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for

The Report of the Iraq Inquiry

Report of a Committee of Privy Counsellors

Volume X

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SECTION 11.1

DE-BA'ATHIFICATION

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Introduction

1. This Section addresses:

- the decision to remove some members of the Ba'ath Party from public office after May 2003, a process known as de-Ba'athification;
- the implementation of that decision; and
- the impact it had on Iraq.

2. This Section does not address:

- pre-invasion analysis of, and planning for, de-Ba'athification, which is addressed in Sections 6.4 and 6.5;
- the decision to disband the Iraqi Army, which is described in Section 12.1; and
- the creation of the Coalition Provisional Authority, which is covered in Section 9.1.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 11.2.

The Ba'ath Party

The Arab Socialist Party or Ba'ath Party was founded in Damascus in 1947 by Michael Aflaq and Salah al-Din al-Bitar.¹ Its core objective was the creation of a single, united Arab State.

Having established itself in Syria, the Ba'ath Party then spread to other Arab countries. The Iraqi Ba'ath Party was formally established in 1952.

The Ba'ath Party took power in Syria through a coup in 1963, where it was enshrined in the Constitution as "the leading party of society and state". The party seized power in Iraq after a revolution in the same year but was manoeuvred out by the military a few months later.

The Ba'ath Party returned to power in Iraq in 1968 in a coup led by Ahmad Hasan al-Bakr, supported by Saddam Hussein. Ba'ath members and party organisations were imposed on the Iraqi military shortly after.

Saddam Hussein succeeded President al-Bakr in 1979, after which point the party was increasingly dominated by individuals linked to him by family or tribal ties.

An ideological split in 1966 led to the Syrian and Iraqi parties becoming estranged and bitterly antagonistic toward each other. The Syrian Ba'ath Party maintained a focus on Arab unity while Iraqi Ba'athists focused on Iraqi nationalism.

¹ Paper DIS, 1 February 2002, 'The Iraq Ba'ath Party – Its History, Ideology and Role in Regime Security'.

In early 2002, the Defence Intelligence Staff estimated Ba'ath Party membership within Iraq at between 600,000 and 700,000 individuals, which represented 4 percent of the population. There were several tiers of membership, reflecting individual members' roles within the party hierarchy. Membership was essential to reach senior positions in the military, the government or in professional life.

The development of de-Ba'athification policy

4. As described in Section 6.5, although it was widely assumed that a process for removing senior members of the Ba'ath Party from positions of power would be required after the invasion, no clear plan for the de-Ba'athification of Iraq's public sector had been agreed between the US and UK at the point the invasion was launched.

5. Because of the extent to which the Ba'ath Party was intertwined with Iraq's bureaucracy, the failure of the US and UK to agree an approach to de-Ba'athification compounded uncertainty about how the bureaucracy might perform after Saddam Hussein's departure.

Post-invasion

6. As Coalition Forces entered Iraq in March 2003, Ministers were supplied with a 'script' to use in media and Parliamentary discussion which set out the UK vision for "Phase IV", the reconstruction of Iraq.² The script said:

"When conditions in Iraq permit, the US Office of Reconstruction and Humanitarian Affairs (ORHA) will move to Baghdad and take on the supervision of the civil administration of Iraq ... We hope that the vast majority of the Iraqi public sector will remain in place and be able to carry on its work ..."

7. On 4 April, a Private Secretary to Mr Jack Straw, the Foreign Secretary, supplied Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, with six papers on post-conflict Iraq.³ One covered the Iraqi civil service, and stated:

"We do not have any deep knowledge about which levels of the administration are so highly politicised as to need immediate reform, nor which individuals might have to be retired or stood down. This in any case cannot realistically be assessed until after liberation."

8. The question of what future strength and support the Ba'ath Party would command within Iraq was raised by Mr Colin Burgon in a House of Commons debate on 7 April.⁴

² Letter Owen to Rycroft, 20 March 2003, 'Iraq: Phase IV: Core Script'.

³ Letter Owen to Rycroft, 4 April 2003, 'Post-conflict Iraq: UK/US' attaching Paper, 4 April 2003, 'The state of the Iraqi civil service and bureaucracy'.

⁴ House of Commons, *Official Report*, 7 April 2003, columns 29-30.

9. In reply Mr Geoff Hoon, the Defence Secretary, explained:

“It is a very difficult question to answer at this stage, not least because the only way of assuring success in Saddam Hussein’s Iraq was to be a member of the Ba’ath party and to operate under his rule. On the other hand, there may well be decent people who had no part in the excesses of the regime and who will, in turn, return to rebuild their country. I suspect that it will depend on their ability to persuade people in their own areas that they have not been involved with the regime and that they can therefore be relied on and trusted.”

10. Mr Hoon’s reply was consistent with a briefing produced on the same date by the Defence Intelligence Service (DIS) Red Team on Iraq.⁵ The Red Team judged:

“To be a Ba’athist does not necessarily mean an individual is a hard core supporter of the regime. Most joined to advance their careers or under duress (mostly government employees). In every government department there is a hard core who have been responsible for security. They are responsible for the ‘disappeared’; are known by everybody and will be nervous.

“It will require detailed inside knowledge to identify the ‘bad apples’ in any organisation ...”

11. Similar points were made by Ms Clare Short, the International Development Secretary, on 10 April.⁶ In response to a Parliamentary Question from Ms Helen Southworth, Ms Short said:

“... Iraq is like the former Soviet Union, where people had to join the Communist party if they wanted to be a teacher. Many members of the Ba’ath Party are not the real leaders of the regime, and they will need to remain in their jobs so as to continue to run their country.”

12. The first formal public statement by the Coalition about the treatment of the Ba’ath Party was made when General Tommy Franks, Commander in Chief US Central Command (CENTCOM), issued his Freedom Message to the Iraqi People on 16 April (see Section 9.1).

13. As described in Section 9.1, Mr Huw Llewellyn from FCO Legal Advisers provided advice to the Iraq Policy Unit (IPU) on the draft text of the Message on 28 March.⁷

14. In relation to de-Ba’athification, Mr Llewellyn was concerned that the practical effect of disestablishing the Ba’ath Party was not implemented in the Directive to the Civilian Population that Gen Franks intended to issue in parallel. He also suggested

⁵ Briefing DIS Red Team, 7 April 2003, ‘What Will Happen in Baghdad?’

⁶ House of Commons, *Official Report*, 10 April 2003, column 444.

⁷ Minute Llewellyn to Chilcott, 28 March 2003, ‘Proposed US “Freedom Message” to the People of Iraq’.

that the word “disestablished” should be replaced with “dissolved” or something with the same meaning.

15. Commenting on a subsequent draft of the text on 10 April, Mr Llewellyn explained:

“The paragraph dissolving the Ba’ath party is clearly important. But the word ‘disestablished’ does not really do the trick. That word is something to do with removing an institution from the structure of the state, as I understand it. We should say ‘dissolved’.”⁸

16. On 11 April, during a video conference between UK, US and Australian legal advisers, the US lawyers explained that they saw a need to disestablish the Ba’ath Party and deprive it of all authority “in order for other things to happen as a result from the legal and policy point of view”.⁹

17. On 11 April, Mr Llewellyn circulated a first draft of guidelines for UK personnel, in particular those seconded to ORHA, on the relevant provisions of International Humanitarian Law (IHL).¹⁰ Under the heading “Removal of Officials”, it stated:

“Officials may be removed, although this should not be done arbitrarily. Clearly, the Coalition will remove from office those who were members of Saddam Hussein’s regime, and senior members of the Ba’ath Party if any remain. Other officials may be removed where they represent an obstacle to administration by the Coalition, for example because they pose a threat to security, are corrupt, unwilling to act under Coalition administration, or will be intimidating for the population.”

18. A senior MOD legal adviser to whom the draft guidelines were sent for comment suggested that the guidelines should be more precise about what was meant by “members of Saddam Hussein’s regime” and “senior members of the Ba’ath Party”.¹¹ She asked whether it was likely there would be anyone who would fall into the first category who did not also fall within the second.

19. The Inquiry has not seen evidence that any discussion of the degree to which former members of the Ba’ath Party might be entitled to participate in the Iraqi Interim Authority (IIA) took place at the conference held in Nasiriyah on 15 April and attended for the UK by Mr Edward Chaplin, FCO Director Middle East and North Africa.¹²

20. There is a mention in one of the supporting papers, produced by the FCO’s Research Analysts, of the need to establish whether members of Iraq’s popular councils could be used in the selection of members for the IIA given that they had previously

⁸ Minute Llewellyn to Bristow, 10 April 2003, ‘Freedom Message to the Iraqi People’.

⁹ Minute [unattributed], [undated], ‘American Summary Points, Video Link: Friday 11 April’.

¹⁰ Minute Llewellyn to Rose, 11 April 2003, ‘Iraq: Guidelines on the Application of Laws of Occupation’.

¹¹ Minute Rose to Llewellyn, 22 April 2003, ‘Iraq: Guidelines on the Application of Laws of Occupation’.

¹² Letter Chaplin to Crocker, 17 April 2003, ‘Setting up the Iraqi Interim Authority: Issues for Discussion’ attaching Paper FCO, 2 April, ‘Post-conflict Iraq: a “Baghdad Conference”’.

been “approved” by the Ba’ath Party which might mean they were considered to be “tainted”.

21. In his memoir, Mr Douglas Feith, US Under Secretary of Defense for Policy, describes re-writing the first draft of Gen Franks’ message produced by CENTCOM.¹³ Mr Feith’s re-written version included the reference to the disestablishment of the Ba’ath Party. His view was that disestablishing the Ba’ath Party was a separate issue from the fate of individual members, which was still under discussion at the time of Gen Franks’ statement.

22. In a paper for the Pentagon Public Affairs Office on 16 April, Mr Feith’s Office suggested that the answer to questions about what would happen to members of the Ba’ath Party should be:

“... its [the Ba’ath Party’s] property and records will be considered by the CPA as the property of the Iraqi people. Absent exceptional circumstances, top-tier members of the Ba’ath Party will not be eligible to hold any positions of responsibility under the CPA. Lower ranking members of the Ba’ath Party will not necessarily be barred from such employment. No one will be punished merely for membership in the Ba’ath Party.”

23. Gen Franks’ Freedom Message was issued on 16 April.¹⁴ It said:

“The Arab Socialist Renaissance Party of Iraq (Hiz al-Ba’ath al-Arabi al-Istiraki al-Iraqi) is hereby disestablished. Property of the Ba’ath Party should be turned over to the Coalition Provisional Authority. The records of the Ba’ath Party are an important part of the records of the Government of Iraq and should be preserved ... and turn[ed] ... over to the Coalition Provisional Authority.”

24. On 17 April, a discussion between Sir David Manning, Mr Blair’s Foreign Policy Adviser, and Dr Condoleezza Rice, US National Security Advisor, suggested that the announcement about the Ba’ath Party had come as a surprise to her.¹⁵

25. Mr Straw told the Inquiry that he had discussed the question of de-Ba’athification with Gen Franks in Kuwait in mid-April:

“... and he had said to me that his view was you should take anybody apart from those who were obviously bad into the system, and then vet them subsequently, and if they – and I remember him saying – if they didn’t pass muster, didn’t pass the vetting, then you’d kick them out. But what you didn’t do was wholly to degrade the administration in advance, and I thought, not least because he was the senior

¹³ Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008.

¹⁴ Statement General Tommy Franks, 16 April 2003, ‘Freedom Message to the Iraqi People’.

¹⁵ Letter Manning to McDonald, 17 April 2003, ‘Iraq: Conversation with Condi Rice’.

army officer on the American side, that that's what would happen but, in the event, it wasn't."¹⁶

26. At Foreign Office Oral Questions on 6 May, Dr Vincent Cable asked about the Coalition's plans for elections in Iraq.¹⁷ He asked the Government to:

"... explain the status of important political groups such as the Ba'ath party, the Communist party and the Islamic fundamentalists? Will they be allowed to compete freely and democratically in those elections and if they won would they be allowed to win?"

27. In reply, Mr Mike O'Brien, FCO Parliamentary Under Secretary of State, explained:

"We hope that the Ba'ath Party will not be able to involve itself in that election, and certainly not in the form that it took under Saddam Hussein. It is not envisaged, therefore, that it would be allowed to operate."

The CPA approach

28. The creation of the Coalition Provisional Authority (CPA), led by Ambassador L Paul Bremer, and the appointment in early May of Mr John Sawers as the Prime Minister's Special Representative to Iraq are described in Section 9.1.

29. Ambassador Bremer, in his account of leading the CPA, describes being given his instructions:

"On May 9, my last day of preparation at the Pentagon, Don Rumsfeld had given me my marching orders in a memo. Among all my other instructions, Rumsfeld's memo emphasized: 'The Coalition will actively oppose Saddam Hussein's old enforcers – the Ba'ath Party, the Fedayeen Saddam ... We will make clear that the Coalition will eliminate the remnants of Saddam's regime.'"¹⁸

30. In his memoir, Mr Feith wrote that Ambassador Bremer "wanted his arrival in Baghdad to have a theme: The Ba'athists are not coming back."¹⁹ Mr Feith wrote:

"Bremer had considered his point carefully. Our forces had not yet captured Saddam, and many Iraqis remained fearful of the Ba'athists – and therefore unwilling to cooperate with U.S. officials – on security, political reconstruction, and other matters. Bremer saw it as his first task to offer assurance ... I thought Bremer had selected his "arrival theme" wisely, and I told him so."

¹⁶ Public hearing, 8 February 2010, pages 117-118.

¹⁷ House of Commons, *Official Report*, 6 May 2003, columns 522-523.

¹⁸ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

¹⁹ Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008.

31. Mr Feith recorded that a draft de-Ba'athification policy had been considered by the US National Security Council on 10 March. At Ambassador Bremer's request, implementation of the policy, which would "rid the Iraqi Government of the small group of true believers at the top of the party and those who had committed crimes in its name", was delayed until his arrival in Iraq.²⁰

32. Ambassador Bremer wrote:

"Our concern was only the top four levels of the party membership, which the [draft] order officially excluded from public life. These were the Ba'athist loyalists who, by virtue of their positions of power in the regime, had been active instruments of Saddam's repression. Our intelligence community estimated that they amounted to only about 1 percent of all party members or approximately 20,000 people, overwhelmingly Sunni Arabs."

33. Four days after arriving in Iraq, Mr Sawers reported that there was a fear among "ordinary people in Baghdad" that the Ba'athists could return.²¹ He assessed:

"ORHA have made mistakes here, appointing quite senior party figures as their main partners in the trade and health ministries, at Baghdad University and so on. Several political leaders I have seen say a line should be drawn at the 'firqa' level of the Ba'ath Party and all those at that level and the three above should be excluded, about 30,000 in all. This would represent between five and ten per cent of total party membership. But it is still a lot of people and may be one level too many, at least for now."

34. In one of his earliest reports to London, on 12 May Mr Sawers reported that Dr Ahmed Chalabi's "strong message on de-Ba'athification strikes a chord" with the Shia population "and will become even more potent if we don't deal with re-emerging Ba'athists".²² Dr Chalabi was a founding member of the Iraqi National Congress Party who had formed strong links with several US Administrations.

35. After his first meeting with Ambassador Bremer, Mr Sawers reported: "Bremer, rightly, plans to move quickly to set out a policy on 'de-Ba'athification' or 'De-Saddam-isation' as it may now be called."²³

36. Mr Sawers judged:

"... the issue needs addressing quickly. The question is how to define the scope of those excluded. All agree that the top three levels of the Ba'ath ... should be banned. Our rough estimate suggests that should cover up to 5,000 people. Added

²⁰ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

²¹ Telegram 2 IraqRep to FCO London, 11 May 2003, 'Iraq: What's Going Wrong?'

²² Telegram 3 IraqRep to FCO London, 12 May 2003, 'Iraq: Political Process'.

²³ Telegram 3 IraqRep to FCO London, 12 May 2003, 'Iraq: de-Ba'athification'.

to that will have to be the top levels of the instruments of repression – the security, intelligence organisations etc.

“Some politicians ... are arguing that the fourth level of the party ... should also be included. This would extend the numbers to some 30,000 possibly more. The argument in favour is that this is the level where party officials began to receive privileges such as free housing and thus were identified popularly as beneficiaries of the regime. Against that is the danger that too wide a list will be hard to administer; that we should not exclude too large a group from the new system; and it would increase the risk of false accusations against innocent people ...

“Grateful for early views on this issue. My own instinct is we should not throw the net wider than necessary, and that for now we could settle on the top three tiers ... But I frankly don't have sufficient feel for the Iraqi Ba'ath Party to know the level at which real evil began.”

37. The following day, Mr Sawers reported that Ambassador Bremer's staff in the CPA had a “similar [approach to de-Ba'athification] to ours, and they share our uncertainty over how wide to cast the net”.²⁴ In particular, “banning all party members from any of the top three tiers in ministries” could inadvertently exclude “many of the technocrats we will want to re-employ”. Ambassador Bremer had explained that the steer he was getting from Mr Donald Rumsfeld, US Defense Secretary, and President Bush was to “spread the net widely initially, and then to allow exceptions without too many obstacles”.

38. On 13 May, Sir David Manning met Dr Rice and other National Security Council staff in Washington.²⁵ A report of the meeting by Mr Rycroft said that Sir David had gone through the points raised by Mr Sawers on de-Ba'athification, and the NSC team had agreed with them. They told Sir David that the US had agreed a de-Ba'athification strategy the previous week.

39. The following day, the FCO in London sent Mr Sawers the instructions he had requested.²⁶ The FCO wrote:

“... there should be a [de-Ba'athification] process, but its scope should be limited, and there needs to be room for discretion.

“We agree that the net should not be cast too wide. Excluding the top three ranks from public service ... is probably the most practical approach ... In certain cases, particularly in the security services, Ba'ath members may have to be moved aside in order to provide ... reassurance, whatever their position in the party. But we do not want to create a large underground of disaffected Ba'athists who see no possible future for themselves in post-Saddam Iraq ... So the short answer to the question

²⁴ Telegram 6 IraqRep to FCO London, 13 May 2003, 'Iraq: Putting Things Right'.

²⁵ Telegram 643 Washington to FCO London, 13 May 2003, 'Iraq: Meetings with Rice and Cheney, 13 May'.

²⁶ Telegram 2 FCO London to IraqRep, 14 May 2003, 'Iraq: de-Ba'athification'.

about the fourth level of the Ba'ath is that there will be a vetting process ... to ensure no rotten apples are kept on ... One of the leading academic Iraq-watchers, Toby Dodge, has remarked to us that membership of the Ba'ath was less significant latterly than less formal networks of control and influence. There is a danger, in focusing on the Ba'ath, of overlooking potentially more malign elements."

40. The message from the FCO also re-stated the legal position that Occupying Powers could remove public officials from their posts but that "for both policy and legal reasons, we should stick to what is necessary". Occupying Powers could not "regulate or prohibit political expression or activity except to the extent that is necessary on grounds of security or public order".

41. The message ended:

"The longer-term process of de-Ba'athification is for a future government of Iraq to take forward, in parallel with the wider transitional justice dossier."

42. On 13 May, Mr Walt Slocombe, CPA Senior Adviser on National Security and Defense, met Mr Hoon in London.²⁷ In his record of the meeting, Mr Hoon's Assistant Private Secretary wrote that Mr Slocombe had said "a visible and functioning police force ... might require some compromise on de-Ba'athification".

43. Mr Simon Webb, MOD Policy Director, was also present at Mr Hoon's meeting with Mr Slocombe. Mr Webb told the Inquiry:

"We had certainly accepted ... the need for de-Ba'athification ... So we had bought that by that stage ... I don't recall having a specific conversation about how far that was going to go. But ... I think we were probably content for this to be decided by those in Baghdad. If the policy is partial de-Ba'athification, and everybody seems to understand the issues ... I wouldn't have tried to press a particular level in the command structure on Walt. ... There was a judgement which you couldn't really make until you got on the ground about what level you went down to ... at some stage, you hit the school teacher who just joined the party because they wanted a job. But where in that spectrum you cut it off, recognising that you, implicitly at least ... wanted to remove the possibility of an early reassertion of power by Ba'ath Party ..."²⁸

44. Ambassador Bremer told the Inquiry that "Slocombe reported that the British officials agreed with the need for vigorous de-Ba'athification, especially in the security sector".²⁹

²⁷ Minute Williams to Webb, 13 May 2003, 'Call on Defence Secretary by Walt Slocombe: 13 May 2003'.

²⁸ Private hearing, 23 June 2010, pages 66-68.

²⁹ Statement Bremer, 18 May 2010, page 3.

45. On 14 May, Mr Tony Brenton, Chargé d'Affaires at the British Embassy Washington, was shown a draft diplomatic cable setting out Washington's guidance to Ambassador Bremer on the implementation of the de-Ba'athification policy.³⁰

46. Mr Brenton reported to the FCO that the cable proposed that full Ba'ath Party members (group, section and branch members) would be banned from public office, including teaching positions. They would also be interviewed and an evaluation made of whether they may have committed criminal acts or continued to pose a risk to the security of the Coalition.

47. To implement this, all individuals in the top three layers of management in each government Ministry would be evaluated to establish the extent of their Ba'ath Party involvement. Those proven to be members would be removed. For junior employees below the top three layers, evaluation would not be automatic but the discovery of any "adverse information" would lead to their investigation.

48. The Annotated Agenda prepared by the Cabinet Office for a meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) the following day asked Ministers to:

"... agree that we press in principle for the removal from public service and politics [of] only the top three tiers of the Ba'ath Party."³¹

49. The Annotated Agenda stated that extending the ban to the fourth tier of the Ba'ath Party (and so to 30,000 people) would be "excessive and detrimental to public service provision".

50. At the meeting of the AHMGIR on 15 May, Mr Straw stated that the Coalition should be "flexible" in its approach to de-Ba'athification, "for example excluding many who had been part of Saddam Hussein's security apparatus, but fewer from more technical positions".³²

51. The Group amended the objective proposed by officials to:

"... press for the removal from public service and politics of those members of the Ba'ath Party judged to have played a malign role."

52. On 15 May, Mr Sawers reported that the de-Ba'athification policy had been agreed along the lines reported earlier by Mr Brenton.³³

53. On the question of whether the bar should extend to the fourth level of party membership, Mr Sawers reported that he had "warned of the danger of overkill" but, like

³⁰ Telegram 655 Washington to FCO London, 14 May 2003, 'Iraq: US Views'.

³¹ Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³² Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³³ Telegram 10 IraqRep to FCO London, 15 May 2003, 'Iraq: De-Ba'athification'.

Ambassador Bremer, had been persuaded by those arguing that “the recommended policy of covering all four levels was pitched right”. Mr Sawers commented:

“This new policy is tougher than your advice preferred ... But I advise against any action in Washington. The new policy is badly needed, and it corresponds with the preferences of all the members of the Leadership Group bar Allawi.”

54. On the same day, Mr Llewellyn provided advice to IPU on a draft Order removing the Ba’ath Party leadership.³⁴ It is clear from his comments that this was the final draft of what became CPA Order No.1 and he noted that it was probably on the point of being issued.

55. In Mr Llewellyn’s view, the main question was whether the UK was satisfied that displaying images or likenesses of Saddam Hussein (or other readily identifiable members of the former regime or symbols of the Ba’ath Party) was of sufficient concern that it necessitated prohibition on the grounds of security and/or public order, the only grounds that would be permitted under international humanitarian law.

CPA Order No.1

56. CPA Order No.1, “De-Ba’athification of Iraqi Society”, was issued on 16 May 2003.³⁵ It was Ambassador Bremer’s first formal act as head of the CPA.

57. The Order stated that it was implementing General Franks’ disestablishment of the Ba’ath Party in his 16 April message:

“... by eliminating the party’s structures and removing its leadership from positions of authority and responsibility in Iraqi society. By this means, the Coalition Provisional Authority will ensure that representative government in Iraq is not threatened by Ba’athist elements returning to power and that those in positions of authority in the future are acceptable to the people of Iraq.”³⁶

58. The Order stated that disestablishment was to be achieved by removing “full” members of the Ba’ath party (defined as the top four ranks of party membership)³⁷ from public sector jobs and banning them from future employment in the public sector.

59. Individuals holding senior management positions (the top three layers of management) in all public sector organisations would be interviewed and assessed for their possible affiliation with the Ba’ath Party, criminal conduct and risk to security. Any who were found to be full members of the Ba’ath Party would be removed from employment.

³⁴ Minute Llewellyn to [Bristow], 15 May 2003, ‘Draft Order on Removing Ba’ath Party Leadership’.

³⁵ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

³⁶ Coalition Provisional Authority Order Number 1, 16 May 2003, Section 1(1).

³⁷ Regional Command Member, Branch Member, Section Member and Group Member. Collectively referred to as “Senior Party Members”.

60. Ambassador Bremer wrote in his account of leading the CPA that he had recognised from the outset that the de-Ba'athification Order “wasn't perfect, but contained a degree of flexibility” in the provision that allowed for exemptions to the ban to be made on a case-by-case basis.³⁸ Both he and Ambassador Ryan Crocker, a US State Department official seconded to the CPA, had agreed that this flexibility was “critical”.

61. Ambassador Bremer told the Inquiry that the Order was “narrowly drawn” so as to affect only the top 1 percent of party members, and to deny them public sector positions but not the ability to work in the private sector.³⁹

62. On the same day that Order No.1 was issued, Mr Blair and President Bush spoke on the telephone.⁴⁰ The record of their conversation, taken by Mr Blair's Assistant Private Secretary, indicates that they did not discuss de-Ba'athification.

The UK role in relation to Order No.1

Hard Lessons, an account of the US reconstruction experience in Iraq, characterised Order No.1 as “conceived in Washington and promulgated with little Iraqi involvement”.⁴¹

Secretary Rumsfeld, in his memoir, observed:

“Though the policy later found few defenders at the top level of the administration, de-Ba'athification initially had broad support among the relevant departments and agencies.”⁴²

The policy was discussed by the NSC two weeks before the invasion and there were “no objections from any of the principals present” although President Bush had questioned who would carry out the vetting needed.

Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2007, told the Inquiry that the de-Ba'athification decision was one of a number on which his department had not been consulted.⁴³

Lord Jay, FCO Permanent Under Secretary from 2002 to 2006, described the de-Ba'athification decision as one example of “difficulties in relation to the United States”.⁴⁴

Mr Blair told the Inquiry:

“You know, there's a lot of debate about de-Ba'athification and so on ... but he [Bremer] was someone who knew his own mind, but I have to say I did not get the impression he was refusing to discuss it with the British. On the contrary, we had Brits working alongside in very senior positions.”⁴⁵

³⁸ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

³⁹ Statement Bremer, 18 May 2010, page 3.

⁴⁰ Letter Cannon to MacDonald, 16 May 2003, 'Iraq: Prime Minister's Conversation with Bush, 16 May'.

⁴¹ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

⁴² Rumsfeld D. *Known and Unknown: A Memoir*. Sentinel, 2011.

⁴³ Public hearing, 8 December 2009, page 64.

⁴⁴ Public hearing, 30 June 2010, page 41.

⁴⁵ Public hearing, 21 January 2011, page 144.

Mr Sawers reported just before the Order was issued that it was being finalised by the Department of Defense in Washington and that Ambassador Bremer had been given guidance on de-Ba'athification by both Secretary Rumsfeld and President Bush.⁴⁶

Mr Sawers told the Inquiry that he did not think that his views were entirely ignored, and cited examples of where he believed he had been able to influence Ambassador Bremer's thinking.⁴⁷ He made a similar point in May 2003, when he reported that Ambassador Bremer was keen to work with him:

“... in public and private, and has picked up on many UK suggestions, big and small. He allowed us to re-balance the decree on removing the Ba'athists, over-ruling the wilder strictures of Wolfowitz and Feith in the process.”⁴⁸

Implementation of de-Ba'athification policy

63. Mr Sawers reported on 17 May that the members of the Iraqi Leadership Group⁴⁹ “widely supported” the de-Ba'athification process and that:

“... all the leaders welcomed the clarity and toughness of the proclamation ... I recalled the exchanges I had had with each of the Group on the issue, and told them their views had been taken into account in the detailed terms of the final decree – a good example of co-operation and consultation with the political groupings.”⁵⁰

64. A few days later, Mr Sawers reported that de-Ba'athification had “gone down well”.⁵¹ He judged that, before the policy, many Iraqis believed there was still a chance the Ba'athists might return, which “in turn contributed to the security problem”. The policy was “a huge hit with the political parties we are working with” and, although there would need to be some exemptions, “Bremer will keep these to a minimum”.

65. A few days after Order No.1 was issued, Sir David Manning met Ambassador Bremer in Baghdad.⁵² In discussion, they observed:

“De-Ba'athification and the dissolution of security ministries would create a new reservoir of angry men. So there was a need to step up patrols and tighten up security.”

⁴⁶ Telegram 6 IraqRep to FCO London, 13 May 2003, 'Iraq: Putting Things Right'.

⁴⁷ Public hearing, 10 December 2009, page 71.

⁴⁸ Telegram 18 IraqRep to FCO London, 20 May 2003, 'Iraq: Bremer's Impact'.

⁴⁹ The Leadership Group was comprised of Iraqi politicians drawn from identifiable political and regional groups and had been established by General Jay Garner, Head of the Office of Reconstruction and Humanitarian Assistance (ORHA). It included both former exiles who had returned to Iraq after the fall of Saddam Hussein, and those who had remained in Iraq.

⁵⁰ Telegram 13 UKRep Iraq to FCO London, 17 May 2003, 'Iraq: Bremer meets Leadership Group'.

⁵¹ Telegram 18 IraqRep to FCO London, 20 May 2003, 'Iraq: Bremer's Impact'.

⁵² Letter Cannon to Owen, 23 May 2003, 'Iraq: Meeting with Gerry Bremer'.

- 66.** On 22 May the AHMGIR met, chaired by Mr Straw.⁵³
- 67.** Briefing for the discussion stated that, although the eventual policy was more wide-ranging than the UK had advocated, in practice Ambassador Bremer expected to “allow those judged ‘clean’ to be re-employed”.⁵⁴ The Cabinet Office author of the briefing wrote that the Order would mean that 33,000 people would be banned from public office in Iraq, and observed:
- “... this is more wide-ranging than the senior level only policy (covering 5,000) officials we had advocated, and risks removing many essential but less culpable technocrats from their jobs.”
- 68.** The AHMGIR concluded that the UK should “encourage the US to implement its policy on de-Ba'athification pragmatically to avoid needlessly removing less culpable technocrats from key positions”.⁵⁵
- 69.** In a paper for Mr Blair dated 22 May, Major General Tim Cross, the most senior UK secondee to ORHA, the organisation which pre-dated the CPA, referred to the recent de-Ba'athification announcement as having “created some inevitable difficulties”, and counselled pragmatic application of the exemptions for “individuals who are engaged in crucial reconstruction areas, such as power generation/distribution, water/sanitation etc”.⁵⁶
- 70.** On 27 May, Mr Sawers reported that a new Iraqi de-Ba'athification Council was “designed to give Iraqis a role in the de-Ba'athification process, and advise Bremer on how to apply it in specific cases”.⁵⁷ The Council was to be made up of 20 Iraqis, appointed by the Coalition.
- 71.** Ambassador Bremer, in his account of leading the CPA, described the Council as an attempt “to engage responsible Iraqis from the start in the de-Ba'athification process ... to be sure we were focused on the right people” since the Coalition did not “know Iraq as well as the Iraqis themselves”.⁵⁸
- 72.** On 29 May, Mr Blair met Ambassador Bremer in Basra.⁵⁹ Ambassador Bremer raised the need for more qualified staff in the CPA as a result of de-Ba'athification. The record indicates that Mr Blair urged Ambassador Bremer to draw up a list of the staff he required and not to hesitate to ask for additional staff, which he described as “a political priority”.

⁵³ Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁵⁴ Annotated Agenda, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁵⁵ Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁵⁶ Letter Williams to Rycroft, 23 May 2003, ‘Iraq Reconstruction’ attaching Paper Cross, 22 May 2003, ‘Iraq Reconstruction: Some Thoughts for the PM in his Discussions with President Bush’.

⁵⁷ Telegram 22 IraqRep to FCO London, 27 May 2003, ‘Iraq: new ORHA initiatives’.

⁵⁸ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁵⁹ Letter Cannon to Owen, 29 May 2003, ‘Iraq: Prime Minister’s meeting with Bremer, 29 May’.

73. In a telegram to the British Embassy Washington on 30 May, FCO officials wrote:

“De-Ba’athification and dismantling the institutions of the Ba’athist State are clearly necessary if we are to achieve our post-conflict objectives. But so too is maintaining security. We are concerned that some aspects of the first, especially if it includes laying off without pay the regular army, may have an unnecessarily negative impact on the second, rather than the positive effects we need them to have.”⁶⁰

74. The telegram continued:

“We understand why Bremer has felt it necessary to take a tough line on de-Ba’athification ...

“But there is a downside ... we are concerned that de-Ba’athification may be proving to be a blunt instrument. Our secondees working alongside the ministries are reporting that the de-Ba’athification Order is catching Iraqi public servants who have shown themselves to be effective and willing to work with us in areas critical to the Coalition’s success – the police, for example.”

75. The FCO suggested that the problem should be addressed by the Coalition taking “a vigorously pragmatic approach to implementing the de-Ba’athification Order” so that it provided an incentive to those who were not committed to Ba’athist ideology to work with the Coalition, for example allowing ex-party members to be re-employed on a probationary basis. The FCO noted that work was “in hand” to develop the machinery to implement the order.

76. The following day Sir David Manning reported to Mr Straw’s Principal Private Secretary that he had told Dr Rice and Mr Andy Card, President Bush’s Chief of Staff, over dinner that:

“... we had worries about the de-Ba’athification process. I was sure that it was right to signal that we were determined to break the Ba’ath Party and dismantle its structures. But we must be careful not to create a situation in which token Ba’athists were alienated from the Coalition because we denied them jobs, and a chance to contribute to post-Saddam Iraq. If we made this mistake, we would create a large number of disaffected and hostile people who would quickly turn against us. The key was surely to be pragmatic. Now that Bremer had made his strong and necessary commitment to de-Ba’athification, we should implement it pragmatically. We should think about operating a system whereby people stayed in their jobs until it was shown that their track record rather than a Ba’athist label made them a liability.”⁶¹

⁶⁰ Telegram 251 FCO London to Washington, 30 May 2003, ‘Iraq: Dismantling the Baathist State’.

⁶¹ Letter Manning to McDonald, 1 June 2003, ‘Iraq: Conversation with Condi Rice’.

77. On 2 June, Mr Blair met President Bush over breakfast.⁶² In his note reporting their discussion Sir David recorded Mr Blair's analysis that the Coalition should be careful not to create a large pool of disaffected people by targeting those who had joined the Ba'ath Party simply to get a job.

78. Mr Blair argued that a clear political vision and timetable was needed, together with a media strategy to avoid a "dangerous" information vacuum.

The Impact of Order No.1

Writing in September 2003, Major General Freddie Viggers, the outgoing Senior British Military Representative - Iraq, commented in his post-tour report that "all but the hardliners are grateful that the Ba'athist regime has been removed".⁶³

The RAND assessment of the Occupation of Iraq records that the initial reaction to the de-Ba'athification order was enthusiastic.⁶⁴ The authors cite polls in August 2003 reporting over 94 percent of the Iraqi population saying that either all or some Ba'athists should be removed from office⁶⁵ and that 92 percent of Iraqis opposed the participation of former Ba'ath Party members in Iraq's political institutions.⁶⁶

According to Mr Ali A Allawi, a Minister in both the Interim Iraqi Government and the Iraqi Transitional Government:

"De-Ba'athification in the early days of the CPA proceeded in a generally straightforward way. The vast majority of individuals caught in the round of dismissals were those who could be clearly identified in the higher levels of the Party ranks, and the case against them was clear cut."⁶⁷

Hard Lessons commented:

"Most Iraqis agreed that some de-Ba'athification was necessary, but many believed that the CPA order had gone too far ...

...

"Whatever its reach should have been, the consequences of the de-Ba'athification order quickly became clear: it reduced the ranks of Iraq's capable bureaucrats and thus limited the capacity of Iraqi ministries to contribute to reconstruction."⁶⁸

⁶² Letter Manning to McDonald, 2 June 2003, 'Breakfast meeting between the Prime Minister and President Bush: 2 June 2003'.

⁶³ Minute Viggers to CDS & CJO, September 2003, 'SBMR (I): End of tour report'.

⁶⁴ Bensahel N, Olikier O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq*. RAND Corporation, 2008.

⁶⁵ Iraq Center for Research and Strategic Studies, *Results of the First Public Opinion Poll in Iraq*, 6 August 2003.

⁶⁶ US Department of State, *Iraqis Officer Dim Evaluation of Reconstruction Effort Thus Far*.

⁶⁷ Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.

⁶⁸ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

Although it recognised the significance of the impact of de-Ba'athification on the public sector in Iraq, the RAND report *Occupying Iraq* observed that the number of individuals who left office in the first three months of Occupation (10,000) was still less than the number of senior jobs normally vacated following a change of US Administration.⁶⁹

General the Lord Walker, Chief of the Defence Staff from May 2003 to April 2006, told the Inquiry that the removal of “a complete layer of administrative competence” was “not ... a particular help”.⁷⁰

Mr Stephen Pattison, FCO Head of the UN Department until June 2003, told the Inquiry:

“... we should have realised that without those officials we were going to struggle really hard to get this country going again and we should have reached out to those officials in order to bring them back in by offering them assurances about their pensions or their security or their jobs or whatever.”⁷¹

Ms Emma Sky, Governorate Co-ordinator for Kirkuk province in 2003, told the Inquiry that Major General Raymond Odierno (the US military commander responsible for the province) had given an amnesty to teachers and doctors on his own authority as a way of circumventing the Order.⁷²

Mr Andy Bearpark, the CPA's Director of Operations, told the Inquiry:

“... when I observed the effects of the [de-Ba'athification] policy, I don't believe that some of the effects of the policy were quite as severe as some of the critics of the policy point out, but that's a belief or assertion on my part. I have no evidence to support it.”⁷³

In Mr Bearpark's opinion, the issues that he encountered within the senior levels of the Iraqi Civil Service had more to do with personal rivalry than real concerns about Ba'athist control.

Mr Chaplin and Mr Asquith, who both served as British Ambassador to Iraq, told the Inquiry that there was a sense of exclusion within the Sunni community as a result of de-Ba'athification, because they felt that it affected their community disproportionately.⁷⁴

Mr Jonathan Powell told the Inquiry:

“... it was a mistake to go so far with de-Ba'athification. It is a similar mistake the Americans made after the Second World War with de-Nazification and they had to reverse it. Once it became clear to us, we argued with the administration to reverse it, and they did reverse it, although with difficulty because the Shia politicians in the government were very reluctant to allow it to be reversed, and at the time we were being criticised for not doing enough de-Ba'athification.”⁷⁵

⁶⁹ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

⁷⁰ Public hearing, 1 February 2010, page 24.

⁷¹ Public hearing, 31 January 2011, pages 22-24.

⁷² Private hearing, 14 January 2011, pages 27-29.

⁷³ Public hearing, 6 July 2010, pages 83-84.

⁷⁴ Public hearing, 1 December 2009, page 88; Public hearing, 4 December 2009, page 19.

⁷⁵ Public hearing, 18 January 2010, page 128.

CPA Memorandum No.1

79. On 3 June, Ambassador Bremer signed CPA Memorandum No.1, which described the implementation of Order No.1 (de-Ba'athification) and Order No.5 (creation of the Iraqi de-Ba'athification Council).⁷⁶

80. The Memorandum described an interim process for identifying Ba'ath Party members using Coalition military investigators. It said:

“As the Administrator determines that the responsibility for identifying Ba'ath Party members effectively can be transferred to Iraqi citizens, the Administrator shall direct the Iraqi de-Ba'athification Council to assume an increasingly significant role in carrying out the de-Ba'athification process.

“Initially, the Council will advise the Coalition on de-Ba'athification policies and procedures ...”

81. The Memorandum also established Accreditation Review Committees, to hear appeals and requests for exemption. Relevant factors for consideration would be:

“... whether the individual:

- i. Is willing to denounce the Ba'ath Party and his past association with it;
- ii. Was a senior Ba'ath Party member or simply a 'full' party member;
- iii. Has exceptional educational qualifications;
- iv. Left the Ba'ath Party before April 16, 2003;
- v. Continues to command the support of his colleagues and respect of their subordinates;
- vi. Is judged to be indispensable to achieving important Coalition interests; at least in the immediate term;
- vii. Can demonstrate that he joined the party to hold his job or support his family.”

82. In early June, Sir Kevin Tebbit, MOD Permanent Under Secretary, reported that he had observed in a recent visit to Iraq that the implementation of the de-Ba'athification policy was posing difficulties for UK personnel in the South but that “General Wall seems to think that he can work quietly to achieve the flexibility he needs without taking US policy head on.”⁷⁷

⁷⁶ Coalition Provisional Authority Memorandum Number 1: Implementation of De-Ba'athification Order No. 1.

⁷⁷ Minute Tebbit to Secretary of State, 3 June 2003, 'Visit to Basrah and Baghdad'.

83. Mr Blair and President Bush discussed de-Ba'athification briefly when they spoke by telephone on 6 June.⁷⁸ Mr Blair argued that the principle was right, but needed to be applied flexibly: "we should neither undermine public services by sacking key technocrats nor allow a class of resentful and desperate ex Ba'athists to build up."

84. In his book *State of Denial* Mr Bob Woodward described General Jay Garner, the former Head of ORHA, telling Secretary Rumsfeld in June 2003 that the extent of de-Ba'athification had been one of three "terrible mistakes" made in Iraq.⁷⁹ In Gen Garner's view, those mistakes were still reversible. Secretary Rumsfeld is reported to have responded: "We're not going to go back." Gen Garner did not make the same point in person to President Bush.

85. One of the UK's priorities for the first 30 days of the CPA, produced by the IPU and circulated by Mr Straw on 5 June, was the need for:

"... a pragmatic approach to dismantling the Ba'ath Party and the security apparatus. We need to destroy the system, not the people. Need to give people reasons to work with us, not against us: the prospect of work, of a basic income, the chance to find a place in the new Iraq."⁸⁰

86. Discussion at a meeting chaired by Mr Blair on 6 June (see Section 9.2) suggested that this was not being achieved.⁸¹ In both Baghdad and Basra de-Ba'athification was listed as one factor in security problems.

87. On 9 June, Sir David Manning reported to Mr Straw's Principal Private Secretary that he had told Dr Rice that:

"... she should look again at the de-Ba'athification programme. The draconian way in which it was being applied risked acting as a recruiting sergeant for the opposition. It had been right to take a tough line on the Ba'ath party; but it would be sensible now to impose it flexibly. We should adopt the approach that those who were not against us, were with us; rather than act as though we thought those who were not obviously with us were against us."⁸²

88. On 17 June, instructions from the IPU to Mr Sawers reflected a mounting concern about the extent of UK influence on decision-making generally within the CPA.⁸³ The IPU wrote:

"Ministers remain deeply concerned about the lack of effective joint-decision making with the US. With many decisions now being made in Baghdad, the ideal solution

⁷⁸ Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Conversation with Bush, 6 June'.

⁷⁹ Woodward B. *State of Denial*. Simon & Schuster UK Ltd, 2006.

⁸⁰ Minute Straw to Blair, 5 June 2003, 'Iraq: Winning the Peace', attaching 'Iraq Reconstruction: 30 Day priorities, 5 July 2003'.

⁸¹ Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's Meeting, 6 June'.

⁸² Letter Manning to McDonald, 9 June 2003, 'Iraq: Conversation with Condi Rice'.

⁸³ Telegram 13 FCO London to IraqRep, 17 June 2003, 'Iraq: Priorities'.

would be your agreeing a mechanism with Bremer whereby we become a joint signatory on any CPA decisions ...

“At the very least, we must be properly consulted on decisions. This may involve advocating the creation of a small policy body in which we are represented, to ensure that we have a say when you are not in town.”

89. Following a message from Baghdad reporting progress against the IPU's list of priorities, the IPU wrote to Mr Sawers on 20 June:

“While we agree on the need to act decisively to dismantle the Ba'athist state, we need to keep plugging away that it is the system, not the people forced to live in it, that we want to destroy.”⁸⁴

90. On 24 June, Baroness Amos, the International Development Secretary, was asked about the policy of de-Ba'athification in the House of Lords.⁸⁵ Lord Wright asked whether it was true that the:

“... apparent decision to exclude all former members of the Iraqi Ba'ath party, however junior, from working is not only causing unemployment to a very serious extent in Iraq but is excluding from the reconstruction process a number of highly qualified people who would be very ready to undertake those tasks?”

91. Baroness Amos replied:

“... the de-Ba'athification process is under constant discussion. No decisions have yet been taken. There was a concern that the first three levels should perhaps be excluded. The implications of that in terms of the administration in Iraq is being looked at. What we want to see is Iraqis working to reconstruct the country.”

92. On 25 June, in a telephone conversation with Mr Colin Powell, US Secretary of State, Mr Straw said that “de-Ba'athification had gone too far” and the UK was concerned.⁸⁶ He suggested that if the same approach had been taken in Germany after the Second World War, it would have taken a lot longer to establish a working democracy in West Germany. Secretary Powell agreed.

⁸⁴ Telegram 16 FCO London to IraqRep, 20 June 2003, 'Iraq: Priorities'.

⁸⁵ House of Lords, *Official Report*, 24 June 2003, columns 132-133.

⁸⁶ Letter Straw to Manning, 26 June 2003, 'Conversation with Colin Powell, 25 June'.

