

We need greater transparency on UK military operations in Libya

May 2016 - Emily Knowles

Summary

Official government statements suggest that the UK military operation in Libya both began and ended with the 2011 NATO mission. However, research undertaken and commissioned by Remote Control suggests that this is only true if you take a very narrow view of what counts as a UK military operation. Since 2011, information has been slowly surfacing about the extent of ongoing covert UK engagement, including several waves of special force deployment, the presence of undisclosed numbers of military advisers, intelligence gathering operations, potential drone operations, and the recent approval of the use of UK air bases in US air strikes against ISIS.

UK involvement in the Libyan conflict has been characterised by poor transparency and undisclosed aims, with the government largely able to sidestep scrutiny of its actions. Deficiencies in the UK's controls on the use of force mean that the government does not necessarily need to disclose a wide range of 'war-like' actions if they are not carried out by regular troops. Drones, special forces, military advisers, intelligence operatives, private contractors, and military training teams, can be used in areas where the UK is not formally at war, without being considered an official intervention that would trigger a parliamentary vote or heightened scrutiny.

This is war by remote control, and Libya is an example of how far modern conflicts have moved away from clear-cut declarations of war between states towards fluid, shadowy wars conducted away from public scrutiny by a non-conventional force made up of military, intelligence, and diplomatic personnel. Since military action was first subject to parliamentary vote in 2002, successive governments have supported the

move away from an "outdated" model of intervention where the decision to go to war sits with the Prime Minister and the Cabinet alone, claiming a move towards greater transparency and accountability is pivotal for a 21st century democracy.¹

The opacity of remote control warfare stands against this commitment, and carries high risks:

- **Effectiveness** - The ability to deploy special forces on a rolling basis without public or parliamentary scrutiny makes them far easier to deploy than a traditional standing force. However, this runs the risk of governments choosing remote control warfare because it is expedient, rather than because it is the best possible response to insecurity.
- **Accountability** - It is impossible to hold the government to account over its behaviour in conflicts it won't admit it is party to, because we can't evaluate the success or failure of aims, objectives, and actions that aren't disclosed.
- **Legitimacy** - Without a carefully thought out, publicly stated, legal case for using lethal force outside of war zones, the UK's evolving remote warfare strategy may stand at odds with its own laws, as well as its overarching strategy of improving national security by promoting international human rights. This risks damaging the perceived legitimacy of UK actions abroad.

Misleading government statements

Perhaps this is finally Libya's moment to break its political stalemate. Within a few short months, the violent turmoil that has clouded the country's prospects for peace and security has been punctuated by several promising news stories: there is a new government,² the semblance of an agreement,³ and several pledges of international backing.⁴ The UK is no exception –£10m of support for the new government has been confirmed,⁵ and talks of a Libyan International Assistance Mission have been resuscitated.⁶

The official UK government line for a long time was that “no decisions have been made about the future deployment of any British military forces” to Libya.⁷ However, in a letter dated the 12th of April 2016, the chair of the Foreign Affairs Committee Crispin Blunt criticised Secretary of State Philip Hammond's statements on Libya for being “less-than-candid”, calling his responses to parliamentary requests for more information “so narrow as to be wholly and deliberately misleading to the uninformed reader”.⁸

Indeed, The Times, the Daily Mail, the Daily Telegraph, the Daily Mirror, the Daily Express, The Sun, The Guardian, the Observer, the Daily Star Sunday, and the Sunday Mirror each ran stories on UK plans to deploy troops to help stabilise the country⁹ long before the recent proposal to send 1000 troops on a potential training mission was announced in April 2016.¹⁰ This leaves the government open to criticism that it is shielding advanced plans for military engagement from scrutiny behind the fact that no concrete, final decision has been formally signed off on.

