Annex A

Question 2: In the Committee’s understanding, the Government considers that, under the doctrine of humanitarian intervention, it would be lawful for the UK to use force against another state without a UN Security Council resolution authorising the use of such force, if the Security Council cannot agree to authorise the use of force, and if other conditions are met (convincing and generally accepted evidence of extreme humanitarian distress, no practicable alternative, proportionate and limited force). The Committee's understanding is based on the legal advice that the Government published on 29 August 2013 in connection with possible UK military action against Syria.

The Committee notes that the legal position set out by the current Government at the end of August 2013 is the same as that advanced by the then Government in 1998-1999 with respect to the NATO military action against the then Yugoslavia (in the FCO note circulated to NATO Allies in October 1998 and the Defence Secretary's statement to the House on 25
March 1999). However, the Independent International Commission on Kosovo concluded in 2000 that the NATO military action was "illegal but legitimate".

The Committee further notes that the 2005 World Summit Outcome Document (endorsed by the UN General Assembly in Resolution 60/1 of 24 October 2005) accepted the doctrine of 'responsibility to protect' with reference to genocide, war crimes, ethnic cleansing and crimes against humanity. With respect to the role of the UN and the Security Council, the Outcome Document said that in such cases Member States were "prepared to take collective action [...] through the Security Council, in accordance with the Charter, including Chapter VII"

The Government therefore appears now to regard as lawful military action (for example, that proposed in Syria) of a type which the International Commission on Kosovo concluded was unlawful.

i. In this context, the Committee would like to know if it has understood the Government's position correctly.

As set out in the note of the Government’s legal position published on 29 August 2013 in connection with possible UK military action against Syria, if action in the Security Council is blocked, the position of the Government is that it is permitted under international law to take exceptional measures in order to avert a humanitarian catastrophe. Such a legal basis is available provided three conditions are met:

i. there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;

ii. it must be objectively clear that there is no practicable alternative to the use of force if lives are to be saved; and

iii. the proposed use of force must be necessary and proportionate to the aim of relief of humanitarian need and must be strictly limited in time and scope to this aim (i.e. the minimum necessary to achieve that end and for no other purpose).

In October 1998 a Government note was circulated to NATO allies identifying these three key criteria.

Baroness Symons also set out the Government’s position to Parliament in November 1998:

"There is no general doctrine of humanitarian necessity in international law. Cases have nevertheless arisen (as in northern Iraq in 1991) when, in the light of all the circumstances, a limited use of force was justifiable in support of purposes laid down by the Security Council but without the council’s express authorisation when that was the only means to avert an immediate and overwhelming humanitarian catastrophe. Such cases would in the nature of things be exceptional and would depend on an objective assessment of the factual circumstances at the time and on the terms of relevant decisions of the Security Council bearing on the situation in question."

The United Kingdom has relied on this doctrine on three occasions:
i. In protecting the Kurds in Northern Iraq in 1991;

ii. In maintaining the No Fly Zones in Northern and Southern Iraq from 1991; and


In relation to the last of these, the statement of the UK's Permanent Representative to the United Nations to the Security Council on 24 March 1999 read as follows:

"The action being taken is legal. It is justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe. Under present circumstances in Kosovo there is convincing evidence that such a catastrophe is imminent. Renewed acts of repression by the authorities of the Federal Republic of Yugoslavia would cause further loss of civilian life and would lead to displacement of the civilian population on a large scale and in hostile conditions.

Every means short of force has been tried to avert this situation. In these circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention is legally justifiable. The force now proposed is directed exclusively to averting a humanitarian catastrophe, and is the minimum judged necessary for that purpose."

The Government's position has not changed in light of the report of the Independent International Commission on Kosovo. It did not agree with the Commission's view that NATO's action in Kosovo in 1999 was illegal. The Government does not consider the Commission, while made up of experts, to be authoritative. Its views are not binding in any way, but represent the views of its independent members.

ii. What development(s) since 2000 provide(s) the basis for the Government's position—and specifically, whether the relevant development is the 2005 World Summit Outcome Document and/or something else.

Nothing has changed with regard to the basis for the Government's position, which predates 2000.

The "Responsibility to Protect", as set out in paragraphs 138 to 139 of the 2005 World Summit Outcome document, makes it clear that the primary responsibility is on States to protect their own populations from war crimes, crimes against humanity, genocide and ethnic cleansing. However, it recognises the willingness of the international community to act speedily and appropriately in specific cases and take collective action where States are either unable or manifestly fail to do so. Responsibility to Protect in the World Summit Outcome document contains three pillars: (i) conflict prevention; (ii) capacity building; and (iii) military and non-military intervention. The focus of the Government has been on the first two of these pillars.

The 2005 World Summit Outcome document is in the form of a non-binding United Nations General Assembly resolution, albeit one that was agreed by consensus and adopted at a high-level political event. It simply indicates a responsibility based on existing legal norms, while going on to express a political readiness to take collective action. The Summit's adoption of the "Responsibility to Protect" was politically significant, and one that the Government welcomed
and has continued to promote. But the "Responsibility to Protect" as set out in the Outcome Document does not in itself create new legal rights and duties or modify existing ones. And it does not address the question of unilateral State action in the face of an overwhelming humanitarian catastrophe to which the Security Council has not responded. Rather, the "Responsibility to Protect" is aimed at making sure that the Security Council does take action.

iii. whether it is relevant that the 2005 World Summit Outcome Document was couched in terms of responsibility to protect, whereas the then-Government’s position regarding the 1999 Kosovo intervention and the current Government’s published legal advice on Syria in 2013 referred to the doctrine of humanitarian intervention.

As set out above in the answers to questions (i) and (ii), the legal basis of humanitarian intervention and the concept of the responsibility to protect are not the same thing and this is reflected in the fact that different terminology is used.

iv. whether, in the FCO’s understanding, the US’s position is the same as that of the UK on the lawfulness of the use of force without an authorising Security Council resolution under the doctrine(s) of R2P/humanitarian intervention.

The US interpretation of the lawfulness of the use of force without a UNSCR is a question for the US Government and, in any case, will always be case-specific. We believe the US to be as committed to the protection of civilians as the UK. The Administration’s 2010 National Security Strategy makes clear that the US supports the concept of R2P and that in cases when prevention fails, “the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in certain instances—military means to prevent and respond to genocide and mass atrocities”.

v. the FCO’s assessment of the implications for the UN if Member States use force under the doctrine(s) of R2P/humanitarian intervention without an authorising Security Council resolution.

The position of the Government is that intervention may be permitted under international law in exceptional circumstances where the UN Security Council is unwilling or unable to act in order to avert a humanitarian catastrophe subject to the three conditions set out above. The Government does not consider that this has adverse implications for the UN. It also is important to recognise that the responsibility to protect emerged after NATO’s humanitarian intervention in Kosovo. The responsibility to protect was in many ways a response to what its framers saw as the failures of the Security Council over its reaction to the genocide in Rwanda in 1994 (where it acted too late), and to the humanitarian crisis in Kosovo in 1999 (where it did not authorise an intervention). The adoption of the responsibility to protect was therefore an attempt to move debate away from a focus solely on external military intervention by emphasising the responsibility of States towards their own populations, but also to signal the UN membership’s support for the idea that, if necessary, the Security Council can and should act in the face of genocide, ethnic cleansing, war crimes and crimes against humanity; the expectation being that this political commitment would make Security Council action more likely and less controversial in future.

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