93. Baroness Amos raised de-Ba'athification when she met Ambassador Bremer at the end of June (see Section 9.2).⁸⁷ A note of the meeting by her Private Secretary recorded that Baroness Amos had told Ambassador Bremer that she had:

“... heard some say that this [the de-Ba'athification process] was biting too deep in Ministries where large numbers of more senior public servants ... might have been in the top 3 percent of the Ba'ath party, and so removed from post.”⁸⁸

94. Mr Sawers' telegram reporting his impressions of the visit said that Baroness Amos had told Ambassador Bremer that “the Iraqi women she had met all had horrific stories of family losses, and had mentioned to her the importance of the [de-Ba'athification] policy”.⁸⁹

95. Both accounts record Ambassador Bremer's explanation that the policy was:

“... the most popular decision the Coalition had taken. It had not cut deeply into ministries ... it only applied in effect to Directors General. Virtually all the DGs for Administration had been given exemptions as they were necessary to administer public sector pay. There had been others where it was essential to the ministry and there was an important coalition interest. Bremer felt that the main problem was that lower level members of the Baath party feared that the policy embraced them too and that they would be unable to return to public sector jobs. This was not the case ...”⁹⁰

96. On 3 July, policy on de-Ba'athification was raised again in the House of Commons.⁹¹ In a debate following an Oral Statement on the humanitarian situation in Iraq, Ms Lynne Jones asked Mr Hilary Benn, Minister for International Development:

“What action is being taken to distinguish between those Ba'athists who are loyal to Saddam Hussein and those who joined the Ba'ath party only from expediency, who do not have a record of corruption and abuse and can, therefore, contribute to the reconstruction of Iraq?”

97. Mr Benn replied:

“It is vital that those who played a leading role in the old regime, and all that flowed from that, should be removed from their positions but, at the same time, the de-Ba'athification policy should be sensibly applied because we need to ensure that services can continue to function. The CPA is extremely conscious of the position and needs to reflect on it as it takes the process forward.”

⁸⁷ Telegram IraqRep 56 to FCO London, 26 June 2003, 'Iraq; Baroness Amos Visit'; Minute Bewes to Malik, 29 June 2003, 'Meeting with Paul Bremer'.

⁸⁸ Minute Bewes to Malik, 29 June 2003, 'Meeting with Paul Bremer'.

⁸⁹ Telegram 56 IraqRep to FCO London, 26 June 2003, 'Iraq; Baroness Amos Visit'.

⁹⁰ Telegram 56 IraqRep to FCO London, 26 June 2003, 'Iraq; Baroness Amos Visit'.

⁹¹ House of Commons, *Official Report*, 3 July 2003, column 562.

The role of the Governing Council

98. The Governing Council (GC) (also referred to as the Iraqi Governing Council (IGC)) met for the first time on 13 July. Its creation is described in Section 9.2.

99. At the first meeting of the GC, Mr Sawers reported that Dr Chalabi specifically thanked Ambassador Bremer for his decision on de-Ba'athification.⁹²

100. In his account of the appointment of members of the Council, Mr Sawers reported:

“Everyone on the Council was adamant that Ba’athists were totally unacceptable, and there is great praise here that we managed to exclude people who had compromised unacceptably with the Saddam regime. To have included them would have been like welcoming Nazis back into the German Government after WWII.”⁹³

101. The CPA and GC had agreed the authorities of the Governing Council, which described its initial powers.⁹⁴ They enabled the GC to make policy in all areas, including on de-Ba'athification.

102. At the end of July, a junior UK official working in Baghdad reported to the FCO on plans to put an accelerated vetting process in place for the first set of senior appointees to public positions.⁹⁵

103. The official wrote that, although substantive work on vetting was to be left until there was a new Iraqi Government in place, the Coalition had done some preparatory work. In that initial phase, the intention was that the criteria:

“... will seek to disqualify from key posts only those guilty of crimes against the Iraqi people. They will be defined with care, taking account of the culture and methodology of Saddam Hussein’s repressive apparatus. Attention will also be paid to post-communist legislation in the three ex-CEE [Central and Eastern Europe] countries who have high-level representatives in the CPA. Their personal views on the effectiveness of these laws will be listened to.”

104. The author of the telegram commented that he had hoped:

“... to have these criteria embodied in a new Order ... [to] supplement Order No.1 on de-Ba'athification ... [which] might also have allayed the concerns of those Iraqis who doubt whether the CPA is being sufficiently robust with the remnants of the former regime (there is a fine line between achieving this and disqualifying – and possibly alienating – those with skills and experience the new Iraq needs).”

⁹² Telegram 82 IraqRep to FCO London, 13 July 2003, 'Iraq: Formation of the Governing Council'.

⁹³ Telegram 79 IraqRep to FCO London, 13 July 2003, 'Iraq: Governing Council: Analysis and Comment'.

⁹⁴ Telegram 81 IraqRep to FCO London, 13 July 2003, 'Iraq: Governing Council: Authorities'.

⁹⁵ Telegram 1 Security Affairs Iraq to FCO London, 27 July 2003, 'Iraq Security Sitrep No.1'.

105. The official wrote that the new Order had not happened because of a wider sense of sensitivity about work on Iraq's intelligence agencies.

106. In late July Sir Jeremy Greenstock, who was to succeed Mr Sawers as the Prime Minister's Special Representative on Iraq in September, had a bilateral meeting with the UN Special Representative, Mr Sérgio Vieira de Mello.⁹⁶ During that discussion, Mr Vieira de Mello's adviser had cautioned that "we should not over emulate post-war Germany in the extreme to which we took de-Ba'athification".

107. According to the authors of the RAND report *Occupying Iraq*, in August 2003 Ambassador Crocker was raising concerns with Ambassador Bremer about the differing ways in which the de-Ba'athification policy was being implemented across Iraq.⁹⁷ He also identified that it was affecting more than just hard-core supporters of Saddam Hussein, and that procedures for making exceptions were slow.

108. Ambassador Crocker suggested transferring responsibility for the implementation of de-Ba'athification to the GC, on the grounds that "an Iraqi body would be more sensitive to the nuances of the policy". As a result, on 10 August Ambassador Bremer put a proposal entitled "Proposal for Implementing the Iraqi de-Ba'athification Council" to the GC.

109. In early September Mr Blair's Assistant Private Secretary recorded that he believed "flexible handling of de-Ba'athification" was needed to avoid excluding potential recruits to the Iraqi police unnecessarily.⁹⁸

110. Mr David Richmond, the Prime Minister's Interim Special Representative on Iraq, reported on 4 September that Ambassador Bremer understood the need for flexibility on de-Ba'athification, as did a senior Iraqi interlocutor; although they would be "closely watched by some members of the Governing Council who are strongly opposed to any concessions in this area".⁹⁹

111. On 8 September, in a House of Lords debate following an Oral Statement on Iraq and the Middle East, Baroness Symons, FCO Minister of State, commented:

"The fact that so many senior Iraqi officials in all walks of life, whether civilian or military, were members of the Ba'ath party was a function of the old regime ... in clearing out anyone who was a member of the Ba'ath party, a great deal of valuable expertise has been lost. I believe that we have now found a better balance on that issue."¹⁰⁰

⁹⁶ Telegram 1116 UKMis New York to FCO London, 23 July 2003, 'Iraq: meeting with de Mello'.

⁹⁷ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

⁹⁸ Letter Cannon to Adams, 2 September 2003, 'Iraq: Briefing for Prime Minister'.

⁹⁹ Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.

¹⁰⁰ House of Lords, *Official Report*, 8 September 2003, column 49.

112. In early September, the GC told Ambassador Bremer that it had formed the High National de-Ba'athification Commission (DBC), under the chairmanship of Dr Chalabi, with Mr Nuri al-Maliki as his deputy.¹⁰¹

113. On 17 September, Dr Chalabi reported to Ambassador Bremer that the Commission's first two decisions had been to rescind the exemptions that had previously been issued to fourth-tier Ba'athists and to extend the ban on public employment to include a wider range of public activities, including the media.

114. On 18 September, Sir Jeremy Greenstock, who had now arrived in Iraq, reported that the GC's de-Ba'athification Council had approved a resolution calling for the immediate firing of all high-level Ba'ath Party members from Government service:

“Bremer urged the IGC to co-ordinate with the Ministry of Education to ensure that the process of teacher de-Ba'athification was complete before the schools re-open on 1 October. The general issue, which remains controversial, of how to manage exemptions is one that the IGC will soon have to engage on.”¹⁰²

115. The following day, Sir Jeremy commented:

“I find Bremer's readiness to push the senior Iraqis to the front very interesting. We Brits think it the right tactic, but I expected more resistance from him. He continues to remind the GC eg when they produce 'decisions' on ... de-Ba'athification ... that only he can sign things into law. But he does not seem fussed to be losing the substantive initiative ...”¹⁰³

116. By 2 October, Sir Jeremy was reporting that the issue of de-Ba'athification had:

“... not proceeded over the week, despite the mounting concerns of both the CPA and the GC. The harder-line end of the GC demanded that senior remaining Ba'athists should be physically removed from the streets – not just their jobs – and quickly. Bremer reminded them that the CPA were still worried about due process, but had yet to receive clarification from the GC on what their recent decision meant. He asked for decisions on this soon.”¹⁰⁴

117. On 4 November, Ambassador Bremer signed CPA Memorandum No.7.¹⁰⁵

118. Memorandum No.7 transferred responsibility for the implementation of de-Ba'athification to the GC, and enshrined in law the first two decisions of Dr Chalabi's

¹⁰¹ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

¹⁰² Telegram 174 IraqRep to FCO London, 18 September 2003, 'Iraq: Governing Council Roundup'.

¹⁰³ Telegram 175 IraqRep to FCO London, 19 September 2003, 'Iraq: Political Process'.

¹⁰⁴ Telegram 195 IraqRep to FCO London, 2 October 2003, 'Iraq: Governing Council update 1 October'.

¹⁰⁵ Coalition Provisional Authority Memorandum Number 7, 4 November 2003.

Commission, rescinding all exemptions granted under CPA Order No.1 and extending the ban on public employment to wider involvement in public life.¹⁰⁶

119. Sir Jeremy Greenstock reported on 6 November that the transfer of responsibility:

“... worried regional commanders in the Sunni Triangle area. They expressed particular concern about the security implications of another round of dismissals in the public sector and the knock-on impact. General Odierno put it bluntly: decisions from Baghdad that alienated local populations led to his soldiers getting killed.”¹⁰⁷

120. Having read Sir Jeremy’s message, the IPU’s view was that the decision to hand full control of de-Ba’athification to the GC “could result in further instability ... we would wish to see a more pragmatic approach”.¹⁰⁸

121. Reporting from Baghdad, Sir Jeremy wrote that he continued to urge a flexible approach to de-Ba’athification.¹⁰⁹ His messages indicate that Ambassador Bremer agreed with this, though “the IGC wanted tougher de-Ba’athification”.

122. In late November, the head of the Iraqi National Movement, Mr Hatim Mukhlis, told Sir Jeremy that the de-Ba’athification policy and disbanding the Iraqi Army had been mistakes:

“Rather than de-Ba’athification ... Iraq needed a truth and reconciliation committee. The Ba’ath Party has been a career route for many people. Those who had committed atrocities or crimes had to be held to account. But many members were intellectuals and professionals. What was required was time for wounds to heal, but the opposite was happening, and this was being exacerbated by militia activity. The CPA could exert pressure on the IGC and influence the de-Ba’athification process, which was wrong.”¹¹⁰

123. According to the RAND report *Occupying Iraq*, on 9 December Ambassador Bremer:

“... informed all CPA civilians and Coalition military personnel, ‘de-Ba’athification is now an Iraqi process ... immediately cease any involvement in de-Ba’athification’.”¹¹¹

¹⁰⁶ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

¹⁰⁷ Telegram 252 IraqRep to FCO London, 6 November 2003, ‘Iraq Regional Coordinators and Commanders Meeting’.

¹⁰⁸ Minute King-Smith to Buck, 7 November 2003, ‘Iraq: CPA Strategic Plan’.

¹⁰⁹ Telegram 176 Baghdad to FCO London, 8 November 2003, ‘Iraq; Sir Nigel Sheinwald’s Call on Bremer’.

¹¹⁰ Email Alkadiri [ORHA] to FCO [junior official], 24 November 2003, ‘Sir Jeremy Greenstock and David Richmond’s meeting with Hatim Mukhlis (CEO-Iraqi National Movement) 21 November, 2003’.

¹¹¹ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

124. On 12 December, in a telegram to the FCO on strategy for engaging the Sunni community, Mr David Richmond, now Deputy Special Representative on Iraq, wrote that it was essential that:

“The possibility of de-Ba'athification ... distinguish[ed] between senior/criminal elements and those whose party affiliation was obligatory or nominal. The CPA almost certainly made a mistake in handing this issue to the IGC. Most IGC members are hard-liners more interested in rooting out Ba'athists wherever they can be found and excluding all former Ba'ath Party members from standing for elections to the TNA [Transitional National Assembly] than in reconciliation. Not all Sunnis were Ba'athists but this is bound to cause further alienation. I have spoken to Bremer about this. He is ready to make clear to the IGC that sweeping exclusions are unacceptable and that the economic and security consequences have to be considered”.¹¹²

125. In January 2004, the GC published procedures for the implementation of de-Ba'athification.¹¹³ They confirmed that all individuals working in the public sector who fell into the following categories were to be dismissed immediately if they had not already been removed from office:

- those in the top four tiers of Ba'ath Party membership;¹¹⁴ and
- those in the top three tiers of public sector management qualifying as member or active member (less senior Ba'athists).

126. Those in the top three tiers of Ba'ath Party membership would have no opportunity for appeal. A formal appeal mechanism was put in place for:

- those in the fourth tier of Ba'ath Party membership; and
- those in the top three layers of public sector management who had not been senior Ba'athists.

127. Appeals were to be held in two stages; first by local de-Ba'athification Review Committees (established by the relevant ministry, in each governorate area) and then by Dr Chalabi's Higher National de-Ba'athification Commission. Appeals could be either on factual grounds (for example, that the individual had been mistakenly identified as a senior Ba'ath Party member but had not in fact been one), or on broader grounds regarding the degree to which the individual subscribed to the ideals of the former regime. The criteria against which commitment to the regime would be judged were:

- whether the employee had renounced Ba'ath Party membership;

¹¹² Telegram 306 IraqRep to FCO London, 12 December 2003, 'Iraq: Sunni Strategy'.

¹¹³ Talmon, S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council*. Hart Publishing, 2013.

¹¹⁴ Defined as Udw Qutriyya (Regional Command Member), Udw Far (Branch Member), Udw Shu'bah' (Section Member) and Udw Firqah (Group Member).

- the circumstances under which the employee became a Ba'ath Party member and was promoted to the fourth tier of membership;
- employment history, including links to Ba'athist military, intelligence or security services;
- whether during their time in office the employee was dedicated to furthering the goals of the Ba'ath Party;
- any illegal activities by the employee;
- whether the skills of the employee were rare or replaceable; and
- whether the individual had attained fourth-tier membership solely as a result of having been a prisoner of war in the Iran-Iraq conflict (there was a presumption that this group of individuals should retain their employment).

128. Appeals to the local de-Ba'athification Review Committees were to be processed within six weeks. A panel of two judges, nominated by the Iraqi Council of Judges and approved by the GC, would sit on Dr Chalabi's Commission for the purpose of hearing appeals, and one of these would be required to agree and sign the appeal decision. Exemptions to the bar on public employment could be granted either for life or for a one-year probationary period. A probationary exemption could be revoked if the individual was found to have fabricated evidence, if new evidence came to light, or if the individual re-engaged in Ba'athist activities.

129. Sir David Manning, who had been appointed British Ambassador to the US, reported a member of the Department of Defense describing the new appeal process as "a step forward".¹¹⁵

130. Ambassador Bremer told the Inquiry that "it was a mistake for the CPA to devolve the implementation of the de-Ba'athification programme to Iraqi politicians who then attempted to broaden the decree's effect".¹¹⁶ He suggested that a wiser move would have been to set up a judicial panel to oversee implementation.

De-Ba'athification in the Transitional Administrative Law

131. In early February 2004, Sir Jeremy Greenstock reported that Ambassador Bremer had been lobbying the GC President on the need to ensure that the provisions in the Transitional Administrative Law (TAL) on who could qualify to stand for election to the Transitional National Assembly were not drawn too tightly and did not exclude junior Ba'athists or those who had been exempted by Dr Chalabi's Commission from standing for election.¹¹⁷ The development of the TAL is covered in Section 9.2.

¹¹⁵ Telegram 75 Washington to FCO London, 16 January 2004, 'Visit of the House of Commons Defence Committee to the US, 11-15 January'.

¹¹⁶ Statement Bremer, 18 May 2010, page 5.

¹¹⁷ Telegram 032 IraqRep to FCO London, 2 February 2004, 'Iraq: Political Process: TAL Update'.

132. On 4 February, in response to a question from Mr Llew Smith, Mr O'Brien told the House of Commons that:

“The process of de-Ba'athification is an Iraqi led process. Guidelines were announced by the Iraqi Governing Council on 11 January and provide a clear framework for this process. The Transitional Administrative Law, which will include the criteria for nomination to the Transitional National Assembly, is in the final stages of drafting. It is likely to follow the existing practice that nominees shall not have been a member of the dissolved Ba'ath Party at the rank of Division Member ... [the fourth tier of membership] or higher – unless exempted by the National De Ba'athification Commission – or a member of the past agencies of repression, or one who participated in the oppression of citizens.”¹¹⁸

133. The TAL published on 8 March contained the following restrictions on former members of the Ba'ath Party:

- Senior members (fourth tier and above) were not eligible to stand unless they had been successful in their appeal to the de-Ba'athification Commission.
- “Full” members would be required to renounce the Ba'ath Party and swear they had no further dealings or connections with Ba'athist organisations.¹¹⁹

134. In late March, Sir Jeremy Greenstock reported to the FCO in London, following a discussion between his staff and Ambassador Bremer, that:

“Bremer remains committed to de-Ba'athification but believes that Chalabi has abused the process by emphasising its retributive elements and ignoring the appeals procedures ... Given the fragile security situation ... Bremer is keen to make the process appear as independent and fair as possible.”¹²⁰

135. Sir Jeremy reported that Ambassador Bremer was considering taking responsibility for de-Ba'athification away from the GC, and giving it to an independent body. As a first step, he intended to write to Dr Chalabi, asking for changes to de-Ba'athification procedures.

136. In April, Mr Dominic Asquith, Deputy Chief Commissioner in the CPA, reported that Ambassador Bremer was seeking to expedite efforts to address Sunni concerns, in particular taking “steps designed to make the [de-Ba'athification] process appear less partisan by taking responsibility for the process away from Ahmed Chalabi ... he also wants blanket exemptions for teachers”.¹²¹

¹¹⁸ House of Commons, *Official Report*, 4 February 2004, column 907W.

¹¹⁹ Iraqi Transitional Administrative Law, 8 March 2004, Articles 31(B)(2) and (3).

¹²⁰ Telegram 107 IraqRep to FCO London, 25 March 2004, 'Iraq: de-Ba'athification progress'.

¹²¹ Telegram 181 IraqRep to FCO London, 21 April 2004, 'Iraq: Sunni Politics'.

137. There had been “opposition to Bremer’s ideas on de-Ba’athification on a local level” from Shia politicians. In addition, Mr Asquith reported that:

“Washington have also sought to hobble Bremer’s efforts. Principals prohibited him from giving a speech on 16 April outlining the new initiatives as part of a broader national reconciliation speech ... According to Bremer, senior US officials want the message delivered by an Iraqi, and failing that Rumsfeld.”

138. Ambassador Bremer made a speech in Baghdad addressed to the Iraqi people on 23 April.¹²² He said:

“... many Iraqis have complained to me that de-Ba’athification policy has been applied unevenly and unjustly. I have looked into these complaints and they are legitimate. The de-Ba’athification policy was and is sound. It does not need to be changed. It is the right policy for Iraq. But it has been poorly implemented.”

139. As a result, Ambassador Bremer announced that he had agreed with the Iraqi Ministers of Education and Higher Education, and with Dr Chalabi, that “decisions made by local appeals committees of the Ministry of Education will be effective immediately. This will allow thousands of teachers to return to work. Thousands more will begin receiving pensions this week.” Arrangements had also been put in place to speed up appeals that were still in the system.

140. General Sir John McColl, who served as the Senior British Military Representative – Iraq from April to October 2004, told the Inquiry that the adaptation of how de-Ba’athification was implemented was “a welcome development”.¹²³

141. On the eve of Ambassador Bremer’s speech, CNN quoted a State Department spokesman saying “we are working to try to develop an equitable solution to address the widely divergent activities of former Ba’athist party members.”¹²⁴ The same article also quoted Secretary Rumsfeld stating “the remnants of Saddam Hussein’s regime know they have no future in a free Iraq”.

142. The GC issued a statement on 25 April indicating that its policy on de-Ba’athification had not changed, nor was there any intention to change it.¹²⁵ It confirmed that the statements in Ambassador Bremer’s speech were “in agreement with the views of the Governing Council and with the Supreme National Commission on de-Ba’athification”. The statement continued:

“Even as the Governing Council draws attention to the positive work of the Supreme National Commission for De-Ba’athification, it notes the necessity of distinguishing

¹²² Speech L. Paul Bremer III, 23 April 2004, ‘Turning the Page’.

¹²³ Public hearing, 8 February 2010, pages 20-21.

¹²⁴ *CNN World*, 22 April 2004, *From ‘de-Ba’athification’ to ‘re-Ba’athification?’*

¹²⁵ Statement Governing Council, 25 April 2004.

between criminal Ba'athists and those Ba'ath Party members who were not criminals ...”

143. In late April, Sir David Manning reported from Washington that de-Ba'athification was featuring regularly in US media comment on Iraq:

“Most commentators have portrayed Bremer’s new instructions to the IGC as a long-overdue reversal of a fundamental error, and an attempt to clip Ahmed Chalabi’s wings. Chalabi put a different spin on the decision ... arguing that Bremer had not changed the policy, but had agreed with the de-Ba'athification Commission on the need to speed up the appeals process.”¹²⁶

144. On 20 May, during one of their regular video conferences, Mr Blair proposed to President Bush that they should look at the approach to de-Ba'athification.¹²⁷ He suggested that there were probably a few individuals who could play a role in “calming the Sunnis”.

145. Mr Richmond’s assessment, at the end of May, was that “implementation of Bremer’s initiative to alleviate the consequences of de-Ba'athification has been slow”.¹²⁸ However, the appeals process was working, and was having significant results in the education sector.

146. In higher education, there had been 1,681 appeals, of which 750 had been successful already and the remainder were expected to be granted shortly.

147. In the primary and secondary education sector, 12,000 employees had been removed under the de-Ba'athification rules, around 9,000 of whom were entitled to appeal. So far, 4,600 had appealed successfully and a further 1,300 successful appeals were expected by the end of the month, although there were significant variations between governorates: “Several southern governorates, including Najaf and Nasiriyah, have reported that local political and community groups blocked the appeals process.”

148. Set against that progress, there were not always jobs available for those who were reinstated. Within the university sector, a number of posts had been filled and vacancies no longer existed. Elsewhere, reinstated teachers were “facing competition for jobs from some 6,000 colleagues who had been removed by Saddam for political reasons and are now eligible to return to work”.

¹²⁶ Telegram 530 Manning to FCO London, 27 April 2004, ‘Iraq: The Public Debate, 26 April’.

¹²⁷ Letter Quarrey to Owen, 20 May 2004, ‘Prime Minister’s VTC with Bush, 20 May: Iraq’.

¹²⁸ Telegram 257 IraqRep to FCO London, 26 May 2004, ‘Iraq: de-Ba'athification Update’.

149. Mr Richmond observed that Dr Chalabi had “continued to try to interfere” and that the “patchy follow up” meant that “we are in danger of yet again appearing not to be delivering on our promises”. He cautioned that it might be necessary to revisit the original de-Ba’athification orders:

“... as they give a government broad scope to arrest and detain suspected Ba’athists for security purposes. Applied punitively, the order could legitimate the type of mass arrests already proposed by some serving ministers. This would have serious repercussions, especially among the Sunni community.”

150. In a debate in the House of Commons on 7 June, Mr Donald Anderson asked Mr Straw whether the Government supported a statement by Dr Allawi that “there should be greater progress towards finding places in the new Iraq for former Ba’athists who are not guilty of human rights abuses”.¹²⁹

151. Mr Straw told the House of Commons:

“As for progress on the absorption of former Ba’ath party members who are not implicated in the excesses of the regime, we strongly agree with Prime Minister Allawi, and that view is now shared by the United States Government.”

The Interim Iraqi Government

152. On 28 June 2004, the CPA formally handed over to a sovereign Iraqi Government. In the 11 months that followed, the governance of Iraq was the responsibility of the Interim Iraqi Government (IIG), headed by Prime Minister Ayad Allawi. The process of establishing the IIG, and its membership, is described in Section 9.3.

153. On 30 June, the Joint Intelligence Committee (JIC) assessed that:

“Former Ba’athists are attempting to reorganise both military and political structures. The attitude of the IIG to former Ba’athists will be key in gaining support in Sunni Arab areas and discouraging hardliners from attacking the political process or coalescing with Islamist terrorists. But Allawi’s efforts to draw Ba’athists into the political process will need to be carefully judged if he is to avoid alienating the Shia.”¹³⁰

154. On 1 July, Saddam Hussein and 11 other senior Ba’athists appeared in front of an Iraqi court convened at the Camp Victory court martial facility in Baghdad.¹³¹

¹²⁹ House of Commons, *Official Report*, 7 June 2004, column 26.

¹³⁰ JIC Assessment, 30 June 2004, ‘Iraq Security’.

¹³¹ Telegram 006 Baghdad to FCO London, 1 July 2004, ‘Iraq: High Value Detainees: First Court Appearance’.

155. The presiding judge advised all 12 of the crimes they were accused of having committed. Mr Chris Segar, Head of the British Office Baghdad, reported that:

“... under Iraqi law this was a first step in which the accused is informed that there are allegations against him which deserve investigation, which allow for continued detention and that he has a right to legal counsel.”

156. On 2 July, the Cabinet Office Assessments Staff told Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, that there were indications that former Ba'athist groups were planning targeted attacks on Iraqi Government ministers.¹³²

157. On 5 July, the Assessments Staff provided Sir Nigel with statistics on the number of attacks against the Multi-National Force (MNF) and Iraqi targets.¹³³ It was too early to judge the lasting impact of creating the IIG on the security situation.

158. On 12 July, Mr Hoshiyar Zebari, the new Iraqi Foreign Minister, told a meeting of EU Foreign Ministers that:

“The original policy of de-Ba'athification has been right but too generalised. He had ex-Ba'athists in his ministry though not those who had been involved in intelligence or atrocities. Ex-Ba'athist insurgents were now in isolated groups. They did not represent a coherent force.”¹³⁴

159. In one of its regular assessments of security in Iraq, the JIC judged on 21 July that Prime Minister Allawi had achieved only limited success in his attempts to bring former Ba'athists “on board”.¹³⁵ In the absence of a single Ba'athist organisation with which to negotiate, that would remain the case. Reports of plans to carry out assassinations, including of IIG members, continued.

The Amnesty Order

160. In early August, Prime Minister Allawi signed an order that offered amnesty to those who had played more minor roles in Iraq's insurgency between 1 May 2003 and 7 August 2004.¹³⁶ Mr Asquith reported:

“Amnesty is only provided to Iraqis and only for a limited number of terrorism-associated crimes: possession of certain firearms and explosives, the harbouring of terrorists or the failure to inform the authorities of known terrorist groups.”

¹³² Minute Dowse to Sheinwald, 2 July 2004, 'Iraq Update – 2 July'.

¹³³ Minute Dowse to Sheinwald, 5 July 2004, 'Iraq Attack Statistics'.

¹³⁴ Telegram COREU CFSP/Sec/1509/04, 12 July 2004, 'COMIN-COPOL – Foreign Ministers' Lunch with Iraqi Foreign Minister Mr Zibari'.

¹³⁵ JIC Assessment, 21 July 2004, 'Iraq Security'.

¹³⁶ Telegram 112 Baghdad to FCO London, 9 August 2004, 'Iraq: Amnesty Law and Death Penalty Announced'.

161. A second order was also announced which re-introduced the death penalty for around 30 crimes. Most of those crimes related to actions which resulted in the death of another person, but the list also included:

“... where there has been an armed uprising against the armed forces; where an armed uprising aims to invade another country or seize public property; and the distribution of narcotics with the aim of aiding those trying to overthrow the Government by force. It also introduces a law that imposed the death penalty on kidnappers who seek to broadcast pictures of their victims.”

162. Mr Asquith judged that the order “reflected Allawi’s belief that the insurgents needed to have brought home to them the consequences of their actions”.

163. *USA Today* reported that in relation to the amnesty order:

“Allawi said:

“This order has been established to allow our citizens to rejoin civil society and participate in the reconstruction of their country and the improvement of their lives, instead of wasting their lives pointlessly towards a lost cause ...

“Iraqi officials had earlier said the amnesty might extend to those who had killed US and other coalition troops.”¹³⁷

164. FCO officials had seen a draft of the amnesty order in July at which point it covered “both Iraqis and foreigners”.¹³⁸

165. On 9 August, Mr Asquith reported to the FCO that Prime Minister Allawi had been “reaching out to Ba’athists inside and outside the country”.¹³⁹ Some had been prepared to talk but “there was too little time before [elections in] January to put in place a political party that could represent them and be accepted by the rest of Iraq”.

166. During a discussion with Sir Nigel Sheinwald on 8 September, Prime Minister Allawi reported “variable success” on drawing people away from the insurgency.¹⁴⁰ He explained: “The Sunni should not feel they had lost power. Some would help to resist radical Islamist forces if they were brought back into the fold.”

167. When Mr Blair visited Iraq 11 days later, Prime Minister Allawi told him that he had spoken to “a number of ex-Ba’athists in the region – Yemen, UAE and Jordan. They were ready to talk.”¹⁴¹ He hoped that a conference would be convened in Jordan to make it clear that they were ready to “move on and re-engage”.

¹³⁷ *USA Today*, 7 August 2004, *Iraq passes amnesty law for minor players in insurgency*.

¹³⁸ Minute Cabinet Office [junior official] to Sheinwald, 13 July 2004, ‘Iraq Strategy Group’.

¹³⁹ Telegram 107 Baghdad to FCO London, 9 August 2004, ‘Iraq: Security: Prime Minister’s Views’.

¹⁴⁰ Letter Quarrey to Owen, 9 September 2004, ‘Nigel Sheinwald’s meeting with Allawi, 8 September’.

¹⁴¹ Letter Sheinwald to Adams, 19 September 2004, ‘Iraq: Prime Minister’s Meeting with Prime Minister Allawi, Sunday 19 September’.

168. On 7 October, the JIC assessed that:

“A number of former senior Ba’athists formed the New Regional Command (NRC) in the early summer, based in Damascus with members in Iraq, Lebanon, Jordan and the Gulf states. The NRC maintains links to a number of insurgent groups and may provide some strategic military and political direction and funding. But the scope and scale of its influence is not clear and, whatever its aspirations, the NRC has not yet developed a coherent or widespread Sunni following. Many, if not most, Sunni Arab insurgents are happy to oppose the coalition but are not part of any efforts to reinvigorate the Ba’ath party.”¹⁴²

169. On 11 October, Mr Straw’s Private Secretary told Mr Blair’s Private Secretary that:

“We plan to work on Iraq’s neighbours to support Allawi’s efforts to detach former Ba’athists from the insurgency and persuade them to run for elections. Allawi told us in London that he was hoping to arrange a conference of former Ba’athists in Amman in October.”¹⁴³

170. At the end of October, the JIC assessed that:

“Intelligence indicates a number of former Ba’athist groups are operating, but not necessarily in a co-ordinated fashion.”¹⁴⁴

171. On 11 November, the JIC reported that although there was no overall co-ordination of the insurgency:

“Some intelligence suggests that the Syria-based Ba’athist new Regional Command is becoming more influential.”¹⁴⁵

A draft new de-Ba’athification Order

172. On 4 December, the British Embassy Baghdad sent the FCO an account of a meeting between Mr Gavin Hood, the Embassy’s Legal Adviser, and Dr Fadel Jamal Kadhum, Legal Adviser to Prime Minister Allawi.¹⁴⁶ They had discussed a new de-Ba’athification Order.

173. The report of the meeting said that the effect of CPA Orders No.1, 2 and 5 had been to remove an estimated 35,000 people from their posts, of whom 15,000 had so far been allowed to return. A further 700 had been offered retirement and 8,000 applications for “rehabilitation” remained outstanding. Dr Chalabi’s Commission had removed a further 3,000 individuals from office.

¹⁴² JIC Assessment, 7 October 2004, ‘Iraq Security: External Support for Insurgents’.

¹⁴³ Letter Owen to Quarrey, 11 October 2004, ‘Iraq: Contingency Planning’.

¹⁴⁴ JIC Assessment, 27 October 2004, ‘Iraq: A Long Term Insurgency Problem’.

¹⁴⁵ JIC Assessment, 11 November 2004, ‘Iraq Security – Current Concerns’.

¹⁴⁶ eGram 452 Baghdad to FCO London, 4 December 2004, ‘Iraq: ‘Re-Ba’athification’.

174. Prime Minister Allawi's Legal Adviser told Mr Hood that the new Order had been drafted on the instructions of Prime Minister Allawi, who judged that returning to public service might prevent thousands of disaffected former Ba'athists supporting the insurgency. The philosophy behind the Order was "punish an individual for their crimes and not their ideology". It had been approved by the Council of Ministers but not yet by the President and was unlikely to be signed before the election.

175. The draft Order, which Mr Hood was not shown, was said to:

- disband the de-Ba'athification Commission;
- allow all those removed by the CPA to return to their posts, unless that post was judged to be sensitive or senior (Director General and above) or they were found to have committed a "crime against the Iraqi people" (undefined); and
- establish a new judicial Commission to investigate allegations of such crimes.

176. The report ended:

"Allawi right to see some modification of the de-Ba'athification process as a necessary part of promoting national unity, but amending the rules can only be credibly done by some form of elected government and preferably as part of a wider initiative on transitional justice."

177. In the form described, the Embassy judged that the Order would "lead to an outcry from across Iraqi society" with vigilantism expected to follow.

178. After visiting Iraq in December 2004, Mr Dominic Asquith, FCO Iraq Director, commented that in order to achieve political reconstruction and Iraqiisation by early 2006:

"One answer is gradually to incorporate – if necessary into the less sensitive areas to begin with – experienced Ba'athists (ex or otherwise) prepared to opt into government and security structures, separating 'those who served' from 'those who served the previous regime', while ensuring the appointments survive the transition to the new government. Established vetting procedures will be key, but the work done by British experts in CPA days has strangely disappeared from view."¹⁴⁷

Former Ba'athists and the Sunni insurgency

179. In January 2005, the Defence Intelligence Staff judged:

"Within the Arab Sunni community there are a number of former senior military officers and Ba'ath Party officials who remain intrinsically opposed to anything other than the full restoration of the Ba'ath Party and, in many cases, their own positions of power. Prominent among this group are the New Regional Command (NRC), but there are probably further independent actors and organisations not yet identified ...

¹⁴⁷ Minute Asquith to Owen, 20 December 2004, 'Visit to Iraq, 13-17 December'.

It is important to note that the majority of former regime elements and Ba'athists may not be 'restorationists'.¹⁴⁸

180. On 19 January, the JIC assessed that Sunni turnout in elections might be as low as one-third of the eligible voters, which would give a disproportionately low representation to Sunni Arabs in the elected institutions.¹⁴⁹ The policy implication of this was, in the JIC's view, that "Sunni outreach will need to intensify after the elections to ensure that Sunnis do not opt out of the political and constitutional drafting process altogether".

181. In early February, the JIC judged that the "hard core and most effective" Sunni Arab insurgents were former Ba'athists, but the bulk of those involved were simply disaffected Iraqis "most of whom probably have no long-term political objectives".¹⁵⁰

The Transitional National Assembly's de-Ba'athification policy

182. Elections for the Transitional National Assembly (TNA) and for Provincial Assemblies took place across Iraq on 30 January 2005.¹⁵¹ Results were announced on 13 February.¹⁵²

183. On 7 April, the Assembly elected its first Speaker and swore in the future Presidential Council and Prime Minister, Dr Ibrahim al-Ja'afari, of the Dawa Party.¹⁵³ Prime Minister Designate Ja'afari presented the majority of his Cabinet to the TNA for ratification on 28 April and took office on 3 May.¹⁵⁴ The elections and their outcome are described in more detail in Section 9.3.

184. On 23 February, Mr Tim Torlot, Deputy Head of Mission at the British Embassy Baghdad, called on Dr Ja'afari and explained that the UK saw merit in a "National Reconciliation Conference" which might demonstrate the Transitional Government's commitment to a fully inclusive political process.¹⁵⁵ Dr Ja'afari endorsed the idea, but preferred "National Dialogue Conference" because:

"... too many people now associated the word 'reconciliation' with co-operation with former Ba'athists or criminals. Such a meeting could involve anyone who was prepared to renounce violence."

185. A UK strategy for Iraq in 2005 co-ordinated by the Cabinet Office in February 2005 suggested that "resolving the **de-Ba'athification** dilemma to allow Security Sector

¹⁴⁸ Report DIS, 7 January 2005, 'Nature of the Insurgency in Iraq'.

¹⁴⁹ JIC Assessment, 19 January 2005, 'Iraq: Elections Update'.

¹⁵⁰ JIC Assessment, 3 February 2005, 'Iraq: Insurgency and Counter-Insurgency'.

¹⁵¹ Public hearing Chaplin, 7 December 2009, page 12.

¹⁵² Telegram 99 Baghdad to FCO London, 13 February 2005, 'Iraq: Provisional Election Results'.

¹⁵³ *BBC News*, 7 April 2005, *Talabani: Iraq's pragmatic new leader*.

¹⁵⁴ eGram 3590/05 Baghdad to FCO London, 28 April 2005, 'Iraq: New Cabinet Ratified by the TNA'.

¹⁵⁵ Telegram 114 Baghdad to FCO London, 23 February 2005, 'Iraq: Call on Ja'afari, UIC Nominee for Prime Minister, 23 February'.

Reform to work” was a key element of supporting the Iraqi Security Forces to deliver security.¹⁵⁶ The strategy also recommended that the UK should “encourage the ITG [Iraqi Transitional Government] to relax the rules on de-Ba’athification as a way of drawing disaffected former Army officers and officials back into the system”.

186. In early March, senior US and UK officials discussed the strategy for Iraq in 2005.¹⁵⁷ They identified that, in order to modify the current policy, “one option might be to shift de-Ba’athification from a political to a quasi-judicial process”. Mr Asquith said that de-Ba’athification was likely to be on the agenda of the new government at an early stage and so “we should start engaging the likely key players ... at this stage before their views became settled”.

187. A few days later, Mr Charles Heatly (a No.10 Press Officer who had returned from a secondment in Iraq, where he had been working in Prime Minister Allawi’s office) advised Mr Blair that one of the key points for UK engagement with the new government should be: “Minimising the fall-out from de-Ba’athification etc. On our side, we should continue to monitor carefully, and advise caution.”¹⁵⁸

188. In late March, Mr Straw also identified the “enormous damage that could be done to efforts at outreach by a significant renewal of the de-Ba’athification drive” as one of the messages being given to the United Iraq Coalition, which had gained the highest number of seats in January’s election.¹⁵⁹

The new Government takes office

189. On 6 May, Mr Chaplin reported to the FCO on prospects for Prime Minister Ja’afari’s government.¹⁶⁰ He identified “how to square the zeal for renewed de-Ba’athification in the army, police and ministries with maintaining effective forces to fight the insurgency” as an early challenge. Mr Chaplin reported assurances from Prime Minister Ja’afari that he would only pursue individuals “who have crimes to answer for”.

190. On 5 July, Mr Straw wrote to Mr Blair about the Iraqi Constitution.¹⁶¹ He reported that the timetable remained “tight, but doable”. The UK would need to maintain pressure on the drafters and senior Iraqi politicians to stick to the principle of consensus and work towards agreement of a document which reflected the values and aspirations of all Iraqis.

191. Sunni involvement in the Committee established to draft a new Constitution for Iraq is addressed in Section 9.3.

¹⁵⁶ Paper Cabinet Office, 7 February 2005, ‘Iraq: Strategy for 2005’.

¹⁵⁷ Minute Fergusson to Sheinwald, 2 March 2005, ‘Iraq: VTC Meeting with NSC/Department of State/Pentagon 28 February 2005’.

¹⁵⁸ Minute Heatly to Prime Minister, 10 March 2005, ‘Iraq: Risks and Media Impact’.

¹⁵⁹ Minute Straw to Prime Minister, 24 March 2005, ‘Iraq: Ad Hoc Ministerial Meetings’.

¹⁶⁰ eGram 4045/05 Baghdad to FCO London, 6 May 2005, ‘Iraq: Prospects for the Ja’afari Government’.

¹⁶¹ Letter Straw to Prime Minister, 5 July 2005, ‘Iraq: Constitution’ attaching Paper RAD, June 2005, ‘Constitutional Issues’.

192. Mr Straw enclosed with his letter a paper produced by the FCO Research Analysts which set out the substantive issues that the Iraqi Constitution needed to address, including:

- language on how the Constitution could be amended; this was particularly important given concern among Sunni Arabs that they had not had sufficient involvement in the development of the Constitution; and
- de-Ba'athification – in the interests of national unity, the UK wanted to ensure these provisions did not become “more draconian” than the existing provisions in the Transitional Administrative Law.

193. The paper stated:

“Substantive moves towards a ‘truth and reconciliation process’ or further amendments to the policy of de-Ba'athification should be dealt with outside the Constitution.”

194. Under the heading “The detail”, FCO Research Analysts explained that the Transitional Administrative Law said that no candidate for the Transitional National Assembly should have been a Division member of the Ba'ath Party, unless they had been given specific exemption to stand. They must not have participated in persecution. Members of the Presidency Council must also have left the Ba'ath Party at least 10 years before the fall of Saddam Hussein.

195. Adherence to these criteria by the main Shia and Kurdish political blocs had meant rejection of several Sunni Arabs for positions, which has “caused some resentment”.

196. On 12 July, Mr William Patey, successor to Mr Chaplin as British Ambassador to Iraq, reported that Grand Ayatollah al-Sistani¹⁶² had told the UN Special Representative to Iraq that “it would be important to maximise Sunni inclusion. The only people who should be excluded were criminals and former members of the regime.”¹⁶³

197. In mid-July the JIC assessed the state of the insurgency in Iraq, at the request of the Cabinet Office.¹⁶⁴ It judged that the bulk of Iraqi insurgents were Sunni Arabs but did not see evidence of a unified or national command structure:

“The Iraqi Sunni Arab insurgency remains characterised by disparate groups, some based on family, tribal and religious links. Many have former regime connections, and military expertise is widely exploited. But we judge the influence of recalcitrant Ba'athists, including the Ba'ath Party's military wing, Jaysh Muhammad, to be marginal.”

¹⁶² Iraq's most senior Shia theologian.

¹⁶³ eGram 8781/05 Baghdad to FCO London, 12 July 2005, ‘Iraq: UNSRSG meets Sistani and Muqtada al Sadr’.

¹⁶⁴ JIC Assessment, 14 July 2005, ‘Iraq: State of the Insurgency’.

198. In a separate Assessment covering the effectiveness of efforts to engage with Iraq's Sunni Arab communities, the JIC judged that "The Iraqi Ba'ath Party, now based in Damascus, has no obvious support base within Iraq."¹⁶⁵

199. The JIC also assessed that "perceptions that ministries are being purged of Sunnis under the banner of de-Ba'athification" were "exacerbating tensions".

200. The Iraq Sub-Committee of the Defence and Overseas Policy Committee (DOP(I)) considered a paper on 18 July entitled "Iraq: Splitting the Jihadists from the National Opposition".¹⁶⁶ It had been written by the FCO and was presented by Mr Patey.

201. The paper described jihadists as "principally foreigners, but an increasing number of Iraqis". Its recommendations included:

- continuing to demonstrate inclusivity in the drafting of the Constitution, committing to the timetable set out in the TAL, and being prepared to intervene if necessary;
- ensuring that the system used in the December elections was province-based in order to maximise Sunni Arab participation; and
- pressing the ITG to relax the de-Ba'athification rules to allow disaffected former Army officers and officials back into the ISF and government institutions, and ensuring that de-Ba'athification decisions were based in a legal framework rather than a political one.

202. These were to be accompanied by a strong media strategy, aimed at undermining the jihadists' "un-Islamic" message, and active engagement with neighbouring States.

203. DOP(I) agreed the broad approach proposed by the FCO.¹⁶⁷

De-Ba'athification in the Iraqi Constitution

204. In an update on the Iraqi Constitution sent to the FCO on 25 July, Mr Patey advised that the first full draft contained "two unnecessary and unhelpful mentions of Ba'athism: 'Saddamist Ba'athist' thinking is prohibited and nominees for the National Assembly must not have been covered by de-Ba'athification law."¹⁶⁸

205. Mr Patey considered that it would be "better and more conducive to national reconciliation if both references were to be dropped".

206. A note by the IPU on 24 August said that the UK was pushing for an article on de-Ba'athification to be deleted "in order to increase the chances for Sunni buy-in".¹⁶⁹ Shia representatives were keen to retain the section "believing it would make it harder

¹⁶⁵ JIC Assessment, 14 July 2005, 'Iraq: Outreach to Sunni Arabs'.

¹⁶⁶ Paper FCO, 18 July 2005, 'Iraq: Splitting the Jihadists from the National Opposition'.

¹⁶⁷ Minutes, 21 July 2005, DOP(I) meeting.

¹⁶⁸ eGram 9738/05 Baghdad to FCO London, 25 July 2005, 'Iraq: Constitution Update, 25 July 2005'.

¹⁶⁹ Paper IPU, 24 August 2005, 'Iraq: Constitution: Analysis'.

for the de-Ba'athification Commission to be dissolved". The IPU observed that this belief was mistaken, since dissolution of the Commission was a decision for the National Assembly.