There is much about the government stance on Libya that is only true if you interpret their statements very narrowly. For example, that UK involvement in Libya ended in 2011, and is only now back on the table. We have growing evidence of a UK special forces and intelligence presence in Libya since 2011, which is thought to have moved on from assisting rebels,¹¹ coordinating air strikes,¹² identifying Gaddafi targets,¹³ and rescuing expatriate oil workers,¹⁴ towards building up intelligence on the location of ISIS fighters.¹⁵

Evidence of UK military engagement in Libya since 2011

Our research paints a picture of a Libya that is already firmly a zone for UK military operations, albeit through remote warfare that does not qualify for disclosure in MOD statements, nor scrutiny by Parliament:

- In March 2016, a leaked memo between Jordan and the US revealed that UK SAS troops have been on the ground in Libya since at least the beginning of the year.¹⁶

- The same month, Hammond confirmed that ‘military advisers’, whose numbers are unknown, had been deployed to Libya.¹⁷
- This followed news in February 2016 that British special forces were thought to be in Libya protecting the new leadership and supporting air strikes against ISIS.¹⁸
- That month, Fallon personally authorised the use of UK bases for US air strikes against ISIS positions in Libya.¹⁹
- Jeremy Corbyn, leader of the opposition, later expressed concern that British “seek and destroy” drones may already be operating in the country.²⁰
- It has since been agreed that HMS Enterprise, a Royal Navy survey ship that is already off the Libyan coast, is to begin gathering intelligence on terrorist arms operations.²¹

The lack of transparency and accountability

In an article published on the 17th of May 2016, Yasmin Qureshi MP, a member of the Foreign Affairs Committee, derided the use of special forces as a substitute for a conventional deployment as a way of launching “a creeping intervention carried out by the backdoor” in Libya.²² Special forces were not originally designed for rolling deployments and semi-permanent presence in complex conflicts. The ability of the government to cloak growing special force activities behind its official position of not commenting on their use has huge implications for the transparency and accountability that is meant to accompany the UK's use of force abroad. More special force deployments mean more British military operations that are off-the-record and inscrutable.

Another hit to transparency and accountability comes through the ease with which the government can sidestep parliamentary approval for military action. In a parliamentary question in February 2016, Secretary of State for Defence Michael Fallon was asked by Labour MP David Anderson if he would guarantee MPs a debate in advance of any decision to deploy UK armed drones outside Syria and Iraq. He replied: “No.”²³ While Hammond has previously indicated that any military mission to Libya would trigger a parliamentary vote,²⁴ Foreign Office minister Tobias Ellwood has been quick to emphasise that the current plan is for any troops sent not to have ‘a combat role’, ruling a parliamentary vote out.²⁵

The distinction between ‘combat’ and ‘non-combat’ roles means little in modern conflicts where the line between being on the front line and being there to train and assist local troops is increasingly blurred. The recent death of a US Navy SEAL in northern Iraq

is a stark reminder that military advisers can soon be engulfed in open combat when they're stationed in complex warzones.²⁶ Indeed, two thirds of the troops on the proposed UK training mission to Libya are scoped to be there as force protection,²⁷ raising questions of how the government can reasonably rule out mission creep into a combat role in a country where the risks of competing militias and ISIS militants targeting UK troops is so high.²⁸

Libya is just one example of an increasing tendency for Western interventions to be fought by remote control, through a combination of drone strikes and air strikes, knitted together by the deployment of special forces, intelligence operatives, private contractors, and military training teams on the ground. This does not lend itself to a convention on parliamentary approval of the use of armed force that is limited to traditional deployments of standard combat troops. Nor does it sit well with the blanket opacity granted to special force and intelligence activities, regardless of scale or duration.

The risks of opaque remote control warfare

The opacity of remote warfare could have serious consequences for the effectiveness, accountability, and perceived legitimacy of UK actions abroad:

- **Effectiveness** - In 2013, a proposal to exempt UK involvement in peacekeeping operations from parliamentary vote was criticised for its potential to “tempt the government into sending the wrong sort of force in order to escape scrutiny”.²⁹ The ability to deploy covert special forces on a rolling basis in place of conventional troops arguably risks the same, where the choice of remote warfare is made because it is expedient, rather than because it is the best possible response to insecurity.
- **Accountability** - It is impossible to hold the government to account over its behaviour in conflicts it won't admit it is party to. Remote warfare facilitates UK involvement in conflict without the need to declare the objectives, or the desired end goals, of UK action. This makes scrutinising UK strategy, judging the success of failure of government defence and security policies, and identifying lessons learned extremely difficult.
- **Legitimacy** - The government has announced that it would not hesitate to use lethal force against terrorist threats emanating from Libya, even though it is only at war with ISIS in Iraq and Syria.³⁰ But a recent inquiry warned that this may clash with the European Convention on Human Rights, leaving the armed forces open to prosecution.³¹ Without a carefully thought out, and publicly

stated, legal case for using lethal force outside of war zones, the UK's evolving remote warfare strategy may stand at odds with its own laws, as well as its overarching strategy of improving national security by promoting international human rights.³² This risks damaging the perceived legitimacy of UK actions abroad.