207. Mr Patey told the FCO that he had lobbied President Jalal Talabani and Mr Abdul Aziz al-Hakim, leader of the UIA/SCIRI, for the removal of reference to the de-Ba'athification Commission.¹⁷⁰

208. Mr Patey also suggested to Prime Minister Ja'afari and Mr Masoud Barzani, leader of the Kurdistan Democratic Party, that "If mention of the de-Ba'athification Commission could not be removed perhaps there could be some reference to indicate that the process would be a judicial one".¹⁷¹

209. Secretary Rice told Mr Straw on 24 August that reference to the de-Ba'athification Commission appeared to have been "dropped".¹⁷²

210. On 28 August, Mr Patey reported to the FCO on the substance of the new Constitution which had been presented to the National Assembly.¹⁷³ He commented:

"The spectre of de-Ba'athification continues to haunt the text although such references were heavily diluted in efforts to meet Sunni concerns ..."

211. Mr Patey observed that the preamble to the Constitution made an important distinction between "the dictator's regime and the mainstream Ba'ath Party" and recognised that Sunnis had suffered with other Iraqis under Saddam. But extremist groups, which included "Saddamists" were prohibited.

212. Sir William Patey told the Inquiry:

"We spent a lot of time ... trying to convince the transitional government and the Shia politicians that de-Ba'athification had gone too far, that the de-Ba'athification commission was being abused. It was being used as a tool to further political ends rather than save Iraq from a return of the Ba'ath. Now, that is not an argument that was accepted very readily by Shia, who had a visceral fear of the Ba'athists and saw Ba'athists in most places. So we had limited success. We were arguing for the de-Ba'athification provisions to be excluded from the Constitution. We managed to get them watered down, we managed to get them reviewed."¹⁷⁴

¹⁷⁰ eGram 11744/05 Baghdad to FCO London, 24 August 2005, 'Iraq: Constitution: Getting Sunni Arab Buy-In'.

¹⁷¹ eGram 11834/05 Baghdad to FCO London, 25 August 2005, 'Iraq: Constitution: Some Prospect of Changes to Draft to Accommodate Key Sunni Arab Concerns'.

¹⁷² Minute Siddiq to Sawers, 24 August 2005, 'The Foreign Secretary's conversation with the US Secretary of State, 24 August'.

¹⁷³ eGram 12004/05 Baghdad to FCO London, 28 August 2005, 'Iraq: Constitution: Worth Waiting For'.

¹⁷⁴ Public hearing, 5 January 2010, pages 6-7.

213. Mr Straw and Secretary Rice discussed the Constitution on 29 August.¹⁷⁵ Dr Rice highlighted that the process against Ba’athists set out in the Constitution was “on an individual basis rather than simply on proof of party membership” and described that as “a very big concession”. To deal with fears about individuals being victimised, they discussed a potential international review body which would consider the decision-making process, but not re-hear cases.

214. Mr Straw recorded that he had asked for some work to be done on this idea, and asked Mr Patey to discuss the concept with Ambassador Khalilzad.

215. At the end of August, the US Red Team published its “Integrated Counterinsurgency Strategy for Iraq”.¹⁷⁶ It stated that one of the conditions for a successful counter-insurgency campaign was to:

“Work with Iraqi leaders in the next government to continue progress in increasing political accommodation and effective cooperation to solve specific policy challenges. Place priority on finalizing and implementing agreements to redress key divisive issues (e.g. de-Ba’athification, professionalizing ISF institution etc.)”

216. UK responses to the Red Team’s report are described in Section 9.3.

217. On 12 October, the IPU reported that broad agreement had been reached on changes to the draft Constitution, including provisions on de-Ba’athification.¹⁷⁷ Those amendments (to Article 131) were:

- Membership of the Ba’ath Party alone would not be considered sufficient basis for prosecution. Members would enjoy equality and protection under the law unless they were covered by “the provisions of de-Ba’athification and the orders issued under it”.
- The Council of Representatives would form a committee to monitor and review acts of the de-Ba’athification Commission.

218. Alongside other measures, the IPU commented that these changes might “help significantly increase the overall vote in favour of the Constitution”.

219. An IPU paper on Sunni outreach dated 27 October referred to the same amendments as “a step forward” and proposed that the UK should “give our assurance that we will push hard for implementation of Article 131 in the next Parliament in a way which allows non-criminal ex-Ba’athists into government service”.¹⁷⁸

220. In an update on Sunni outreach two weeks later, the IPU described the shared UK and US goal on de-Ba’athification as “to persuade the Iraqis to repeal

¹⁷⁵ Letter Straw to Sheinwald, 30 August 2005, ‘Conversation with US Secretary of State, 29 August’.

¹⁷⁶ Report Red Team, 31 August 2005, ‘An Integrated Counterinsurgency Strategy for Iraq’.

¹⁷⁷ Paper IPU, 12 October 2005, ‘Amendments to the Draft Iraqi Constitution’ attaching ‘Further Amendments to the Draft Iraqi Constitution’.

¹⁷⁸ Paper IPU, 27 October 2005, ‘Sunni Arab Outreach’.

the de-Ba'athification Law and abolish its enforcement mechanism, the Supreme de-Ba'athification C [sic] Commission".¹⁷⁹ The British and US Embassies in Baghdad were reported to be "working up ... a gameplan" and Mr Straw would take Prime Minister Ja'afari through the arguments.

221. On 21 November, Mr Asquith commented on a research paper on Iraq by an external organisation.¹⁸⁰ He wrote:

"Tackling de-Ba'athification is very important, but I'm not sure that just changing the level of the bar is sufficient: those inside Iraq are more interested in making a distinction between those who can be prosecuted for criminal acts, not merely membership in or association with the Ba'ath party. Key in all this will be a credible and independent body to adjudicate."

Election preparations

222. On 27 November, Mr Doug Wilson, an official in the British Embassy Baghdad sent a report to Mr Patey of a briefing by the Independent Electoral Commission of Iraq's (IECI) International Commissioner, Mr Craig Jenness.¹⁸¹ Mr Wilson wrote that the IECI had sent the names of around 7,000 electoral candidates to the de-Ba'athification Commission for checking. Having considered 70 percent of those names, the Commission had recommended that 67 individuals be disqualified, including some senior politicians. Mr Wilson proposed that the US and UK should lobby Dr Chalabi.

223. A message from the British Embassy Baghdad to the FCO on 29 November stated that the UK and US had encouraged the IECI "to adopt a process which allows them to reject the rulings of the de-Ba'athification Commission and retain most of the names on the electoral lists".¹⁸² Mr Patey had lobbied senior members of the TNA to allow those recommended for disqualification to run and commented that "with the US, we will co-ordinate an approach to seek the Commission to reverse its decisions".

224. Mr Patey called on Dr Chalabi on 30 November to convey concerns about the involvement of the de-Ba'athification Commission in vetting electoral candidates, which he explained was likely to be seen as political interference.¹⁸³ He suggested that there should instead be "due judicial process" for those identified, whose names ought to stay on the electoral lists until their appeal had been dealt with.

225. In response, Dr Chalabi reminded Mr Patey that the Commission had no authority to ban any candidate. Its remit was to identify those covered by the

¹⁷⁹ Paper IPU, 10 November 2005, 'Sunni Arab Outreach: Update as of 10 November 2005'.

¹⁸⁰ Email Asquith to Hilder, 21 November 2005, 'Iraq: Org Draft'.

¹⁸¹ Email Wilson to Patey, 27 November 2005, 'Elections: de-Ba'athification'.

¹⁸² eGram 19506/05 Baghdad to FCO London, 29 November 2005, 'Iraq: Elections: de-Ba'athification Affects Candidates'.

¹⁸³ eGram 19906/05 Baghdad to FCO London, 5 December 2005, 'Iraq: Elections: de-Ba'athification of Candidates: Update'.

de-Ba'athification Law; it was for the IECI to determine eligibility, accepting or rejecting the de-Ba'athification Commission's recommendation as they saw fit.

226. Mr Patey subsequently briefed the UN Special Representative and the IECI International Commissioner on his meeting with Dr Chalabi. They explained that the IECI was in some difficulty since it had to be seen to be acting in accordance with Iraqi law: CPA Order No.1 and the Electoral Law both said that anyone covered by de-Ba'athification could not stand for election. The IECI therefore had little choice but to accept the de-Ba'athification Commission's recommendations.

227. By 1 December, the number of individuals recommended for disqualification by the de-Ba'athification Commission had risen to 134.¹⁸⁴

228. A message from the IPU setting out Iraq policy priorities for the week ahead recorded that Mr Straw had raised de-Ba'athification with Secretary Rice.¹⁸⁵ They had agreed that the de-Ba'athification Commission was "acting in a way which ran entirely counter to our efforts on outreach" and that they would lobby Dr Chalabi in his capacity as Chairman of the Commission.

229. Sir Nigel Sheinwald raised UK concerns that de-Ba'athification might disrupt the elections with Mr Stephen Hadley, the US National Security Advisor, on 2 December.¹⁸⁶ Sir Nigel said: "It would be much better to leave this until after the election and decide then whether anyone should be prevented from taking up their seat because their background infringed the Constitution." He suggested that it would be helpful for the US to talk to Dr Chalabi.

230. On 5 December, Mr Blair's Private Secretary told Mr Blair:

"We are working with the US to reverse a decision by the de-Ba'athification Commission to bar a number of former Ba'athists (both Shia and Sunni) from standing in the election ... It looks like a brazenly partisan move, and deeply unhelpful."¹⁸⁷

231. In a conversation with President Bush the same day, Mr Blair suggested that the US and UK needed to keep a close eye on the actions of the outgoing Government, including the de-Ba'athification Commission.¹⁸⁸

¹⁸⁴ eGram 19784/05 UKMIS New York to FCO London, 1 December 2005, 'Iraq: UK-US-UN Trilateral: 1 December'.

¹⁸⁵ eGram 19874/05 FCO London to Baghdad, 2 December 2005, 'Iraq: Policy Priorities for the Week Beginning Saturday 3 December'.

¹⁸⁶ Letter Sheinwald to Hayes, 2 December 2005, 'Conversation with US National Security Adviser, 2 December'.

¹⁸⁷ Minute Phillipson to Prime Minister, 5 December 2005, 'VTC with President Bush, 1425 5 December'.

¹⁸⁸ Letter Quarrey to Siddiq, 5 December 2005, 'Prime Minister's VTC with President Bush: Middle East'.

232. Also on the same day, the IPU instructed the UK Permanent Mission to the UN in New York to press the UN to support the UK position on de-Ba'athification of electoral candidates.¹⁸⁹ The IPU described the best solution as:

“... for the IECI to (i) note the DBC's submission of a list, (ii) make clear that the submission had come at a very late stage and that it would not be possible to go through the required appeals process before the election, (iii) commit therefore to process the list after the elections, after going through the necessary appeals process.”

233. Sir Emyr Jones Parry, UK Permanent Representative to the UN in New York, replied the same day to say that he had spoken to Mr Kofi Annan, the UN Secretary-General, who was “sympathetic” to processing the de-Ba'athification list after the election and intended to send instructions to Mr Ashraf Jehangir Qazi, his Special Representative.¹⁹⁰

234. Mr Annan's Chef de Cabinet confirmed later in the day that Mr Annan had spoken to Mr Qazi “who had also agreed on the need to find a way forward that allowed participation”.

235. On 6 December, officials from the British Embassy Baghdad met Mr Jenness to discuss action on de-Ba'athification.¹⁹¹ Of the de-Ba'athification Commission's initial list of 218 candidates, there remained 120 individuals at risk of being removed from the candidate lists. A further 83 individuals would be required by the Commission to sign a disavowal of Ba'athism. The remaining 15 were not mentioned.

236. Mr Patey reported that Mr Jenness remained concerned for the IECI's legal position, but wanted to find solutions that allowed participation in the elections. They agreed that the IECI would publish non-final candidate lists (including the remaining 120 names) immediately, to test the reaction from the de-Ba'athification Commission's supporters, and that it would write to the three-man Presidency Council asking for guidance and explaining that the IECI would not remove candidates from the lists without its agreement. The candidate lists were published that evening.

237. Mr Patey wrote: “This issue has underscored the need to look ahead to the arduous but urgent task of securing reform of the de-Ba'athification Law.”

238. The IPU observed on 9 December that there had been “little or no public reaction to the inclusion in the list of candidates named by the de-Ba'athification Commission

¹⁸⁹ eGram 19989/05 IPU to Baghdad and UKMIS New York, 5 December 2005, 'Iraq: Elections: De-Ba'athification of Candidates'.

¹⁹⁰ eGram 20001/05 UKMIS New York to FCO London, 5 December 2005, 'Iraq: Elections: de-Ba'athification of Candidates'.

¹⁹¹ eGram 20199/05 Baghdad to FCO London, 7 December 2005, 'Iraq: Elections: De-Ba'athification of Candidates: Progress'.

in their [the IECI's] list".¹⁹² As a result, if the government supported the Commission's recommendations, it would be seen as a political decision and was "potentially very divisive". The IPU suggested that Mr Straw should seek Prime Minister Ja'afari's agreement to putting de-Ba'athification on hold until after the elections, when it could be "addressed by a new, and fully representative, national assembly and government".

239. On 12 December, the British Embassy Baghdad reported that the IECI had issued a statement setting out why it would not be removing any candidates from the electoral lists as a result of their identification as Ba'athists by the de-Ba'athification Council.¹⁹³ Prime Minister Ja'afari had responded to the IECI's request for guidance in support of that decision.

De-Ba'athification after the 2005 Iraqi election

240. A "Work Plan" for the post-election period, drafted by the IPU in December 2005, said that the UK needed to:

"Press for early review of de-Ba'athification Commission (as provided for under Constitution) and continue to stall de-Ba'athification of (successful) electoral candidates".¹⁹⁴

241. Once elections had taken place, Mr Straw spoke by telephone to President Talabani on 21 December.¹⁹⁵ He emphasised that:

"... the process of de-Ba'athification should not be allowed to derail the formation of a new Government. It was important that Sunni Arabs did not feel excluded, with the risk that the insurgency would continue and escalate to civil war."

242. Mr Straw made similar points in a call to Mr Barzani the following day, explaining UK concern about "overzealous de-Ba'athification" and stressing the need for a consensus government with Sunni representation.¹⁹⁶

243. On 24 December, the British Embassy Baghdad reported the outcome of the case brought by the de-Ba'athification Commission against the IECI.¹⁹⁷ The Transitional Electoral Panel found against the IECI, which consequently decided to remove all the candidates identified by the Commission from their party lists. The British Embassy Baghdad reported that this would affect three individuals who would otherwise have taken up a seat at governorate level, and others who were candidates for national seats.

¹⁹² Submission IPU [junior official] to Foreign Secretary, 9 December 2005, 'Iraq: Human Rights/ De-Ba'athification: Telephone Call to Prime Minister Ja'afari'.

¹⁹³ eGram 20573/05 Baghdad to FCO London, 12 December 2005, 'Iraq: Elections: Final Preparations'.

¹⁹⁴ Paper IPU, 16 December 2005, 'Iraq: Post-Election: UK Work Plan'.

¹⁹⁵ Email Wilson to Asquith, 22 December 2005, 'Foreign Secretary's Call to Talabani: 21 Dec'.

¹⁹⁶ Email Wilson to Asquith, 22 December 2005, 'Foreign Secretary's Call to Barzani, 22 December'.

¹⁹⁷ eGram 21681/05 Baghdad to FCO London, 28 December 2005, 'Iraq: Elections: Results'.

244. At the end of December 2005, the British Embassy Baghdad wrote to the FCO to describe conversations with Iraqi and US officials about the possibilities for reform of the de-Ba'athification Commission.¹⁹⁸

245. The Embassy described the Commission as “an inherently political body”, and said that there was no real prospect of appeal against its decisions. The new Constitution offered a potential opportunity to reform the de-Ba'athification Law, but also the risk of deepening existing divisions. Article 134(6) obliged the Council of Representatives to establish a committee to review acts of the de-Ba'athification Commission and government agencies. In the Embassy's opinion that was “a real opportunity to set in motion concrete reform of the DBC”.

246. Although “the ultimate goal” was repeal of the de-Ba'athification Law and dissolution of the Commission, possible steps to address concerns about the de-Ba'athification process included:

- imposing procedural checks to “choke the Commission in its own bureaucracy”;
- removing politically active individuals from the Commission;
- pressing for the extradition to Iraq of senior Ba'athists suspected of criminal activity; and
- publication of a final report by the Commission, indicating that its work was complete.

247. Attached to the Embassy's message was a minute written by the IPU for Mr Patey earlier in December.¹⁹⁹

248. The IPU set out more information about the composition and operation of the DBC. Its six serving Commissioners were all from the Shia community as two positions allotted to the Kurdish parties had never been filled. The DBC did not hold formal meetings, and its only active members were Dr Chalabi, Mr Maliki and Sheikh Jalal al-Din al-Sagheer.

249. The IPU also described Article 7 of the new Constitution, which banned the glorification and promotion of the Ba'ath Party in Iraq and its symbols. Although the text had been “continually watered down”, the final text specified that its provisions would be regulated by a law. The IPU judged:

“The regulating law will be a yardstick testing attitudes towards de-Ba'athification – on the one hand it could be an opportunity to seek concrete reform and repeal of CPA Order No.1 (the de-Ba'athification Law). But on the other hand, it could be used as an opportunity to widen and deepen de-Ba'athification, or restrict the activities of political groups which contain former Ba'athists. That said, because it [sic] such a political hot potato, it may not be one of the laws prioritized as important in the new parliament.”

¹⁹⁸ eGram 21802/05 Baghdad to FCO London, 31 December 2005, ‘Iraq: Reforming de-Ba'athification’.

¹⁹⁹ Minute Wilson to HMA, 10 December 2005, ‘Iraq: de-Ba'athification: Possible Next Steps’.

A new government

250. Evidence seen by the Inquiry confirms that in January and February 2006 the UK stepped up its efforts to encourage Iraq to form a broad and inclusive government of national unity through high-level visits and rounds of phone calls.²⁰⁰

251. Mr Straw visited Basra and Baghdad in early January.²⁰¹ He met representatives of political parties from all the main communities, reinforcing the UK's message on the need for a unity government. In his view, achieving that mattered more than who became Prime Minister.

252. Some Sunni representatives told Mr Straw that they had been “cheated out of seats”. He responded that “they must accept the election results once confirmed or they will be pitting themselves against the whole international community”.

253. Vice President Adel Abdul Mehdi, a potential candidate for Prime Minister, told Mr Patey on 1 January that “he would be ready to look at the possibility of appointing a judge to head the de-Ba’athification Commission” and to reduce the role of politicians within it.²⁰²

254. Prime Minister Ja’afari told Mr Patey on 3 January that, although the Ba’ath Party and its ideology should remain outlawed, “the half-million former Ba’ath members Ja’afari saw as his ‘children’ should not and the de-Ba’athification Commission and its procedures should be reviewed”.²⁰³

255. On 3 January, Mr Ayad Allawi told Mr Blair that in forming the new government “the key bridge to the Sunnis would be revision of the de-Ba’athification process”.²⁰⁴

256. An IPU brief for Mr Straw’s visit to Baghdad in early April listed “participation by all (including former Ba’athists) who are committed to furthering the political process and can run government effectively” as one of the main issues for the new Iraqi Government to address.²⁰⁵

257. After the announcement of Mr Nuri al-Maliki as the nominee for Prime Minister, the British Embassy Baghdad’s pen picture of him recorded that he had been Deputy Chair of the de-Ba’athification Commission and “a driving force for that body’s work”.²⁰⁶ The

²⁰⁰ eGram 359/06 Baghdad to FCO London, 9 January 2006, ‘Iraq: Visit by Foreign Secretary, 6-7 January 2006: Elections and Formatio[n]’; eGram 3684/06 Baghdad to FCO London, 22 February 2006, ‘Iraq: Foreign Secretary’s Visit, 20-21 February 2006: Formation of Govern[ment]’; Minute Bayley to Foreign Secretary, 16 January 2006, ‘Iraq: Keeping Up The Momentum – Proposed Telephone Calls/Visit’.

²⁰¹ Minute Straw to Prime Minister, 11 January 2006, ‘Iraq: Post-Elections and Government Formation’.

²⁰² eGram 69/06 Baghdad to FCO London, 4 January 2006, ‘Iraq: Call on Vice President Abdul Mehdi’.

²⁰³ eGram 129/06 Baghdad to FCO London, 4 January 2006, ‘Iraq: Call on Prime Minister Ja’afari’.

²⁰⁴ Letter Prentice to Quarrey, 3 January 2006, ‘Prime Minister’s Meeting with Iyad Allawi, Amman, 2 January’.

²⁰⁵ Briefing IPU, 31 March 2006, ‘Iraq: Foreign Secretary’s Visit, 2-3 April 2006’.

²⁰⁶ eGram 13011/06 Baghdad to FCO London, 24 April 2006, ‘Iraq: Formation of the New Government: al-Maliki Nominated by UIA as Prime Minister’.

Embassy wrote that Mr Maliki was “opposed to the participation of any former Ba’athists in government institutions and public life”.

258. When Prime Minister Designate Maliki met Mr Patey and Sir Nigel Sheinwald on 24 April, he said he was “proud to be known as a hardliner” on de-Ba’athification but acknowledged that the de-Ba’athification Commission had made some mistakes.²⁰⁷

259. Mr Maliki planned to propose a “radical overhaul” that would transform the de-Ba’athification Commission into a “Truth and Reconciliation Commission, sending Ba’athists who had committed crimes to the courts and rehabilitating those who had not”. He was most concerned about Ba’athist military officers. The establishment of a “Commission for Equality of Employment” would reassure Sunnis that they would get a fair share of government jobs and that dismissals would not be sectarian.

260. On 10 May, the JIC assessed how the Sunni insurgency was evolving.²⁰⁸ It concluded:

“The strength of the insurgency is in part affected by Sunni participation in the political process. If Sunni confidence is to be bolstered, respected Sunnis will need to gain some major ministries. Even then, Sunni participation will remain fragile. Much will depend on the actions of the new government in addressing broader Sunni concerns: federalism, de-Ba’athification, reform of the Iraqi Security Forces (ISF), MNF withdrawal, security and detainees, and improvement in the quality of life.”

261. On 19 July, the JIC assessed that:

“Little has changed in the nature and intensity of the Sunni Arab insurgency since our last assessment in May. We continue to judge that the strength of the insurgency is in part affected by Sunni participation in the political process. Prime Minister Maliki’s government includes Sunnis in Ministerial and executive positions, and some key Sunni demands have been partially met; for example, limited release of detainees. Maliki has announced a National Reconciliation Plan aimed at addressing wider Sunni concerns, but there has been no substantive progress as yet. Some Sunni politicians have voiced their scepticism at Maliki’s offer of amnesty (on current proposals most insurgents need not apply), plans to relax de-Ba’athification, and his lack of reference to an MNF withdrawal timetable.”²⁰⁹

262. On 27 July, the IPU reported to the British Embassy Baghdad that the Iraq Strategy Group had agreed:

“... the review Maliki has promised of de-Ba’athification needs to happen urgently. This is not only important to operationalising his national reconciliation plan: but

²⁰⁷ eGram 13126/06 Baghdad to FCO London, 24 April 2006, ‘Iraq: Government Formation: Maliki’s Views’.

²⁰⁸ JIC Assessment, 10 May 2006, ‘Iraq: How is the Sunni Insurgency Evolving?’

²⁰⁹ JIC Assessment, 19 July 2006, ‘Iraq: Insurgency, Sectarianism and Violence’.

also to stopping the crippling, continuing purges of middle-ranking managers in key public services.”²¹⁰

263. In August 2006, the British Embassy Bagdad reported to the FCO some changes at the de-Ba’athification Commission.²¹¹ A new Acting Chair, Sheikh Jalal al-Din al-Sagheer, had been appointed and the Commission’s Legal Department had begun work on a new law for the structure and administration of the Commission, including the process for appointing its Chair. Sheikh Sagheer told the Embassy:

“He was aware that both the policy and the structure of the Commission had been subject to heavy criticism from many quarters and expected the new legislation to address those concerns. He asked for HMG’s input on how the current system could be improved.”

264. Mr Ali Faisal Alami, the Director General of the Commission’s Follow-Up and Implementation Department, told Embassy officials that 10,924 orders had been issued by the Commission, of which 6,788 had been implemented.

265. When the Iraq Strategy Group met on 15 September, Ms Bridget Brind, Deputy Head of the IPU, gave an update on reconciliation work by the Iraqi Government.²¹² She reported that:

“A conference with tribal leaders had taken place in August, and future conferences were scheduled with civil society, party leaders and armed groups. As yet, there were no firm plans on the big issues of de-Ba’athification and detainees.”

266. In an Interim Progress Report on Prime Minister Maliki’s Government, in October 2006, the JIC judged that:

“In the current political and security climate, key Sunni concerns are not being addressed. There has been no significant change in de-Ba’athification policies, they remain highly suspicious of SCIRI’s federalist aspirations, little action has been taken against the Shia militias, and the total number of detainees has not significantly changed.”²¹³

267. On 8 November, the British Embassy Baghdad reported “Indications that the door may be opening to a less stringent de-Ba’athification process” and sent “proposals for how we engage” to the FCO in London.²¹⁴

²¹⁰ eGram 32790/06 IPU to Baghdad, 27 July 2006, ‘Iraq: Reply to Your Valedictory’.

²¹¹ eGram 36238/06 Baghdad to FCO London, 20 August 2006, ‘Iraq: Changes at the De-Ba’athification Commission’.

²¹² Letter Cabinet Office [junior official] to Sheinwald, 18 September 2006, ‘Iraq Strategy Group, 15 September’.

²¹³ JC Assessment, 5 October 2006, ‘Al-Maliki’s Government: Interim Progress Report’.

²¹⁴ eGram 49594/06 Baghdad to FCO London, 8 November 2006, ‘Iraq: De-Ba’athification Developments’.

268. The message explained that, on 6 November, the Director General of the de-Ba'athification Commission had announced that a draft law on de-Ba'athification, consistent with Prime Minister Maliki's National Reconciliation Plan, had been prepared and would be sent to the Council of Representatives soon.

269. The new law would mean that only 1,500 of the 10,302 Senior Ba'athists currently affected would lose their jobs. Of those, only the top tier of party members would be denied a pension. The cases of those further down the ranks would be reviewed and those who had not been convicted of a crime would have the option of reinstatement or retirement with a pension.

270. UK officials explained that they would "seek to agree a few components of a 'fair law' with the US and UN and lobby hard for those changes". They would "focus on reinforcing the underlying principle that de-Ba'athification should be an independent judicial process rather than a political process".

271. UK officials subsequently discussed five changes with US officials, who raised the first four with Dr Chalabi.²¹⁵ The proposals, which received a mixed response, were:

- The de-Ba'athification Commission should review the cases of all de-Ba'athified individuals.
- The Commission should have a purely investigative role, passing all evidence to a judge for criminal proceedings where justified.
- The new law should not extend the remit of the Commission to civil society, press and the media.
- The Commission should produce a report for the Council of Representatives, which would then consider its dissolution.
- The article that prohibited the passing of legislation in breach of the de-Ba'athification Law should be removed.

272. In November 2006, Mr John Sawers, FCO Director General, Political, wrote to Mr Blair from Baghdad, where he had just spent three days:

"... the pace of the insurgency hasn't slackened. The Shia put the blame squarely on Ba'athists/Saddamists, who they think we under-estimate. They are convinced that the former regime's security and intelligence officials are the driving force behind the attacks on the coalition, the Shia, and government officials, with the aim of creating mayhem and an opportunity for them to return to power as the only ones capable of restoring order. The level of concern has gone up sharply, with reports of Ba'athist intimidation on the streets of Baghdad ... The relative weight of the Ba'athists in the insurgency isn't easy to divine, but it is clear that both the Shia and the Kurds still fear them above all."²¹⁶

²¹⁵ Email Sharif to Shokat, 10 November 2006, 'Re: De-Ba'athification: key components of a fair law'.

²¹⁶ Minute Sawers to Prime Minister, 13 November 2006, 'Iraq'.

273. On 15 November, the JIC judged that:

“The Iraqi Government’s response to deteriorating security remains ineffective. Many Shia politicians blame all violence on ‘Ba’athists’. There has been no progress on national reconciliation ...”²¹⁷

274. The Iraq Forward Plan developed by UK officials in November 2006 (see Section 9.5) said that the UK should encourage Iraqi political leaders to sign up to a Declaration of Principles/National Compact which included a commitment to prevent the return of a Ba’athist government “while reviewing de-Ba’athification to allow all those who have not committed crimes to participate in building Iraqi stability and prosperity”.²¹⁸

275. Implementing the Compact would require two new bodies: a Peace Commission and a Reconciliation/Rehabilitation Commission. The latter, it was proposed, would not deal with cases before the de-Ba’athification Commission which would continue to be heard there, but would address detainee issues and hear accounts of pre- and post-2003 violence from victims and perpetrators.

De-Ba’athification in 2007

276. At the end of January 2007, Mr Dominic Asquith, British Ambassador to Iraq, recorded a report from the Iraqi Ministry of Foreign Affairs that the Iraqi Ba’ath Party had split, and a splinter group had formed that wanted to “come back to Iraq, start a dialogue, renounce violence and act politically”.²¹⁹ It was hoped that others might be attracted to the same strategy.

277. The IPU provided advice on “how best to step up and co-ordinate work on reconciliation” in February 2007.²²⁰ It said that de-Ba’athification was a “major inhibitor” of reconciliation and a cause of grievance in the Sunni community.

278. The IPU wrote:

“We have worked in close consultation with the US to promote a substantive discussion between the main political parties on reforming the de-Ba’athification process. The aim is to take account of the concerns of all major communities, help reduce the numbers of Iraqis excluded from public life and thus reduce alienation and motives for violence. A number of different draft laws have been provided by different political parties. We are working to help bring these together in a single document, ideally including a sunset clause to bring an end to de-Ba’athification in the future. A US/UK facilitated version has just gone to President Talabani with

²¹⁷ JIC Assessment, 15 November 2006, ‘Iraq: Risk of Deepening Sectarian Division’.

²¹⁸ Minute McDonald to Banner, 24 November 2006, ‘Iraq Forward Plan’ attaching Paper, [undated], ‘Iraq: Forward Plan’.

²¹⁹ Email Asquith to Gelling, 29 January 2007, ‘Call on MFA – Syria, Neighbouring States’.

²²⁰ Paper IPU, February 2007, ‘Reconciliation’.

the aim of having a cross-sectarian draft presented to the Iraqi parliament by the Presidency Council.”

279. In a separate ‘Update on de-Ba’athification’, also dated February 2007, the IPU explained that “we want to see the de-Ba’athification process reformed and ultimately brought to an end”.²²¹ In the short term, the objective was to reform the de-Ba’athification Commission so that it operated in a more independent and transparent way. Specifically, this meant that it should:

- “– ... target an individual’s conduct, not membership of the Ba’ath party, reinforcing the underlying principle that de-Ba’athification should be a judicial rather than political process;
- review the cases of all individuals who have already been de-Ba’athified, as the previous process was deeply flawed due to political interference;
- complete the de-Ba’athification process within a defined period.”

280. The IPU explained that the draft US/UK text proposed abolishing the de-Ba’athification Commission and replacing it with a “Reconciliation and Accountability Commission” for six months. President Talabani had indicated that he was broadly content with the US/UK text. If the Presidency Council exercised its right to put the draft law to the Council of Representatives directly, and other drafts were also presented, they were likely to be considered by a Committee of the Council.

281. On 5 March, Mr Blair’s Private Secretary wrote to the Private Secretary to Mrs Margaret Beckett, the Foreign Secretary:

“The Prime Minister would like us to get a UK adviser on reconciliation into Maliki’s office as quickly as possible ... We also need to build influence with Abdul-Mehdi on de-Ba’athification ... The Prime Minister is pleased at UK/US efforts to ensure that there is now a single document on de-Ba’athification with Talabani.”²²²

282. In an update for Mr Blair on 23 March, his Private Secretary reported a sense that Iraqi politicians risked missing the opportunity presented by the Baghdad Security Plan (see Section 9.5) to pursue reconciliation.²²³ He wrote that “faltering progress on the oil law and on de-Ba’athification” were contributing to increased suspicion within the Sunni community.

283. In his Weekly Assessment dated 29 March, Mr Asquith reported that the proposed new de-Ba’athification Law had become “another victim of the US fixation on security

²²¹ Paper IPU, February 2007, ‘Update on de-Ba’athification’.

²²² Letter Fletcher to Hickey, 5 March 2007, ‘Iraq’.

²²³ Minute Banner to Prime Minister, 23 March 2007, ‘Iraq Update, 23 March’.

'results'".²²⁴ Mr Asquith wrote that the departure of Ambassador Khalilzad would "deprive Iraq of one of the great contrivers" and that his final act was:

"... a de-Ba'athification draft law – a characteristic mix of the bad and the superficially plausible fix, designed to service immediate domestic US rather than Iraqi long term interests. My Legal Adviser had been working closely with the Americans and Iraqis for some months on the substance. I had in parallel been discussing the provisions with political leaders. The key objectives were to set an early (eg. six month) date for the termination of the de-Ba'athification Commission's work, drawing a line definitively in the sand, reduce to as few as possible (1,200-1,500) those caught by the provisions and secure the agreement of the three-man Presidency Council to a text which could then be introduced directly into Parliament.

"... Khalilzad persuaded the PM and President (alone) to sign off, thereby failing the Constitutional condition for fast-track introduction of legislation. Those caught by the provisions will increase by 10-12,000 (and indeed potentially many more, if Provinces decide to exploit the latitude they are given on implementation). The termination of the de-Ba'athification Commission in a year is undermined by the creation of a 'Special Committee' (of political/security 'experts' appointed by the Presidency and PM) to adjudicate on security clearances for sensitive jobs (in effect a vetting committee), which has no/no termination date. And the PM is given the right to intervene in the decisions of the Special Committee and a separate panel of judges appointed to consider the decisions of the de-Ba'athification Commission or Special Committee."

284. Mr Asquith recorded that there had as yet been no co-ordinated response from Sunni Arab politicians. The only way to introduce the draft legislation into Parliament rapidly would be to "bend the Constitution".

285. On 12 April, Dr Mowaffak al-Rubaie, the Iraqi National Security Adviser, told Sir Nigel Sheinwald that the proposed "accountability and justice" law would "allow 90 percent of Ba'athists to return to work".²²⁵ Those who had held high rank would be excluded from the security ministries, but pension rights for the families of those who had been prosecuted for their actions would be protected. Dr Rubaie described implementing the policy as an uphill struggle, but pointed to a "growing consensus in support of the need to rehabilitate and reconcile".

286. After visiting Baghdad and Basra, Mr Des Browne, the Defence Secretary, wrote to Mr Blair on 5 May with an assessment of work under way on reconciliation and its prospects for success.²²⁶ Mr Browne judged that a "bridging package" to attract

²²⁴ eGram 13103/07 Baghdad to London, 29 March 2007, 'Iraq: Weekly Assessment'.

²²⁵ Letter Cabinet Office [junior official] to Hickey, 12 April 2007, 'Iraq: Nigel Sheinwald's Conversation with Muaffaq al Rubaie'.

²²⁶ Letter Browne to Blair, 5 May 2007, 'Iraq: Reconciliation'.

a broad range of Sunni support would include: “recognition, amnesty, reversal of de-Ba'athification, progress on sharing natural resources ... investment, employment, political representation, and release of detainees”.

287. On 16 May, the JIC assessed that “genuine fears of a Ba'athist resurgence” were helping to keep the fragile Shia coalition, the United Iraqi Alliance, together.²²⁷ There had been “little substantive progress on de-Ba'athification”.

288. The JIC judged that there had been “no tangible progress on national reconciliation” and that “antipathy” between Shia and Sunni communities remained “intense”.

289. The JIC judged that:

“... progress on national reconciliation will remain slow unless there is a major shift in both Shia and Sunni attitudes and expectations, backed by strong and persistent Coalition pressure. At the moment it means different things to different groups.”

290. On 23 May, Mr Blair's Private Secretary reported:

“... there are now sensible amendments agreed by the Executive Committee to the existing draft law, which should address some of the key problems for the Sunni, including a sunset clause for the de-Ba'athification Commission, a representative Political Committee to supervise the process (overseen by the CoR [Council of Representatives]), and introducing a judicial element to the process. Some issues remain, but this represents welcome progress. Further pressure will have to be put on the Shia in particular to agree an acceptable law, and on the Council of Representatives to pass it.”²²⁸

June 2007 onwards

291. As described in Section 9.5, Mr Blair stood down as Prime Minister on 27 June 2007. Shortly after Mr Blair tendered his resignation, HM The Queen asked Mr Gordon Brown to form a government.

292. On 20 August, a Current Intelligence Group (CIG) judged that:

“I. The influence of the Iraqi Ba'ath Party on the Sunni Arab insurgency is marginal. The party is fractured with little political relevance or popular support in Iraq; this is highly unlikely to change.

“II. Iraqi Shia politicians' fears of a Ba'athist resurgence, however exaggerated, are genuinely held. They will limit the Shia appetite for reconciliation with the Sunni more broadly.”²²⁹

²²⁷ JIC Assessment, 16 May 2007, ‘The Iraqi Government: One Year On’.

²²⁸ Minute Banner to Blair, 23 May 2007, ‘Iraq Meeting, 25 May’ attaching Paper ‘Iraq – Reconciliation’.

²²⁹ CIG Assessment, 20 August 2007, ‘Iraq: How Important is the Ba'ath Party?’

293. On 1 October, a brief for Mr Brown's first visit to Iraq as Prime Minister stated:

“Following the Petraeus/Crocker testimonials [see Section 9.6], the centre of gravity has switched back from Washington to Baghdad, where Maliki is enjoying a somewhat more secure position. However, he still faces significant challenges: to break the impasse over key legislation (de-Ba'athification and Provincial Powers laws) ... and drive forward the reconciliation agenda.”²³⁰

294. The list of points for Mr Brown to make in his meeting with Prime Minister Maliki suggested that he should stress the Prime Minister's particular responsibility to give a strong lead to national reconciliation.

295. In November, the British Embassy Baghdad reported:

“After two months of playing games, the correct draft of the Accountability & Justice Law (de-Ba'athification) has now made it to the CoR ... there should be sufficient majority to see this law through.”²³¹

296. By the end of December, the Accountability and Justice Law still had not been passed.²³²

297. The Law was approved by the Council of Representatives on 12 January 2008.²³³

298. The British Embassy Baghdad reported on 24 January that, although Vice President Hashimi had continuing concerns, he had agreed to register them in a letter to the Speaker rather than delay or veto the law.²³⁴

299. On 12 January, the Iraqi Council of Representatives approved the Justice and Accountability Law (formerly the de-Ba'athification Law).²³⁵ The Cabinet Office told Mr Brown that:

“Although the law's practical impact will be more symbolic than substantive, its approval nevertheless sends out a positive message especially to Sunnis, about the ability of the political system to function.”

²³⁰ Minute Cabinet Office [junior official] to Prime Minister, 1 October 2007, 'Iraq Visit: 2 October 2007'.

²³¹ eGram 47120/07 Baghdad to FCO London, 19 November 2007, 'Iraq: Political Round-Up'.

²³² Minute Rollo to CDS, 31 December 2007, 'Iraq in 2008 – An Opportunity to be Taken'.

²³³ Minute Cabinet Office [junior official], 18 January 2008, 'Iraq Update'.

²³⁴ eGram 2673/08 Baghdad to FCO London, 24 January 2008, 'Iraq: Internal Political Progress?'

²³⁵ Minute Cabinet Office [junior official] to Prime Minister, 18 January 2008, 'Iraq Update'.

SECTION 11.2

CONCLUSIONS: DE-BA'ATHIFICATION

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Introduction and key findings

1. This Section contains the Inquiry's analysis, conclusions and lessons in relation to the de-Ba'athification of the Iraqi public sector, the evidence for which is set out in Section 11.1.

Key findings

- Early decisions on the form of de-Ba'athification and its implementation had a significant and lasting negative impact on Iraq.
- Limiting de-Ba'athification to the top three tiers of the party, rather than extending it to the fourth, would have had the potential to be far less damaging to Iraq's post-invasion recovery and political stability.
- The UK's ability to influence the decision by the Coalition Provisional Authority (CPA) on the scope of the policy was limited and informal.
- The UK chose not to act on its well-founded misgivings about handing over the implementation of de-Ba'athification policy to the Governing Council.

Conclusions

2. Although the US and UK had discussed and recognised the need for it, de-Ba'athification was one of many areas of post-invasion activity in Iraq for which objectives and plans had not been agreed between the two Governments before the invasion (see Section 6.5). Consequently, no detailed preparations for implementation of a shared de-Ba'athification policy were put in place.

3. The UK lacked the deep understanding of which levels of the Iraqi public sector were highly politicised that would have been desirable in developing a de-Ba'athification policy, but did recognise that party membership was likely to have been a matter of expediency rather than conviction for many Iraqi citizens. Since the UK's planning assumption was that a large proportion of the Iraqi civil service would continue to function under new leadership post-invasion, the main UK concern was that a light-touch de-Ba'athification process should protect administrative capacity for the reconstruction of the country.

4. Measures to prevent a resurgence of the Ba'ath Party were important both to ordinary Iraqi citizens and to Iraqi politicians. The UK recognised the psychological importance of reassuring both groups that the Ba'athists would not return to power, but did not fully grasp the extent to which de-Ba'athification might have consequences for the relationship between the Shia and Sunni communities. The Coalition did not have a plan to deal with the tensions which inevitably rose as result. This placed at risk the UK's objective that Iraq would become a stable and united state.

5. Recognition of the symbolic importance of de-Ba'athification is clear from its inclusion in General Franks' Freedom Message of 16 April 2003, and from the fact that it was the subject of the first Order issued by the CPA in May 2003.

- 6.** The UK did have advance sight of the text of the Freedom Message, which “disestablished” the Ba’ath Party, but did not succeed in having its drafting changed to reflect concerns raised by lawyers in the FCO.
- 7.** In the post-conflict phase, Secretary Rumsfeld and the Department of Defense in Washington, and Ambassador Bremer in Baghdad, became the driving forces of de-Ba’athification policy.
- 8.** The UK’s absence from formal decision-making within the CPA (see Section 9.8) meant that its input to discussion of de-Ba’athification policy in May 2003 was dependent on the influence of one particular individual: Mr John Sawers, the Prime Minister’s Special Representative to Iraq. The key policy choice at that point was centred on whether the top three, or the top four, tiers of the Ba’ath Party should be brought into scope.
- 9.** The CPA Order No.1 signed by Ambassador Bremer differed from the UK policy position on the best approach to de-Ba’athification. In particular, the decision to bring the fourth tier¹ of Ba’ath Party members into scope – which increased the number of individuals potentially affected from around 5,000 to around 30,000 – was considered by the UK to be disproportionate and likely to deprive Iraqi institutions of much-needed capacity.
- 10.** The Inquiry agrees with the UK’s view, and considers that limiting de-Ba’athification to the top three tiers would have had the potential to be far less damaging to Iraq’s post-invasion recovery and political stability.
- 11.** As Order No.1 was being finalised, UK officials did not propose any attempt at Ministerial level to influence the policy via Washington. The effect of such an approach may in any case have been limited as significant policy choices appear to have been made before Ambassador Bremer deployed to Iraq. Not unreasonably, Mr Sawers advised against lobbying Washington in the face of a strong desire by the Iraqi Leadership Group, comprised largely of Shia and Kurdish politicians, for a stringent approach to de-Ba’athification.
- 12.** However, the UK’s informal acceptance of Order No.1 helped to set the tone for its relationship with the CPA which persisted throughout the lifespan of the organisation. Informal consultation with the UK, usually through Mr Sawers and subsequently Sir Jeremy Greenstock, became the norm.
- 13.** The Order had consequences. It made the task of reconstructing Iraq more difficult, both by reducing the pool of Iraqi administrators and by adding to the pool of the unemployed and disaffected, which in turn fed insurgent activity.

¹ Down to the rank of Group Member.

14. After Order No.1 was signed, the UK, having recognised the Order's potential to create a pool of disaffected individuals and to deny posts to effective public servants, urged a pragmatic approach to de-Ba'athification in its contacts with the US, including at the highest levels, but with little practical effect.

15. In November 2003, the CPA decided to hand responsibility for implementing de-Ba'athification to the Governing Council (GC). There were misgivings about the decision in the FCO but, rather than act on them, it relied on assurances that the policy was to be implemented flexibly.

16. Although it would have been challenging to create, a more independent oversight body than the GC would have been more appropriate. The decision to hand over responsibility for implementation to a political body of this nature was, in the Inquiry's view, a mistake which left a critically important area of policy outside the control of the CPA, with damaging consequences.

17. One Iraqi interlocutor suggested to the Inquiry that it would have been preferable for judges to preside over the process but also recognised that the Iraqi court system was not in a fit state to take on additional responsibilities in 2003.

18. As soon as it was appointed, the High National de-Ba'athification Commission, steered by Dr Ahmed Chalabi and Mr Nuri al-Maliki, took action to toughen the impact of de-Ba'athification. Both officials and military commanders recognised almost immediately that such action was likely to generate further instability, but the CPA's decision to hand over responsibility to the GC left the UK unable to intervene. The UK, however, remained responsible for security in the South in the face of a growing insecurity.

19. The enthusiasm for de-Ba'athification felt by many Iraqi political leaders – Dr Chalabi and Mr Maliki in particular – may well have made any policy change difficult to achieve. This enthusiasm reflected a deep-seated fear within the Shia community of the resurgence of the Ba'ath Party and a return to Sunni dominance.

20. After the appointment of the Interim Transitional Government in June 2004, the coalition's responsibilities in Iraq shifted, but it retained considerable influence over the development of the political process.

21. By the time of Iraq's first post-invasion elections, de-Ba'athification had already been identified as a major political issue because it put a substantial barrier in the way of Sunni engagement with the political process. Although the UK placed a high premium on successful and inclusive elections, attempting to remove the barriers imposed by Order No.1 was not made a priority.

22. Increasing codification of the extent of de-Ba'athification, in the Transitional Administrative Law and then the Iraqi Constitution, was one crucial way in which

sectarianism was legitimised in Iraqi political culture, helping to create an unstable foundation for future Iraqi governments.

23. Although it is difficult to arrive at a precise figure, the evidence suggests that the impact of de-Ba'athification was felt by tens of thousands of rank and file Ba'athists. De-Ba'athification continued to be identified as a major Sunni grievance and a source of sustenance for the insurgency in Iraq as late as 2007.

24. As described in Sections 9.6 and 9.7, UK influence in Iraq and its relationship with the Iraqi Government declined further from 2007. From that point, lacking influence, there was very little realistic prospect of a UK-inspired change in the approach to de-Ba'athification.

25. The Inquiry concludes that early decisions on the form of de-Ba'athification and its implementation had a significant and lasting negative impact on Iraq. This negative impact was soon recognised by the UK Government, but its efforts to secure a change of approach were largely ineffective. This became a persistent problem that could be traced back to both the early failure to have a settled US/UK agreement on how the big issues of post-war Iraqi reconstruction would be handled and the improvised decision-making leading up to Order No.1.

Lessons

26. After the fall of a repressive regime, steps inevitably have to be taken to prevent those closely identified with that regime from continuing to hold positions of influence in public life. The development of plans which minimise undesired consequences, which are administered with justice and which are based on a robust understanding of the social context in which they will be implemented, should be an essential part of preparation for any post-conflict phase. This should include measures designed to address concerns within the wider population, including those of the victims of the old regime, and to promote reconciliation.

27. It is vital to define carefully the scope of such measures. Bringing too many or too few individuals within scope of measures like de-Ba'athification can have far-reaching consequences for public sector capacity and for the restoration of public trust in the institutions of government.

28. It is also important to think through the administrative implications of the measures to be applied and the process for their implementation.

29. The potential for abuse means that it is essential to have thought-through forms of oversight that are as impartial and non-partisan as possible.

30. For lessons related to the UK's involvement in decision-making within the CPA, see Section 9.8.

SECTION 12.1

SECURITY SECTOR REFORM

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Introduction

1. This Section addresses:

- the development of the UK's Security Sector Reform (SSR) strategies, policies and plans;
- the decision to disband the Iraqi Army;
- the UK contribution to US-led SSR strategy developed in Baghdad;
- the implementation of SSR in the South of Iraq; and
- the deployment of UK police officers to Iraq.

2. This Section does not address:

- broader planning and preparation for the conflict in Iraq and its aftermath, which is described in Section 6.5;
- the decision to remove some members of the Ba'ath Party from public office after May 2003, a process known as de-Ba'athification, which is described in Section 11.1;
- the UK contribution to the reconstruction of Iraq, which is described in Sections 10.1 to 10.3; or
- the wider deployment of civilians to Iraq, which is described in Section 15.1.

Definition of terms

Security Sector Reform

The term "Security Sector Reform" (SSR) is used in this report to refer to work to rebuild and reform Iraq's security and justice institutions. The Organisation for Economic Co-operation and Development (OECD) defines SSR as development work that helps societies to "escape from a downward spiral wherein insecurity, crime and underdevelopment are mutually reinforcing".¹

The OECD defines the security and justice sectors to include the following:

- core security actors (for example, armed forces, police, gendarmerie,² border guards, customs and immigration, and intelligence and security services);
- security management and oversight bodies (for example, ministries of defence and internal affairs);
- justice and law enforcement institutions (for example, the judiciary, prisons, prosecution services, traditional justice systems); and
- non-statutory security forces (for example, guerrilla armies and private militias).

¹ OECD DAC, *Handbook on Security System Reform*, 2007.

² A gendarmerie is a military force charged with policing duties in a civilian population.

The term “Security Sector Reform” is not used consistently, and is sometimes used interchangeably with phrases such as “security system reform” and “Rule of Law”. The term “Rule of Law” is often used to refer specifically to the justice sector.

Disarmament, Demobilisation and Reintegration

Disarmament, Demobilisation and Reintegration (DDR) programmes are designed to improve security and stability in post-conflict environments.³ DDR aims to deal with the post-conflict security problem that arises when those who were fighting in a conflict (combatants such as soldiers or militia) are left without livelihoods or support networks.

DDR programmes usually include a process of removing weapons from combatants, taking combatants out of military structures and helping them to reintegrate into society, sometimes including integration into new security structures.

Iraqi Security Forces and Iraqi Police Service

The Iraqi Security Forces (ISF) includes both the Iraqi Army and the Iraqi Police Service (IPS). However, these terms are not used consistently and the ISF is sometimes used to refer solely to the Iraqi Army.

Police officers

For the purposes of the Report, the Inquiry has used the terms “civilians” and “police officers” but not “civilian police officers”. That adheres to the widespread distinction between police officers from the wide range of staff working within police forces who are civilians.

Some of the documents referenced in the Report refer to “civilian police officers” as a way of describing serving police officers seconded to Iraq. It appears that this description is to draw a distinction between the military police (Royal Military Police and Ministry of Defence police) and police officers from territorial forces in England, Wales, Scotland and Northern Ireland. While the Inquiry may have reproduced the term “civilian police officers” (sometimes abbreviated to CivPol) in footnotes or in direct quotes, it has otherwise referred to “police officers” or “military police officers” in order to establish the same distinction.

Pre-conflict consideration of SSR

3. Planning and preparation for the post-conflict period is described in detail in Section 6.5. One of the earliest references to SSR in Iraq identified by the Inquiry is in a paper prepared for the Chiefs of Staff Strategic Think Tank on Iraq on 18 June 2002.⁴ The paper, by the Ministry of Defence (MOD) Strategic Planning Group (SPG), was circulated to a limited number of senior MOD addressees.

³ United Nations Disarmament, Demobilisation and Reintegration Resource Centre, 31 May 2005, *What is DDR?*

⁴ Minute Driver to PSO/CDS, 13 June 2002, ‘Supporting Paper for COS Strategic Think Tank on Iraq – 18 June’ attaching Paper [SPG], 12 June 2002, [untitled].

4. The paper identified “post-conflict strategy” as one of eight components of a UK military strategy for Iraq, recognising the need to “acknowledge that there will be a post-conflict phase with an associated commitment, manpower and finance bill”. Development of an SSR model, support for training and provision of equipment were identified as tasks to be undertaken in the “medium term (six months to two years)”.

5. From 20 September, the Cabinet Office-led Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues. The creation and role of the AHGI is addressed in Section 2.

6. In preparation for the first meeting of the AHGI, Mr Jim Drummond, Assistant Head (Foreign Affairs) of the Cabinet Office Overseas and Defence Secretariat (OD Sec), wrote to Mr Desmond Bowen, Deputy Head of OD Sec, suggesting departmental responsibilities for different strands of post-conflict planning.⁵ Mr Drummond proposed that reform of the security sector and civil service should be led by the MOD and the Department for International Development (DFID).

7. On 27 September, the AHGI discussed a Foreign and Commonwealth Office (FCO) paper on scenarios for the future of Iraq.⁶ The paper stated:

“... we would not expect the armed forces and security services to switch allegiance to any new government en masse in the event of wholesale regime change. It is more likely that key tribal leaders would seek to establish tribal/regional power bases.”

8. The paper concluded that, in order to achieve its overarching priorities, the UK should “if possible avoid the root and branch dismantling of Iraq’s governmental and security structures”.

9. The AHGI called for the material on SSR in the paper to be expanded.⁷

10. The following week, the FCO produced a paper entitled ‘Models for Administering a Post-Saddam Iraq’.⁸ Early drafts described the military challenge of providing security, including starting a Disarmament, Demobilisation and Reintegration (DDR) programme (see Box, ‘Definition of terms’, earlier in this Section), but did not address comprehensive reform of the security sector.

⁵ Minute Drummond to Bowen, 19 September 2002, ‘Ad Hoc Group on Iraq (AHGI)’.

⁶ Minute McDonald to Manning, 26 September 2002, ‘Scenarios for the Future of Iraq after Saddam’ attaching Paper, [undated], ‘Scenarios for the Future of Iraq after Saddam’.

⁷ Minute Dodd to Manning, 30 September 2002, ‘Ad Hoc Group on Iraq’.

⁸ Letter McDonald to Manning, 4 October 2002, ‘Models for Administering a Post-Saddam Iraq’ attaching Paper [draft] FCO, [undated], ‘Models for Administering a Post-Saddam Iraq’.

11. A later version of the paper, provided to the AHGI on 11 October, contained an additional recommendation that:

“... the US and Coalition partners would need to retain overall responsibility for Iraq’s security for some time after the conflict. How the different security-related tasks (including Security Sector Reform) should be carried out and by whom needs further consideration.”⁹

12. The record of the 11 October AHGI meeting did not mention SSR.¹⁰ A document describing “contingency planning work” circulated alongside it recorded that the FCO was drafting a paper on the topic.

13. During October and November 2002, the FCO produced several drafts of a paper on SSR.¹¹ An early version, forwarded to the Cabinet Office on 18 October, listed a range of post-conflict security issues that would need to be addressed in Iraq, including:

- What security structures would be appropriate for a post S[addam] H[ussein] Iraqi Government? How do we arrive at an answer? What are the threats, internal and external? Should we undertake a comprehensive review of the armed forces?
- To what extent do the size, task and organisation of the new security structures depend on whether Iraq develops into a federation?
- ...
- To what extent should the Kurds be integrated into the national structures? How might this be achieved?
- How do we replace an excessively large security apparatus with something ‘right sized’? Reform or abolition? Which parts of the security apparatus might be loyal to a new government and which not?
- To what extent should we punish those members of the security apparatus who have committed crimes against the Iraqi people (eg torture)?
- Are we obliged to work with the new Iraqi Government on SSR or can it be imposed?
- How do we reform the working culture of the security sector so that it operates on the basis of humanitarian values in support of legitimate government?
- How can we resettle or rehabilitate those pre-Saddam individuals removed from the security sector so that they do not work clandestinely for the re-establishment of a S[addam] H[ussein]-type regime?”

⁹ FCO Paper, [undated version received at AHGI, 11 October 2002], ‘Models for Administering a Post-Saddam Iraq’.

¹⁰ Minute Dodd to Manning, 14 October 2002, ‘Ad Hoc Group on Iraq’ attaching Paper, 14 October 2002, ‘Whitehall Iraq Contingency Planning’.

¹¹ Letter Gray to Drummond, 18 October 2002, ‘Papers for the AHGI’ attaching Paper, 17 October 2002, ‘Iraq: Security Sector Reform’.

14. The draft FCO paper on SSR informed a Cabinet Office paper of 1 November which explored what Iraq could look like after Saddam Hussein.¹² The Cabinet Office paper drew together strands of work from across Government and was written as a steering brief for talks on post-conflict issues in Washington with the US and Australia.

15. The paper assumed that the international community and UN would be willing to assist with reconstruction. Following a period of transitional military government (up to six months), the UN was expected to “rule” Iraq for about three years. SSR planning was considered in the context of preparation for a UN administration.

16. The paper stated:

“There will need to be a Security Sector Reform process ... Having dismantled Saddam’s security apparatus, there will need to be a new one. This will require a comprehensive plan agreed with and led by the US. The judiciary will need a total rebuild as will the police. Decisions will need to be taken on the size and scope of the Army and intelligence services.”

17. The first round of talks between the US and UK on post-conflict planning took place in Washington on 6 November.¹³ Reporting on the talks to Sir David Manning, the Prime Minister’s Foreign Policy Adviser and Head of the OD Sec, Mr Drummond wrote:

“We are agreed on the need for rapid and comprehensive reform of existing security structures. Very few of the many current structures can be allowed to remain. We can expect the US to maintain a tight grip on this, but urged them to think about the wider security sector including police and the need to arrive with a plan (ie not as in Afghanistan).”

18. Mr Drummond chaired a meeting of the AHGI on 8 November.¹⁴ The Washington talks were discussed in the meeting, but SSR was not.

19. In mid-December, the FCO Middle East Department produced a paper describing different models of interim administration for Iraq.¹⁵ That was shared with the US on 12 December. The FCO identified “initiating Security Sector Reform, especially the reform of the police” as a “key element” that any international administration would need to address in the short term.

20. The FCO Middle East Department explored further the issue of SSR in a separate paper which was completed on 10 December.¹⁶

¹² Minute Drummond to Manning, 1 November 2002, ‘Iraq: Post-Saddam’ attaching Paper ‘Iraq: Models and Some Questions for Post-Saddam Government’.

¹³ Minute Drummond to Manning, 8 November 2002, ‘Iraq: Day After’.

¹⁴ Minute Dodd to Manning, 11 November 2002, ‘Ad Hoc Group on Iraq’.

¹⁵ Paper FCO Middle East Department, 12 December 2002, ‘Interim Administrations in Iraq: Why a UN-led Interim Administration Would be in the US Interest’.

¹⁶ Paper FCO Middle East Department, 10 December 2002, ‘Iraq: Security Sector Reform’.

21. The final version of that SSR paper was produced in consultation with officials from the MOD and DFID.¹⁷

22. As in earlier drafts, the paper did not propose how to conduct SSR, but instead sought to identify which issues would need to be addressed by an SSR strategy.¹⁸

Building on the earlier paper, it listed the issues in six categories:

- What security structures would be appropriate? That should be based on an assessment of the internal and external threats to Iraq, as well as consideration of its future constitutional shape and the relative affordability of its armed forces.
- Who should be in charge? The organisation of the international body that would manage SSR activity should be given a high priority, “ideally before military action”. That body would need to interact closely with the post-conflict interim administration.
- Methodology. To what extent could reform be imposed by the US military or UN-led government, and how far should the exclusion of members of the Tikriti clan (Saddam Hussein’s clan) be taken?
- DDR. Reducing the “bloated security sector” raised questions about resettling those who had been removed and identifying mechanisms to bring perpetrators of crimes against humanity to justice.
- Qualitative and quantitative change. How to reform the working culture of the security sector, “particularly the police and the courts, so that it operates on the basis of humanitarian values in support of a legitimate government”?
- Accountability. The new SSR structures should “ideally” be accountable to civilian control. Enshrining the principle of civilian oversight would be “key to establishing a fully accountable security apparatus”.

23. The FCO offered some “provisional” conclusions, including:

- “• From the outset, SSR should be at the centre of post-conflict work, rather than outside it as happened in Afghanistan ... we should begin discussing the mechanism for the international community’s engagement in SSR before military action begins.
- As any SSR plan will have to address a number of complicated issues, we should set up a UK working group now to start the detailed assessment to enable us to engage with the US (and the academic community in the UK) on SSR.
- The new Iraqi administration should be involved as early as possible in the process so as to feel ownership of the new structures.

¹⁷ Minute Dodd to Manning, 3 December 2002, ‘Ad Hoc Group on Iraq’.

¹⁸ Paper FCO Middle East Department, 10 December 2002, ‘Iraq: Security Sector Reform’.

- There are some security organisations, staffed with Tikritis and Saddam's kinsmen and with a record of oppression, which should have no further future in a post-S[addam] H[ussein] Iraq.
- We need to find out more about the civilian police and the judiciary.
- Ministers will need to decide the level of engagement of the UK in SSR, given our limited and stretched resources."

24. The paper was tabled as a living document "open to comment and improvement" at the AHGI meeting on 13 December.¹⁹ The AHGI was told that "a Whitehall working group on SSR in Iraq has now been established and can undertake further work". The SSR paper was one of four that the FCO had handed to Mr Zalmay Khalilzad, US National Security Council (NSC) Senior Director and Ambassador at Large to the Iraqi Opposition, "in an attempt to shape US thinking".

25. The second series of meetings between the UK, US and Australia to discuss post-conflict planning took place on 22 January 2003.²⁰ In preparation, the FCO Middle East Department drafted an "Annotated Agenda/overarching paper". That was submitted to Mr Jack Straw, Foreign Secretary, for approval of the "general line" that the UK proposed to take in discussion.

26. On SSR, the paper stated:

"Our handling of the defeated Iraqi forces will be critical. We shall need a DDR plan for them, consistent with our vision for the future of Iraq's armed forces. Experience in Sierra Leone and Afghanistan has shown that we need to ensure consistency between first steps and a longer-term vision on Security Sector Reform. As well as ensuring the efficient use of our own resources, we shall want to find a way to allow partners to join in SSR implementation. Does this work require new impetus?"

27. Mr Straw approved the recommendations on 20 January. He reported that Mr Colin Powell, US Secretary of State, had told him the US working assumption was that the US and UK would be in Iraq for a long time after military action.²¹

28. The FCO paper was also shared with the US and Australia.²²

29. On 16 January, Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, wrote to Mr Elliott Abrams, Senior Director for Near East and North African Affairs in the US NSC, to propose a draft agenda for the talks, attaching a copy of the

¹⁹ Minute Dodd to Manning, 19 December 2002, 'Ad Hoc Group on Iraq'.

²⁰ Minute Chilcott to Chaplin and Private Secretary [FCO], 17 January 2003, 'Iraq: Day-after Issues'.

²¹ Minute Private Secretary [FCO] to Chilcott, 20 January 2003, 'Iraq: Day-After Issues'.

²² Letter Brenton to Abrams, 16 January 2003, 'US/UK/Australia Trilateral Talks on Iraq: 22 January 2003'.

paper.²³ The first suggested agenda item was security. “Key issues” for discussion included:

- how to dismantle Iraq’s secret security agencies, and to handle the defeated armed forces?
- how to provide legitimate and transparent law and order, and the necessary civil structures to deliver them?
- the co-operation of the Iraqi police ...
- longer-term Security Sector Reform and DDR planning.”

30. Reporting to Mr Straw after the talks, Mr Edward Chaplin, FCO Director Middle East and North Africa, said that the exchanges had gone “better than expected”, but also explained that “as we suspected, apart from on humanitarian relief and immediate post-conflict reconstruction, the US have not yet made much progress on a lot of the day-after agenda”.²⁴

31. No discussion of SSR was recorded in reports of the Washington talks to Ms Clare Short, International Development Secretary, or Mr Geoff Hoon, the Defence Secretary.²⁵ Neither was it referred to in the reporting telegram from the Embassy.

32. An FCO official who attended the talks reported to Mr Dominick Chilcott in the Middle East Department that the “key message” was that Mr Donald Rumsfeld, US Secretary of Defense, had ordered his staff to plan both the military and civil administration of Iraq, and that this work was “going ahead fast, whether we like it or not”.²⁶ Plans were expected to be signed off in about a week’s time. Once that had happened, the official judged that it would be “very difficult to reverse what had been decided”.

33. Following the talks, Mr Drummond proposed that six working groups should be established to “pursue issues which require further planning”.²⁷ None of those groups were tasked to consider planning for SSR.

²³ Letter Brenton to Abrams, 16 January 2003, ‘US/UK/Australia Trilateral Talks on Iraq: 22 January 2003’.

²⁴ Minute Chaplin to Secretary of State [FCO], 22 January 2003, ‘Iraq: ‘Day-After’ Issues’.

²⁵ Minute Chaplin to Secretary of State [FCO], 22 January 2003, ‘Iraq: ‘Day-After’ Issues’; Telegram 89 Washington to FCO London, 23 January 2003, ‘Iraq: US/UK/Australia Consultations on Day After Issues: 22 January 2003’; Minute Lee to PS/Secretary of State [MOD], 23 January 2003, ‘Aftermath: Visit to Washington’; Minute Miller to PS/Secretary of State [DFID], 23 January 2003, ‘UK/US/Australia talks, Washington: 22 January 2003’.

²⁶ Minute Middle East Directorate [junior official] to Chilcott, 6 February 2003, ‘Iraq: PJHQ Meeting on ‘Aftermath’.

²⁷ Letter Drummond to Chaplin, 23 January 2003, ‘Iraq: Working Groups’.

34. On 20 January, the MOD Permanent Joint Headquarters (PJHQ) proposed the creation of a ‘Common Document’ to provide a framework for UK Phase IV²⁸ planning.²⁹ That was conceived as a “cross-Government agreed UK ‘manifesto’, from which we would be able to guide subsequent engagement with the US”. It would also provide a “mechanism for systematically identifying issues that needed to be resolved”.

35. The draft described a number of elements of SSR work, including:

- disarmament/demobilisation and the future shape of the military;
- aspirations for the criminal justice system; and
- consideration of the military role in police mentoring.

36. The Chiefs of Staff discussed the Common Document at their meeting on 29 January and concluded that it “would establish a framework UK policy, which would ... provide guidance to the embedded UK staffs charged with influencing US thinking”.³⁰

37. The same day, Mr Bowen shared a draft paper on UK campaign objectives for Iraq with Sir David Manning.³¹ The paper identified a number of “immediate military priorities” for the Coalition in the aftermath of hostilities, including “lay plans for the reform of Iraq’s security forces”. Mr Bowen commented that “it will be important ... that we share the same military objectives with the US, otherwise the strategic direction of the campaign risks falling apart”. The objectives are addressed in further detail in Section 6.5.

38. On 4 February, Mr Drummond proposed that a special meeting on “aftermath” should replace the AHGI scheduled for 7 February.³² That meeting would be used to co-ordinate a response to two US planning papers on post-war reconstruction and would also cover the “state of preparedness” on a range of issues, including an agenda item on SSR.

39. The AHGI appears to have used the meeting to focus on preparing key messages on post-conflict issues for Mr Hoon and Sir David Manning’s visit to Washington the following week.³³

40. A meeting about the post-conflict period took place at PJHQ offices on 5 February.³⁴ To support the discussion, PJHQ tabled a paper entitled ‘Iraq – Phase IV Subjects’.³⁵

²⁸ Phase IV is a military term that describes the time after combat operations, when activities are conducted to stabilise and reconstruct the area where combat took place. It can also be described as “Stage IV”.

²⁹ Minute PJHQ/Hd of J9 Pol/Ops to MA/DCJO(Ops), 20 January 2003, ‘Op TELIC: Taking Forward Aftermath Planning’ attaching Paper MOD, [undated], ‘Phase IV Planning – Common Document’.

³⁰ Minutes, 29 January 2003, Chiefs of Staff meeting.

³¹ Minute Bowen to Manning, 29 January 2003, ‘Iraq: Military Campaign Objectives’ attaching Paper [unattributed], [undated], ‘Iraq: Military Campaign Objectives’.

³² Letter Drummond to Chaplin, 4 February 2003, ‘Iraq: Aftermath’.

³³ Letter Drummond to Chilcott, 10 February 2003, ‘Iraq: Key Messages’.

³⁴ Minute FCO Middle East Directorate [junior official] to Chilcott, 6 February 2003, ‘Iraq: PJHQ Meeting on ‘Aftermath’ attaching Paper [unattributed], 5 February 2003, ‘Iraq – Phase IV Subjects’.

³⁵ Paper MOD [unattributed], 5 February 2003, ‘Iraq – Phase IV Subjects’.

41. That document described for the first time some of the short and medium-term SSR objectives for the post-conflict management of Iraq. Following the US planning of the time, those were divided into a “stabilisation” phase covering the first six months and a “reconstruction” phase covering months six to 18.

42. The desired end state for the military and security forces was to have laid:

“... plans for the reform of Iraq’s security forces ... Security Sector Reform (SSR) ... to include the restructuring of the intelligence agencies, armed forces, police and criminal justice system. All elements of the Security Sector to be affordable and accountable.”

43. The military and security objectives for the UK during the stabilisation phase were described as:

- all units of Iraqi military have been accounted for and (if appropriate) disarmed;
- stability, law and order in Iraq; and
- inter-agency or international organisation efforts to reorganise and train Iraqi law enforcement agencies begun (supported by the UK).

44. The military and security objectives for the UK during the reconstruction phase were described as:

- reform of Iraqi Armed Forces under way, with a view to organisations able to defend Iraq without threatening Iraqi citizens or neighbours;
- elimination of the Iraqi NSC and the Iraqi Special Security Organisations;
- exploitation and subsequent disbandment of the Directorate of General Security, the Directorate of General Intelligence, the Military Security Service, the Special Republican Guard, and Saddam’s Martyrs (Fedayeen Saddam); and
- vetting and reintegration of acceptable elements of the Republican Guard Forces Command, regular army and police.

45. The desired end state for law enforcement was to have: “Rule of Law established. Police reformed and conforming to human rights.”

46. The law enforcement objectives for the UK during the stabilisation phase were described as:

- early implementation of a clear plan for development of Iraqi police;
- framework to provide military provision of law enforcement within UK Area of Operations (see Box, ‘Area of Operations and Area of Responsibility’, later in this Section); and
- police vetted and initial capability established.

47. The law enforcement objectives for the UK during the reconstruction phase were described as:

- responsibility for law enforcement passed back to Iraqi police; and
- joint police/military police, transitioning to police operating alone.

48. The desired end state for justice was to have a reformed legal system established under vetted judiciary, with unjustly jailed prisoners released.

49. The justice enforcement objectives for the UK during the stabilisation phase were described as:

- martial law in place for minimum time possible;
- new laws agreed and promulgated;
- judges vetted, and unsuitable judges removed;
- military management of prisons; and
- unjustly jailed prisoners released.

50. The law enforcement objectives for the UK during the reconstruction phase were described as:

- Iraqi legal system up and running before transmission. International mentoring system provided to support judges.
- If possible, management of prisons passed over to Iraqi citizens. If not possible, support programme to re-establish in UK AO.

51. On 7 February 2003, Mr Peter Ricketts, FCO Political Director, informed Mr Straw that there was inter-departmental agreement that “the FCO should lead policy work on planning for post-conflict Iraq”.³⁶

52. There were two sections in different directorates within the FCO that had a role in relation to SSR:

- the Iraq Planning Unit (IPU); and
- the United Nations Department (UND), which had previous experience recruiting and deploying UK police for UN missions.³⁷

53. Lord Jay, the FCO Permanent Under Secretary from 2002 to 2006, told the Inquiry:

“I cannot recollect any discussions specifically about policing, nor have I been able to come across any papers.”³⁸

³⁶ Minute Ricketts to Private Secretary [FCO], 7 February 2003, ‘Iraq Strategy’.

³⁷ Letter Bowen to Ehrman, 5 February 2003, ‘Iraq: Operational Policy Unit’.

³⁸ Public hearing, 30 June 2010, page 48.

Iraq Planning Unit

The Iraq Planning Unit (IPU) was established on 10 February with Mr Dominick Chilcott, FCO Middle East Department as its head. Its remit was “to develop policy guidance to enable the administration of Iraq pending the appointment of a transitional civil administration, consistent as far as possible with the longer-term vision for the future of Iraq”.³⁹ Mr Bowen, defining the purpose of the Unit, wrote:

“They would need to work their way, with the US, through issues as diverse as humanitarian relief, policing, administration of justice, local government and provision of utilities, environmental recovery and priorities for the return to normality.”

The IPU was inter-departmental but based in the FCO.⁴⁰

54. On 12 February, responsibility for the ‘Iraq Stage IV Subjects Document’ was transferred to the newly formed inter-departmental IPU.⁴¹

55. On 29 January, Mr Peter Gooderham, Political Counsellor at the British Embassy Washington, reported that the NSC had asked whether the UK, as one of the Occupying Powers, would be willing to take lead responsibility for reforming the Iraqi judicial system and Iraqi Police Service (IPS).⁴² The NSC said that the justice sector would be run by the military Coalition in the immediate aftermath, but the Iraqis should “regain responsibility for law and order as quickly as possible”. That was described as having “something up and running within 60 days”. The UK would be “best suited” to take on this role because of its “wealth of experience and expertise”.

56. On 31 January, the UND submitted advice to Mr Straw, alerting him to the request and stating that “this would be a massive undertaking, with implications for the UK’s role as an ‘Occupying Power’, that should more properly be an international effort mandated by the UN”.⁴³

57. Mr Straw commented that the UK “should help the US on police and judicial matters as much as possible”, but “this help has to be on the basis of what is practical”.⁴⁴

58. On 4 February, Mr Drummond wrote to Mr Chilcott following a meeting between the Cabinet Office, the FCO, the MOD and DFID to consider the US request.⁴⁵ He observed

³⁹ Letter Bowen to Ehrman, 5 February 2003, ‘Iraq: Operational Policy Unit’.

⁴⁰ Minute Chorley to PS/Secretary of State [MOD], 12 February 2003, ‘Iraq: Aftermath – Briefing for Meeting with OGD Ministers’.

⁴¹ Minute Chorley to PS/Secretary of State [MOD], 12 February 2003, ‘Iraq: Aftermath – Briefing for Meeting with OGD Ministers’.

⁴² Letter Gooderham to Chaplin, 29 January 2003, ‘Iraq: Day After: US Requests for Assistance on Judicial Issues’.

⁴³ Minute UND [junior official] to Private Secretary [FCO], 31 January 2003, ‘Iraq the Day After – US Requests for Assistance on Judicial Issues’.

⁴⁴ Minute PS Foreign Secretary [FCO] to UND [junior official], 3 February 2003, ‘Iraq the Day After – US Request for Assistance on Judicial Issues’.

⁴⁵ Minute Drummond to Chilcott, 4 February 2003, ‘Iraq: Judicial Issues’.

that the management of the Iraqi police and judicial system in the first 60 days of Occupation would “condition the longer term”. The UK would need to know more about:

- Whether the US envisaged dismantling the Ba’ath Party.⁴⁶ While this is probably justified it would leave big gaps in the apparatus of the State.
- How much of the Saddam Hussein security structure they [the US] plan to retain.
- Whether the US envisaged a Kosovo style pillar structure, with a Coalition member leading each part. If so, what were the other pillars and who had been invited to lead them.
- What would the UN role be? We would need the UN to legitimise Security Sector Reforms. We accept that the UN would not deliver in time to manage the initial 60 days, but could play a useful role in the medium term on all aspects of judicial reform.”

59. It was agreed at the meeting that Mr Chilcott would pursue those questions in Washington at the next round of talks on 5 February between the UK, US and Australia. The issue would then be considered at a meeting on 7 February. If it was decided to “proceed further”, a scoping exercise would be undertaken by DFID, the MOD and “probably” the Home Office.

60. The British Embassy Washington’s report of the talks on 5 February did not mention the proposal of the US that the UK take lead responsibility in reform of the judicial system and the IPS.⁴⁷

61. On 10 February, Mr Drummond wrote to Mr Chilcott to share a draft of “key messages for the Defence Secretary and David Manning to put to Donald Rumsfeld and Condi Rice [Dr Condoleezza Rice, President Bush’s National Security Advisor]”.⁴⁸ The US request that the UK lead on the IPS and judiciary was not addressed in the paper.

62. On 12 February, in a brief written to prepare Mr Straw for a meeting with Mr Blair on “Day After issues”, the FCO advised that the UK was still considering whether it should accept the US request that it become “lead nation on justice throughout Iraq”.⁴⁹ The FCO stated that “it would be very difficult to do this without a UNSC [UN Security Council] Resolution authorising a transitional administration”.

⁴⁶ The Ba’ath Party, dominated by individuals linked to Saddam Hussein, were in power in Iraq at the time of the invasion.

⁴⁷ Telegram 167 Washington to FCO London, 6 February 2003, ‘Iraq: US/UK/Australia Talks on “Day After” Issues, 5 February’.

⁴⁸ Letter Drummond to Chilcott, 10 February 2003, ‘Iraq: Key Messages’ attaching Paper Cabinet Office, 10 February 2003, ‘Iraq Post Conflict: Key Messages’.

⁴⁹ Minute IPU [junior official] to Private Secretary [FCO], 12 February 2003, ‘Meeting on Iraq Day After Issues before Cabinet, 13 Feb’.

63. Mr Drummond wrote to Sir David Manning on 14 February to outline key messages for the US on “winning the peace”.⁵⁰ Addressing the US request that the UK “lead on reviving the Iraqi Justice system”, Mr Drummond reported that:

“We have asked for clarification of whether they see this as a short term revival of existing structures minus the Ba’ath influence or a much longer term reform agenda.”

64. The following week, Mr Chilcott informed Mr Straw that an assessment of UK capabilities in the field of police and judicial reform had been sent to the US, and that a minute on the subject was in preparation, but was awaiting “greater clarity on UK commitments”.⁵¹ In an accompanying document, Mr Chilcott described the UK position as:

“No commitment, but UK could consider providing support for UN-led justice sector reform, providing we had the right UN cover.”

65. Mr Straw responded the following day without comment on the UK’s role in judicial reform.⁵² The Government has been unable to supply evidence of any further consideration of the US request.

SSR planning during the build-up to invasion

66. In February and early March 2003, the main effort within the FCO and No.10 was the pursuit of a further UN Security Council Resolution, as described in Section 3.7. During this period, much of the debate around post-conflict management of Iraq focused on the prospect of the UK taking responsibility for a geographical region following the invasion, as described in Section 6.5.

67. The MOD Iraq Secretariat briefed Mr Hoon on 10 February ahead of a visit to Washington.⁵³ They advised that US aftermath planning was “impressive on details”, but “riddled with holes at the political and strategic levels”. The MOD identified a number of factors for consideration:

“SSR will be a huge issue, both in dismantling the current infrastructure and growing a new one. Will the US look to the current Iraqi police to maintain law and order, or will it train a new force? If US AID [Agency for International Development] are legally prevented from paying police or military salaries, how will SSR be funded prior to the utilisation of oil revenues? What will the new security apparatus look like, and how can it (particularly internal security organs) be made transparent and

⁵⁰ Minute Drummond to Manning, 14 February 2003, ‘Iraq: Winning the Peace’.

⁵¹ Minute Chilcott to Private Secretary [FCO], 20 February 2003, ‘Iraq: Day-After (Phase IV)’ attaching ‘Iraq Day After: Guidance for Officials at US Rock Drill’.

⁵² Minute Owen to Chilcott, 21 February 2003, ‘Iraq: Day-After (Phase IV)’.

⁵³ Minute Johnson to PS/Secretary of State [MOD], 10 February 2003, ‘Secretary of State’s Visit to Washington: Iraq’ attaching Briefing MOD Iraq Secretariat, [undated], ‘Iraq Aftermath – Summary of Key Gaps/US-UK Policy Differences’.

accountable? ... At a tactical level, UK forces will need guidance on how to treat various wings of the Iraqi security infrastructure as they are encountered in country.”

68. On 11 February, Mr Mike O’Brien, FCO Minister of State for the Middle East, was briefed on “Day After issues”.⁵⁴ That included detail on SSR preparations. On policing, Mr O’Brien was told that the UK’s experience in other areas, such as Bosnia, “should mean we would be well placed to share our expertise with the US and help influence their thinking on the issue”. A scoping paper “which could be shared with the US” on the establishment of an independent Iraqi judiciary was also commissioned.

69. More broadly, the briefing stated:

“It was agreed that the US saw themselves as the lead nation. On Security Sector Reform, we should ensure that we feed in to their decision making process. We could suggest leading on those areas where we have expertise eg: good governance.”

70. On 14 February, Mr Drummond produced a note for Sir David Manning on “key messages for the US” which outlined a number of decisions that needed to be taken.⁵⁵ On SSR he wrote:

“If we are not to replicate the problems seen in Afghanistan, we will also need the US to agree early to [sic] single holistic plan for Security Sector Reform. We have offered outline proposals on the security sector. We should offer a plan.”

71. The following week, the US hosted a Rock Drill: an inter-agency rehearsal for the post-conflict administration of Iraq. It was attended by a team of UK officials led by Mr Chilcott and is described in detail in Section 6.5.

72. On 20 February, Mr Chilcott submitted advice to Mr Straw, including an IPU guidance note for officials participating in the Rock Drill.⁵⁶ There was a brief mention of SSR activities in the context of maximising “involvement of the Iraqis in most tasks, including: policing ... judiciary ... and some security forces”.

73. In an update to Mr Blair shortly after the Rock Drill, Mr Nicholas Cannon, Mr Blair’s Assistant Private Secretary for Foreign Affairs, provided an overview of work undertaken by the IPU, including on humanitarian and economic issues.⁵⁷ Mr Cannon did not mention SSR.

74. On 25 February, the IPU produced a ‘UK Vision for Phase IV’.⁵⁸ The paper was sent to Sir David Manning the following day, copied to the offices of Mr Gordon Brown,

⁵⁴ Minute APS/Mr O’Brien to Chilcott, 11 February 2003, ‘Iraq: Day After Issues’.

⁵⁵ Minute Drummond to Manning, 14 February 2003, ‘Iraq: Winning the Peace’.

⁵⁶ Minute Chilcott to Private Secretary [FCO], 20 February 2003, ‘Iraq: Day-After (Phase IV)’ attaching Paper ‘Iraq Day After: Guidance for Officials at US ROCK Drill’.

⁵⁷ Minute Cannon to Prime Minister, 24 February 2003, ‘Southern Iraq: Aftermath Issues’.

⁵⁸ Paper IPU, 25 February 2002, ‘UK Vision for Phase IV’.

the Chancellor of the Exchequer, Mr Hoon and Ms Short.⁵⁹ The vision was that the UK “should aim to leave Iraq radically changed for the better”.⁶⁰

75. The paper listed a number of mission objectives, including the formation of an Iraq which “has appropriately sized, reformed armed forces and intelligence/security agencies” and “has a fair justice sector”.

76. The paper was structured to match the US organisation of Phase IV into three stages:

- Alpha – military administration while UN agencies and Non-Governmental Organisations (NGOs) “tackle the humanitarian crisis”.
- Bravo – an “international civil transitional administration”, supported by UN-mandated Coalition military, which would “take forward the programme of ambitious reforms ... to transform Iraq along the lines of the vision”.
- Charlie – the handover to a democratically elected Iraqi Government, during which the international community would continue to support the restructuring of Iraq’s economy and public administration. “Training of the armed forces and of the police and judiciary may also continue in Phase IV Charlie.”

77. The FCO sent a draft ‘Vision for Iraq and the Iraqi People’ to No.10 on 28 February.⁶¹ That version made no reference to the security sector, but did state that the UK would “help” by “supporting institutional and administrative reform”.

78. The UK’s objectives were described again in a paper prepared by the IPU for a meeting chaired by Mr Blair on 6 March.⁶² The paper sought Ministerial agreement to a number of objectives for the UK’s post-conflict Occupation of Iraq, including that Iraq:

- “Has armed forces and intelligence services that are of an appropriate size (striking a balance between not threatening its neighbours and protecting the territorial integrity of Iraq) and are well on the way to being reformed”; and
- “Respects human rights and has made significant progress towards a fair and effective justice sector.”

79. The IPU paper was not discussed at the meeting, so the draft objectives for post-conflict Iraq were incorporated into another IPU paper describing “the UK overall plan for Phase IV” and submitted to Mr Blair by Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, on 7 March⁶³ and again by Mr Cannon on 12 March.⁶⁴

⁵⁹ Letter Owen to Rycroft, 26 February 2002, ‘Iraq: Phase IV’.

⁶⁰ Paper IPU, 25 February 2002, ‘UK Vision for Phase IV’.

⁶¹ Minute Owen to Rycroft, 28 February 2003, ‘A Vision for Iraq and the Iraqi People’.

⁶² Paper IPU, 5 March 2003, ‘Planning for the UK’s Role in Iraq after Saddam’.

⁶³ Minute Rycroft to Prime Minister, 7 March 2003, ‘Iraq: Weekend Papers’.

⁶⁴ Minute Cannon to Prime Minister, 12 March 2003, ‘Iraq: Post-Conflict Planning: Objectives and Principles’.

80. The MOD produced a number of papers in March that discussed SSR.

81. On 7 March, an MOD “Red Team”, which had been established within the Defence Intelligence Staff (DIS) (as described in Section 6.2), produced a report seeking to identify “the optimum structure of the Immediate and Interim Administrations in Iraq and other measures most likely to obtain and retain the support of the Iraqi people”.⁶⁵ The report stated that “law and order, including the judicial process, will require special handling”. It stated that:

- “• ... once an assessment has been made of the effectiveness of local police forces it should be increasingly possible to include them in military-led law and order operations;
- the judicial system is largely dysfunctional and ... some form of interim judicial system may be necessary;
- the prison system is likely to require a complete overhaul and supervisory regime, although the infrastructure may be useable.”

82. The Red Team advised that:

“Expectations that the Coalition Forces will be able to deliver these responsibilities [those of an Occupying Power under international law] are high; so if there is doubt over our ability to meet them in an ‘exemplary’ fashion we should take steps to lower expectations as early as possible.”

83. On 11 March, the DIS issued a further assessment of the “political and security environment” that Coalition troops would encounter in Basra.⁶⁶ Though not specifically focused on SSR, some of the judgements in the document illustrate the UK’s pre-invasion understanding of the Iraqi security sector in what would become its Area of Operations (AOR).

Area of Operations and Area of Responsibility

Area of Operations (AO) refers to the UK military’s area of combat operations during the invasion of Iraq (Phase III of operations).

Area of Responsibility (AOR) refers to the area for which the UK military was responsible during the post-conflict Occupation of Iraq (Phase IV of operations).

The two terms were often used interchangeably, sometimes in the same document.

⁶⁵ Minute PS/CDI to PS/SofS [MOD], 7 March 2003, ‘Iraq Red Team – Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict’ attaching Paper DIS Red Team, 7 March 2003, ‘Obtaining and Retaining the Support of the Iraqi People in the Aftermath of Conflict’.

⁶⁶ Report DIS, 11 March 2003, ‘Basra: Post Saddam Governance’.

84. On the Iraqi police, the assessment stated:

“We have very little reporting on the organisation of Iraq’s Civil Police. And we have no information specific to Basra ... We have little idea as to how the police will act during a Coalition attack or in the aftermath. Limited anecdotal reporting suggest [sic] that they are likely to disappear from the street.”

85. The establishment of law and order was described as an “important” factor in the reaction of the Basra populace to Coalition control. However, the DIS judged that “in the absence of a civil police force and other security forces this will prove difficult”.

86. The paper also addressed the dismissal of Ba’ath Party members from the military and civil administration. The DIS assessed that:

“Directorate of General Security (DGS), DGI (Directorate of General Intelligence), SSO (Special Security Organisations) elements and Ba’ath Party militia should be disbanded. Ba’ath leadership (*Udw Firqa/Fara*) might also need to be detained ...

“... But within Basra City there seems to [sic] no organisation with a better understanding of tribal relationships, the civil populace, internal security matters and provision of public services than the Ba’ath Party. Many party members will not have been involved in repressive activity. We assess that Ba’ath Party members will have to be utilised by any military administration, at least in the early phases of control.”

87. On 18 March, the day before the invasion began, the MOD Defence Advisory Team (DAT) produced a paper on SSR and the future Iraqi armed forces.⁶⁷ The paper was designed “to inform UK policy making and assist in advancing US thinking on these topics”. Much of its content revisited the themes discussed in the FCO paper of 10 December 2002, which had already been shared with the US.

88. The MOD paper listed the range of SSR activities in which the UK could be expected to participate as follows:

- DDR;
- clearance of unexploded ordnance (de-mining);
- reconstruction of the Iraqi armed forces;
- non-military security forces and intelligence services;
- police and law enforcement;
- border control; and
- judicial systems.

⁶⁷ Minute IPU [junior official] to IPU Members, 18 March 2003, ‘Security Sector Reform: Future Iraqi Armed Forces’ attaching Paper Defence Advisory Team, March 2003, ‘Security Sector Reform: Future Iraqi Armed Forces’.

89. The first three were considered “defence/military elements” and potential areas for involvement by the MOD. The MOD’s estimated total cost of those activities (for the whole of Iraq) is set out in Table 1.

Table 1: MOD estimate of costs for SSR, March 2003

Activity	Cost (£m)
DDR	400
De-mining	500
Reconstruction and reorientation of the Iraqi Ministry of Defence	50
Total	950

90. The DAT described a number of “high-level risks”, including the potential for “a lack of coherence between primary Coalition partners over SSR Policy”. The paper stated:

“Whilst the UK may try and influence the shape and content of such an SSR strategy, the reality is that it will have to accommodate to the plans of the senior Coalition partner/lead international body and their intentions for this area of activity.”

91. The Cabinet Office circulated an agreed set of “Military Campaign Objectives” on 18 March.⁶⁸ The “immediate military priorities” included to:

- “contribute to the creation of a secure environment so that normal life can be restored”; and
- “lay plans for the reform of Iraq’s security forces”.

92. The military objectives were placed in the Library of the House of Commons by Mr Hoon on 20 March.⁶⁹

93. On 19 March, Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), issued his Directive to Lieutenant General John Reith, Chief of Joint Operations (CJO) authorising the commencement of Operation TELIC (UK military action in Iraq).⁷⁰ The tasks of relevance to SSR were:

- “Protect, and be prepared to secure, essential Iraqi political, administrative and economic infrastructure from unnecessary destruction in order to reassure the Iraqi people and facilitate rapid regeneration.”
- “Deter opportunistic inter-ethnic and inter-communal conflict.”

⁶⁸ Minute Bowen to Manning, 18 March 2003, ‘Iraq: Military Campaign Objectives’.

⁶⁹ House of Commons, *Official Report*, 20 March 2003, column 1087.

⁷⁰ Minute CDS to CJO, 19 March 2003, ‘Chief of the Defence Staff Executive Directive to the Joint Commander Operation TELIC Edition 2’.

- “As quickly as possible, contribute to a safe and secure environment within which humanitarian aid agencies are able to operate.”
- “If directed, be prepared to contribute to the reform of Iraq’s security forces.”

94. A later Directive, issued on 30 July, included a “key” priority:

“To support the Coalition wider SSR effort where this can be done within the appropriate UK scale of effort.”⁷¹

95. This Directive included a further task:

“Maintain public order and safety using, where possible, local law enforcement organisations supervised by military and civil police in order to achieve Iraqi support for stability operations.”

Planning the deployment of police officers

96. In his evidence to the Inquiry, Mr Stephen Pattison, Head of UND until June 2003, described UND’s involvement in police matters as “essentially operational”.⁷² Since 1997 UND had managed a Whitehall system to identify, train and deploy civilian police overseas. Mr Pattison said:

“Obtaining sufficient UK police officers to take part in international policing was always a struggle. We needed to get the co-operation of Chief Police Officers. And we needed to find ways of attracting volunteers ... We cast the net as wide as we could, including canvassing recently retired officers.