Conclusions

War by remote control is a response to many things, including new security threats, technological developments, and a lack of public and government appetite for large-scale military deployments after Iraq and Afghanistan. But UK actions in Libya since 2011 demonstrate how far the UK's reliance on this strategy has outpaced our ability to monitor, scrutinise, and improve the government's responses to insecurity. Pushing an ever-increasing share of British military action under the radar carries huge risks, and should not be undertaken lightly. Our troops deserve to know that they have public backing, that they are fighting for legitimate causes, and that their actions are part of a larger strategy for peace and stability. Piecemeal wars in secret locations will not help achieve this.

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The Remote Control Project is a project of the Network for Social Change hosted by Oxford Research Group (registered charity number: 299436). We examine and challenge changes in military engagement, in particular the use of drones, special operations forces (SOF), private military and security companies (PMSCs) and cyber and intelligence activities.

Endnotes

- 1 House of Lords Constitution Committee, "Constitutional Arrangements for the Use of Armed Force," 2nd Report of Session 2013-14 (House of Lords, July 24, 2013), <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldconst/46/46.pdf>; Claire Mills, "Parliamentary Approval for Military Action," Briefing Paper (House of Commons, May 12, 2015), <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7166>; Tara McCormack, "The Emerging Parliamentary Convention of British Military Action and Warfare by Remote Control," *The RUSI Journal* 161, no. 2 (2016), <http://dx.doi.org/10.1080/03071847.2016.1174479>.
- 2 "Libya's Tripoli Government Resigns," *POLITICO*, April 6, 2016, <http://www.politico.eu/article/libyas-tripoli-government-resigns-unity-national-salvation/>.
- 3 "Libyan Unity Government Extends Control over Tripoli Ministries," *Reuters*, April 25, 2016, <http://www.reuters.com/article/us-libya-security-politics-idUSKCN0XM23B>.
- 4 "UK Foreign Secretary: Britain to Give £10 Million to the GNA," *Libyan Express*, April 18, 2016, <http://www.libyanexpress.com/uk-foreign-secretary-britain-to-give-10-million-to-the-gna/>; The Telegraph, "Foreign Ministers of France and Germany Make Surprise Visit to Libya," *The Telegraph*, April 16, 2016, <http://www.telegraph.co.uk/news/2016/04/16/foreign-ministers-of-france-and-germany-make-surprise-visit-to-l/>.
- 5 "UK Foreign Secretary."
- 6 Rt Hon Philip Hammond MP, "Letter from the Foreign Secretary to the Foreign Affairs Committee on Libya," March 27, 2016, <https://www.parliament.uk/documents/commons-committees/foreign-affairs/Correspondence/2015-20-Parliament/160327-Foreign-Secretary-on-Libya.pdf>.
- 7 "Defence in the Media: 17 April 2016 | Defence in the Media," accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/04/17/defence-in-the-media-17-april-2016/>.
- 8 Crispin Blunt MP, "Letter from the Foreign Affairs Committee to the Foreign Secretary," April 12, 2016, <https://www.parliament.uk/documents/commons-committees/foreign-affairs/Correspondence/2015-20-Parliament/160412-Letter-to-Foreign-Secretary-on-Libya.pdf>.
- 9 "Defence in the Media"; "Defence in the Media: 19 April 2016 | Defence in the Media," accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/04/19/defence-in-the-media-19-april-2016/>.
- 10 "British Troops Could Be Sent to Libya without a Commons Vote," *The Independent*, April 19, 2016, <http://www.independent.co.uk/news/uk/politics/british-troops-could-be-sent-to-libya-without-a-commons-vote-a6990676.html>.