“In most cases the overseas requirement was for armed police, which rules out most UK officers. So we focused on getting UK officers into niche roles where their expertise would add to the international police force’s skills, rather than into front line executive policing.

“... And deploying UK police was not straightforward: all UK overseas police officers are volunteers, ACPO [Association of Chief Police Officers] and the Home Office would only agree to deployment when certain conditions were met (security, in mission support structure) and the funding had to be identified.”

97. Mr Pattison told the Inquiry that UND had not been tasked to undertake any preparatory work, but had identified a potential problem and acted to address it.⁷³ He said that there was no-one in Whitehall pulling together knowledge of policing to design the kind of police operation needed in Iraq. In his recollection, “awareness of our responsibilities under the Geneva Convention and Hague regulations did not inform our thinking about policing in the run-up to the war.”

⁷¹ Minute CDS to CJO, 30 July 2003, ‘Chief of the Defence Staff Executive Directive to the Joint Commander Operation TELIC Edition 3’.

⁷² Statement, 6 January 2011, pages 12-13.

⁷³ Public hearing, 31 January 2011, pages 5 and 9.

98. Responsibilities under the Geneva and Hague regulations included that, as an Occupying Force, the UK would assume responsibility for ensuring public order and safety within their AO.⁷⁴

99. UND had assumed that the UK would not provide an “executive” police force (“a force to do actual policing”) for Iraq, which would be a “massive undertaking”.⁷⁵ Instead the focus would be on supplying a “small number” of UK police to provide training and advice on SSR, as had happened in other international policing missions. It was judged that those police would need to be armed.

100. Mr Pattison told the Inquiry:

“We were aware of the constraints and we were aware of roughly how many police we could provide to do training and it wasn’t very many. This would have to be a wholly voluntary force. Any police deployed would need the approval of their Chief Constable. There were duty of care issues.

“You know, this was not going to be one of those situations where you could simply turn on a tap of British police to go and help. It was going to be very difficult. We [UND] certainly understood that, but I’m not aware that there was ever a serious discussion of post-conflict police issues.”⁷⁶

101. On 23 January, a junior official wrote to the Head of the UND Peacekeeping Section to seek authorisation to proceed with “plans for the training of a small contingent (30 officers) of Ministry of Defence Police for immediate deployment should they be required”.⁷⁷ The Minute stated:

“... we are taking these steps mindful of our experience in Kosovo, where the Prime Minister committed us to deployment of UK civpol shortly after the liberation of Pristina ... In that exercise police were on the ground within a month but only following a great deal of effort.”

102. Following a Cabinet meeting on 10 April, Mr David Blunkett, the Home Secretary, told officials that he wanted to be in a position to offer, or react very quickly to a request for, assistance in re-establishing policing in Iraq.⁷⁸ He was reported to have been thinking more of offering specialist advice than substantial numbers of police officers.

103. Home Office officials were told by Mr Pattison that the FCO’s preferred approach was to proceed with the initial deployment of a small MOD police contingent before deciding whether to ask the Home Office for any assistance from other forces.

⁷⁴ Paper MOD, 9 December 2009, ‘Iraq Security Sector Reform’.

⁷⁵ Public hearing Pattison and Buck, 31 January 2011, pages 3-4.

⁷⁶ Public hearing, 31 January 2011, page 14.

⁷⁷ Minute FCO [junior official] to UND [junior official], 23 January 2003, ‘Post Saddam Iraq: UK Civilian Policing Contingency Planning’.

⁷⁸ Email Home Office [junior official] to Kernaghan, 14 April 2003, ‘Potential Police Involvement in Iraq’.

104. Mr Blunkett was said to be “disappointed” by that response and told Mr Blair that he was “very keen to make his own contribution”. He instructed his officials to make contact with the Association of Chief Police Officers (ACPO) to explore the possibilities, which they did on 14 April.

105. Chief Constable Paul Kernaghan, the lead on international affairs for ACPO, responded:

“ACPO and I are very keen to play a full and appropriate part in supporting the UK’s contribution to liberating the people of Iraq. The form of assistance we can provide depends on the mission envisaged and crucially clear political direction.”⁷⁹

106. Mr Blunkett relayed CC Kernaghan’s offer to Mr Straw, confirming his own “commitment to the rehabilitation of Iraq, and in particular to the principle of the provision of UK policing assistance as soon as practicable”.⁸⁰ Mr Blunkett emphasised that both CC Kernaghan and he were “ready and willing to engage with you in working towards identifying civilian policing requirements in Iraq and how they might best be met”.

107. CC Kernaghan wrote to Mr Pattison, offering his services and suggesting that the FCO might wish to convene a meeting to bring together the key players from the FCO, Home Office and relevant policing interests to ensure a co-ordinated approach.⁸¹ He had already discussed the matter with the Chief Constable of the MOD police and they were “agreed that an integrated response between all elements of the UK police service is the best approach”.

108. On 23 April, a meeting between the FCO, the Home Office, the MOD and ACPO agreed that the MOD police would deploy two officers – at the rank of Superintendent and either Inspector or Chief Inspector – “to enhance the police advice available to GOC [General Officer Commanding] 1 UK Armoured Division” and that the FCO would try to place a UK Chief Inspector inside the Office for Reconstruction and Humanitarian Assistance (ORHA).⁸² It was confirmed that, in the meantime, CC Kernaghan should visit Iraq to gather information “to enable FCO/ACPO/Home Office to plan the UK’s contribution”.

109. CC Kernaghan’s record of the meeting concluded that “at this point in time there is no clear shared vision of the future but instead a strong determination by the agencies represented to provide meaningful support based on a professional assessment of the situation”.

⁷⁹ Email Kernaghan to Home Office [junior official], 15 April 2003, ‘Potential UK Civil Police Involvement in Iraq’.

⁸⁰ Minute Blunkett to Straw, 16 April 2003, ‘UK Police Assistance for Iraq’.

⁸¹ Letter Kernaghan to Pattison, 17 April 2003, ‘Iraq and the UK Police Service’.

⁸² Email Kernaghan to Pattison, 23 April 2003, ‘Iraq and the UK Police Service – Meeting 23/4/03’.

110. The Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR – see box later in this Section) discussed an IPU paper on SSR on 8 May.⁸³ No Home Office Minister was available to attend the meeting but Lord Goldsmith, the Attorney General, did attend. In advance of the meeting Mr Blunkett spoke to Lord Goldsmith and confirmed the Home Office’s willingness to contribute resources and expertise to assist UK efforts to shape SSR work in Iraq. They agreed that it would be useful for their two departments to work together on the matter.

111. The Home Office recognised that its potentially relevant expertise covered a range of areas, including terrorism and security, immigration and asylum, drugs, policing and prisons.

112. Lord Goldsmith reported to the AHMGIR that he and Mr Blunkett were willing to put more resources into helping the police and justice work in Iraq.⁸⁴

113. CC Kernaghan visited Iraq in late May.⁸⁵ In his visit report he observed: “Effective policing in Iraq requires operational officers to be armed.” Given that, and the fact that the vast majority of police officers in the UK did not routinely carry firearms and so were not trained in their use, he did not believe that they would be effective in an operational role in Iraq.

114. CC Kernaghan thought that UK involvement in police training would be more appropriate. He commented that the pressure to deploy police officers on operational duties was likely to be immense.

115. Following an agreement for the UK to provide a Chief Constable to be the senior policing adviser to the Coalition Provisional Authority (CPA) within the Iraqi Ministry of Interior (MOI), on 6 June 2003 ACPO issued a notice advertising a secondment opportunity for a senior UK police officer.⁸⁶

SSR across Iraq: after the invasion

116. The progress of the Coalition invasion of Iraq is described in detail in Section 8, and the events that followed it in Section 9.1. The start of efforts to reconstruct Iraq is set out in Section 10.1.

117. Shortly after the start of Operation TELIC,⁸⁷ the IPU circulated a “core script” on Phase IV issues from which Ministers and officials could draw as Parliamentary and

⁸³ Minute Acton to Riley, 7 May 2003, ‘Iraq – Security Sector Reform’.

⁸⁴ Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁸⁵ Letter Kernaghan to Blunkett, 23 May 2003, ‘Iraq – Visit by Chief Constable P R Kernaghan’ attaching Report Kernaghan, 10 May 2003, ‘Report on Visit to Iraq by Chief Constable Kernaghan [13-20 May 2003]’.

⁸⁶ Statement White, 20 June 2010, page 2.

⁸⁷ Operation TELIC was the codename for the involvement of UK Armed Forces in the military campaign to remove the threat from Iraq’s weapons of mass destruction.

media interest grew.⁸⁸ Until that point, the Government had been “reluctant” to discuss openly how post-conflict Iraq would be managed, but this was to be given greater prominence as military action began.

118. The script was also circulated to all Embassies, High Commissions and Consulates to aid the briefing of “key contacts”.⁸⁹

119. Neither document made any reference to SSR.

120. Lt Gen Reith updated the Chiefs of Staff on Phase IV planning on 21 March.⁹⁰ He warned that Phase IV delivery remained subject to “uncertain US dynamics at the pol/mil [politico-military] level” and identified a number of key issues that still required resolution (see Section 6.5), including how to approach SSR.

121. Mr Bowen circulated a draft paper to senior officials in the FCO, MOD and DFID on 25 March that set out “British Post-Conflict Objectives” (see Section 9.1).⁹¹ On SSR, the draft stated that the UK would, with others, assist reform in Iraq by:

- supporting the observance of human rights, and legal and judicial reform; and
- helping Iraq generate reformed and accountable security forces acting in accordance with human rights standards.

122. Mr Bowen suggested that officials should show the draft paper to their Ministers, if they had not already done so: “We will then see the outcome of the Prime Ministerial visit to Camp David and consider formal submission early next week.”

123. The AHMGIR met on 10 April.⁹² Ministers agreed that the UK should participate in work being done by the Office of Reconstruction and Humanitarian Affairs (ORHA), headed by retired US Lieutenant General Jay Garner. The UK should lead a group on security sector management and planning for SSR.

The Ad Hoc Ministerial Group on Iraq Rehabilitation

The Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) was a sub-committee of Cabinet with a particular focus on the reconstruction of Iraq. It was chaired by the Foreign Secretary and was attended by the Chancellor, Defence Secretary, Development Secretary and Trade and Industry Secretary. The AHMGIR is described in detail in Section 2.

⁸⁸ Minute Owen to Rycroft, 20 March 2003, ‘Iraq: Phase IV: Core Script’.

⁸⁹ Telegram 150 FCO to Abidjan, 19 March 2003, ‘Iraq: Core Script – Phase IV’.

⁹⁰ Minute Reith to COSSEC, 21 March 2003, ‘Phase IV Planning – Taking Stock’.

⁹¹ Letter Bowen to Chaplin, 25 March 2003, ‘Iraq: Post Conflict Objectives’ attaching Paper [draft], 25 March 2003, ‘Iraq: British Post-Conflict Objectives’.

⁹² Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

124. On 14 April, Mr Blair told the House of Commons that:

“... around 2,000 police officers have reported for work, there are some joint patrols in being and the head of the civil police department, not to be confused with the special security forces, has ordered police to return to work.”⁹³

125. In a conversation with President Bush on 14 April, Mr Blair stated that the Iraqi police clearly needed to be re-organised and deployed.⁹⁴ There could be a role for foreign police contingents.

126. General Tommy Franks, Commander in Chief US Central Command (CENTCOM), issued his ‘Freedom Message to the Iraqi People’ on 16 April 2003.⁹⁵ It instructed the Iraqi armed forces and security organisations to:

“... lay down their arms ... and ... obey the orders of the nearest Coalition military commander. All other Iraqis should continue their normal daily activities; officials should report to their places of work until told otherwise.”

127. On 21 April, OHRA entered Iraq.⁹⁶

128. In late April, the UK AO was declared “permissive”, first by UK forces on 22 April⁹⁷ and a few days later by the UN Security Co-ordinator.⁹⁸ The Coalition defined “permissive” environments as ones to which humanitarian assistance organisations could have access, although they should use all precautionary measures and notify the Coalition Forces.⁹⁹

129. Section 8 describes the evolution of the boundaries of the UK AO. On 24 April, Ministers agreed that “the size of the UK military sector will depend on the permissiveness of the environment and the extent of other nations’ contributions, but the current assumption was that it would comprise four, or possibly five provinces in the South”.¹⁰⁰

130. As Occupying Power in those provinces, the UK had responsibility for the provision of public order and safety under international law and resolution 1483 (2003), as set out in Section 9.1.

⁹³ House of Commons, *Official Report*, 14 April 2003, column 616.

⁹⁴ Letter Cannon to McDonald, 14 April 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 14 April’.

⁹⁵ Statement General Tommy R Franks, 16 April 2003, ‘Freedom Message to the Iraqi People’.

⁹⁶ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

⁹⁷ Note MOD to No.10, 23 April 2003, ‘Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003’.

⁹⁸ Written evidence to the Select Committee on Defence, 16 March 2004, ‘Further Memorandum from the Ministry of Defence on Post Conflict Issues’, February 2004’, HC 57-III.

⁹⁹ Report of The Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.

¹⁰⁰ Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

Resolution 1483

Resolution 1483 was adopted on 22 May 2003.¹⁰¹ In relation to security and SSR, the Security Council called upon the Coalition to:

“... promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future.”

Resolution 1483 also provided for a UN Special Representative who would, in co-ordination with the Coalition, encourage “international efforts to rebuild the capacity of the Iraqi civilian police force” and “promote legal and judicial reforms”.

131. The report of a visit to Iraq by DFID officials described how the “justice and security teams” within ORHA had:

“... drawn up extensive plans covering law and order, transitional justice, longer term institutional reform in the justice sector and limited DDR. Justice sector plans have been developed over two years, are well thought through and, with the requisite UN authority, would provide an excellent basis for future work. The likely breakdown in public administration and the implications for law and order were identified before the Iraq conflict began. Unfortunately, this advice was disregarded by the US Administration and the Coalition military.”¹⁰²

132. The AHMGIR met on 24 April.¹⁰³ In discussion, it was stated that the UK had “plenty of good expertise on Security Sector Reform and should play a prominent role”. Ministers agreed that the UK should lobby the US to create a “comprehensive strategy” and to involve UK personnel in ORHA scoping studies. There was no attendee from the Home Office.

133. Ministers also agreed that UK forces should continue to exercise a policing function while attempting to revive the local police forces and courts.

134. On 2 May, ORHA issued a call to all Baghdad employees of the MOI, the IPS, Civil Defence Force, Vital Institutions Protection Force and traffic police, summoning them back to work for 4 May.¹⁰⁴ Similar calls were also issued by individual Coalition Force Commanders “as their areas were secured”.

¹⁰¹ UN Security Council Resolution 1483 (2003).

¹⁰² Minute PS [DFID] to Rycroft, 22 April 2003, ‘Iraq: Engagement with ORHA’.

¹⁰³ Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁰⁴ Report CPA Interior Ministry, 30 May 2003, ‘Iraq Police: An Assessment of the Present and Recommendations for the Future’.

135. On 6 May, President Bush announced the appointment of Ambassador Paul Bremer as the Presidential Envoy to Iraq and head of the CPA (see Section 9.1).¹⁰⁵ The CPA quickly subsumed ORHA, retaining many of its staff.¹⁰⁶

136. Within the CPA, Ambassador Bremer's Senior Adviser for National Security and Defense was Mr Walt Slocombe.¹⁰⁷ A former New York City Police Commissioner, Mr Bernard Kerik, became the CPA's senior adviser to the MOI.

137. On 6 May, Mr Straw announced to Parliament that Mr John Sawers had been appointed as the Prime Minister's Special Representative on Iraq:

"Mr Sawers will work alongside Chris Segar, head of the newly opened British office in Baghdad, particularly in relation to the political process and our work in the Office of Reconstruction and Humanitarian Assistance."¹⁰⁸

138. On 8 May the AHMGIR discussed a paper on SSR produced by the IPU.¹⁰⁹ The paper stated:

"Reform across the full range of security activities (armed forces, intelligence agencies, justice and law enforcement institutions) is an essential element of the overall Coalition strategy to establish a united and representative Iraqi Government and to create the conditions under which the Coalition can eventually disengage.

"The objective must be the transformation of Iraq's security institutions so that they play an effective, legitimate and democratically accountable role in providing external and internal security for Iraq's citizens ... UK experience suggests that a coherent strategy will need effective burden sharing and ... the extended involvement of NGOs and other SSR actors. Immediate decisions and urgent action is needed to deal with the potential problems of unemployed and disaffected military and security service personnel."

139. The paper described the US approach as "embryonic" and assessed that it "tends to approach elements of the security sector separately". It also stated that "we must recognise that influencing US views may prove difficult, and will undoubtedly require considerable and sustained effort".

140. The paper reported that Mr Slocombe was assembling a team to deploy to Iraq later that month to establish the "Office of the Senior Advisor for the Ministry of Defence Iraq and the Iraqi National Defence Force". He was reported to be "actively seeking

¹⁰⁵ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁰⁶ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁰⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁰⁸ House of Commons, *Official Report*, 6 May 2003, column 515.

¹⁰⁹ Paper IPU, May 2003, 'Iraq – Security Sector Reform'; Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

Coalition partners to join his team and a number of key posts ... have been identified for possible UK secondees”.

141. The paper concluded that “the UK will neither be required nor able to develop an independent policy on SSR in Iraq”.¹¹⁰ The immediate UK priorities were therefore aimed at seeking to influence the development of US policy. Although the paper recommended that the UK should “contribute personnel and expertise”, there was no mention of where those resources would come from or what particular role they might be expected to play.

142. In discussion, the point was made that in Afghanistan, UK influence over the approach of the US to SSR had been limited.¹¹¹

143. Ministers agreed that:

- The UK should continue to encourage the US to adopt a broad concept of SSR, and “to address the employment of Iraqi defence and security personnel urgently through DDR processes”.
- UK personnel should be deployed, including the creation of an SSR secretariat within ORHA, to advise on cross-cutting SSR issues.
- The UK should facilitate UN, international financial institutions and other donor engagement in SSR.

De-Ba’athification

144. On 16 May, Ambassador Bremer issued CPA Order No.1 which eliminated all Ba’ath Party structures and banned “Senior Party Members” (the top four ranks of the Party) from serving in Iraq’s public sector.¹¹² It also placed individuals in senior management roles (the top three levels of management) under investigation. The impact of the de-Ba’athification process is described in more detail in Section 11.1.

145. Order No.1 had an immediate impact on the senior management of the security structures in Iraq, although Mr Slocombe observed in an interview in 2004 that: “Out of a Ba’ath Party membership of well over a million, maybe more, only about 40,000 people were in this category ... only about 10 percent of the brigadier generals were in these top four ranks.”¹¹³

146. The CPA’s records indicate that, of the 860 judges and prosecutors in post at the time of CPA Order No.1, 656 were reviewed under the de-Ba’athification scheme.¹¹⁴ As a result 176 were removed from their positions, with 185 new judges and prosecutors being appointed to take their place.

¹¹⁰ Paper IPU, May 2003, ‘Iraq – Security Sector Reform’.

¹¹¹ Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹¹² Coalition Provisional Authority Memorandum Number 1 – Implementation of De-Ba’athification Order No. 1 (CPA/ORD/16 May 2003/01), 3 June 2003.

¹¹³ PBS, 26 October 2004, *Interview Walter Slocombe*.

¹¹⁴ Report Coalition Provisional Authority, [undated], ‘An Historic Review of CPA Accomplishments’.

147. In a meeting with Ambassador Bremer and Mr Sawers on 16 May, some of the Iraqi leaders present argued that the scope of the recently announced de-Ba'athification policy should be "broadened to include the security services and army, private companies set up under Saddam, and the media".¹¹⁵ Bremer promised that there would be a further proclamation on the security services and army in the days ahead.

148. On 23 May, CPA Order No.2 – "Dissolution of Entities" – "dissolved" (or disbanded) a number of military and other security entities that had operated as part of Saddam Hussein's regime.¹¹⁶ The dissolved entities included:

- the government ministries responsible for Defence, Information and Military Affairs;
- the intelligence agencies;
- the armed forces; and
- the paramilitary forces which were closely associated with Saddam Hussein.

149. CPA Order No.2 also stated that:

- military ranks were cancelled;
- conscripts were released;
- a termination payment would be paid to those dismissed, except to senior party members; and
- pensions would continue to be paid, except to senior party members.

150. Neither the IPS nor the MOI were dissolved. Reflecting on the Order several years later, Ambassador Bremer wrote in the *New York Times* that the "police force, which we did recall to duty, has proven unreliable and is mistrusted by the very Iraqi people it is supposed to protect".¹¹⁷

151. In his book *State of Denial*, Mr Bob Woodward suggested that an early draft of the Order had proposed disbanding the MOI.¹¹⁸ At Lt Gen Garner's suggestion, that had not been implemented, in order to preserve the IPS who were employed by the MOI.

152. Existing members of the organisations listed above were dismissed from their former employment, with effect from 16 April (the date of Gen Franks' declaration).¹¹⁹

153. Order No.2 also announced:

"The CPA plans to create in the near future a New Iraqi Corps,¹²⁰ as the first step in forming a national self-defense capability for a free Iraq. Under civilian control,

¹¹⁵ Telegram 13 IraqRep to FCO London, 17 May 2003, 'Iraq: Bremer Meets Leadership Group'.

¹¹⁶ Coalition Provisional Authority Order Number 2, 23 May 2003, Section 1.

¹¹⁷ *New York Times*, 6 September 2007, *How I didn't dismantle Iraq's army*.

¹¹⁸ Woodward B. *State of Denial*. Simon & Schuster UK Ltd, 2006.

¹¹⁹ Coalition Provisional Authority Order Number 2, 23 May 2003, Section 3(1)-(3).

¹²⁰ The New Iraqi Corps later became the New Iraqi Army.

that Corps will be professional, non-political, militarily effective, and representative of all Iraqis. The CPA will promulgate procedures for participation in the New Iraqi Corps.”¹²¹

154. There was nothing in CPA Order No.2 that prevented former employees of the dissolved entities – including the military – from applying to join the New Iraqi Army (NIA), although the provisions of Order No.1 would apply.

155. *Hard Lessons*, the account of US involvement in Iraq by the US Special Inspector General for Iraq Reconstruction, records that Order No.2 was drafted by Mr Slocombe.¹²²

156. In a 2004 interview, Mr Slocombe observed that the reasons for disbanding the Iraqi Army were both political and practical:

- The Army had effectively disappeared after the invasion and its barracks had been heavily looted: “We didn’t disband the army. The army disbanded itself ... Furthermore, even if they had come back ... all the facilities were trashed.”
- The structure of the former Iraqi Army was such that it would have required substantial reform to be a suitable modern army: “... it was a conscript army with overwhelmingly Shia conscripts and overwhelmingly Sunni officers ... The Iraqi Army had 11,000 general officers. The American Army ... has 300 general officers.”¹²³

157. Lieutenant General Jonathon Riley, who served in Baghdad in 2003 as Deputy Head of the Coalition Military Assistance Training Team (CMATT), told the Inquiry that the CPA was left with no choice but to disband the army:

“He [Ambassador Bremer] is criticised for doing it, but I believe that by the time he made that decree, the army had disbanded itself and what was left of its infrastructure had been largely torn apart by the population, which had lost all respect for its own army. A very bad situation to be in.”¹²⁴

158. According to the RAND Report, *After Saddam: Pre-war Planning and the Occupation of Iraq*:

“... the decision to disband the Iraqi armed forces was ... made in Washington ... in early May 2003, before the deployment of Ambassador L Paul Bremer to Baghdad.”¹²⁵

¹²¹ Coalition Provisional Authority Order Number 2, 23 May 2003, Section 4.

¹²² Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹²³ PBS, 26 October 2004, *Interview Walter Slocombe*.

¹²⁴ Public hearing, 14 December 2009, pages 31-32.

¹²⁵ Bensahel N, Olikier O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq*. RAND Corporation, 2008.

159. Mr Douglas Feith, the former US Under Secretary for Defense and Policy, recorded in his memoir that he had been briefed by Ambassador Bremer and Mr Slocombe on 9 May 2003 about “their plan to dissolve the Iraqi Army”.¹²⁶

160. According to *Hard Lessons*, the US Department of Defense (DoD) had not discussed the Order with senior officials from other US agencies before approving it.¹²⁷ Secretary Powell recalled that “There was no meeting on it; there was no, ‘Gee, is this a good idea?’ You couldn’t even tell who had decided it.”

161. Major General Tim Cross, a senior secondee to ORHA, told the Inquiry that the decision to demobilise the army had been made “against all advice from Garner and myself”.¹²⁸

162. Sir Kevin Tebbit, MOD Permanent Under Secretary between 2001 and 2005, told the Inquiry:

“I was not aware of any discussion with us, with the UK, before those judgements were taken. After they were taken, the Americans said to us ... that it had to happen anyway, because the army had disappeared. Well, true, but not the 10,000 officers. So I didn’t quite buy that.”¹²⁹

163. Ambassador Bremer had specifically raised the issue of “dissolving the MOD and the security and intelligence organisations” and “establish[ing] a new national army” in his first meeting with Mr Sawers on 12 May.¹³⁰ Mr Sawers had not expressed any concerns and commented that Ambassador Bremer had made a “good dynamic start”.

164. Mr Slocombe met Mr Hoon in London on 13 May.¹³¹ Mr Slocombe produced a record of this meeting for Ambassador Bremer (a leaked copy of which has appeared on the internet), which stated:

“If some UK officers or officials think we should try to rebuild and reassemble the old RA [regular army] they did not give any hint of it ...”

165. The MOD record of Mr Hoon’s meeting with Mr Slocombe on 13 May stated that Mr Slocombe had:

“... outlined ... the plans for ... the new Iraqi Armed Force. He emphasised that this would be a new Army, rather than a reconstituted version of the old.”¹³²

¹²⁶ Feith DJ. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. HarperCollins, 2008.

¹²⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹²⁸ Statement, 2009, page 25.

¹²⁹ Private hearing, 6 May 2010, page 36.

¹³⁰ Telegram 5 IraqRep to FCO London, 12 May 2003, ‘Iraq: Bremer’s First Moves’.

¹³¹ *BBC News*, 29 October 2007, *In full: Memo from Walt Slocombe to Bremer*.

¹³² Minute APS/Secretary of State [MOD] to Policy Director, 13 May 2003, ‘Call on Defence Secretary by Walt Slocombe: 13 May 2003’.

166. There is nothing in the record to suggest that Mr Hoon or those accompanying him raised any concerns.

167. Mr Hoon offered UK support with the training of the NIA and stated that it was important that police reform took place in the context of a wider SSR process, “including lawyers, judges, prison officers”.

168. The Inquiry asked Mr Simon Webb, MOD Policy Director, about the meeting.¹³³ Mr Webb said that he had expected the Iraqi Army to be retained and reformed but observed:

“Of course, life then became particularly complicated when the army disappeared, because of course Saddam [Hussein] had himself ... dispersed the army so that it couldn't become a political threat to him. Under this ... strange command structure he had introduced in 2002, the army just ... gave up and went away. So when Walt Slocombe showed up ... it seemed a bit odd to ... summon the army back in again when you knew that actually you really wanted a rather different army from a democratisation point of view.”

169. Mr Ian Lee, MOD Director General Operational Policy, told the Inquiry that although he had met Mr Slocombe when the latter visited London in May 2003, he did not recall a discussion on the disbandment of the Iraqi military.¹³⁴

170. The Chiefs of Staff met on 14 May.¹³⁵ Minutes of the meeting recorded that “the de-Ba'athification process was anticipated to render all those officials senior to the rank of Lieutenant Colonel as ‘out of play’”. No concerns about that were recorded, nor do the minutes contain any mention of concern about Mr Slocombe's plan to rebuild the Iraqi Army from scratch.

171. Adm Boyce told the Inquiry that he had “laid down ... that we should not ... go through de-Ba'athification or indeed disband the Iraqi Army. I saw that as being absolutely essential for the future.”¹³⁶

172. Sir David Manning told the Inquiry about the impact of dissolving Iraqi military and security entities:

“... these were policies that added to the difficulties, because we might have addressed the security vacuum by trying to encourage Iraqi police, Iraqi military, to co-operate with us, instead of which, they are disbanded and then become natural dissidents and potential insurgents.”¹³⁷

¹³³ Private hearing, 23 June 2010, pages 66-68.

¹³⁴ Private hearing, 22 June 2010, pages 55-56.

¹³⁵ Minutes, 14 May 2003, Chiefs of Staff meeting.

¹³⁶ Public hearing, 27 January 2011, pages 94-95.

¹³⁷ Public hearing, 30 November 2009, page 91.

173. That view was shared by Mr Hoon, who told the Inquiry that:

“... some of the security difficulties, particularly in and around Baghdad were the result of disaffected people, no longer receiving their salary, joining the insurgency and, indeed, putting their expertise to use in the sense that there was a clear suggestion to me that some of the attacks became more sophisticated as some [former] military people became involved ...

“... I think that it would have been better to have that stability in that immediate aftermath and I think that, to some extent, disbanding the army fuelled the insurgency in a way that made it much harder to contain.”¹³⁸

174. Sir John Sawers told the Inquiry:

“I don’t think it is credible to lay the insurgency, the roots of the insurgency, in the decision to disband the army ... The decision to formally disband the army was not something that inspired or triggered the insurgency. It may, in some areas, have compounded it, but it wasn’t the fundamental reason behind it.”¹³⁹

175. The Order to disband the army also reduced the rate at which the security forces were later re-established. General Sir John Reith told the Inquiry that if the army had not been disbanded “there was still some structure there we could have built on, whereas, as it was, we really had to start from scratch”.¹⁴⁰

176. Lieutenant General Sir John Kiszely, who became Senior British Military Representative – Iraq (SBMR-I) in October 2004, described the impact on army capability:

“The Iraqi Army, of course, as a result of the Coalition Provisional Authority’s decision to disband the army, had been starting from scratch in many areas. So the competence of commanders was in many cases way below that which you would expect of their rank.”¹⁴¹

177. Lieutenant General Sir Robert Fry, Deputy Chief of Joint Operations from May 2003 to July 2003, told the Inquiry that:

“... one advantage that the Iraqi Army has had subsequently over the Iraqi police force is that it was created ab initio and thus did not contain some of the flaws that manifested themselves in the Iraqi police force in subsequent years.”¹⁴²

¹³⁸ Public hearing, 19 January 2010, page 161.

¹³⁹ Public hearing, 10 December 2009, page 78.

¹⁴⁰ Private hearing, 15 January 2010, page 61.

¹⁴¹ Public hearing, 14 December 2009, page 11.

¹⁴² Public hearing, 16 December 2009, page 76.

178. Mr Sawers had reported to the FCO in London on 20 May that the question of “what to do about military pay and pensions” was one of the “problems in the pipeline”.¹⁴³ No further details were provided.

179. Maj Gen Cross prepared a note for Mr Blair on 22 May setting out some points to make in a forthcoming discussion with President Bush.¹⁴⁴ Those included a reference to the recent de-Ba’athification announcement having “created some inevitable difficulties”.

180. Maj Gen Cross also raised a concern about what he understood to be the emerging policy decision not to pay pensions to former military personnel. He commented that “there are dangers in excluding such a large and possibly well armed group” from arrangements that were to apply to other members of the public sector.

181. Although no details of the amount of that payment and the arrangements for receiving it were given in the Order itself, those dismissed by CPA Order No.2 were entitled to a termination payment (unless they were a “Senior Party Member” within the terms of the de-Ba’athification Order).¹⁴⁵ Those who had previously been receiving a pension from one of the dissolved organisations would continue to receive that pension (again, unless they were a “Senior Party Member”).

182. A telegram from FCO London to Washington, dated 30 May, identified the problem of large numbers of people (and in particular those with military training) out of work and without prospect of further employment.¹⁴⁶ The FCO commented:

“... the Coalition needs a policy to reduce the perverse incentives for ... [that group] to drift towards the hard core actively opposing the Coalition ... one solution might be to create a workfare scheme – a pool of labour drawn specifically from those left unemployed by the disbandment of the security apparatus, to meet urgent short term requirements ...

“In the medium term, Security Sector Reform (SSR) will make a significant contribution to resolving this issue.”

183. An alternative proposal for re-employing former army personnel was put forward by the Cabinet Office in the Annotated Agenda for the AHMGIR on 12 June.¹⁴⁷ Officials suggested “pioneering the re-employment of former Iraqi service personnel as static guards in the UK-led military sectors”.

184. The minutes of the meeting do not record a discussion of the proposal.¹⁴⁸

¹⁴³ Telegram 18 IraqRep to FCO London, 20 May 2003, ‘Iraq: Bremer’s Impact’.

¹⁴⁴ Letter Williams to Rycroft, 23 May 2003, ‘Iraq Reconstruction’ attaching Paper Cross, 22 May 2003, ‘Iraq Reconstruction: Some Thoughts for the PM in his Discussions with President Bush’.

¹⁴⁵ Coalition Provisional Authority Order Number 2, 23 May 2003, Section 3(5).

¹⁴⁶ Telegram 251 FCO London to Washington, 30 May 2003, ‘Iraq: Dismantling the Ba’athist State’.

¹⁴⁷ Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁴⁸ Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

185. Mr Sawers reported on 20 June that plans were in train to pay more generous severance payments and a monthly stipend for those with at least 15 years' service who were not senior Ba'athists.¹⁴⁹ Mr Sawers' own view was that the sums being proposed "may not be enough to solve the problem", adding:

"Bremer has an open mind on this, though does not want to burden a future Iraqi Government more than necessary, nor be more generous to ex-soldiers than to civilians ... At a meeting with leading Iraqis today Bremer sought views on how to deal with the ex-military. The great majority of those present – including Shia Islamists – argued that regular payments should be made to ease the security threat that the ex-military would pose if they were marginalised."

186. Payments for ex-servicemen were announced on 23 June.¹⁵⁰

187. Ms Ann Clwyd, the Prime Minister's Special Envoy to Iraq on Human Rights from 2003 to 2009, told the Inquiry that "many people slipped through the net ... senior people, who could have been used in those early stages to help the Coalition".¹⁵¹ She recounted a meeting with a senior army officer who had queued for his stipend for two weeks without reaching the front of the queue. He had told her: "if they want to humiliate us, this is the way of doing it".

188. Major General Freddie Viggers, who arrived in Baghdad in May 2003 as SBMR-I, described similar scenes:

"I can remember going with Walt Slocombe in to see Paul Bremer and saying 'this has got to stop. The numbers at the gate now are over 1,000, 2,000, 3,000, and we have to start giving these people a little bit of respect and the means to live on'."¹⁵²

Views on SSR: May 2003

189. Sir David Manning visited Baghdad and Basra in May. A substantial part of his report to Mr Blair (described in Section 9.2) dealt with policing and security, and the way in which the UK could contribute to restoring order in the Iraqi capital. He reported to Mr Blair that: "Baghdad remains key; and the key to Baghdad is security."¹⁵³ Sir David's view was that:

"Police training could have a disproportionate impact. (Police are conspicuous by their absence). A quick win would be moving 16 Air Assault Brigade to Baghdad with the task of providing police training for six weeks."

¹⁴⁹ Telegram 46 IraqRep to FCO London, 20 June 2003, 'Iraq: Payments to Ex-Military, and Preparations for the New Army'.

¹⁵⁰ CPA Press Notice, 23 June 2003, 'Good News for Iraqi Soldiers'.

¹⁵¹ Public hearing, 3 February 2010, pages 26-27.

¹⁵² Public hearing, 9 December 2009, page 29.

¹⁵³ Minute Manning to Prime Minister, 22 May 2003, 'Iraq – Visit to Baghdad and Basra'.

190. The proposal to deploy 16 Air Assault Brigade was supported by Major General David Richards, the Assistant Chief of the General Staff, who had been sent to Iraq by Mr Hoon and General Sir Michael Walker, CDS, to scope the potential for a UK role in improving SSR.¹⁵⁴

191. The deployment was also encouraged by Mr Sawers, who emphasised the strategic importance of taking action in the immediate future to avoid further deterioration in security.¹⁵⁵

192. On 23 May, Mr Peter Watkins, Mr Hoon's Private Secretary, wrote to Sir David Manning to explain that the MOD advised against the deployment to Baghdad, on the basis that it was "likely to have only a marginal effect" and might divert effort away from the South of Iraq, where the UK was seeking to implement an "exemplary approach".¹⁵⁶

193. The Chiefs of Staff discussed SSR on 29 May, when they considered a paper prepared by the SPG.¹⁵⁷ The paper had been circulated to the FCO and the Cabinet Office, though not to DFID, the Home Office or other departments with responsibility for wider security or justice issues.¹⁵⁸

194. The SPG defined SSR as addressing "all aspects of the security sector (police, judiciary, penal service, border security, intelligence services and armed forces) as part of a long term holistic programme of change". Although SSR was normally led by DFID, with the MOD, the FCO and the Home Office as stakeholders, for Iraq the IPU had been given the lead "for the development of UK strategy through the Cabinet Office".

195. The SPG recognised that SSR in Iraq was part of both the security and reconstruction efforts, and defined the SSR goal for Phase IV as:

"To establish as soon as possible the core elements of a legitimate, accountable, sustainable Security Sector – which safeguards the Rights of Citizens and provides adequate Defence of future Iraqi Sovereignty."

196. The paper concluded with an assessment of the level of UK military resource that should be devoted to that task, commenting that "we may face a requirement to provide additional resources" and that there was "a choice about the degree of military involvement" which would "have implications for both the level [sic] resources and the length of time we are likely to be engaged".

¹⁵⁴ Minute ACGS to PSO/CDS, 20 May 2003, 'Op TELIC: ACGS' Trip to Iraq (17-21 May 03) – Initial Findings and Recommendations'.

¹⁵⁵ Minutes, 22 May 2003, Chiefs of Staff meeting.

¹⁵⁶ Letter Watkins to Manning, 23 May 2003, 'Security in Baghdad'.

¹⁵⁷ Minutes, 29 May 2003, Chiefs of Staff meeting.

¹⁵⁸ Minute Williams to COSSEC, 15 May 2003, 'Iraq – Security Sector Reform' attaching Paper [SPG], 15 May 2003, 'Iraq – Security Sector Reform'.

197. In the area of Iraq under UK control, UK forces were “likely to be faced with a variety of low level military activities required of Coalition Forces by the US to enable SSR implementation (e.g. oversight of recruiting procedures, provision of training advice and resources)”.

198. The SPG’s recommendations included:

- “We should proceed on the basis of minimal engagement in SSR in Iraq coherent with current Ministerial intent.”
- “We should seek clarification of where the funding for engagement in SSR will be forthcoming.”
- That the UK should seek clarification from the US on “who will decide size and shape of internal security forces”.

199. The minutes of the Chiefs of Staff meeting recorded that the MOD “should remain flexible on the degree to which the UK should be militarily involved, but be forward leaning in those areas where valuable assistance could be offered.”¹⁵⁹

The police structure in the UK

In his statement to the Inquiry, Chief Constable Paul Kernaghan described the police structure in the UK during the Iraq conflict.¹⁶⁰ There were 52 territorial forces: the Home Office was responsible for the 43 forces that cover England and Wales, the Scottish Executive for the eight forces in Scotland and the Northern Ireland Office for the Police Service in Northern Ireland (PSNI). Each force was headed by a Chief Constable (or Commissioner), who were members of the Association of Chief Police Officers (ACPO).¹⁶¹ Within ACPO, discrete “business areas” were led by individual Chief Constables “in addition to other duties”.

From 2000 to 2008, CC Kernaghan was the lead on international affairs for ACPO in addition to his role as Chief Constable of Hampshire Constabulary.

200. CC Kernaghan had first been informed of a potential requirement to deploy police officers to Iraq in an email from a junior Home Office official on 14 April.¹⁶² That exchange is also referred to earlier in this Section. The junior official explained:

“As you know, we would expect the FCO, who lead on the UK contribution to the policing element of international peacekeeping/crisis management operations, to initiate any request for policing assistance in Iraq. No formal approach has yet been made. But in view of the Home Secretary’s keen interest, I spoke to Stephen Pattison, Head of the UN Department at the FCO, to find out what their thinking was.

¹⁵⁹ Minutes, 29 May 2003, Chiefs of Staff meeting.

¹⁶⁰ Statement, 9 June 2010, pages 1-2.

¹⁶¹ Chief Constables of forces in Scotland were members of ACPO Scotland.

¹⁶² Email Home Office [junior official] to Kernaghan, 14 April 2003, ‘Potential police involvement in Iraq’.

He considers that an initial, fairly small, deployment of armed police officers to Basra would be useful in the first instance. The idea being that they would seek out credible elements of the local police force and encourage them (e.g. to act against looters etc).

“To meet this requirement, the International Policing Unit was looking to recruit about 20 Ministry of Defence Police officers, after the MDP [Ministry of Defence Police] had made a short reconnaissance visit ... Stephen Pattison said that he would like to see how this initiative worked out, before deciding whether to ask the HO [Home Office] for any assistance from other (i.e. ACPO) forces.”

201. In his response CC Kernaghan asked a number of questions about how the UK government envisaged any civilian policing assistance fitting in with the current military role and volunteered to visit Iraq “to consult with appropriate Coalition commanders/administrators and assess the input the UK could make”.¹⁶³

202. CC Kernaghan told the Inquiry that he was “quite clear” that he could not offer valid professional advice unless he had “first hand exposure to the realities of contemporary Iraq”.¹⁶⁴

203. On 23 May, CC Kernaghan reported to Mr Blunkett and Mr Straw on his visit to Iraq the previous week, undertaken to assess the possibilities for a UK police contribution to the Coalition effort and the scale of the task involved.¹⁶⁵ CC Kernaghan identified a number of challenges that he judged the Coalition powers would need to overcome in order to deliver effective law and order within Iraq:

- The absence of strategic direction or professionally informed planning. As well as the disorganisation he encountered in ORHA (which he attributed in part to the transition to the CPA), CC Kernaghan highlighted the absence of a clear plan from either of the two Occupying Powers for maintaining law and order or operating an effective criminal justice system. He observed that, in the course of his visit, it had become apparent that the UK had been preparing for the potential Occupation for some time and stated that it was a matter of “regret” that professional police advice from the UK had not been sought until April 2003.
- Criminal justice infrastructure was “totally degraded with police stations, courthouses and prisons having been looted by the local population and in some cases their own staff”. CC Kernaghan commented that: “Looting does not do justice to the level of destruction inflicted and I can best liken the outcome to the progress of locusts across a field of corn.” He suggested that a prison facility “meeting minimum international standards was also a high priority” and that the old Iraqi prison facilities that had been discovered indicated that “humane

¹⁶³ Email Kernaghan to Home Office [junior official], 14 April 2003, ‘Potential UK civil police involvement in Iraq’.

¹⁶⁴ Statement, 9 June 2010, page 2.

¹⁶⁵ Letter Kernaghan to Blunkett, 23 May 2003, ‘Iraq – visit by Chief Constable P R Kernaghan’ attaching Report Kernaghan, 10 May 2003, ‘Report on Visit to Iraq by Chief Constable Kernaghan [13-20 May 2003]’.

treatment of prisoners was an unknown concept.” Prisoners were, at the time, being held in the theatre internment facility designed for prisoners of war.

- The difference between the social norms and attitudes of the Occupying Powers and the local people and their neighbours in the wider region. That divergence was going to be a significant issue: “If the [Coalition Powers] are going to ensure that their values and concept of human rights are respected in Iraq, excellent. Equally, if they feel that legally they cannot change Iraqi society on those lines, it would be helpful for that reality to be spelt out. This is particularly relevant to policing, as any international officer serving in Iraq could not be associated with operational policing which did not reflect the human rights position of their parent country. Ambiguity and obfuscation would not survive long in the glare of media and domestic political scrutiny.”

204. After returning to the UK from a visit to Iraq, Mr Blair sent a personal note to President Bush.¹⁶⁶ Sir David Manning provided copies to Mr Straw, Mr Hoon, Mr Watkins and Mr Powell, but instructed “It must not go wider”.

205. Mr Blair wrote that:

“... the task is absolutely awesome and I’m not at all sure we’re geared for it. This is worse than re-building a country from scratch.”

206. He went on to explain that security in Baghdad had to be dealt with at once; police training was vital and urgent.

207. During May, the CPA Interior Ministry’s International Police Assistance Team (IPAT) – comprising 15 policing experts from the UK, US, Canada and Denmark – carried out an assessment of the Iraqi police, to inform the CPA’s plans for reconstituting and developing policing in Iraq.¹⁶⁷ The Coalition had originally intended to conduct the policing assessment as part of a wider justice sector assessment; however, because “the law and order situation was in a critical state of disarray ... the ... priority was defined as establishing the police forces” and the work on policing was taken forward in advance of wider work on the justice sector. The team produced a 56-page assessment of the state and future of policing in Iraq on 30 May.

208. The IPAT assessed that the law and order situation varied across Iraq. It explained that the arrangements for recalling and reinstating the Iraqi police had varied geographically and that individual Coalition commanders had taken different approaches to the training and re-use of existing police:

“This effectively began the creation of four potentially different police forces in Iraq: North, Central, South Central and South.”

¹⁶⁶ Letter Manning to McDonald, 2 June 2003, ‘Iraq: Prime Minister’s Note’ attaching Note, ‘Note’.

¹⁶⁷ Report CPA Interior Ministry, 30 May 2003, ‘Iraq Police: An Assessment of the Present and Recommendations for the Future’.

209. The IPAT commented:

“Encouragingly, the Iraqi police are co-operating and demonstrating a willingness to work alongside the Coalition Forces in order to address the law and order situation.”

210. The IPAT explained that ORHA had:

- issued guidelines “to ensure that a standardised approach is utilised while re-organising the police within each military area of responsibility”;
- established “criteria for vetting existing and screening newly recruited personnel”;
- stated that programmes of instruction to re-train all existing personnel and new recruits would be complete by mid-June;
- increased salary levels; and
- begun vetting of senior police officers in response to the de-Ba’athification Order.

211. The IPAT assessment concluded:

“The Iraqi Police, as currently constituted and trained, are unable to independently maintain law and order and need the assistance and guidance of Coalition Force assets (or some similar follow on force) to accomplish this task.”

212. The Iraqi police would need to be “redesigned and redeveloped” if they were to become capable of engendering public trust and confidence and being able to recover from the “years of neglect” and the “repressive command structure” that prohibited training, proactivity and initiative.

213. The IPAT recommended demilitarising the structure and ethos of the police and, while it recommended that the new police force should be recruited primarily from those who served in the previous Iraqi police, there should be tight vetting arrangements, retraining and “the establishment of an aggressive Office of Professional Standards ... that ferrets out corruption while immediately addressing unprofessional, unethical or criminal behaviour within the Service”.

214. The IPAT set out a summary of the principles to be applied to vetting. It explained that the purpose was both “to remove unacceptable personnel from the existing ... service” and to prevent unsuitable individuals joining the reconstituted police service. In addition to physical fitness and basic Arabic literacy, the criteria included:

- No affiliation with the Ba’ath Party in accordance with ... CPA Order No.1;
- No reported history of human rights violations or history of mistreatment or abuse of other persons;
- No criminal history involving violence, theft or violating the public trust;
- No reported history of a propensity to engage in violence or criminal acts;
- No reported history of immoral or unethical activity.”

215. The IPAT explained that once applicants had met those minimum requirements, they would be investigated in line with the de-Ba'athification Order to check that they were not disqualified from employment. Absolute disqualifications would include:

- Former regime security organisation affiliation (RG [Republican Guard] or worse);
- Senior Ba'ath Party membership;
- Terrorist organisation affiliation; or
- Human rights violations and crimes against humanity.”

216. The IPAT did not provide any details of how the information on which to make judgements about individual cases was to be obtained and evaluated. Nor was there any information about who would make the judgements.

217. Training programmes for existing police officers were to comprise an initial three-week transitional training programme followed by a longer-term capacity-building programme, to include monitoring and mentoring, “until an effective, locally acceptable police force is established that incorporates principles of community policing and full respect for the human rights of individuals”.

218. The IPAT assessed that that could not be achieved “without significant international assistance” and estimated that “a requisite force” would comprise 6,633¹⁶⁸ international police advisers, an unspecified number of whom would have executive powers. Training sites should be opened in Baghdad, Basra, al-Anbar and Northern Iraq. Those whom the IPAT had spoken to as part of its research had “expressed a wish for US and UK police as trainers and supervisors”, though the IPAT was of the opinion that “consideration should obviously be given to a wider pool than this and should also include consideration of other Arab police forces”. There was no detail about how those advisers would be sourced.

219. The IPAT stated:

“... a policy decision is needed as to the end state of the police ... so that there is an overarching vision and focus ... Two models are available. One is the classic single national police force with specialised units at the centre and decentralised administration. The second is a police force which reflects a federal government structure.”

220. Former Deputy Chief Constable (DCC) Douglas Brand, who served as the UK's senior policing representative in Baghdad from July 2003, told the Inquiry that he recalled seeing the IPAT assessment prior to his deployment and thought that it was “high on aspiration but very low on actual, practical capability ... not least, there wasn't a great deal of understanding of the local culture and context”.¹⁶⁹

¹⁶⁸ The report quotes two figures; 6,663 and 6,633. The Inquiry believes the latter is the correct figure.

¹⁶⁹ Public hearing, 29 June 2010, pages 11-13.

SSR roles and responsibilities in Iraq

221. On 3 June, a conference was held in Washington chaired by Mr Slocombe.¹⁷⁰ It was attended by personnel from the MOD, the FCO, the IPU and DFID, led by Brigadier John Rose, the Chief of Defence Staff's Liaison Officer. At the conference, Mr Slocombe proposed a new structure for the CPA's Office of the Director of Security Affairs.

222. The "most significant" change to previous plans was the addition of the post of Deputy Director for SSR, which Mr Slocombe said would take on "the co-ordination role".¹⁷¹ The British Embassy Washington commented that "this reflected a general willingness, by Slocombe at least, to view the management of the sector in the round". The UK delegation told Mr Slocombe that the UK "would be keen to provide someone" for the SSR role.

223. The UK also undertook to provide a Chief Constable to advise on police support, a one or two-star civilian deputy director to work on reform of the Iraqi MOD (IMOD¹⁷²), a deputy director for intelligence conversion and a one-star deputy commander of the Coalition Military Assistance¹⁷³ and Training Team (CMATT).¹⁷⁴ The UK also offered assistance with navy and air force reform.

224. US Major General Paul Eaton arrived in Iraq on 13 June to take control of the CPA's CMATT, which was to be responsible for developing and training the NIA.¹⁷⁵

225. CMATT reported to Mr Slocombe's deputy, Lieutenant General Luis Feliu of the Spanish Army.¹⁷⁶ Maj Gen Eaton's Deputy Commander was from the UK – Brigadier Jonathon Riley. There were a further eight UK officers seconded to CMATT.¹⁷⁷

226. CMATT was initially given a budget of US\$173m and directed to train three divisions of light or motorised infantry by September 2006.¹⁷⁸ It was also directed to form a small aviation element and a coastal defence force.

227. In early July, responsibilities for SSR in the CPA were divided. Mr Kerik took on responsibility for the MOI including policing, fire, customs, border control, immigration,

¹⁷⁰ Minutes, 4 June 2003, Chiefs of Staff meeting.

¹⁷¹ Telegram 780 Washington to FCO London, 3 June 2003, 'Iraq: Roundtable with Walt Slocombe, CPA Director'.

¹⁷² The IMOD was also referred to as the 'Iraqi MOD' or simply the 'MOD'. The Inquiry will use the term 'IMOD' unless quoting from a document which uses an alternative.

¹⁷³ 'Advisory' is used instead of 'Assistance' in some papers.

¹⁷⁴ Minutes, 4 June 2003, Chiefs of Staff meeting.

¹⁷⁵ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁷⁶ Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

¹⁷⁷ Paper MOD, 9 December 2009, 'Iraq Security Sector Reform'.

¹⁷⁸ Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

passports, citizenship and disaster relief and Mr Slocombe focused on the development of the Iraqi Armed Forces.¹⁷⁹ Mr Kerik's team at this stage comprised 12 people with an additional five consultants on short-term assignments.

228. A record of the IPU's SSR team's visit to Iraq at the start of July stated:

“Although Kerik has a clear vision on his aspirations for a police force there currently appears to be a lack of strategic direction for the whole of Iraq with his focus firmly on Baghdad. That said it is understood that guidance has been given to the regions but they have largely been left to fend for themselves. It is expected that this will change as the international policing effort is established. Kerik offered much praise for the efforts and progress made in the Basra area by UK forces.”¹⁸⁰

UK policing strategy: summer 2003

229. On 5 June, Mr Straw sent a number of papers to Mr Blair including a three-page policing strategy produced by the UND.¹⁸¹ It referenced the CPA's assessment of 30 May and commented that, in the FCO's view, the immediate objective was “to stabilise the security situation by creating an effective interim police force with international civilian police working alongside Iraqi police and Coalition military forces”.

230. The strategy stated that the longer-term objective was “to establish an effective, viable and sustainable police force within a fully functioning security sector”. The initial response would be deployment of “an armed International Police Monitoring Force ... to Baghdad and Basra, to conduct joint patrols with the current Iraqi police force and Coalition military” requiring 3,000 armed police officers. Once the Iraqi police were considered to have received sufficient initial training, the international presence would have a longer-term training focus, eventually taking on a mentoring role.

231. The UND paper suggested the following timetable:

- By 14 June: CPA/Coalition agree strategy for reforming Iraq Police Force [to include a decision on the model of police force required];
- By 21 June: Appointment of Police Commissioner to implement strategy;
- By 30 June: Police Contributors conference;
- By 14 August: Infrastructure in place for international police monitoring/ mentoring force (IPMF);
- By 31 August: Arrival of international police force (IPMF) personnel.”

¹⁷⁹ Minute Lowe [MOD], 9 July 2003, ‘Visit Report – IPU Security Sector Reform Team Visit to Baghdad 4-7 July’.

¹⁸⁰ Minute Lowe [MOD], 9 July 2003, ‘Visit Report – IPU Security Sector Reform Team Visit to Baghdad 4-7 July’.

¹⁸¹ Minute Straw to Blair, 5 June 2003, ‘Iraq: Winning the Peace’ attaching Paper UND, 3 June 2003, ‘Iraq: Security Sector Reform: Policing Strategy’.

232. An FCO update to the MOD's Iraq Secretariat stated that the strategy was "broadly endorsed by the Prime Minister".¹⁸²

233. On 6 June, the UND contacted the US State Department to share its draft policing strategy.¹⁸³

234. Sir Kevin Tebbit and Gen Walker visited Baghdad and Basra in early June.¹⁸⁴ Sir Kevin reported that Ambassador Bremer had expressed a desire to draw on UK expertise from Northern Ireland and they had explored how the UK might offer assistance. Sir Kevin also recorded that Gen Walker thought that the MOD Operational Training and Advisory Group (OPTAG) should advise on the creation of a "Police and Security Sector Reform Assistance" team.

235. The UND responded with a formal minute defending the UK's draft strategy. The minute stated:

"Since 1997 there has been a Whitehall system in place for the deployment of UK civilian police ... The International Policing Unit in UND, FCO is in the lead ... They ... have a large amount of experience and expertise to draw on. I do not see the need to ask OPTAG to advise on setting up a new team ... nor indeed do I see the need for a new team to be set up at all."¹⁸⁵

236. The MOD's Iraq Secretariat had also been in touch with Mr Kerik in Baghdad.¹⁸⁶ As a result, they considered that the FCO's policing strategy was "about three weeks behind the curve" as Mr Kerik "doesn't want an international force, he wants trainers (about 7,000 of them)."

237. The UND commented:

"Until we see a policing strategy from the Americans ... I suggest we continue to sell our proposal."

238. At the AHMGIR held on 12 June, the FCO's policing strategy was not discussed.¹⁸⁷ Instead discussion on SSR focused on the deployment of UK personnel.

239. The minutes also recorded:

"The US had asked for our advice on how to win hearts and minds and establish security based on our Northern Ireland experience. The MOD would send a team."

¹⁸² Letter UND [junior official] to MOD(Sec Iraq), 9 June 2003, 'Iraq: Policing Strategy'.

¹⁸³ Email UND [junior official] to [State Department], 6 June 2003, 'Iraq Policing'.

¹⁸⁴ Minute Tebbit to Secretary of State [MOD], 3 June 2003, 'Visit to Basra and Baghdad'.

¹⁸⁵ Minute UND [junior official] to MOD(Sec Iraq), 9 June 2003, 'Iraq: Policing Strategy'.

¹⁸⁶ Email UND [junior official] to Lowe [MOD], 9 June 2003, 'Policing Meeting – Tuesday 10 June'.

¹⁸⁷ Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

240. The MOD deployed OPTAG to train US military trainers and “pass on UK expertise in peace support operations” in June.¹⁸⁸

241. Mr Andy Bearpark became the CPA Director of Operations and Director of Operations and Infrastructure in June 2003. He told the Inquiry:

“The training of the new Iraqi police force was perceived of as an entirely civilian lead, even though military resources might be required.”¹⁸⁹

242. Mr Straw met Ambassador Bremer in Iraq on 2 July.¹⁹⁰ The record of the meeting stated that Mr Kerik had made a request for “experienced police officers to help with training and mentoring”.

243. The nature of this request was clarified in the record of the IPU’s visit to Iraq in early July, which stated:

“... a specific request for 100 UK Police Officers in a mentoring/tutoring role for the next 18 months operating in Iraq was raised by Kerik.”¹⁹¹

244. Police secondees were expected to contribute in a range of areas including training and mentoring, with some officers being expected to “have executive powers” (that is, to be operational police officers).

245. Acting DCC Brand deployed to Iraq on 4 July.¹⁹²

246. Before his deployment, the evidence seen by the Inquiry indicates that there was no clear understanding of what his role would be. There had “been a hint that the role will be to head up the international policing effort”, but it was decided that he should accompany the FCO’s SSR team on a visit to Baghdad and that “if there is a substantial role for him it is intended that he will stay on”.¹⁹³

247. Former DCC Brand told the Inquiry that he had been “told that I should seek to negotiate my way in with Bernard Kerik, but if that failed to return to the UK”.¹⁹⁴

248. Once DCC Brand was in Iraq, agreement was reached that he would serve as Mr Kerik’s chief adviser on policing.¹⁹⁵ Shortly after arriving in Baghdad, DCC Brand

¹⁸⁸ Letter Williams to Rycroft, 1 July 2003, ‘Iraq: Security and Troop Levels’; Letter Sinclair to Sheinwald, 17 October 2003, ‘Iraq Security and Policing’.

¹⁸⁹ Public hearing, 6 July 2010, page 78.

¹⁹⁰ Telegram 24 FCO London to IraqRep, 3 July 2003, ‘Iraq: Foreign Secretary’s Meeting with the Administrator of the Coalition Provisional Authority in Iraq, 2 July’.

¹⁹¹ Report Lowe [MOD], 9 July 2003, ‘Visit Report – IPU Security Sector Reform Team Visit to Baghdad 4-7 July’.

¹⁹² Statement Brand, 18 June 2010, page 1.

¹⁹³ Minutes, 26 June 2003, ‘Minutes of a Meeting to Discuss Security Sector Reform in Iraq Held at the IPU on Thursday 26 June 03’.

¹⁹⁴ Statement, 18 June 2010, page 1.

¹⁹⁵ Minute Brand, 16 July 2003, ‘Report from Iraq – Douglas Brand’.

requested “immediate augmentation of three staff” to support his work in Baghdad and drafted himself some more detailed Terms of Reference. Those included responsibility for:

- policing Baghdad (under Mr Kerik’s policy direction) – an operational function;
- developing an implementation strategy for policing in Baghdad, aimed at achieving transition from military primacy to civil police primacy;
- mentoring, coaching and training the Iraqi Chief of Police for Baghdad (once appointed) to a level that would allow the CPA to hand over authority and operational responsibility;
- advising the CPA on international support for policing in Iraq; and
- advising the CPA on the implementation of a strategy for policing in Iraq.

249. Former DCC Brand told the Inquiry that the purpose of the last two objectives was to remind Mr Kerik of his “broader responsibility for the rest of Iraq”.¹⁹⁶

250. Former DCC Brand later added that, “with the establishing of the second chief officer to go down there [Basra], I made an early decision, rightly or wrongly, that I wasn’t going to trespass in his [Mr Kerik’s] area, apart from the fact that I had enough to get on with in Baghdad and the rest of Iraq, but also there was a slightly different set-up”.¹⁹⁷

251. After Mr Kerik’s tenure in Iraq ended in early September 2003,¹⁹⁸ DCC Brand effectively acted as senior adviser to the MOI “for a couple of months”¹⁹⁹ until late October when a US replacement, Mr Steve Casteel, was brought in.²⁰⁰

252. Former DCC Brand told the Inquiry that, during that period:

“... it was a busy time and, of course, what got neglected was the police part.”²⁰¹

The UK approach to judicial reform

By the end of June 2003, the CPA had completed a review of the Iraqi justice sector.²⁰²

DFID officials summarised the conclusions and recommendations of the report as follows:

- A holistic upgrade of legal competence was required. To practise under the current system, lawyers needed only to register and attend a one-hour interview.
- The roles of key actors in the court system needed clarification and re-definition: specifically, prosecutors and defence lawyers should be more active and judges should perform a less prosecutorial function.
- Steps needed to be taken to reduce the endemic corruption in the legal system.

¹⁹⁶ Public hearing, 29 June 2010, page 37.

¹⁹⁷ Public hearing, 29 June 2010, page 89.

¹⁹⁸ Statement Brand, 28 June 2010, page 1.

¹⁹⁹ Public hearing, 29 June 2010, page 92.

²⁰⁰ PBS, 30 December 2005, ‘*Training Iraqi Police Forces*’.

²⁰¹ Public hearing, 29 June 2010, page 93.

²⁰² Annotated Agenda, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

- The legal code should be clarified; choices needed to be made about which statutes were valid and which were not.
- Judges should be screened for Ba'ath Party status.
- Legal associations needed to be strengthened to raise standards of professionalism and self-regulation.
- Discrimination against women in the legal system was overwhelming. They were not allowed to attend the judicial training course that was the basis for selection as judges and prosecutors.²⁰³

The AHMGIR was briefed that some of the recommendations were already being put into effect.²⁰⁴ On 17 June, Ambassador Bremer had announced the opening of a new Iraqi Judicial College, the creation of a Judicial Review Committee (responsible for de-Ba'athification of the judiciary) and the establishment of a Central Criminal Court. The CPA also proposed to establish an Office of Human Rights and Transitional Justice, which would operate alongside the Ministry of Justice.

Cabinet Office officials briefed members of the AHMGIR that: "We are generally content with the direction of CPA policy, but believe that the UN and NGOs should be more involved in the next stages."

Ministers discussed the Judicial Review Team's report at the AHMGIR on 26 June and agreed that "subject to closer scrutiny" they should support the report's recommendations "including by providing specialist advice".²⁰⁵

A DFID-sponsored mission by the International Legal Assistance Consortium (ILAC) visited Iraq from 13 to 30 August to scope projects for the reconstruction of the judicial system.²⁰⁶ Four of the projects recommended by the mission formed the basis of the £2.2m DFID-funded ILAC Justice Support Programme (see Box, 'International Legal Assistance Consortium').

On 10 July, the AHMGIR considered a paper on judicial reform.²⁰⁷

Lord Goldsmith said that corruption and intimidation had left the Iraqi judicial system in a "worse state than expected" and that it would take a "long term commitment from the international community and particularly the Arab world to rebuild". He highlighted that Iraqi people wanted a system that would deal with current crimes as well as legacy crimes.

Ministers agreed that the UK should:

- encourage qualified and vetted Iraqi legal experts to assist reconstruction of the judicial sector;
- encourage participation of the UN, Arab and international experts;
- second suitable UK personnel where possible; and
- consider holding a conference on judicial issues in Iraq.

²⁰³ Letter Glentworth to Kossoff, 22 August 2003, 'CPA Judicial Assessment Team ("the Williamson Report")'.

²⁰⁴ Annotated Agenda, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁰⁵ Minutes, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁰⁶ Paper ILAC, 1 December 2003, 'ILAC Iraq Programme – Submission for DFID'.

²⁰⁷ Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

253. The AHMGIR next discussed SSR on 17 July for which the IPU – which had been renamed the ‘Iraq Policy Unit’ – provided an update paper.²⁰⁸ The paper stated that there had been considerable progress in various SSR areas but that there was still no cohesive strategy. That lack of strategy was described as “not necessarily ... a cause for current alarm” as it was a reflection of the rapidly moving situation in Iraq.

254. The paper described the splitting of SSR responsibilities as a “set back” and informed Ministers that there were now four senior UK personnel in Baghdad working in each of the main SSR areas (policing, intelligence, army and the MOD). Agreement that DCC Brand would serve as Mr Kerik’s chief adviser was “an important gain”.

255. The paper mentioned the requirement for approximately 7,000 international police officers. The US intended to provide 700 and the UK 100.

256. At the meeting of the AHMGIR, the IPU described the 7,000 target as “ambitious” although they considered that the Organisation for Security and Co-operation in Europe (OSCE) might provide support.²⁰⁹ By that stage, a police donors’ conference should have been held and international contributions established according to the original FCO timeline produced on 3 June. The fact that timelines were slipping was not mentioned at the meeting or in the update paper.

257. On 1 August, the UND wrote to DCC Brand asking him to push for a policing strategy and stating:

“The UK and other states will be reluctant to engage in the reform of the Iraqi police service unless we are shown that there is a clear strategy ... If the CPA Interior Ministry is genuinely considering the deployment of a significant mentoring mission, it will urgently need to address these issues and make its case to a wider audience. We fully appreciate the constraints of the operating environment, but we are keen to keep up momentum and build on progress made.”²¹⁰

Training of the Iraqi Police Service begins

258. Formal police training began in late June.²¹¹ On 16 July, the first 150 students graduated from the Transition Integration Programme – a three-week course designed for existing police officers and run by the US Military Police in Baghdad.²¹²

259. The same month, Ambassador Bremer recommended that the training of police be accelerated and that additional international police be deployed to protect critical infrastructure.²¹³

²⁰⁸ Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation attaching Paper IPU, 16 July 2003, ‘Security Sector Reform the Next Steps’.

²⁰⁹ Minutes, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²¹⁰ Minute UND [junior official] to Brand, 1 August 2003, ‘Iraq Police Reform: UK Priorities’.

²¹¹ Minute Brand, 16 July 2003, ‘Report from Iraq – Douglas Brand’.

²¹² The same programme is also sometimes referred to as Training in Post (TIP).

²¹³ Email Rumsfeld to Feith, 8 July 2003, ‘Police in Iraq’.

260. On 8 July, Secretary Rumsfeld issued instructions to work up a plan and develop a list of requirements. He stated: “Prime Minister Blair said he agreed and would get some help.”

261. That may be a reference to a video conference held on 3 July in which both Secretary Rumsfeld and Mr Blair participated. Mr Blair was reported to have asked Ambassador Bremer and Mr Sawers to draw up a list of their requirements, and said that the UK would “do our level best to meet any demand for additional resources”.²¹⁴ That discussion is described in more detail in Section 9.2.

262. In early August, Mr Kerik briefed Ambassador Bremer on the requirement for police in Iraq.²¹⁵ He estimated that Iraq needed 65,000-75,000 police officers and said that it would take approximately six years to develop that size of force. Ambassador Bremer responded that it needed to be done in two years and allocated a US\$120m budget from Iraqi Government funds.

263. On 10 August, DCC Brand reported that the CPA leadership had acknowledged that it would not be possible to attract the 6,600-strong International Police Training Force originally envisaged in the CPA’s May assessment and that the aspiration was now “1,500 to 2,000”.²¹⁶

264. *Hard Lessons* stated that the US NSC rejected the original recommendation for 6,000 international police officers:

“... viewing them as too ambitious and too expensive. Ultimately, Ambassador Bremer requested IRRF 2 [Iraq Relief and Reconstruction Fund] funding for 1,500 police advisors – of whom 1,000 would be American.”²¹⁷

Police training academies

One of the practical challenges facing those delivering the police training was where it should be carried out. Concerns about security within Iraq had led the CPA to consider the possibility of conducting the majority of the training in Hungary, though this plan failed to materialise.²¹⁸

²¹⁴ Letter Cannon to McDonald, 3 July 2003, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 3 July’.

²¹⁵ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

²¹⁶ Minute Brand, 10 August 2003, ‘Report from Iraq – Douglas Brand’.

²¹⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²¹⁸ Minute, 7 September 2003, ‘Report from Iraq – Douglas Brand’.

The next proposal, in September, was for a training college in Jordan which the CPA considered could be made ready by November 2003.²¹⁹ That facility would provide training for 35,000 Iraqi police recruits in a series of eight-week training courses, each taking 1,500 students.

Training of new recruits began in Jordan on 29 November with 36 UK police officers (a third of the training staff).²²⁰ A further 40 UK officers were “on standby to join the ... project as it expands”. It was highlighted that: “Construction is behind schedule and conditions poor.”

The first recruits to pass through the Jordan facility were existing recruits who had been going through police training at the point of the invasion.²²¹ Former DCC Brand described the course as “very, very basic”.

Plans also progressed for police training inside Iraq. As mentioned in the CPA’s May assessment of policing in Iraq, there were plans to open academies in Basra, Baghdad and the North of the country.

Plans for an academy near Basra were initiated by the military and then taken on by DCC Stephen White, Senior Police Adviser and Director of Law and Order for CPA(South). The academy was to be known as the Regional Police Training Academy (RPTA) and located at az-Zubayr, near Basra.

The Baghdad facility was run by a UK Chief Inspector and staffed by US military police.²²²

New Iraqi security structures

265. On 23 June, Mr Slocombe announced the formation of the New Iraqi Army (NIA).²²³ The plans for the NIA included:

- To have a full division equivalent of 12,000 soldiers, who would be trained and operational in one year. By two years to have three divisions of 40,000 soldiers.
- To deploy battalions as they are trained, under the command of Iraqi officers.
- The military missions of the units will include protecting the nation’s borders, provide military level security for certain routes and installations, help clear mines and UXO [unexploded ordnance].”

266. On 18 August, Ambassador Bremer signed CPA Order No.22, which set out the mission and role of the NIA.²²⁴ It was to be responsible for:

“... the military defense of the nation, including defense of the national territory and the military protection of the security of critical installations, facilities, infrastructure, lines of communication and supply, and population.”

²¹⁹ Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²²⁰ Letter Owen to Rycroft, 18 December 2003, ‘UK Contribution to Iraqi Police Training’.

²²¹ Public hearing Brand, 29 June 2010, pages 62-65.

²²² Letter Sinclair to Sheinwald, 17 October 2003, ‘Iraq: Security and Policing’; Letter Owen to Rycroft, 18 December 2003, ‘UK Contribution to Iraqi Police Training’.

²²³ Coalition Provisional Authority Press Release No. 006, 23 June 2003, *Good news for Iraqi soldiers*.

²²⁴ Coalition Provisional Authority Order Number 22: Creation of a New Iraqi Army.

267. Although the NIA would have a role in internal disaster relief operations, the Order was explicit that:

“The New Iraqi Army shall not have or exercise, domestic law enforcement functions, nor intervene in the domestic political affairs of the nation.”

268. Ambassador Bremer was established as Commander in Chief, pending transfer of the role to an “internationally recognised, representative government, established by the people of Iraq”.

269. Suitability for employment in the NIA would be judged on a number of criteria, including:

- “the absence of evidence of human rights violations or war crimes”;
- “the absence of affiliation with the security and political control organs of the former regime”; and
- “the absence of association with Extremist Organisations or other groups that use or advocate the use of violence for political purposes whether internal or international”.

270. In early August, the first 1,000 Iraqi Army recruits were sent by the CPA for basic training in Kirkush (north east of Baghdad) by CMATT.²²⁵

271. On 5 September, Secretary Rumsfeld ordered an acceleration of the programme to train the Iraqi Army, stating that the three planned Divisions must be ready by September 2004.²²⁶ The budget to achieve this was increased from US\$173m to US\$2.2bn.

272. *Hard Lessons* records that Secretary Rumsfeld made the decision to halve training time to one year during a visit to Iraq in August 2003, as security was worsening.²²⁷

The Governing Council

The Governing Council (GC) was an Iraqi group with powers set out in Authorities of the Governing Council, agreed between international forces and members of the GC. It met for the first time on 13 July 2003 and is explained in more detail in Section 9.2.²²⁸

The agreement enabled the GC to make policy in all areas, including “the rebuilding and/or reform of Iraq’s armed forces, police and justice sector ... [and] ensuring that Iraq’s police and military are depoliticised”.²²⁹

²²⁵ Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

²²⁶ Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

²²⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²²⁸ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

²²⁹ Telegram 81 IraqRep to FCO London, 13 July 2003, ‘Iraq: Governing Council: Authorities’.

The GC is sometimes referred to as the Iraq Governing Council (IGC). The two titles refer to the same body. The Inquiry has chosen to refer to the GC, for consistency, except where quoting others who have used IGC.

273. In July 2003, a new temporary Iraqi security force was established by US military commanders in order to help fight the growing insurgency – the Iraqi Civil Defence Corps (ICDC).²³⁰ The concept was to:

- give Coalition operations an Iraqi face;
- keep unemployed young men out of the insurgency; and
- increase the number of security forces available.²³¹

274. ICDC personnel were locally recruited and expected to live at home.

275. By August 2003, there were 23,000 ICDC personnel serving as linguists, security personnel, drivers and humanitarian relief providers. They also participated in patrols, convoys, cordons and checkpoints.²³²

276. The ICDC was formally established by CPA Order No.28, signed by Ambassador Bremer on 3 September 2003.²³³ The Order explained that the ICDC was intended to be:

“... a security and emergency service agency for Iraq ... composed of Iraqis who will complement operations conducted by Coalition military forces in Iraq to counter organized groups and individuals employing violence against the people of Iraq and their national infrastructure.”

277. The Order authorised the ICDC to perform “constabulary duties” including:

- patrolling urban and rural areas;
- conducting operations to search for and seize illegal weapons and other contraband;
- providing fixed site, check point, area, route and convoy security;
- providing crowd and riot control;
- disaster response services;
- search and rescue services;
- providing support to humanitarian missions and disaster recovery operations including transportation services;

²³⁰ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²³¹ Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

²³² Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

²³³ Coalition Provisional Authority Order Number 28 – Establishment of the Iraqi Civil Defense Corps, 3 September 2003.

- conducting joint patrols with Coalition Forces; and
- participating in other activities designed to build positive relationships between the Iraqi people and Coalition authorities including serving as community liaisons.”

278. The ICDC operated under the authority of the Administrator of the CPA but was subject to the supervision of Coalition Forces. *Hard Lessons* stated:

“... Because the ICDC was not part of the original CPA security sector plan, it posed significant co-ordination problems from its inception ... There was little coordination with the Iraqi police or army and no accountability to any Iraqi ministry or the CPA.

“Some in CMATT feared the ICDC could become a parallel security structure, competing with the police in local affairs and diluting the Iraqi Army’s authority at the national level. But Coalition commanders valued the ICDC as a way to enable Iraqis to provide security for their own country, while supplementing CJTF-7’s [Combined Joint Task Force 7] overstretched forces.”²³⁴

279. However, Major General Andrew Stewart, General Officer Commanding (GOC) Multi-National Division South-East (MND(SE))²³⁵ from December 2003 to July 2004, told the Inquiry that he believed the ICDC “was a success”.²³⁶ He described a visit by Lieutenant General David Petraeus, Commanding General, Office of Security Co-operation (the creation of the OSC is described later in this Section):

“He [Gen Petraeus] was responsible for the security sector, came down, saw the ICDC in Basra in particular and went away pretty impressed about it, and said ‘I haven’t seen anything approaching this’.”

An Iraqi intelligence service

In September 2003, Mr David Richmond, the Prime Minister’s Special Representative on Iraq,²³⁷ reported that the US was preparing to set up an internal Iraqi intelligence service linked to the police and the MOI. The interim Minister of the Interior told Mr Richmond that he was keen to have UK advice on setting up an investigative branch and a counter-terrorism branch.²³⁸

DCC Brand told the Inquiry:

“... an opportunity arose for us to influence the direction in which the development of the Iraqi Intelligence Service ... was going to go ... I argued over a series of meetings ... that, if we had a sort of special branch system ... where the intelligence

²³⁴ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²³⁵ Multi-National Division South-East is described in Box, ‘Multi-National Division (South-East)’, later in this Section.

²³⁶ Public hearing, 9 December 2009, pages 74-75.

²³⁷ Mr David Richmond was temporarily the Prime Minister’s Special Representative on Iraq. In September 2003 (on the arrival of Sir Jeremy Greenstock), Mr Richmond became the Deputy.

²³⁸ Telegram 150 IraqRep to FCO London, 4 September 2003, ‘Iraq: Briefing for Prime Minister’.

service does the intelligence work and the arresting and locking-up is done by a police agency, that gives a useful balance, allows people to actually focus on their main area of expertise and doesn't cause the problems of the intelligence people having the power to arrest and detain and do whatever else they need to do to get information. Eventually ... Ambassador Bremer was persuaded ... and made that as a decision. I could not get a special branch manager or somebody retired who had that skill of being able to take the concept into reality, and so we lost the opportunity and that disappeared."²³⁹

In April 2004, the Iraqi National Intelligence Service (INIS) was established. Its operational officers and support staff had been trained and vetted and were based in Baghdad, with a planned outstation in Basra.²⁴⁰ It included some former intelligence officers.

INIS was initially headed by former Major General Mohammed al-Shehwani, who had been forced into exile by Saddam Hussein in 1984.²⁴¹

In a paper by the MOD dated 6 June 2006, intelligence was one of the areas described as "immature", having been "placed deliberately at the back of the force generation process".²⁴²

Later, in spring 2008, a new intelligence structure was developed in Basra.²⁴³ Lieutenant General Barney White-Spunner, GOC MND(SE) from February to August 2008, described that structure to the Inquiry:

"... at the end of the Charge of the Knights, General Mohammed and I put together, I hope, quite a sophisticated counter-terrorist structure in Basra with a co-ordination committee which brought all the Iraqi Security Forces together. We fused them into various intelligence agencies ... We were able to combine police and army posts across the city."

280. Two other security forces were created under the jurisdiction of the MOI in autumn 2003:

- CPA Order No.26, signed on 24 August 2003, created the Department of Border Enforcement (DBE).²⁴⁴ Previous immigration officials were prevented from employment because of their connection to Saddam Hussein's secret police.²⁴⁵
- CPA Order No.27, signed on 4 September 2003, created the Facilities Protection Service (FPS).²⁴⁶ The FPS was designed to provide site security for ministry

²³⁹ Public hearing, 29 June 2010, pages 45-46.

²⁴⁰ Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.

²⁴¹ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

²⁴² Minute DJC/Iraq to Cabinet Office [junior official], 7 June 2006, 'Iraq: Strategy Group Workstrands' attaching Paper, 'Update on Progress of the Iraqi Security Forces (ISF)'.

²⁴³ Public hearing, 7 January 2010, page 43.

²⁴⁴ Coalition Provisional Authority Order Number 26 – Establishment of the Department of Border Enforcement, 24 August 2003.

²⁴⁵ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²⁴⁶ Coalition Provisional Authority Order Number 27 – Establishment of the Facilities Protection Service, 4 September 2003.

facilities and provincial government buildings. Each ministry or governorate administration could have its own unit. FPS training was a very basic three-day course.

Global Conflict Prevention Pool Strategy

281. On 1 August, Ministers from the FCO, DFID and the MOD were asked to agree a joint FCO/DFID/MOD Iraq Strategy for the Global Conflict Prevention Pool (GCPP).²⁴⁷ The Strategy aimed to provide a coherent framework for UK activities aimed at preventing conflict in Iraq. It defined its “initial focus of activity” as SSR. Work on that element of the Strategy was the most well developed, and Ministers were invited to agree that expenditure on SSR activities could start immediately while work continued to define the other elements of the Strategy.

Global Conflict Prevention Pool

The Global Conflict Prevention Pool (GCPP) was a UK Government fund bringing together the work of the FCO, the MOD and DFID in conflict prevention.²⁴⁸ The aim was a more strategic and cost-effective approach to conflict prevention and reduction. Activities included conflict assessments, supporting peace initiatives and DDR programmes.

282. The “second element” of the Strategy was assistance to “Iraqi governorates and local administrations within the British AO as they develop to ensure that policy decisions are made strategically and with an understanding of conflict prevention issues.”²⁴⁹ That included assistance to improve access to justice, encourage the involvement of women in local administrations, and develop a fair and equitable prison service. The third element was further studies and analyses to assist in the development of UK conflict prevention strategies. The geographical spread of the programmes had not yet been determined, although there were “good arguments” in favour of focusing in the South to deliver an “exemplar southern model”.

283. The estimated cost of the Strategy was £7.5m per year for the UK financial years 2003/04 and 2004/05. Of the £15m total, £9.5m was allocated for SSR, £4m for local governance and £1.5m for further studies and analyses. The implementation plan for the Strategy listed a number of SSR activities, including:

- support for the police;
- support for customs reform including the deployment of nine HM Customs and Excise personnel starting on 18 August;

²⁴⁷ Minute, 1 August 2003, ‘Global Conflict Prevention Pool – Iraq Strategy’.

²⁴⁸ Paper DFID, FCO and MOD, 2003, ‘The Global Conflict Prevention Pool: A Joint UK Government Approach to Reducing Conflict’.

²⁴⁹ Minute, 1 August 2003, ‘Global Conflict Prevention Pool – Iraq Strategy’.

- support to develop a comprehensive Borders, Customs and Immigration Policy by 2005, and for the deployment of a senior immigration representative on 18 August;
- support to develop the Iraqi armed forces, to be defined by 6 August; and
- support for intelligence reform and development, to be defined by 15 August.

284. In the last week of September, an official from UND estimated that UK spend to date on policing Iraq was almost £127,000.²⁵⁰ Of that amount, around £25,000 had been spent on pre-deployment training; approximately £44,000 on equipment, travel and subsistence; around £43,000 on travel and difficult post allowances; and around £15,000 on officers' salaries.

285. An annex to the UND paper described the cost of deploying an officer to Iraq, by rank, as:

- Constable: £68,670;
- Sergeant: £71,670;
- Inspector: £79,670;
- Chief Inspector: £81,670;
- Superintendent: £86,670; and
- Chief Constable: £141,670.²⁵¹

The departure of the UN

On 19 August 2003, a bomb exploded outside the UN headquarters at the Canal Hotel, Baghdad. It killed 22 UN staff and visitors, including Mr Sérgio Vieira de Mello, the UN Special Representative in Iraq.²⁵² A second bomb attack on the UN followed on 22 September. Sir John Sawers told the Inquiry that the attacks were subsequently attributed to Al Qaida (AQ).²⁵³

Tension in central Iraq increased after the UN bombing.²⁵⁴ By 29 August, the World Bank and International Monetary Fund (IMF) missions had been withdrawn, a number of NGOs were withdrawing their international staff, and the UN had withdrawn some staff temporarily while reviewing its options.²⁵⁵

²⁵⁰ Minute Khundker to Chatterton Dickson, 25 September 2003, 'Iraq Policing Costs'.

²⁵¹ The following ranks were omitted: Chief Superintendent, Assistant Chief Constable and Deputy Chief Constable.

²⁵² Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq, 20 October 2003.

²⁵³ Public hearing, 16 December 2009, page 36.

²⁵⁴ Brief Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.

²⁵⁵ Minute Sheinwald to Prime Minister, 29 August 2003, 'Iraq' attaching Note Cabinet Office, 'Iraq: Update 29 August 2003'.

Sir David Richmond told the Inquiry:

“... the decision by the UN to withdraw from Iraq which they took around about the middle of September after a security review, I think ... was regrettable, and it meant for several months they were not really playing any sort of role in Iraq. It also meant when Lakhdar Brahimi [the UN's Special Envoy to Iraq] arrived, initially in the end of January 2004 and then again in April 2004, he was really working on his own.”²⁵⁶

Policing strategy: Iraqisation

286. By early September 2003, the concept of “Iraqisation” had started being used in Whitehall (see Section 9.2). The term “Iraqisation” did not have a common or precise definition, but was generally used to mean the ability of the ISF to maintain security independently, rather than under the leadership of the international forces.

287. On 2 September, Mr Blair held a meeting of Ministers and senior personnel.²⁵⁷ They included Mr Straw, Mr Hoon, Mr Hilary Benn (the International Development Secretary), Gen Walker, Sir Richard Dearlove (Chief of the Secret Intelligence Service), Mr John Scarlett (Chairman, Joint Intelligence Committee), Sir Jeremy Greenstock (the Prime Minister's Special Representative on Iraq from September), Mr Sawers (from August the FCO Director General for Political Affairs) and No.10 officials.

288. The account of the meeting stated that “the Prime Minister wanted action on Iraq taken forward with a heightened sense of urgency” ahead of a planned telephone conversation with President Bush to review progress. In relation to internal security, the record stated:

“The Prime Minister believes that the key to the security situation in Iraq is the rapid mobilisation of an effective Iraqi police force. This should include:

- Police manpower up to 70,000 within three months, as a stage towards a full force;
- Adequate trainers and secure training facilities;
- Flexible handling of de-Ba'athification in order not to exclude recruits unnecessarily;
- Establishment of an internal intelligence service;
- Mobilisation of the Protection Force and Civil Defence Force to protect key installations.”

289. The IPU was asked to provide a paper setting out further advice after consulting DFID, the MOD, the FCO and the Home Office, which it did on 3 September.²⁵⁸

²⁵⁶ Public hearing, 26 January 2011, page 43.

²⁵⁷ Letter Cannon to Adams, 2 September 2003, ‘Iraq: Briefing for the Prime Minister’.

²⁵⁸ Paper IPU, 3 September 2003, ‘Iraq Security Plan’.

290. The paper reiterated that the existing strategy was to have 70,000 Iraqi police in place by mid-2004 and a 40,000-strong Iraqi Army in place within a year. It stated that the UK's target was to have deployed 100 police trainers by the end of 2003, out of a planned CPA total of 600.

291. The paper reiterated that the “training of the police should be accelerated and given a proper strategy (without which potential international contributors will not come forward)” but did not give details of how this might happen. The IPU considered that the key principles for what could be achieved were:

- The Coalition should work through existing local leadership and customs and Iraqis must take increasing security responsibility.
- Intelligence on the threats should be improved.
- De-Ba'athification principles should be applied flexibly.
- Key programmes should be accelerated and made more effective, including by bringing police and army reform under a single head and providing more resources.
- Coalition Forces should be released for counter-terrorism tasks by giving basic security tasks to Iraqi forces.

292. In conclusion, the paper stated:

“While we develop Iraqi capability and broaden the international security presence, we must keep threats under control. This means more Coalition Forces are needed in the short term ...”

293. There was no proposal for where this resource should come from, nor was there an assessment of whether it was realistic to train 70,000 police officers within a three-month period as suggested by Mr Blair.

294. Another briefing paper, produced by Mr David Richmond,²⁵⁹ stated that although Ambassador Bremer agreed with the importance of accelerating recruitment he did not:

“... think that a target of 70,000 within the next three months is achievable. The cost would be huge and, however successful we were in speeding up training, the overwhelming majority of new recruits would end up with no training at all. This would be counter-productive.”²⁶⁰

²⁵⁹ Mr David Richmond was temporarily the Prime Minister's Special Representative on Iraq. In September 2003 (on the arrival of Sir Jeremy Greenstock), Mr Richmond became the Deputy.

²⁶⁰ Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.

295. The IPU paper was considered by the AHMGIR on 4 September.²⁶¹ The minutes recorded that the IPU stated:

“The US had elaborate plans for Security Sector Reform, but faster action was needed. We should give priority to the rapid expansion of the Civil Defence Corps and the Facilities Protection Service ... We should consider encouraging neighbourhood security schemes and working with tribal leaders in rural areas.”

296. Sir Jeremy Greenstock was recorded as warning that the proposals “were not enough to bring the impact required in the short term”.

297. Ministers agreed that ideas in the paper were “useful but required further work which should be taken forward urgently”.

298. Ahead of a video conference with President Bush on 5 September (see Section 6.2), Mr Blair sent the President a Note which stated:

“Iraq has 37,000 police. We need to double that. Given the number of trainers and their facilities, that will take a year. We cannot wait that long. So: if we need to treble or quadruple the trainers and expand the numbers of Iraqi police even beyond that contemplated, we should do it. Some of the Governing Council believe that in certain areas, they should decide how far to take de-Ba’athification in order to speed up the process. There may be good constraints/reasons why these things should not happen or take time, but we have to be very clear that the priority is to get movement fast. There must also be a top quality intelligence capability given to the Iraqis to act on the threat. This is essential.”²⁶²

299. The record of the video conference between Mr Blair and President Bush stated that Mr Blair said a “big push” was required in boosting numbers and speeding up training of Iraqi Security Forces.²⁶³

300. The IPU provided a more detailed paper entitled ‘Security Action Plan’ for the inaugural meeting of the Iraq Senior Officials Group on 9 September (the creation of which is addressed in Section 9.2).²⁶⁴ The IPU maintained that the focus should be on the ICDC and the police “as the most likely to produce quick results, while continuing to support the longer-term development of the New Iraqi Army”. It did not address Mr Blair’s concept of trebling the trainers available or expanding Iraqi police numbers.

301. For ICDC development, the IPU said that more UK Short Term Training Teams were required and that national funding should be used to avoid “procedural delays”.

²⁶¹ Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁶² Letter Sheinwald to Rice, 5 September 2003 attaching ‘Note on Iraq’.

²⁶³ Letter Canon to Adams, 5 September 2003, ‘Iraq: Prime Minister’s Video-Conference with Bush, 5 September’.

²⁶⁴ Paper IPU, 8 September 2003, ‘Iraq: Security Action Plan’.

The MOD was also pursuing deployment of 12 non-commissioned officers to assist with training of the Iraqi Army.

302. The IPU assessed that “the main problem in developing the Iraqi Police is the slowness with which CPA is developing its strategy, concept and timelines for reform” and that “in the absence of a central strategy, we are pursuing regional options”.

303. In the meeting, most of the actions in the paper were agreed although the minutes make no mention of the use of national resources to progress SSR.²⁶⁵ It was also suggested that DCC Brand could potentially produce a policing strategy and that Sir Jeremy Greenstock should lobby Ambassador Bremer on the “necessity of having a strategy”.

304. On 14 September, Sir Jeremy Greenstock sent a teletype to Sir Nigel Sheinwald (Prime Minister’s Foreign Policy Adviser and Head of OD Sec), Mr Sawers, Mr Geoffrey Adams (Mr Straw’s Principal Private Secretary), Mr John Buck (Mr Straw’s Private Secretary) and Sir Hilary Synnott (Head of CPA(South)).²⁶⁶ It stated:

“Security will colour everything. The right way forward is Iraqisation, particularly in the police. Bremer and his advisers are clear on the principle. But there is as yet no central plan for police training, and no CPA focal point for driving it forward. I am going to have to expend ammunition on this soon. Meanwhile London (and Washington) should be maximising the input of resources into the police area, not just training but also the provision of cars, equipment, radios etc. All this should be prepared now, even if Ministers only sign it off when they see the planned requirement set out. It is truly urgent.”

305. The Annotated Agenda for the meeting of the AHMGIR on 18 September re-affirmed the requirement for a “coherent overall policing strategy”.²⁶⁷ Cabinet Office officials reported that the UK was lobbying Ambassador Bremer and Washington to expedite creation of a strategy and operational plan, and was offering the services of DCC Brand to write them. The paper did not reflect Mr Blair’s desire to treble the number of police trainers.

306. Ministers discussed policing at the AHMGIR on 18 September and “endorsed the plans for police training outlined in the Annotated Agenda and agreed that they should be implemented as swiftly as possible with whatever UK help was necessary”.²⁶⁸

²⁶⁵ Letter Dodd to Sheinwald, 10 September 2003, [untitled].