- 11 Sean Rayment, "How the Special Forces Helped Bring Gaddafi to His Knees," August 28, 2011, sec. World, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8727076/How-the-special-forces-helped-bring-gaddafi-to-his-knees.html>.
- 12 Jon Moran, "Remote Warfare (RW): Developing a Framework for Evaluating Its Use" (Remote Control Project, March 2015), <http://remotecontrolproject.org/publications/remote-warfare-rw-developing-a-framework-for-evaluating-its-use/>.
- 13 Richard Norton-Taylor and Chris Stephen, "Libya: SAS Veterans Helping Nato Identify Gaddafi Targets in Misrata," *The Guardian*, May 31, 2011, sec. World news, <http://www.theguardian.com/world/2011/may/31/libya-sas-veterans-misrata-rebels>.
- 14 Mark Urban, Defence Editor, and Newsnight, "Inside Story of the UK's Secret Mission to Beat Gaddafi," *BBC News*, accessed April 20, 2016, <http://www.bbc.co.uk/news/magazine-16573516>.
- 15 "Britain Plots Bombing of Isis in Libya | The Sunday Times," accessed April 26, 2016, http://www.thesundaytimes.co.uk/sto/news/uk_news/article1662906.ece.
- 16 Randeep Ramesh, "SAS Deployed in Libya since Start of Year, Says Leaked Memo," *The Guardian*, March 25, 2016, sec. World news, <http://www.theguardian.com/world/2016/mar/25/sas-deployed-libya-start-year-leaked-memo-king-abdullah>.
- 17 Rt Hon Philip Hammond MP, "Letter from the Foreign Secretary to the Foreign Affairs Committee on Libya."
- 18 "Defence in the Media: 26 February 2016 | Defence in the Media," accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/02/26/defence-in-the-media-26-february-2016/>.
- 19 "Defence in the Media: 20 February 2016 | Defence in the Media," accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/02/20/defence-in-the-media-20-february-2016/>.
- 20 "Defence in the Media: 7 February 2016 | Defence in the Media," accessed April 20, 2016, <https://modmedia.blog.gov.uk/2016/02/07/defence-in-the-media-7-february-2016/>.
- 21 "UK Cannot 'rule Out' Deploying Ground Troops in Libya, Hammond Says," *RT International*, accessed April 26, 2016, <https://www.rt.com/uk/340784-british-troops-libya-hammond/>.
- 22 Yasmin Qureshi, "Enough with Britain's Secret Wars," *New Statesman*, May 17, 2016, <http://www.newstatesman.com/politics/staggers/2016/05/enough-britain-s-secret-wars>.
- 23 "Corbyn Has Demanded to Know Britain's War Plans against Isis in Libya," *The Independent*, February 6, 2016, <http://www.independent.co.uk/news/uk/politics/jeremy-corbyn-demands-to-know-british-war-plan-against-isis-in-libya-a6858386.html>.
- 24 "Will British Combat Troops Be Deployed to Libya?," *The Week UK*, accessed May 5, 2016, <http://www.theweek.co.uk/71872/will-british-combat-troops-be-deployed-to-libya>.
- 25 Ewen MacAskill, "Most UK Forces in Libya 'Would Be

There for Protection,” *The Guardian*, May 5, 2016, <http://www.theguardian.com/uk-news/2016/may/05/uk-forces-libya-protection-training>.

26 “Don’t Expect a Vote on Sending Troops to Libya,’ Foreign Office Minister Tells MPs,” *RT International*, accessed May 19, 2016, <https://www.rt.com/uk/342100-vote-libya-troops-war/>.

27 MacAskill, “Most UK Forces in Libya ‘Would Be There for Protection.’”

28 Ben Farmer, “British Libya Plan ‘Risks Becoming New Afghanistan,’” *The Telegraph*, April 10, 2016, <http://www.telegraph.co.uk/news/2016/04/10/british-libya-plan-risks-becoming-new-afghanistan/>.

29 Mills, “Parliamentary Approval for Military Action,” 42.

30 Joint Committee on Human Rights, “The Government’s Policy on the Use of Drones for Targeted Killing,” May 10, 2016, <http://www.publications.parliament.uk/pa/jt201516/jtselect/jtrights/574/574.pdf>.

31 *Ibid.*, 25.

32 “Human Rights Internationally - GOV.UK,” accessed May 24, 2016, <https://www.gov.uk/government/policies/human-rights-internationally>.