²⁶⁶ Teletype Greenstock to Sheinwald, 14 September 2003, ‘Iraq/CPA: Early impressions’.

²⁶⁷ Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁶⁸ Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

A co-ordinated UK Government policy on SSR – but no mention of Iraq

In September 2003, a Whitehall policy seminar was held to look at best practice on SSR.²⁶⁹ To coincide with that, officials within the FCO, the MOD and DFID had planned to publish a report on SSR best practice. The MOD minute to Ministers stated that “SSR is an area that necessitates high levels of co-operation and co-ordination between all three Departments” and that the Departments had, in the Global Conflict Prevention Pool SSR Strategy, a “common objective of helping governments of developing and transitional countries fulfil their legitimate security functions through reforms that will make the delivery of security more democratically accountable, as well as more effective and efficient”. However, there was “currently no joint policy brief to guide practitioners” beyond a 1999 DFID statement on the link between poverty and security, which had become out of date. There was no mention of Iraq in the SSR report or the Ministerial foreword.²⁷⁰

307. On 19 September, DCC Brand produced an “Info Memo” for Ambassador Bremer containing a plan for Iraqi police training and development.²⁷¹ DCC Brand wrote that the goal was to establish a 65,000-70,000 member Iraqi police force over 18 months to two years with an estimated annual cost of US\$970m. That would require 600 international trainers and 1,500 international police advisers and mentors with executive authority.

308. DCC Brand broke the plan down into four strands:

- Police recruitment and selection (US\$5m) – to identify and initially screen at least 33,000 qualified candidates with a team of 25 police and 150 MOI staff.
- Police training (US\$150m) – to be run in Iraq and Jordan. Existing police officers would receive a three-week Transitional Integration Programme and new recruits would receive an eight-week basic police skills recruit course.
- Police institutional reform and development (US\$800m) – to create a “uniformed 1,500 member International Coalition Police Force (ICPF) which will have executive authority and authorised to be armed, and will implement new organisational structures, standard operating procedures, training and equipment guidelines for police throughout Iraq under command of a CPA appointed commissioner”.
- Developing police operational capacities (US\$20m) – to focus on developing specialised skills to deal with organised kidnapping, extortion and trafficking.

²⁶⁹ Minute MOD [junior official] to PS/Min(AF), 11 September 2003, ‘Security Sector Reform Policy Brief’.

²⁷⁰ Report [DFID/MOD/FCO], November 2003, ‘Security Sector Reform Policy Brief’.

²⁷¹ Minute Brand to Administrator [Bremer], 19 September 2003, ‘Iraqi Police Training and Development – Short Summary Version’.

309. The only comment on the plan seen by the Inquiry came from CC Kernaghan who expressed concerns about the ICPF, writing:

“To avoid problems later on, this concept requires thought and staff work now.”²⁷²

310. The Inquiry has not been able to establish what became of that plan: it has not seen any further reference to it in contemporary papers.

311. At a video conference with President Bush on 13 October, Mr Blair stressed the importance he attached to Iraqiisation of the police and ICDC.²⁷³

312. By mid-October no agreed CPA policing strategy had been produced. Despite that, on 17 October an update from Mr Straw’s office to No.10 stated: “We judge that the Coalition now has a credible and deliverable strategy to train 30,000 Iraqi police over the next year.”²⁷⁴ By that stage around 40,000 police officers were considered to have been trained.

313. Mr Straw told the Inquiry that he considered that judgement to be “reasonable” at the time, but that with hindsight he could see that it was not.²⁷⁵

International contribution to police trainers

Following US/CPA/UK discussions in Amman and London on international police trainers, lobbying efforts were agreed and shared with Sir Jeremy Greenstock and DCC Brand on 3 October.²⁷⁶ The UK was to act as a “clearing house” for offers of assistance from EU Member States plus Australia, Canada, New Zealand and South Africa. The US would be approaching other members of the international community.

The Police Contributors Conference, originally planned for 30 June, was held on 20 October in London and hosted by the FCO.²⁷⁷ It was attended by representatives from EU Member and Accession States, the European Council, Canada, Australia, Jordan and Singapore. The focus of the event appears to have been to encourage countries to deploy police trainers to staff the training facility in Jordan (see Box, Police training academies), rather than into Iraq. “Firm” pledges of support in the form of trainers for the Jordan facility were received from Canada (20), Poland (10) and the Czech Republic (10), with other countries reported to be likely to decide on contributions after the Madrid Donors’ Conference (later that week).

²⁷² Email Kernaghan to Home Office [junior official], 22 September 2003, ‘Iraq – Recent Developments’.

²⁷³ Letter Cannon to Adams, 13 October 2003, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 13 October’.

²⁷⁴ Letter Sinclair to Sheinwald, 17 October 2003, ‘Iraq: Security and Policing’.

²⁷⁵ Public hearing, 2 February 2011, page 140.

²⁷⁶ Telegram 90 FCO London to UKRep Iraq, 3 October 2003, ‘Iraq: Iraq Police Training in Jordan’.

²⁷⁷ Telegram 101 FCO London to UKRep Iraq, 21 October 2003, ‘Iraq: Iraq Police Contributors Conference: 20 October, London’.

By 24 November, further pledges of police trainers had been made by Finland (five), Slovenia (five), Austria (four) and Slovakia (two).²⁷⁸

By mid-2005, additional training staff were contributed by Jordan (66), Sweden (10), Singapore (six), Hungary (three), Belgium (two), Australia (two) and Estonia (one).²⁷⁹

314. On 24 October, Sir Jeremy Greenstock reported that General Ricardo Sanchez, Commander of the Coalition's military command – Combined Joint Taskforce 7 (CJTF-7), had ordered a “comprehensive internal review of the security sector”.²⁸⁰ Sir Jeremy reported:

“The up-to-date military assessment is that operations have now lost momentum ... [and that] ... despite plans to accelerate the generation of Iraqi Security Forces, progress may still be too slow ... The emerging view of the military is that this structure is stovepiped, lacks oversight and results in competing roles and responsibilities within the security sector.”

315. Sir Jeremy also highlighted that General John Abizaid, Commander US Central Command (CENTCOM), and Ambassador Bremer would attend discussions in Washington covering SSR later in the week.

316. On 27 October, CJTF-7 issued an Order entitled “Acceleration of the Iraqi Police Services” which envisaged an enhanced support requirement from CJTF-7 for enlarged and accelerated police training programmes.²⁸¹

317. On 6 November, the AHMGIR was briefed that the new approach included:

- accelerating recruitment, training and deployment of Iraqi security forces. The Iraqi Civil Defence Corps is now set to increase to 36 battalions by April 2004. The target for 70,000 police should be reached by August 2004 rather than March 2005. As a result training of the Iraqi Army will be slowed, but the Army will now be allowed to undertake internal as well as external security tasks. Once trained, total Iraqi forces will number 200,000;
- changing tactics to put Iraqi forces in the front-line with Coalition Forces in support; and
- recruiting more expert members of the former regime's security forces.”²⁸²

²⁷⁸ Minute, 24 November 2003, ‘Update on Iraqi Police Coordination for Donors and Policy Guidance’.

²⁷⁹ Paper Jordan International Police Training Center, [undated], ‘Welcome to the Jordan International Police Training Center’.

²⁸⁰ Telegram 230 IraqRep to FCO London, 24 October 2003, ‘Iraq: Security Update’.

²⁸¹ Telegram 110 FCO London [on behalf of CPA Basra] to UKRep Iraq, 31 October 2003, ‘Police Training in South Iraq’.

²⁸² Annotated Agenda, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

318. Former DCC Brand told the Inquiry:

“Trying to persuade my military colleagues at two-star and three-star level that this was a long-term investment of restructuring the police seemed to work against their sort of short-term mission goals, and I very vividly remember the presentation that was done to the Commanding General which was entitled ‘30,000 in 30 Days’ ... I had to say ‘Okay, in that case then, why don’t you give me the military to train? I have read a few war books, I have seen a few war films, it can’t be as difficult as that, or is that as ridiculous as what you are suggesting, which is we recruit 30,000 in 30 days, call them police, label them police, give them weapons and say ‘You are now in the police’ but actually have no capability to do the things that policemen should do at all?’²⁸³

Concerns about strategy

319. CC Kernaghan visited Iraq for the second time in mid-November 2003.²⁸⁴ His visit was affected by a “security ‘lockdown’” which meant he was unable to travel into Basra and so met Sir Hilary Synnott in Basra Airport.²⁸⁵

320. In his report to the Home and Foreign Secretaries, CC Kernaghan commented:

“... the ‘bad luck’ factor has kicked in with a vengeance ... The security situation is not good and will become worse, but the answer to many aspects of the problem is an effective Iraqi security infrastructure ... It is quite clear that the current level of UK police assistance is unsustainable in that it is insufficient to deliver a coherent package of support and I suggest that the UK Government has to decide to either increase our assistance or withdraw our support altogether.”²⁸⁶

321. CC Kernaghan stated that he “detected the lack of a clear vision” for policing within Iraq and was concerned that a “hybrid US City department/UK police service” was being created. He commented that he was “unclear as to the overall CPA Iraq ‘model’ and whether or not a single tier national service is being created”. CC Kernaghan also reported that senior officials were “reluctant to be definitive as to the CP[A]’s strategic plan” because “meetings in Washington (and London) might well totally change existing plans”.

²⁸³ Public hearing, 29 June 2010, pages 24-25.

²⁸⁴ Report Kernaghan to Straw, 18 November 2003, ‘Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03 – 14/11/03’.

²⁸⁵ Public hearing Synnott, Lamb and Stewart, 9 December 2009, page 21.

²⁸⁶ Report Kernaghan to Straw, 18 November 2003, ‘Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03 – 14/11/03’.

322. A Cabinet Office Ministerial update on 19 November stated:

“The CPA has no current plans to draw up a formal policing strategy. Their view is that command, control and administrative arrangements for the police will depend heavily on unsettled constitutional issues and thus must await further political progress ... Partly in this context, Jim Daniel, a senior ex-HO [Home Office] adviser, sent by us to help generate a policing strategy has decided to resign.”²⁸⁷

323. The update did not state the UK’s view of the CPA position but said:

“In response, we are following up a new request from DCC Brand ... for additional UK officers to support him in implementing the existing training plan.”

324. As early as May 2003, Sir David Manning and Ambassador Bremer recognised that:

“De-Ba’athification and the dissolution of security ministries would create a new reservoir of angry men. So there was a need to step up patrols and tighten up security.”²⁸⁸

325. At the end of 2003, as security worsened, the debate around the extent to which de-Ba’athification should be applied to the Iraqi Security Forces was ongoing.

326. Between October and December, the issue of re-employing Ba’athist security personnel was mentioned three times in communications between Mr Blair and President Bush.

327. On 7 October, in a video conference with President Bush Mr Blair “urged sensitive handling of demobilised ex-Iraqi Army soldiers”.²⁸⁹

328. In a video conference on 27 October, Mr Blair highlighted the possibility of re-mobilising “former Ba’athist intelligence officers”.²⁹⁰

329. Before President Bush’s visit to the UK in November 2003, Mr Rycroft gave Mr Blair a copy of a paper entitled ‘Iraq: Security’, for discussion with President Bush.²⁹¹ The document was described as “Jeremy’s paper” and the Inquiry assumes that it was written by Sir Jeremy Greenstock. Under the heading “Iraqisation” it said:

“Must accept previously Ba’athist elements in the security forces, provided not linked with former repression. Militias ... need to be brought in in an inclusive transparent way ... plans for this should be drawn up immediately with IGC.”

²⁸⁷ Letter Dodd to Owen, 19 November 2003, ‘Iraq: Update for Ministers’.

²⁸⁸ Letter Cannon to Owen, 23 May 2003, ‘Iraq: Meeting with Gerry Bremer’.

²⁸⁹ Minute Cannon to Adams, 7 October 2003, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 7 October’.

²⁹⁰ Letter Cannon to Adams, 27 October 2003, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 27 October’.

²⁹¹ Minute Rycroft to Prime Minister, 18 November 2003, ‘Bush Visit – Private Talks’.

330. Mr Blair gave President Bush a slightly revised version of Sir Jeremy’s paper, in which this text had not been altered.²⁹²

331. Mr Richmond visited Ramadi, the capital of Anbar province, in mid-November.²⁹³ The dominant theme of his discussions was local concerns about unemployment as a result of the dismantling of Iraqi military structures.

332. Mr Richmond reported:

“Unemployment had forced many to do illegal acts, including attacks on the Coalition. They wanted to help the Coalition and could do much to improve the security situation if they could be given back their jobs; they were also keen to serve their country. They complained about de-Ba’athification which made it impossible for most of them to be employed by the State. The governor said that 50 percent had joined the Ba’ath Party not out of conviction but because it was a condition of employment; 40 percent for material gain; and only some 10 percent because they supported Ba’athist ideology ...

“Jerry Thompson (CPA advisor for security affairs) explained the acceleration of recruitment to the ICDC, police and the New Iraqi Army [NIA], but he pointed out the different nature of the NIA and the fact that it would be much smaller than the old army. Recruiting in Ramadi would start in January. He encouraged them to participate.”

333. In a video conference with President Bush on 4 December, Mr Blair was recorded to have underlined the importance of Iraqisation, including involving the Sunni community and ex-Ba’athists.²⁹⁴

334. In mid-November a new political timetable for Iraq was announced, which brought forward the assumption of power by the Iraqi Transitional Government (ITG) to June 2004.²⁹⁵

335. Former DCC Brand told the Inquiry that the change of timetable critically changed everyone’s outlook: “all the focus was on ‘Let’s get this over to the Iraqis’, and so our longer-term intentions were almost squashed from there on.”²⁹⁶

²⁹² Paper Greenstock, 20 November 2003, ‘Iraq: Security’.

²⁹³ Teleletter Richmond to FCO London, 23 November 2003, ‘Iraq: Sunni Outreach: Visit to Ar Ramadi’.

²⁹⁴ Letter Cannon to Adams, ‘Iraq: Prime Minister’s Video Conference with President Bush, 4 December’.

²⁹⁵ Minute Cannon to Prime Minister, 18 November 2003, ‘Iraq: Political Timetable’.

²⁹⁶ Public hearing, 29 June 2010, page 67.

336. Also in November, Secretary Rumsfeld ordered Major General Karl Eikenberry, former US Security Co-ordinator and Chief of the Office of Military Co-operation in Afghanistan, to assess what reforms were necessary to produce enough capable Iraqi forces to take over security responsibilities.²⁹⁷ His report, published in February 2004, is described later in this Section.

337. In December 2003, the CPA produced a plan to achieve the accelerated timetable for transfer of authority by the end of June 2004.²⁹⁸

338. The plan included a section on security which stated that to meet the accelerated timeline, the following changes were required:

- an accelerated stand-up of the IMOD and the National Command Authority;
- accelerated development of internal security capabilities in the MOI (Anti-Terrorist Branch, criminal intelligence);
- a focus on anti-corruption capacity-building; and
- accelerated recruitment, training and deployment of Iraqi Security Forces.

339. The plan also described two key security policy decisions that were required, as identified by CPA staff:

“First, the development of a holistic approach to the Iraqi security sector, including clarification of ICDC missions and interface with other security elements. Second, decisions on the integration of former militias into security forces and on militia demobilization.”

340. On 4 December, the CPA Office of Policy Planning and Analysis produced a paper entitled ‘Iraq: Integrated Security Sector Development’.²⁹⁹ It was an assessment of the current situation and plans, the desired position and a consideration of what thinking and action was required by the CPA and CJTF-7 to achieve the desired position.

341. It is the first assessment the Inquiry has seen that attempted to articulate all SSR plans in one paper and consider how they interacted. The executive summary explained that the paper benefited from detailed input by security sector experts in both CPA and CJTF-7.

342. The paper described the CPA-defined end state for security in Iraq as:

- “• there is a secure environment for people and property that enables citizens to participate fully in political and economic life;

²⁹⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²⁹⁸ Coalition Provisional Authority, 2 December 2003, ‘Towards Transition in Iraq: Building Sustainability’.

²⁹⁹ Paper CPA, 4 December 2003, ‘Iraq: Integrated Security Sector Development’.

- the Iraqi Government has the means, including its own defense and police forces, to assume its responsibility for external and internal security, including policing of its borders;
- ...
- the roles and accountabilities of organizations providing security are clearly defined within a legal framework which governs, *inter alia*, the ownership of weapons.”

343. The paper stated that CPA and CJTF-7 activity had “often been driven by the short-term requirement to address pressing security needs” and highlighted weaknesses:

- “• We have not designed our security sector development program based on a thorough conflict assessment;
- There is no overarching security vision for Iraq that joins up short-term current activities with long-term goals;
- We are focusing on building tactical and operational capabilities – the building of Iraqi governance and oversight capacity is proceeding more slowly;
- Local ownership of the Security Sector Reform process and policy is in its infancy;
- We are focusing on ‘hard’ security force development with limited attention being paid to building ‘soft’ Iraqi capacity to prevent or manage conflicts.”

344. The paper assessed each element of the security sector before discussing its overall governance and accountability. Although the long-term aim for the NIA was a focus on external security, it was likely that it would be employed on internal security and so a legal framework for that was needed. The ICDC would become an army reserve. The paper also mentioned plans to develop an Iraqi Coastal Defence capability and an aviation element for transportation and medical evacuation by autumn 2004. All that would be organised by a Joint Forces Headquarters which would be established by June 2004.

345. The desired end state for the IPS was a “single nation-wide police service that combines centralized standards and policies with local accountability ... Its 85,000 officers will be well-trained through a combination of basic mandate training, mentoring, and specialist and leadership training”. The paper highlighted that the IPS was being developed whilst it was in the front line fighting the insurgency campaign.

346. Problems with individual ministerial capacity to manage the FPS were also identified.

347. The paper described some activity on intelligence services, including the IPS developing basic criminal intelligence capabilities in Baghdad and MOI plans for a national criminal intelligence unit. There was an absence of a suitable legal framework. The paper stated that oversight mechanisms which balanced effectiveness with accountability were required.

348. On criminal justice, the paper stated that courts were “back up and running nationwide, albeit at below their pre-war capacity” and that prisons were being repaired or reconstructed. There were also fundamental revisions to the penal code and procedures. It described justice and policing systems as mutually reinforcing. It identified a number of issues, including the vulnerability of the judiciary to violence and prison capacity, which it recommended should be addressed.

349. The paper also contained a section on militias, where it assessed that there were over 30 known militias with between 30,000 and 60,000 personnel. It explained that the Coalition’s original intent for militia personnel had been DDR. However, that had not happened due to the violence it might provoke, the absence of police to “fill the vacuums” and the complexity of the task. The paper stated:

“Since the November 15 Agreement, there has been a tendency amongst the political parties to hold on to their militias to protect their interests ... The creation of an ICDC ‘special battalion’ and CT [counter-terrorism] company from G-5 militias is a departure from the CPA policy of seeking to disband militias but may provide an alternative means of integrating the party militias.”

350. The paper recommended that policy on militias should be clarified.

351. The governance and accountability section of the paper emphasised the importance of civilian control, noting that the “institutionalisation of CPA/Iraqi civil governance mechanisms is falling behind the development of fielded forces”. On police accountability the paper stated:

“The outstanding issue is the question of the structure of the national police service and the relationships of local police services with Governors and Provincial Councils. The model currently being proposed involves a higher degree of central control than initially envisaged; this has been deemed necessary in the emergency period.”

352. The paper described a series of high-level actions required to develop governance further including building oversight mechanisms into the Fundamental Law³⁰⁰ and creating security architecture to run a counter-insurgency campaign.

³⁰⁰ The ‘Fundamental Law’ is the law that determines the constitution of government.

353. In summary, the paper stated that the CPA “still lacks an organisational mechanism for delivering joined-up policy direction on the security sector”. It recommended that detailed planning was required to transfer security to Iraqi control.

354. It is unclear what became of the paper – there is no mention of it in contemporary papers that the Inquiry has seen.

355. Towards the end of 2003, there was awareness in the UK system that assessments given by US commanders were “exaggerated” and there were doubts about Iraqi capacity.³⁰¹

356. By the middle of December, the FCO assessed that there were around 45,000 operational police throughout Iraq, all requiring some level of re-training.³⁰² The US assessment was that there were 63,000 operational police.

357. The Annotated Agenda for the 18 December meeting of the AHMGIR stated:

“US military plans for Iraqiisation of security remain highly ambitious. [General] Abizaid foresees Coalition military withdrawal from cities and Iraqi police able to combat terrorists by April 2004. But this handover can only take place if targets for expanding Iraqi units are met.”³⁰³

358. The minutes of the meeting recorded that Ministers “noted the security situation and that Iraqi security capacity was not being built up at a sufficient rate and quality to meet CPA aspirations” and “agreed that they and officials should lobby their US counterparts to improve training of Iraqi Security Forces, particularly the police”.³⁰⁴

International Legal Assistance Consortium

In January 2004, DFID approved £2m (later increased to £2.2m) for the International Legal Assistance Consortium (ILAC) justice support programme,³⁰⁵ to provide training in international human rights law to Iraqi judges, lawyers and prosecutors.³⁰⁶ The programme was expected to cover a two-year period.³⁰⁷

By February 2005, DFID’s justice support programme had trained 218 Iraqi judges, lawyers and prosecutors in human rights, international humanitarian law and independence of the judiciary.³⁰⁸

³⁰¹ Minute Dodd to Sheinwald, 10 December 2003, ‘Iraq: Strategy Group’.

³⁰² Letter Owen to Rycroft, 18 December 2003, ‘UK Contribution to Iraqi Police Training’; Annotated Agenda, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁰³ Annotated Agenda, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁰⁴ Minutes, 18 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁰⁵ The “justice support programme” was sometimes referred to as the “justice sector programme”.

³⁰⁶ Report DFID, 30 June 2006, ‘Iraq International Legal Consortium Justice Sector’.

³⁰⁷ Paper ILAC, 1 December 2003, ‘ILAC Iraq Programme – Submission to DFID’.

³⁰⁸ Letter Benn to Hoon, 23 February 2005.

An internal DFID review of the project in June 2006 concluded that although the training (held in Dubai for security reasons) was generally of a high quality and cost-effective, the project was unlikely to lead to sustainable improvements in professional practice in the absence of any continuing in-country support for the trainees or any links to broader institutional reform processes.³⁰⁹ An in-country justice adviser had been recruited to mitigate these weaknesses, but she had been withdrawn from Iraq after 10 days for security reasons. The review commented:

“... the project should have been used as an entry point for DFID’s work in this sector, been more flexible in the range of activities it could support, and been more closely linked to efforts at donor co-ordination ... The [review] team acknowledges that the project was put together under pressure rapidly to get programme activities started with some quick-win activities ... The pressure to move fast, however, may well have sown the seeds for the eventual, limited impact.”

359. In late January 2004, Acting DCC Brand reported that it had been agreed at a meeting between the CPA and the US NSC to reduce the planned “Civpol police adviser pool” – those officers who would undertake monitoring/mentoring duties – from 1,500 to 500 and to use the savings to finance specialist facilities and trainers.³¹⁰ DCC Brand was unable to attend; it is unclear whether there was any other UK representation at the meeting. The advisers were to be provided by Dyncorps,³¹¹ with 50 being earmarked for the South.³¹²

360. Although training at the Jordan training facility was under way, an FCO update to No.10 on 18 February detailed “infrastructure and contract” problems.³¹³

361. The response from No.10 stated:

“The Prime Minister was disappointed to read of continuing problems with the police training in Jordan. It is not good enough that the training school is running at only half its capacity and that at the current rate the police training programme will need to extend at least to the end of the year.”³¹⁴

362. Mr Blair requested a further update detailing the steps to be taken to “get this vital training programme back on track”.

363. Mr Blair raised his concerns over delays in funding the police training camp in Jordan in a video conference with President Bush on 24 February, in which Vice President Cheney and Dr Rice also participated.³¹⁵ The White House team told Mr Blair

³⁰⁹ Report DFID, 30 June 2006, ‘Iraq International Legal Consortium Justice Sector’.

³¹⁰ Minute Brand, 1 February 2004, ‘Report from Iraq – Douglas Brand’.

³¹¹ Dyncorps is a US-based private military contractor.

³¹² Minute FCO [junior official] to Buck, 4 February 2004, ‘Visit to Iraq 26-30 Jan’.

³¹³ Letter Adams to Rycroft, 18 February 2004, ‘Iraq: Security Sector Reform’.

³¹⁴ Letter Rycroft to Adams, 23 February 2004, ‘Iraq: Security Sector Reform’.

³¹⁵ Letter Cannon to Adams, 24 February 2004, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 24 February’.

that funding was not an issue and that problems with equipment had been overcome. Dr Rice described police training as a “too many cooks” situation that would be improved by the new centralised military command.

364. In January 2004, the MOD deployed a Defence Advisory Team (DAT) to scope the requirements for the new Iraqi Ministry of Defence (IMOD).³¹⁶ UK military trainers were also working on the creation of the Iraqi Joint Forces HQ, to provide command and control of the Iraqi Armed Forces.

365. The DAT reported its findings to Mr Webb on 30 January.³¹⁷ It assessed that:

“Sufficient detailed progress has been made towards the achievement of an IMOD with an initial operating capacity available from 1 May 04. Additional UK staffing assistance is warranted in the context of both immediate needs and future mentoring and implementation requirements ... We find that a UK lead for an empowered mentoring implementation project, to deliver the institutional development of a fully functional MOD, would be appropriate.”

366. The DAT recommended that the UK provide immediate assistance in the areas of vetting and public affairs, and consider a longer-term role mentoring key positions within the IMOD. The total mentoring requirement was expected to be around 17 staff, of whom five should be MOD UK-based civilians. The project was forecast to last two years at a cost of £1.9m, rising to £3.65m if suitable mentors could not be found from the public service.

The military take control of police reform

367. In February 2004, Maj Gen Eikenberry produced an assessment of what reforms were necessary to deliver enough capable Iraqi Security Forces (ISF) to take over security responsibilities.³¹⁸

368. The review team, which travelled to Iraq in January 2004, consisted of 22 members primarily from the US authorities and included a UK colonel.³¹⁹

369. The key findings of the review team were:

- the need for unity of command across the security sector (the military were to assume overall command);
- the need to develop the capacity and capability of ISF (military and police) rapidly;

³¹⁶ Annotated Agenda, 8 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

³¹⁷ Minute Fuller to PS/Policy Director [MOD], 30 January 2004, ‘UK Support for Establishment of Iraqi Ministry of Defence (IMOD): Defence Advisory Team (DAT) Final Report and Recommendations’.

³¹⁸ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

³¹⁹ Paper Clissitt, 1 February 2004, ‘Iraq Security Force Assessment Team (ISFAT) Initial Findings: Brief for OPCOS’; Annotated Agenda, 7 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

- the need for sustained monitoring and mentoring of the ISF beyond 1 July 2004; and
- the endorsement of the CENTCOM Strategic Concept to transfer security responsibilities to Iraqi forces that would permit a reduction in the numbers of Coalition Forces needed to perform internal security tasks. The timelines envisaged were:
 - local transfer by 1 July 2004;
 - regional transfer by 1 September 2004; and
 - national transfer by September 2006.

370. The report recommended that:

- The training and equipping programmes for the IPS should be accelerated significantly, the numbers of police increased and the Coalition military given the task of training, equipping, mentoring and certifying them.
- The ICDC should be renamed the Iraqi Civil Guard, be recognised as an enduring organisation (possibly a gendarmerie-type force) under the control of the IMOD, have its strength increased from 36 to 43 battalions and be given professional development.
- The Iraqi Army's focus should remain on external threats but its training rate could be reduced (to allow more rapid development of other security forces).³²⁰

371. The summary of the report produced for the Chiefs of Staff stated:

“... the UK, through MND(SE), is regarded as the leader in ‘best practice’; in particular the objective monitoring, mentoring and certification of Iraqi security forces. As such we will be asked to assist in developing this programme throughout Iraq.”³²¹

372. The Eikenberry Review was discussed by the Iraq Senior Officials Group on 3 February.³²² The minutes described Maj Gen Eikenberry's recommendations for security structures as “acceptable” but said that proposals that IMOD and SSR structures should sit under the new Multi National Force (MNF) command were “less to our liking”.

³²⁰ Paper Clissitt, 1 February 2004, ‘Iraq Security Force Assessment Team (ISFAT) Initial Findings: Brief for OPCOS’.

³²¹ Paper Clissitt, 1 February 2004, ‘Iraq Security Force Assessment Team (ISFAT) Initial Findings: Brief for OPCOS’.

³²² Minute Dodd to Buck, 5 February 2004, ‘Iraq: Senior Officials Group’.

373. Sir Nigel Sheinwald chaired a meeting of the Iraq Strategy Group on 13 February.³²³ A record of the meeting by Mr Tom Dodd, OD Sec, stated that “Baghdad and Washington were still divided over the future of the ICDC”: General Abizaid and Ambassador Bremer “preferred it becoming an army reserve” as opposed to Maj Gen Eikenberry’s proposed gendarmerie.

374. According to the RAND assessment of the Occupation of Iraq, Ambassador Bremer welcomed the proposal to put training of the Iraqi military under Coalition military control.³²⁴ However, he was resistant to the proposal that police training should transfer to military responsibility, arguing strongly that policing was a civilian, not a military, profession.

375. The briefing for the AHMGIR on 1 March stated that the Eikenberry Review had identified “significant shortcomings, particularly with the police”.³²⁵ Delays with deploying mentors (“1,500 international civilian police mentors have not deployed as planned”) and problems with the Jordan training school (which was running at half capacity) were assessed to be due to US funding issues. The UK contribution was described as “disproportionate” and the brief recorded that:

“MND(SE)’s approach to SSR is considered a model. The British Army is active in training ICDC battalions and the New Iraqi Army. We provide the largest contingent of police trainers in Jordan (72); the UK-run az-Zubayr police academy is now training 300 police every three weeks; and a group of PSNI [Police Service of Northern Ireland] superintendents are about to deploy to the South to mentor provincial police chiefs. We are also considering contracting around 40 police advisers as monitors, expanding the training programme at az-Zubayr, and offering police leadership training in the UK. The UK will also play a leading role in the formation of the new Iraqi MOD.”

376. At the meeting Ministers “noted the Coalition’s work in standing up Iraqi security forces and the UK’s disproportionate contribution to it”.³²⁶

377. Secretary Rumsfeld accepted Maj Gen Eikenberry’s recommendation that the US military should manage the training of Iraq’s army and police.³²⁷

³²³ Minute Dodd to Sheinwald, 16 February 2004, ‘Iraq: Strategy Group’.

³²⁴ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

³²⁵ Annotated Agenda, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

³²⁶ Minutes, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

³²⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

378. On 8 March, DCC Brand's weekly report described the creation of a new "umbrella structure", the Office of Security Co-operation (OSC), commanded by Major General Paul Eaton, the former commander of CMATT.³²⁸ CMATT and the newly named policing equivalent – the Coalition Police Assistance Training Team (CPATT) – would report to the OSC. A diagram of "Command and Control Relationships" showed the OSC reporting to CJTF-7.

379. The creation of OSC resulted in a complex structure for police reform: CPATT became responsible for recruiting, training, equipping and mentoring the police but the CPA/MOI retained the operational and institution-building element of police reform.

380. CMATT and CPATT were both led by UK officers: Brigadier Nigel Aylwin-Foster and Brigadier Andrew MacKay respectively.³²⁹

381. Former DCC Brand told the Inquiry that the creation of OSC was:

"... quite a shock to both myself and the American director [Mr Casteel] because, overnight, the Secretary of Defense in the United States had basically taken away all responsibility for policing, including the training, equipping and recruiting, and given it to the military, and that included a budget that was US\$950m. We had had no indication of this and neither he nor I actually knew where it left us. So we went to see Ambassador Bremer to say, 'Can you give us some direction as to what our responsibilities will be?' and I don't think he was too clear either on what the impact of this was. The military were very clear that it was just theirs and this would tidy things up ... it was rather draconian in terms of its mood, and the consequences ... one was that, whilst they could do the volume stuff, they still didn't have the skill sets for basic training, and then the one thing they didn't have, which was just so essential, and which the military training side had, is that policy advice back in Washington on policing. They had none. So they were making it up, in that sense, from theatre, rather than back at the policy headquarters."³³⁰

382. On 2 April, the Cabinet Office sent an update for Ministers, in between two meetings of the AHMGIR, stating that police training was to be accelerated under the new structures with a target of completing in-service training of 43,000 officers by January 2005.³³¹ There were plans to expand the capacity of the Baghdad and Mosul training academies. The update also highlighted a "critical shortfall" in equipment for the police, the border police and the army. That was put down to issues with US contracting and funding.

³²⁸ Minute Brand, 8 March 2004, 'Report from Iraq – Douglas Brand'.

³²⁹ *BBC News*, 11 January 2006, *UK officer slams US Iraq tactics*; *Associated Press*, 10 June 2004, *Iraq Police Training A Flop*.

³³⁰ Public hearing, 29 June 2010, pages 94-95.

³³¹ Letter Dodd to Owen, 2 April 2004, 'Iraq: Update'.

Security worsens and Iraqi Security Force weaknesses are exposed

383. On 25 March, the FCO's Weekly Update on Iraq for No.10 stated that a CENTCOM review had concluded that transition to local control across Iraq was "likely to be delayed by up to eight months from their original over optimistic target of May 2004".³³² That was due to delays in MOI programmes. The paper stated that that was "not a surprise":

"The Iraqi Security Forces do not just have to be hired; they must be vetted, trained, equipped, mentored and certified ie capability, not numbers, is the key ... Bremer has been pushing for quality for months, without the support in Washington, where the emphasis has been on numbers. On the positive side, a lesson has now been learned."

384. In March, Lt Gen Sanchez announced that once the ISF proved capable and credible enough to maintain local security, Coalition Forces would redeploy to bases outside major cities.³³³ From there they would co-ordinate with the Iraqis and provide Quick Reaction Forces, but the ISF would have daily policing and patrolling duties.

385. Maj Gen Stewart in his evidence to the Inquiry reflected on the growing violence by February/March.³³⁴ He said:

"... because we had made Security Sector Reform our main effort ... because it is our ticket out of there eventually – we have seen a fight against what we are starting to achieve in terms of Security Sector Reform.

"So there are people who are clearly unhappy at the police becoming even relatively effective, because they never became anything close to being effective."

386. In April, the security situation declined dramatically, with uprisings in Fallujah and Najaf, described in Section 9.2. Maj Gen Stewart told the Inquiry how "it was like a switch had been flicked" on 6 April, when there were "35 shooting incidents and attacks in Basra before 7.30 in the morning".³³⁵

387. Maj Gen Stewart described another incident on 21 April in which five simultaneous car bombs were detonated in Basra and az-Zubayr, killing around 70 people and injuring around 250. He said this was "all aimed at the Iraqi police because our SSR was working".

³³² Minute Owen to Cannon, 25 March 2004, 'Iraq: Weekly Update' attaching paper FCO 'Iraq: No 10 Weekly Update'.

³³³ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

³³⁴ Public hearing, 9 December 2009, page 67.

³³⁵ Public hearing, 9 December 2009, pages 67-68.

388. Maj Gen Stewart explained that 50 percent of his force was assisting with SSR during that time. He said that SSR continued in April (although it reduced to 25 percent of his force's time) but that "one or two of the major incidents we had was people ... actually moving from location to location to try and help the SSR".

389. *Hard Lessons* summarised ISF performance during the violence of April 2004:

"Many elements of the newly deployed Iraqi Security Forces proved unwilling or unable to fight. Some abandoned their posts and aided the insurgency. Others mutinied when they came under fire. Iraqi police units collapsed in Fallujah, Najaf, Karbala, and Kut, and the number of Iraqi police dropped by nearly 3,000 in one week in April 2004. The Iraq Civil Defense Corps fared worst of all. From April 2 to April 16, up to 12,000 ICDC members deserted; the rates reached up to 30 percent in northeastern Iraq, 49 percent in Baghdad, 30 percent in the South-Central region, and 82 percent in Western Iraq."³³⁶

390. A summary produced for No.10 by the Cabinet Office in late April stated that the Iraqi police were fully recruited against a target of 75,000 but that ICDC numbers, having risen to 35,000 in early April, had subsequently fallen to 25,000.³³⁷

391. On 13 April, Mr Richmond reported that:

"The weaknesses in the new Iraqi Security Forces have been exposed by the events of the last week. Bremer and Sanchez are keen on the [Iraqi] Defence Minister's idea of establishing a 10,000 man task force which would draw on some of the 'non-tainted' elements of the former regime's special forces, the newly trained counter terrorism company and Iraqi Army and ICDC battalions. They also want to bring former military officers back into the security structures to create an Iraqi chain of command."³³⁸

392. Mr Blair met President Bush on 16 April.³³⁹ At the meeting Mr Blair stated that he was concerned by progress on recruiting, equipping and training the ICDC and the police.

393. In April 2004, Dominic Asquith, FCO Director Iraq, reported that consideration was being given to re-engaging dismissed military officers.³⁴⁰

³³⁶ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

³³⁷ Minute Dodd to Quarrey, 30 April 2004, 'Iraqi Security Force Capabilities'.

³³⁸ Telegram 153 IraqRep to FCO London, 13 April 2004, 'Iraq: Four day Easter Roundup'.

³³⁹ Letter Rycroft to Adams, 'Iraq: Prime Minister's Meeting with Bush'.

³⁴⁰ Telegram 181 IraqRep to FCO London, 21 April 2004, 'Iraq: Sunni Politics'.

394. On 23 April, Ambassador Bremer made a speech in Baghdad addressed to the Iraqi people.³⁴¹ He said:

“... many Iraqis have complained to me that de-Ba’athification policy has been applied unevenly and unjustly. I have looked into these complaints and they are legitimate. The de-Ba’athification policy was and is sound. It does not need to be changed. It is the right policy for Iraq. But it has been poorly implemented.”

395. On 26 April, Mr Blair sent a Note to President Bush.³⁴² In it he suggested a number of ways of improving the situation in Iraq. The first suggestion was:

“Do whatever it takes to get the Civil Defence and police in shape. The Coalition should hire who we need; pay what it takes; create an officer class that can lead and knows that it has a huge vested interest in success. Bremer’s speech on de-Ba’athification etc was well received. But I’m not sure we really have our entire system focused on this; and it needs to be ...”

396. Mr Blair also suggested a focus on courts. He wrote:

“... very few cases can be tried at present; judges are subject to real intimidation. We need to ensure that trials of criminals and sentencing begins again. An independent judiciary will be a big step forward.”

397. Those points were reiterated in a video conference on 27 April.³⁴³

398. In early May, following a request from Mr Blair to “look again at progress with Iraqiisation, particularly training and equipment, and how it might be accelerated”, the Cabinet Office produced a paper entitled ‘Enhancing Iraqi Security Forces’.³⁴⁴ The Cabinet Office gave a detailed assessment of the current situation and highlighted the following elements as the main points:

- There were benefits in taking risks in handing over local control to Iraqi citizens.
- More ex-Ba’athist army officers might be required (beyond the 4,000-5,000 there were already plans to recruit).
- The Iraqi police were fully recruited, the focus now needed to shift to specialist and leadership training.
- “10,000 Iraqi police” were “duds” and needed to be pensioned out of the service.
- More police mentors were required; “we could consider lobbying internationally for more”.

³⁴¹ Speech L. Paul Bremer III, 23 April 2004, ‘Turning the Page’.

³⁴² Letter Sheinwald to Rice, 26 April 2004 attaching Note from PM for President Bush.

³⁴³ Letter Quarrey to Owen, 27 April 2004, ‘Prime Minister’s VTC with Bush, 27 April: Iraq’.

³⁴⁴ Minute Dodd to Rycroft, 7 May 2004, ‘Enhancing Iraqi Security Forces’.

- The disbursement of new equipment should be accelerated.
- There was a need to “get a wholesale grip of prisons policy and prisons management”.

399. The paper also stated that in the lead-up to the transfer of sovereignty, Coalition control over the shape and form of the ISF would reduce. On incorporating militias, the paper said: “This process needs to be taken forward carefully and systematically with a view to the long-term cohesiveness of Iraq’s security forces rather than on an ad hoc basis.”

400. Mr Blair raised Iraqiisation again in a video conference with President Bush on 11 May.³⁴⁵ He questioned the current capability of the ISF, and concluded that a rolling programme for Iraqiisation concentrating not just on numbers but on how to train, equip and command the Iraqi police and ICDC, with the Iraqi Army behind them, was required.

401. In a Note to President Bush on 18 May, Mr Blair described work on developing the ISF as “urgent” and said that nothing should stand in its way.³⁴⁶ He provided a paper from the MOD and highlighted the need:

- for more international police advisers, stating that the current number was only 50 percent of that required;
- for rapid recruitment of more army battalions;
- to “fix pay, equipment and IT problems of the police and civil defence”; and
- to bring in “proper officers” even if they had a Ba’athist connection.

402. From 20 to 23 May, a team led by Major General Nicholas Houghton, Assistant Chief of Defence Staff (Operations), and accompanied by CC Kernaghan, visited Iraq.³⁴⁷ The visit followed a request from Mr Blair for a UK team to visit Iraq and provide a report on what further action was required to accelerate Iraqiisation.³⁴⁸

403. Maj Gen Houghton’s subsequent report noted the lack of strategy, “bureaucratic complexity” hindering access to funds and resources, “initiative overload” and a short-term focus.³⁴⁹ However, he assessed that those mistakes were known in Iraq and action had been taken to address them. He further stated:

“The last thing the theatre needs at the moment is novel thinking imposed from outside. The concept of ‘acceleration’ is misplaced. ‘Sustained Effort’, with some change in emphasis, will produce the desired capability.”

³⁴⁵ Letter Sheinwald to Adams, 11 May 2004, ‘Iraq: Prime Minister’s Video Conference with President Bush, 11 May’.

³⁴⁶ Letter Sheinwald to Rice, 18 May 2004, [untitled] attaching Note [Blair to Bush], [undated], ‘Note on Iraq’.

³⁴⁷ Letter Naworynsky to Rycroft, 13 May 2004, ‘Enhancing Iraqi Security Forces’; Minute ACDS(Ops) to Rycroft, 25 May 2004, ‘How Best to Progress the Iraqiisation of the Security Sector’.

³⁴⁸ Letter Rycroft to Baker, 11 May 2004, ‘Enhancing Iraqi Security Forces’.

³⁴⁹ Minute ACDS(Ops) to Rycroft, 25 May 2004, ‘How Best to Progress the Iraqiisation of the Security Sector’.

404. Maj Gen Houghton also highlighted the need for “honest acceptance” of the likely timescales, stating:

“The Iraqisation of the Security Sector is not a deliverable on 01 July. It is a possibility that a largely Iraqised Security Sector could deliver security for elections in Jan 05.”

405. Maj Gen Houghton assessed:

“The biggest single thing that will move the creation of capability forward is the increased use of military and police assets in mentoring roles. This should involve, for example, widening the concept of embedding troops within Iraqi Civil Defence Corps (ICDC) Units. Given available assets this will mean taking risk on maintaining security.”

406. On developing a strategy, Maj Gen Houghton stated that it must be “authored, owned and executed” in Iraq, not in London. It should also deal with policy on militias and define an end-state as there was no agreement on the constitutional, legal and judicial framework within which the security sector should operate. He also highlighted the difficulties that the transfer of sovereignty and the associated drawdown of the CPA would have in terms of loss of control and discontinuity of personnel.

407. In a “follow-up piece” to the paper, Maj Gen Houghton provided more detail on how a strategy should be developed.³⁵⁰ The strategy should include a “vision”, such as: “A secure and stable Iraq maintained by credible, self-confident and capable security structures under Iraqi governance”.

408. Derived from that vision should be an outline of the security sector architecture. Maj Gen Houghton highlighted some “key policy decisions” that would need to be made in each area:

“(1) Iraqi Police Service (IPS). There needs to be agreement on the principle of Police Primacy (or not) in International Security (IS) issues. Will the Police Service be controlled nationally or regionally? ... Will it have a special weapons and tactics capability; if so how much and under whose control? ...

“(2) Iraqi Civil Defence Corps (ICDC). Is the ICDC a temporary or a permanent creation? ...

“(3) Iraqi Army. What is the role of the Iraqi Army in IS? ...”

³⁵⁰ Minute ACDS(Ops) to Rycroft, June 2004, ‘How Best to Progress the Iraqisation of the Security Sector’.

409. A series of “transition plans” would be required “to get us from where we are now to where we want to be”. Those would include:

“(1) Capacity-building. Capacity-building plans for the elements of the Security Sector are well advanced but they need greater refinement to reflect the need for capability rather than just quantity ...

...

“(3) Militias. There are assessed to be 52 militias ranging in size from 12 to 31,000. They have represented useful short-term expedients, and some may need to feature as part of the longer term accepted Security Architecture. A policy for militias is starting to emerge.

...

“(6) Information Operations/Strategic Communications ... extant plans have: focused too much on 30 Jun as a watershed; ... have dealt too much in promises and have not focused enough on achievements and tangible successes.”

410. Maj Gen Houghton judged that: “The time has already passed when a strategy could have been imposed on the Iraqis and there is a danger that we may now be trying to develop one too late.”

411. On the most effective method of training, Maj Gen Houghton advised that:

“Evidence from within theatre indicates that the best way to grow genuine capability within the ISF is to embed coalition troops and International Police Advisors (IPA) inside Iraqi units.”

412. Maj Gen Houghton provided some suggested points to stress in public statements, including:

“(1) Significant progress already made in capability/capacity-building within ISF.

“(2) ISF already achieving local control in some areas ...

“(3) Need to maintain a sensible balance of risk in progressing Iraqiisation with the operation realities of the security situation. The relevant timescale is spring 06 for us to assume strategic stand-off.”

413. In an annex, Maj Gen Houghton described the status of SSR in Iraq as of 25 May:

- Over 80,000 police officers were operational with approximately 20,000 having received training. An accelerated training programme was now being put in place by CPATT.
- The DBE had been “successfully ... reconstituted” (see Box, ‘The Iraqi border police’, later in this Section).

- On the FPS, the “manpower ceiling” of 73,992 had been achieved.
- The Ministry of Justice had come under full Iraqi control on 30 May. The Higher Judicial Council had been established in Baghdad and was processing up to 3,000 cases a week. The courts were functioning “reasonably well”.
- The Iraqi Correctional Service employed 3,269 officers and was operating 18 prison facilities, with a capacity of 5,500.
- The ICDC had 32,484 personnel, against a target of 40,680. Specialist training had been hampered by a lack of equipment, such as communications equipment.
- The Iraqi Armed Forces had originally been established for external security only. Four battalions had been trained for the Army, with additional personnel in the Air Force and Coastal Defence Force.

414. On resourcing, Maj Gen Houghton commented:

“The SSR process to date has been stifled by bureaucratic rules of the release of funds. If we are to be serious about sustaining the process of Iraqiisation of the Security Sector we need to take a pragmatic and flexible approach to the allocation of a combined UK source of some £37 million.”

415. Mr Blair held a meeting on 3 June at which a paper from the MOD was discussed.³⁵¹ It is not clear from the record which MOD paper was considered. Mr Blair agreed that a UK team should deploy to Iraq to act “in effect as the embryonic secretariat of the MCNS [Ministerial Committee for National Security, described later in this Section] and draft the equivalent of a white paper³⁵² on defence and security”.

416. Mr Blair asked to be informed of “any obstacles or log jams” which he might need to raise with President Bush and commissioned a round-up on Iraqiisation every two weeks. Increased mentoring was not mentioned in the record of the discussion.

417. Mr Blair also commissioned an update “illustrating what is actually happening in MND(SE) in terms of handing over responsibility for security to the Iraqis”. The response from the MOD is discussed later in this Section.

418. Two weeks later Mr Blair again discussed Iraqiisation and again requested to be informed of any issues automatically rather than having to ask.³⁵³

³⁵¹ Letter Rycroft to Baker, 3 June 2004, ‘Iraq: Prime Minister’s Meeting, 3 June’.

³⁵² A ‘white paper’ is an authoritative report that informs readers concisely about a complex issue and sets out proposals for future action.

³⁵³ Letter Rycroft to Baker, 15 June 2004, ‘Iraq: Prime Minister’s meeting, 15 June’.

419. In five meetings and conversations with President Bush in May and June, Mr Blair raised Iraqisation; emphasising the importance he attached to the approach and his hope that Lt Gen Petraeus, now Commanding General, Multi-National Force – Iraq (MNF-I subsumed OSC in June 2004), and Prime Minister Designate Ayad Allawi could agree a joint plan for publication.³⁵⁴

420. On 16 June, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush.³⁵⁵ Mr Blair envisaged that the timetable and strategy in relation to Iraq would include the Iraqi Interim Government publishing an “action plan on Iraqisation of Iraq’s security” in the week before handover and an international conference in early September. Mr Blair wrote that the problem on Iraqisation was “obvious”:

“The numbers in the police are there. But not the quality or equipment, e.g. only 7,000 of the 80,000 police are Academy trained: 62,000 have no training; only nine percent have proper body armour; only 30 percent of the required vehicles are in place. Apparently the logjam on resources and equipment is now broken. But it will take time. And the Iraqi Army isn’t really started yet.

“All of this is now urgent.”

421. According to *Hard Lessons*, at the end of June 2004 only half of Iraq’s army and two-thirds of its police forces had received any training at all, and the quality of that training “varied wildly”.³⁵⁶

Reintegrating militias

In May 2004, Mr Richmond reported that the CPA had begun to implement a “pragmatic” strategy to reintegrate the militias into Iraqi society.³⁵⁷ The plan was to recruit militia personnel into the ISF, to retire them with a pension or to reintegrate them through a training and job placement scheme.

The largest militia groups were the two Kurdish Peshmerga (the Kurdistan Democratic Party had an estimated strength of 41,000 and the Patriotic Union of Kurdistan 31,000) and the Badr Corps (16,000). Other smaller militia, such as the Dawa, the Iraqi National Accord and the Iraqi National Congress, tended to consist largely of security personnel protecting their respective political leaders.

³⁵⁴ Letter Quarrey to Owen, 20 May 2004, ‘Prime Minister’s VTC with Bush, 20 May: Iraq’; Letter Quarrey to Owen, 26 May 2004, ‘Iraq: Prime Minister’s VTC with Bush, 26 May’; Letter Rycroft to Adams, 30 May 2004, ‘Prime Minister’s Conversation with Bush, 30 May’; Letter Rycroft to Adams, 9 June 2004, ‘Prime Minister’s Meeting with President Bush 9 June 2004: Iraq and European Issues’; Letter Quarrey to Owen, 22 June 2004, ‘Prime Minister’s VTC with Bush, 22 June: Iraq’.

³⁵⁵ Letter Sheinwald to Rice, 16 June 2004, [untitled] attaching Note Blair [to Bush], [undated], ‘Note’.

³⁵⁶ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

³⁵⁷ Telegram 263 IraqRep to FCO London, 27 May 2004, ‘Iraq: Militia Strategy’.

There were also “unofficial” militias which were meant to be dismantled. Jaysh al-Mahdi (JAM) was judged to be “the most dangerous” of those. Mr Richmond commented that dismantling militias was “Not an easy task as we have discovered”. He concluded his report to London:

“It is easy to be sceptical about how quickly and effectively the militias will be dismantled. There is an element of re-badging in the agreed approach but it is probably the only realistic way forward. A system which brings militia members within the ambit of the state, if only nominally, is better than leaving the problem unresolved. It is also an important confidence building measure. Ultimately, militias will only disappear when the economy is strong enough to offer people higher paid jobs elsewhere and the political system is sufficiently stable to remove their *raison d’etre*.”

On 7 June, Ambassador Bremer signed CPA Order No.91, entitled “Regulation of Armed Forces and Militias within Iraq”.³⁵⁸ It prohibited the existence of armed forces and militias other than those created by the CPA. Existing militia could remain only if they had a “Transition and Reintegration” plan which included timescales for their disbandment and a full list of members. Article 27 of the Transitional Administrative Law (TAL) and subsequently Article 9 of the Iraqi Constitution prohibited armed forces or militias that were not part of the Iraqi Armed Forces.³⁵⁹

An update to No.10 from the MOD in August 2004 stated: “The success of this initiative will not only help generate stability in Iraq, but may serve as an example of de-militarisation in future conflicts.”³⁶⁰

Restructuring in advance of transfer of sovereignty

422. CPA Order No.68, in early April 2004, established the Ministerial Committee for National Security (MCNS) and the position of National Security Adviser.³⁶¹

423. The role of the MCNS was to facilitate and co-ordinate national security policy among the ministries and agencies of the Iraqi Government tasked with national security decisions. It was to be the primary forum for ministerial-level decision-making on national security issues and would comprise:

- Ambassador Bremer (Chair) until transfer of sovereignty, after which the Chair would be the Prime Minister;
- Minister of Defence;
- Minister of the Interior;
- Minister for Foreign Affairs;
- Minister of Justice;

³⁵⁸ Coalition Provisional Authority Order 91, 7 June 2004, ‘Regulation of Armed Forces and Militias within Iraq’.

³⁵⁹ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

³⁶⁰ Minute Naworinsky to Phillipson, 20 August 2004, ‘Report from Lt Gen Petraeus, Multi-National Security Transition Command – Iraq (MNSTC-I) on developing the Iraqi Security Forces’.

³⁶¹ Coalition Provisional Authority Order 68, 4 April 2004, ‘Ministerial Committee for National Security’.

- Minister of Finance;
- National Security Adviser (in an advisory capacity);
- Director of the Iraqi National Intelligence Service (in an advisory capacity);
- Senior Military Adviser (in an advisory capacity);
- MNF Commander or his representative (by invitation); and
- other appropriate individuals (by invitation).

424. The first meeting of the MCNS took place on 21 March under the chairmanship of Ambassador Bremer.³⁶² He later described the committee as “effectively an Iraqi version of our [the US] National Security Council”.³⁶³

425. The MCNS met regularly from this point onwards and its meetings were often attended by the British Ambassador and the Senior British Military Representative in Iraq.

426. The role of National Security Adviser was to act as the primary adviser on national security matters and to manage the National Security Advisory Staff. Dr Mowaffak al-Rubaie was appointed to that role in April 2004 and served until April 2009.

427. A briefing from the MOD for No.10 in May described the following structures beneath the MCNS:

- A Commander’s Council and a Contact Group.
- Provincial and local structures, such as provincial security committees to discuss “security issues in the broadest sense” (these became known as Provincial Joint Co-ordination Centres – PJCCs) and local co-ordination structures known as Joint Operating Centres.
- The Iraqi Army and the ICDC would be under the command and control of the IMOD through the Joint Headquarters. However, in the short term they would need to be under the operational command and control of the MNF.
- There was uncertainty around police command and control but it was thought that they would report through local police chiefs to the MOI. Ideally the police force should be the lead for all internal security but this might not be possible straight away.
- That transition to local control would occur at different speeds in different areas. The CJTF-7 target for local control across Iraq had slipped from June to December – “a target which not only will be met but which will be bettered by the four provinces of MND(SE)”.³⁶⁴

³⁶² Telegram No 102 IraqRep to FCO, 22 March 2004, ‘Iraq: First Meeting of the National Security Committee’.

³⁶³ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

³⁶⁴ Minute Naworynsky to Quarrey, 11 May 2004, ‘Iraq: Security Structures After 30 June’.

428. On 22 April, CPA Order No.73 put the ICDC under the control of the IMOD.³⁶⁵ The ICDC was renamed the Iraqi National Guard (ING) on 20 June 2004.

429. In response to the violence in Fallujah, Najaf and other locations in April, a number of different “elite” forces were created in an attempt to raise the capability of some of the ISF above that of the insurgents. Table 2 provides a summary of those.³⁶⁶

Table 2: Iraqi Security Institutions

Name	Department	Date created	Detail
Emergency Response Units	MOI	CPA era	A small, elite, national unit trained for high-risk search, arrest, hostage rescue, crisis response, and explosive ordnance disposal (EOD) missions. ³⁶⁷ By July 2004 only 40 officers were operational; the target was 750 officers by November 2005.
Iraqi Intervention Force	IMOD	June 2004	6,000 strong, announced by Prime Minister Allawi before he took office. ³⁶⁸
Iraqi Special Operations Force: – Commando Battalion – Iraqi Counter-Terrorism Force	IMOD	July 2004	An elite force which operated outside the Iraqi Armed Forces chain of command. Trained by US Special Forces.
Civil Intervention Force – Special Police Commandos	MOI (all MOI forces here were collectively known as Special Police Forces)	September 2004	An elite paramilitary force for counter-insurgency support created by Mr Bayan Jabr, Minister of the Interior. The Commandos received no traditional police training. ³⁶⁹
Civil Intervention Force – Mechanised Police	MOI	November 2004	Conducted vehicle-mounted operations to secure high-value routes, such as Route Irish (the route from the airport to the Green Zone in Baghdad).

³⁶⁵ Coalition Provisional Authority Order Number 28 – Establishment of the Iraqi Civil Defense Corps, 3 September 2003; Wright Dr DP & Reese Col TR. On Point II: Transition to the New Campaign. The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005, Combined Studies Institute Press, June 2008.

³⁶⁶ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

³⁶⁷ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

³⁶⁸ Letter Cabinet Office [junior official] to Sheinwald, 29 June 2004, ‘Iraq: Strategy Group’.

³⁶⁹ Report to Congress, July 2005, *Measuring Stability and Security in Iraq*.

Public Order Battalions	MOI	September 2004	<p>A lighter force which conducted counter-insurgency operations but primarily performed a traditional police function in very hostile environments.</p> <p>The Public Order Battalions were recruited almost entirely from Shia neighbourhoods around Baghdad and locations in southern Iraq and were not under Multi-National Security Transition Command – Iraq (MNSTC-I) supervision. They were later regarded by Sunnis as evidence of Shia abuse of their power as head of the MOI.³⁷⁰</p>
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430. The creation of “elite” forces within the MOI led to two types of police – national (although not formally badged as the “National Police” until April 2006; see Box, ‘The National Police’, later in this Section) and local. The national-type police forces (elite forces) reported directly to the Minister of Interior, while the local forces reported through a Provincial Director of Police to a Deputy Minister in the MOI responsible for policing.

431. Coalition military structures were also re-organised in preparation for the transfer of sovereignty. Part of that re-organisation subsumed the Office of Security Co-operation (OSC) into the Multi-National Security Transition Command – Iraq (MNSTC-I).³⁷¹

Multi-National Security Transition Command – Iraq

The Multi-National Security Transition Command – Iraq (MNSTC-I) came into existence on 6 June 2004 and was led by Lt Gen Petraeus.³⁷²

MNSTC-I was organised into three training teams:

- the Coalition Military Assistance Training Team (CMATT) – to organise, train and equip the Iraqi Army;
- the Joint Headquarters Advisory Support Team (JHQ-ST) – to assist the Iraqi Army command and control system; and
- the Civilian Police Assistance Training Team (CPATT) – to organise, train and equip the Iraqi Police.

The UK also provided a training team of approximately 10 personnel to MNSTC-I to carry out Basic Officer Training.³⁷³ The UK training team became part of the NATO mission in 2005.

³⁷⁰ Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

³⁷¹ Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

³⁷² Wright Dr DP & Reese Col TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

³⁷³ Minute Vincent to Naworynsky, 21 February 2005, ‘The NATO Training Mission Iraq (NTM-I); Minute Naworynsky to Vincent, 22 February 2005, ‘The NATO Training Mission Iraq (NTM-I)’.

SSR in the South: after the invasion

Multi-National Division (South-East)

Multi-National Division (South-East) (MND(SE)) was established on 12 July.³⁷⁴ That formalised the UK's responsibility for maintaining security in the provinces of Basra, Muthanna, Dhi Qar and Maysan, initially as an Occupying Power and, from June 2004, in support of the Iraqi Government. That area of Iraq is often referred to as 'the South'.

432. On 14 April, Mr Blair told the House of Commons that the South of Iraq was "largely under British control".³⁷⁵ In Basra:

"About 200 policemen have reported for work. Joint patrols started on 13 April. In surrounding towns, looting has either ceased or is declining, local patrols are being re-established and co-operation with city councils is going well."

433. In response to a question from Mr Iain Duncan Smith, the Leader of the Opposition, Mr Blair told Members of Parliament (MPs):

"Of course the British forces will stay until there is proper security in the country, although obviously we hope to ensure that some of the policing is done by local people as soon as possible. That is why it is encouraging that joint patrols are already taking place. Although people may find this strange, much of the problem for Iraqi citizens came from the special security forces, not the ordinary civil police, if I may put it like that. Many of those people could perform an adequate and good task for the future of Iraq. Other countries are already offering help in relation to policing and security."³⁷⁶

434. Responding to a proposal by Mr Jeffrey M Donaldson that the UK should draw on the experience of retired Royal Ulster Constabulary (RUC) officers to police Iraq, Mr Blair said:

"We should look at using retired RUC officers. Indeed, the Defence Secretary tells me that representatives of our UK police have gone out to Iraq to see what assistance we can give."³⁷⁷

435. Pressed by Mr Nicholas Soames to "take seriously" Mr Donaldson's point, Mr Blair added that deploying former officers was "a priority for us, because the better we can maintain order, the better it is for the people of Iraq and the less is the pressure on our soldiers".³⁷⁸

³⁷⁴ Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation Telic 2/3 11 July to 28 December 2003'.

³⁷⁵ House of Commons, *Official Report*, 14 April 2003, columns 615-616.

³⁷⁶ House of Commons, *Official Report*, 14 April 2003, column 619.

³⁷⁷ House of Commons, *Official Report*, 14 April 2003, column 625.

³⁷⁸ House of Commons, *Official Report*, 14 April 2003, columns 628-629.

436. From early April, policing functions in MND(SE) were undertaken by the military, under a Royal Military Police (RMP) lead.³⁷⁹ Following his visit to Iraq in May, CC Kernaghan observed that “local volunteers had been recruited as auxiliaries and that they, together with elements of the Saddam Hussein era police, were being trained by the RMP in the basics of police work”. Plans were in place to refurbish police stations, courts and prisons; to provide basic training to officers who had reported back or had been recruited since the invasion; to select and issue new uniforms; and to re-establish a viable local criminal justice system.

437. CC Kernaghan judged that “the British effort was focused on providing a visible police presence on the streets to reassure the wider population”.

438. By early July, the military had appointed a Chief of Police and outlined plans to develop a training academy in az-Zubayr, near Basra.³⁸⁰

439. The Dutch Marechaussee (Royal Military Constabulary) and Italian Carabinieri (National Military Police) were also deployed in Muthanna and Dhi Qar provinces respectively. They undertook basic training and mentoring of Iraqi police in their areas. Maj Gen Stewart told the Inquiry that the Carabinieri were “just the right sort of troops to help train [the Iraqis]”.³⁸¹

440. A record of a meeting on 25 June between the FCO, ACPO and the Home Office stated:

“The Prime Minister was authoritatively quoted as wishing to see the southern AO ... develop as an exemplar for the whole of Iraq. The Iraq Policy Unit (IPU) made it clear that HMG [Her Majesty’s Government] recognised the need to make progress in advance of any agreed CPA strategy [on SSR]. Specifically, in respect of the Iraqi Armed Forces and the police.”³⁸²

The Basra River Service

By June, British commanders had instigated the creation of the “Basra River Service” to employ ex-naval personnel. Major General Adrian Bradshaw, Commander 7 Armoured Brigade in 2003, told the Inquiry:

“In the weeks after our arrival, we became very aware that the ex-naval and military personnel in the province, of whom there were 10,000 or 12,000, had also not been paid for several months and were facing a desperate situation and ... they came to us asking for us to do something about their people ...

³⁷⁹ Letter Kernaghan to Blunkett, 23 May 2003, ‘Iraq – Visit by Chief Constable P R Kernaghan’ attaching Report Kernaghan, 10 May 2003, ‘Report on Visit to Iraq by Chief Constable Kernaghan [13-20 May 2003]’.

³⁸⁰ Statement White, 20 June 2010, pages 19-20.

³⁸¹ Public hearing, 9 December 2009, page 75.

³⁸² Minute Kernaghan to UND [junior official], 26 June 2003, ‘Iraq and the UK Police Service – meeting 25/6/03’.

“It was clear to me that what was at that stage developing into quite a sort of robust peaceful protest had the potential to go a lot further ... So I proposed ... that we should effectively demobilise these people with a demobilisation payment and then take them on ... as 10,000 more on the 180,000 civil sector workers with a marker against their name to be part of the future security structure and almost immediately then we started employing them in a force that we created called the Basra River Service which was designed to promote security on the waterway, along which a vast amount of looted copper and brass ingots were being spirited away into a sort of open black market in the Gulf and tons of steel from cables and all manner of material.”³⁸³

441. July saw a substantial reduction of military personnel within South-East Iraq, including a reduction in RMP platoons from eight to two (approximately 800 to 200 personnel).³⁸⁴

Problems deploying police officers

442. Following the agreement for the UK to provide a Chief Constable to be the senior policing adviser to the CPA within the MOI, officials in the FCO continued to recommend the deployment of around 20 MOD police officers.³⁸⁵

443. It appears that that deployment was first mentioned to CPA(South) on 7 June when an email was sent from the UND to a junior official who was seconded to CPA(South).³⁸⁶ The official’s response was that it would not be feasible for the MOD police officers to come under CPA(South) as they had no authority to manage the responsibility, and no ability to provide security.

444. The IPU was concerned that that might prove a stumbling block: they were keen to ensure that the MOD police officers had some responsibility to the CPA’s policing team in Baghdad.³⁸⁷

445. As a result, they began to consider providing CPA(South) with “a secondee with specific responsibility for policing/SSR”.³⁸⁸ That idea was strongly welcomed by CPA(South).

446. In June, the FCO agreed to appoint ACC Douglas Brand from the South Yorkshire Constabulary to the post of Senior Police Adviser to the CPA in Baghdad (as described

³⁸³ Private hearing, 2 June 2010, pages 9-10.

³⁸⁴ Minute FCO [junior official] to PS/Foreign Secretary, 8 July 2003, ‘Iraq: Police Reform’.

³⁸⁵ Minute UND [junior official] to MOD(Sec Iraq), 9 June 2003, ‘Iraq: Policing Strategy’.

³⁸⁶ Email MOD [junior official] to FCO [junior official], 7 June 2003, ‘Basra Police Training Team: Possible Deployment’.

³⁸⁷ Email Lowe [MOD] to FCO [junior official], 9 June 2003, ‘Basra Police Training Team: Possible Deployment’.

³⁸⁸ Email Home Office [junior official] to FCO [junior official], 10 June 2003, ‘Basra Police Training Team: Possible Deployment’.

earlier in this Section), and ACC Stephen White from the Police Service of Northern Ireland (PSNI) to what became the post of Senior Police Adviser and Director of Law and Order for CPA(South).³⁸⁹ Both individuals deployed as Acting Deputy Chief Constables.³⁹⁰

447. The Annotated Agenda for the AHMGIR stated that the UK was “pursuing plans to send MOD Police to begin basic training for police in Basra”, adding “this ... will subsequently be subsumed into an international policing team working in accordance with an agreed coalition policing strategy”. It highlighted that the UK had offered two Assistant Chief Constables to help develop the policing strategy, one in Baghdad, the other in Basra.³⁹¹

448. The AHMGIR met on 12 June and Ministers agreed that the MOD police contingent should deploy to Basra as soon as practicable.³⁹²

449. The UND asked the MOD’s Iraq Secretariat to action this, stating that it would be for the RMP’s Provost Marshal³⁹³ to judge the capacity of the military to accommodate that contingent of police officers, who would be “reliant on military support for board, accommodation, transport and security”.³⁹⁴

450. The FCO convened a meeting to discuss arrangements on 25 June. The only record of the meeting identified by the Government was taken by CC Kernaghan.³⁹⁵ In the meeting it was agreed that, instead of deploying the full contingent of 21 MOD officers, DCC White would deploy with three or four MOD police/PSNI officers and conduct a training needs analysis.

451. CC Kernaghan stated that the only request for UK civilian police secondees that had been relayed to ACPO at that time was for the two ACCs (ACC White and ACC Brand). He highlighted the pressures on the domestic police service and the limitations on its ability to provide large numbers of armed officers, noting that “any request would require clear political approval and endorsement” before ACPO could consider it, but added that ACPO “would seek to respond positively to UK Government requests and had specialist capabilities, which might play a constructive role in police reform generally”.

³⁸⁹ Email Kernaghan to Fox, 20 June 2003, ‘Assistant Chief Constables Selected by FCO for Secondment to Iraq’.

³⁹⁰ Minute FCO [junior official] to Kernaghan, 2 July 2003, ‘ACPO Secondments to Iraq: Initial Terms of Reference’.

³⁹¹ Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁹² Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁹³ Provost Marshal is the title given to a person in charge of a group of military police.

³⁹⁴ Minute FCO [junior official] to MOD [junior official], 13 June 2003, ‘Iraq Police Reform – MDP Trainers for Basra’.

³⁹⁵ Minute Kernaghan to FCO [junior official], 26 June 2003, ‘Iraq and the UK Police Service – Meeting 25/6/03’.

452. On 8 July, officials in the FCO advised Mr Straw that he should write to Mr Blunkett to seek nominations of up to 200 police officers for firearms training with a view to drawing on this pool for future deployments to Iraq when conditions were judged by DCCs White and Brand to be right.³⁹⁶

453. On 18 July, Mr Straw wrote to Mr Blunkett requesting the nomination of a pool of officers for firearms training in Iraq to meet the request from the CPA.³⁹⁷ The letter made clear that a further assessment would be needed, prior to deployment, of the security situation in Iraq and the appropriateness of deploying UK police officers.

454. The original minute to the Foreign Secretary did not propose that he should write to Ministers in the Scottish Government or to the Northern Ireland Secretary, responsible respectively for police forces in Scotland and Northern Ireland.³⁹⁸ ACPO Scotland was instead approached at official level.³⁹⁹

455. ACPO issued a letter to police forces in England and Wales on 31 July informing them of a trawl notice to be issued by the FCO seeking volunteers to form a pool of officers for potential deployment to Iraq.⁴⁰⁰

456. By September 2003, 260 police officers had applied to the pool.⁴⁰¹

457. On 10 August, DCC Brand asked for the deployment of four police officers – ideally with a background in intelligence and operational planning – to staff a Joint Command Centre (JCC) in Baghdad designed to prevent friendly fire incidents.⁴⁰²

458. Former DCC Brand told the Inquiry how his request for support staff had eventually been met:

“[Lt] General Viggers [the Senior British Military Representative – Iraq] ... loaned me a captain ... so that I had somebody who could answer my phone and make appointments whilst I was in other meetings. It wasn't until the end of September that I had an administrative assistant, and then, sometime in October, when the Ministry of Defence police contingent came out and I was able to take somebody as a sort of ... staff officer.

“It was ... quite challenging to ... operate at a two-star level, engage at the highest level diplomatically and militarily – when one is answering one's own phone and trying to do all of the administration that supports that type of activity.”⁴⁰³

³⁹⁶ Minute FCO [junior official] to Private Secretary [FCO], 8 July 2003, 'Iraq: Police Reform'.

³⁹⁷ Letter Straw to Blunkett, 18 July 2003, 'Iraq: Police Reform'.

³⁹⁸ Minute FCO [junior official] to Private Secretary [FCO], 8 July 2003, 'Iraq: Police Reform'.

³⁹⁹ Minute UND [junior official] to Buck, 18 September 2003, 'Iraq Police Reform: UK Contribution'.

⁴⁰⁰ Letter Kernaghan to President of ACPO, 31 July 2003, 'Creation of a Pool of Police Officers for Possible Service in Iraq'.

⁴⁰¹ Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁰² Minute Brand, 10 August 2003, 'Report from Iraq – Douglas Brand'.

⁴⁰³ Public hearing, 29 June 2010, pages 40-41.

459. An IPU update for Mr Blair on 3 September stated:

“In addition to the senior UK police officers already in Iraq, 15 UK trainers can be deployed within two weeks and another 60 by the end of October. Our target is 100 UK trainers deployed by end 2003 (of a planned CPA total of 600).”⁴⁰⁴

460. CC Kernaghan stated in an email to the Home Office that neither ACPO nor the Chief Constable of the MOD police had been approached to deploy the 15 “trainers” mentioned.⁴⁰⁵ He also stated that the FCO had not – at that point – conducted the risk assessment it had promised nor agreed with ACPO that conditions were right to permit UK police officers to be deployed in Iraq.

461. In his evidence to the Inquiry, Lieutenant General Sir Graeme Lamb, GOC MND(SE) from July 2003 to December 2003, described needing “about 90 policemen” in July, but six months later he had only two.⁴⁰⁶ He stated that “... people talked a lot, they promised a great deal ... in fact delivery was always the problem”.

462. Lt Gen Lamb said that his “sense was there was no shortage of individuals who were prepared to volunteer” but Chief Constables were “reluctant” and “did not allow them to come forward” because they felt it would be a breach of their duty of care given the difficult security situation.

463. Sir Hilary Synnott agreed that he perceived a “tremendous reluctance” from ACPO to supply police officers.⁴⁰⁷

464. In late September 2003, both DCC Brand and DCC White expressed their frustration about the lack of additional UK police officers in Iraq.⁴⁰⁸ On 21 September, in response to being informed that the FCO was considering asking the PSNI to provide the four staff he requested in August, DCC Brand wrote:

“... I don’t mind where they come from as long as they get here ASAP. The JCC [Joint Command Centre] is now being seen by the military as the only current solution to the problem of soldiers shooting Iraqi police officers because of a lack of awareness of deployments ... They [the military] have everything in place ... I made my original request ... **6 weeks ago** ... If we are only just thinking about approaching PSNI it may be weeks or months before the officers are able to travel and we would lose all credibility with the American military ... To remind you, **this was our idea** ... I urge you to act swiftly and not delay any longer.”⁴⁰⁹

⁴⁰⁴ Paper IPU, 3 September 2003, ‘Iraq Security Plan’.

⁴⁰⁵ Email Kernaghan to Home Office [junior official], 4 September 2003, ‘Iraq – Iraq Rehabilitation Group Briefing Papers – 4/9/03’.

⁴⁰⁶ Public hearing, 9 December 2009, pages 19-20.

⁴⁰⁷ Public hearing, 9 December 2009, page 21.

⁴⁰⁸ Email Brand to FCO [junior official], 21 September 2003, ‘Re: Police Training plan’; Email White to UND [junior official], 21 September 2003, ‘Re: Police Training plan’.

⁴⁰⁹ Email Brand to FCO [junior official], 21 September 2003, ‘Re: Police Training plan’.

465. The following day, DCC White wrote to a junior official in the FCO's Iraq Security Sector Unit, to summarise his understanding of the position in MND(SE) ahead of a briefing with Sir Jeremy Greenstock and Sir Hilary Synnott:

“... I would like to be able to tell them that I have been updated by FCO in relation to: my resource bids other than training staff (I am assuming they are not being addressed); MDP [MOD police] deployments to Basra (I am assuming they are not being deployed); training staff requests for mid October (I am certain they are not being met); and training staff requests for Nov/Dec (it appears they are not likely to be met).”⁴¹⁰

466. He summed up by saying:

“Those of us on the ground are finding it difficult to fully understand what the main issues of the debate are regarding the deployment or otherwise of UK civpol.”

467. Upon receiving those emails, CC Kernaghan wrote to the Home Office to clarify the ACPO position.⁴¹¹ He made clear that there were “no outstanding requests with ACPO, nor have any been refused to date”. He stated that current delays were due to a lack of firearms training and that deployment without such training would require a “clear statement from the Home Office that such a move was seen as desirable”. He also said that he had “no doubt” that the FCO's International Policing Unit could expedite selection and training if directed. He concluded by saying:

“In essence, the FCO, with the support of allied departments and agencies, needs to provide quicker and more authoritative feedback to DB & SW [DCCs Brand and White].”

468. On 4 October, Ms Clwyd asked Mr Straw in a House of Commons debate when he intended to “strengthen the number of British advisers and support staff”. Mr Straw responded, saying that he intended to investigate the matter and that it was his understanding that “from this week, DCC White will be supported in his role by six Ministry of Defence police officers”.⁴¹²

469. Six MOD police officers were deployed to Baghdad in October.⁴¹³

470. The potential availability of PSNI officers for deployment was discussed in a meeting between DCC White and Mr Bill Rammell, FCO Parliamentary Under-Secretary of State, based upon informal discussions between DCC White and Mr Hugh Orde, Chief Constable of the PSNI.⁴¹⁴ The Iraq Security Sector Unit (ISSU) note stated that their decision not to approach the Northern Ireland Office had been based on a letter

⁴¹⁰ Email White to UND [junior official], 21 September 2003, ‘Re: Police Training plan’.

⁴¹¹ Email Kernaghan to Home Office [junior official], 22 September 2003, ‘Iraq – Recent Developments’.

⁴¹² House of Commons, *Official Report*, 4 October 2003, column 9.

⁴¹³ Letter Lee to Clarke, 18 February 2004, ‘Deployment of MDP Officers to Iraq’.

⁴¹⁴ Minute FCO [junior official] to PS/SofS [FCO], 4 November 2003, ‘Iraq Policing’.

from 2002. The letter said that for domestic reasons the PSNI would no longer be in a position to contribute to overseas police missions.

471. On 6 November, Ms Jane Kennedy, Minister of State for Northern Ireland, wrote to Mr Straw stating that Mr Orde had agreed to identify at least six and up to 10 “PSNI officers of Inspector to Superintendent ranks with operational experience in working with the military willing to undertake a secondment to Basra”.⁴¹⁵ Ms Kennedy stated that Mr Orde had also indicated that he would consider further deployments under the “auspices of ACPO”.

472. In a visit report dated 18 November (described earlier in this Section), CC Kernaghan recommended an increase in UK police officers deployed to both Baghdad and Basra.⁴¹⁶ He highlighted that only 27 of the 43 police forces in England and Wales – and six of the eight in Scotland – had nominated officers to serve in Iraq. He welcomed the willingness of the Northern Ireland Office/PSNI to deploy police officers to Iraq but cautioned that the PSNI should not be seen as a separate entity. In particular he was concerned that they should not be expected to take greater risks than other UK police officers.

473. The development of police training across Iraq is discussed in Box, ‘Police training academies’, earlier in this Section.

474. Plans for the Jordan academy were discussed at the Iraq Senior Officials Group on 9 September.⁴¹⁷ The IPU briefing for the meeting stated that the 21 UK officers could be deployed by the end of December and that other troop-contributing nations should be encouraged to send trainers.⁴¹⁸

475. The minutes of the meeting stated:

“The Home Secretary and ACPO were content in principle with the deployment of UK police trainers ... This could happen ... before the end of October. However ... [they] would need to see a plan for the school including a security assessment, and a more defined strategy for policing than existed at present.”⁴¹⁹

476. At that stage, deployment of UK police officers for the facility was being delayed by lack of firearms training or adequate security provisions for them to deploy without such training.⁴²⁰

⁴¹⁵ Letter Kennedy to Straw, 6 November 2003, ‘UK Policing Assistance – Iraq’.

⁴¹⁶ Report Kernaghan to Straw, 18 November 2003, ‘Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03-14/11/03’.

⁴¹⁷ Letter Dodd to Sheinwald, 10 September 2003, [untitled].

⁴¹⁸ Paper IPU, 8 September 2003, ‘Iraq: Security Action Plan’.

⁴¹⁹ Letter Dodd to Sheinwald, 10 September 2003, [untitled].

⁴²⁰ Minute FCO, 18 September 2003, ‘Iraq: Police Training: Update: 18 September’; Email White to UND [junior official], 21 September 2003, ‘Re: Police Training plan’.

477. The Iraq Senior Officials Group met on 23 September and stated that the FCO was sifting applications and hoped to supply 80 trainers for the Jordan school and 20 for training in az-Zubayr; no timelines for deployment were provided.⁴²¹

478. At an Iraq Policing Meeting on 24 October, it was agreed that FCO officials should advise Mr Straw to ask Mr Blunkett to authorise the deployment of police to Iraq.⁴²²

479. By 18 November, CC Kernaghan noted that the deployment to Basra had still “not yet been formally requested” and was “subject to an appropriate security assessment”.⁴²³

480. Mr Straw visited Iraq in late November and met DCC White. In his statement to the Inquiry, Former ACC White said:

“I was shocked when he [Mr Straw] told me that he was being told that; there were no delays in getting police out to Basra (in fact none had arrived since my advance party came to the place in July, despite requests and reports); that there was no sleeping accommodation for UK police in CPA South (as there were many Portakabins available such as the one I lived in); and that the police academy was not ready (as it had been open and functioning since mid October and all I needed were some more police to help us open and use the many other empty classrooms). This final point was frustrating to hear, because to my memory only one person (a military officer attached to an FCO Iraq unit) had visited it and, in what was a classic ‘Catch 22’ situation, it appeared that (in UK) some were saying it was not open to justify not deploying trainers – yet the reason why it was not open was because no trainers were deployed to it.”⁴²⁴

481. Following his visit, Mr Straw wrote to Mr John Sawers, Political Director in the FCO, the next day saying:

“I would be grateful if you would personally grip this issue and ensure that the key action points arising from CC Kernaghan’s report of his Iraq trip are dealt with as soon as possible. A combination of the Byzantine bureaucracy of ACPO and a lack of understanding in the FCO about police issues and practice ... threaten further delays and a sub-optimal delivery in an area where the UK has a serious contribution to make.”⁴²⁵

482. On the same day, Mr Straw told the AHMGIR that the “UK contribution to policing was inadequate” and that he would be writing to Mr Blunkett to encourage more police forces to release personnel.⁴²⁶

⁴²¹ Minute, 25 September 2003, ‘Iraq Senior Officials Group meeting [23 September]’.

⁴²² Minutes Hayward, 24 October 2003, ‘Iraq Policing Meeting – 24 Oct 03’.

⁴²³ Report Kernaghan to Straw, 18 November 2003, ‘Report on Second Visit to Iraq by Chief Constable Kernaghan – 11/11/03-14/11/03’.

⁴²⁴ Statement, 20 June 2010, page 35.

⁴²⁵ Minute Straw to Sawers, 27 November 2003, ‘UK Police Assistance to Iraq’.

⁴²⁶ Minutes, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

483. On 28 November, more than two months after applications were sifted, Mr Straw wrote to Mr Blunkett formally requesting the deployment of 24 officers to work at the az-Zubayr training academy, noting that ACPO was content with the risk assessment.⁴²⁷

484. Mr Blunkett agreed to that request on 3 December.⁴²⁸

485. In a letter to No.10 in mid-December, Mr Straw's Private Secretary reported that the 24 additional British officers would arrive at az-Zubayr that week.⁴²⁹ He also reported that 36 officers had deployed to Jordan and a further 40 were on standby to join once capacity had been increased. In addition:

“The UK's senior input to Iraq policing remains strong. DCC Douglas Brand, senior police adviser in the CPA is responsible for overall policing strategy and implementation, and will be in place for a further 6 months. In the South, ACC Stephen White will be replaced from end January. Both officers' teams are currently being strengthened.”

486. The UK police trainers arrived and training began on 27 December.⁴³⁰ The military also supplied two lieutenant colonels as members of the project team and 20 trainers (10 Royal Military Police (RMP) and 10 Carabinieri). Following discussions with the military and the senior adviser to MOI, Mr Casteel, it was agreed that the military and UK police officers would share responsibility for training at the az-Zubayr facility.

487. By March 2004 there were over 100 UK police officers working on SSR:

- two senior police advisers (DCC Brand in Baghdad and Acting ACC Philip Read in Basra);
- their support staff of 11, including staff manning the Baghdad joint civil-military co-ordination cell;
- 73 officers in Jordan (eight of whom were retired officers);
- 24 officers at the az-Zubayr facility;
- the commander of the Baghdad police academy; and
- five PSNI officers in the South.⁴³¹

488. Acting Commander Kevin Hurley took over from Acting ACC Read in June 2004 as senior police adviser in Basra and served a seven-month tour.⁴³² He described the UK police contingent as “tiny” – about 20 constables and sergeants “conducting very rudimentary recruit training ... in a derelict old barracks near az-Zubayr” and, based at

⁴²⁷ Letter Straw to Blunkett, 28 November 2003, ‘Iraq: Police Reform: Deployment of UK Police Officers’.

⁴²⁸ Letter Blunkett to Straw, 3 December 2003, ‘Iraqi Police Reform: Deployment of UK Police Officers’.

⁴²⁹ Letter Owen to Rycroft, 18 December 2003, ‘UK Contribution to Iraqi Police Training’.

⁴³⁰ Statement White, 20 June 2010, page 35.

⁴³¹ Minute FCO [junior official] to Buck, PS/Foreign Secretary, 3 March 2004, ‘Iraq – Contracting of Police Monitors’.

⁴³² Statement, 17 June 2010, pages 3-4.

Basra Palace, six officers (at Inspector to Chief Superintendent rank) whose role it was to mentor the police commanders in Maysan province, Nasiriyah and Basra. There were further police officers in Baghdad working on future planning for the police service in Iraq but “they had been all but marginalised by our US allies and were effectively ignored”. He likened the arrangements for SSR in Iraq to “being in a rowing boat being towed behind a massive troop ship going somewhere, the trouble was we had most of the charts and plans in the police rowing boat”.

THE DEPLOYMENT OF DCC WHITE

489. DCC White had deployed to Basra on 14 July 2003. He described the security situation upon arrival as:

“... bad and ... getting worse. There had been tragedies ... there was no accurate data of how many people were being killed, but there were many people being killed. Old scores were being settled. Bodies were being found in the Shatt-Al-Arab River and in the parks and so on. So within the community, there was a lot of violence. In terms of the threat against the Coalition Forces, it was also rising ... but, having come from working in Northern Ireland for 30 years, it was not, in my opinion, any worse.”⁴³³

490. DCC White was accompanied by two MOD Police officers who would be his only UK police resources for most of the next five months.⁴³⁴ He also worked with Danish police officers, initially a contingent of three which grew to a maximum of 15 by the end of 2003.⁴³⁵ He told the Inquiry that:

“... you had the ridiculous situation where, as a very senior chief police officer, I was flying on my own to the scene of murders ... If you have only got one British police officer and two Ministry of Defence police officers, for five months, what does that say about the priority being given to the situation? Despite the fact – the rhetoric was: the South must not fail, the South must be a success.”⁴³⁶

491. DCC White’s lines of reporting were multiple – to Mr Kerik in Baghdad, to Sir Hilary Synnott in Basra and to a junior official in the FCO’s UND.

492. Despite DCC White initially being offered an operational role, he was subsequently briefed in London that his role was to be “primarily as policing adviser” but eventually he might become police commander before handing over to the Iraqi police.⁴³⁷ His first task was to conduct a training needs analysis for MND(SE).

⁴³³ Public hearing, 21 July 2010, pages 17-18.

⁴³⁴ Statement White, 20 June 2010, page 11.

⁴³⁵ Public hearing, 21 July 2010, page 24.

⁴³⁶ Public hearing, 21 July 2010, pages 32-33.

⁴³⁷ Statement, 20 June 2010, page 5.

493. DCC White's role changed again on arrival in Basra where he found himself expected to assume the role of CPA Director of Security (Law and Order), encompassing not just security and policing but all other aspects of criminal justice. That was a much broader role than anticipated. He had one lawyer to support the work on judicial reform.⁴³⁸

494. Describing how he was briefed by the military on their future plans, Former ACC White told the Inquiry:

“[I] was impressed with the comprehensiveness of the plan but somewhat surprised that [I] had not been told of it back in the UK.”⁴³⁹

495. Former ACC White told the Inquiry that he was viewed by the military in MND(SE) as “their relief – from all law and order reform duties – not just police reform. This expectation was ... the cause of much tension throughout my tour of duty”.

496. Former ACC White explained: “The army were trying to move away from policing duties. They wanted us [police secondees] to move in and we weren't there.”⁴⁴⁰

497. Former ACC White described a confused strategic picture:

“I was being told that a strategy was still being written and therefore not promulgated. However, I was also told there were advanced plans – e.g. for training in Hungary with agreed curricula. Later in Baghdad I saw a Bosnia police training curricula with the word Bosnia struck out and Iraq written on it. I was being told at one time the IPTF [International Police Training Force] for which I had been recruited as commander would be unlikely, yet the man in charge of MOI and policing in Iraq was telling me directly I would have 1,500 officers, with executive authority, to command in the South.”⁴⁴¹

498. In August, DCC White produced a ‘Strategic Report on the Police Reform Programme in Southern Iraq’ in which he assessed that 91 international police officers would be required to support the policing mission within MND(SE), of whom 70 would work with the Iraqi police and 21 would operate within the training school.⁴⁴² In addition to those, following the UK military decision to withdraw the four RMP personnel who had been working as part of DCC White's team and providing force protection for the UK police, he estimated that a team of 48 would be required to provide force protection.

⁴³⁸ Public hearing, 21 July 2010, page 16.

⁴³⁹ Statement, 20 June 2010, page 11.

⁴⁴⁰ Public hearing, 21 July 2010, page 23.

⁴⁴¹ Statement, 20 June 2010, page 16.

⁴⁴² Report Elder for White to MacIntosh, 26 August 2003, ‘Report on-UK CIVPOL Support to CPA South’; Statement White, 20 June 2010, pages 44-46.

499. Former ACC White told the Inquiry that that report and request caused some controversy when they were briefed to CPA and IPU staff in Baghdad, as they were considered to be inconsistent with the new 'MOI 60/90 day Strategic Plan' of which DCC White had had no sight.⁴⁴³ The request for 91 police officers was subsequently withdrawn pending further direction from CPA Baghdad.

500. On 4 September, DCC White submitted a reduced bid for 43 UK police officers to support his work in MND(SE).

501. The Iraq Security Action Plan, produced by the IPU for the Iraq Senior Officials Group in September 2003, recorded that "in the absence of a central [policing] strategy, we are pursuing regional options".⁴⁴⁴

502. DCC White had submitted a proposal to re-establish the Regional Police Training Academy (RPTA) at az-Zubayr to the south of Basra, to be staffed by 21 international staff (see Box, 'Police training academies', earlier in this Section). Plans to train Iraqi officers in Hungary had fallen through, but three potential training sites had been identified in Jordan, with facilities for up to 3,000 recruits.

503. The IPU recommended that DCC Brand should clear the UK's concept for the RPTA with the CPA and MOI; that it should be funded; and that its timetable should be accelerated. Twenty-one UK officers were expected to be deployed to the Academy by the end of December. The IPU was confident that it could offer 100 officers to work in a training facility in a third country by the end of October, but needed to lobby the Jordanians for access to such facilities.

504. Ministers discussed policing at the AHMGIR on 18 September.⁴⁴⁵ The Annotated Agenda for the meeting described plans to develop the RPTA, stating that "a separate deployment of 20 UK police trainers, who will require firearms training, will be required". That deployment would require the formal approval of ACPO and the Home Office.⁴⁴⁶

505. Ministers "endorsed the plans for police training outlined in the Annotated Agenda and agreed that they should be implemented as swiftly as possible with whatever UK help was necessary".⁴⁴⁷

506. In September, a cross-Whitehall project team was created to oversee the development of the Basra and Jordan training academies.⁴⁴⁸ The Iraq Police Training Project Team was based in the FCO and was led by Mr Neil Crompton, Head of the IPU.

⁴⁴³ Statement, 20 June 2010, pages 22-24.

⁴⁴⁴ Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.

⁴⁴⁵ Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁴⁶ Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁴⁷ Minutes, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁴⁸ Minute FCO, 12 September 2003, 'Iraq: Third Country Training Plan'; Minute FCO, 18 September 2003, 'Iraq: Police Training: Update: 18 September'.

The team, which included seconded police officers as well as officials from the Home Office and MOD, was set up to co-ordinate the work of a virtual team of advisers from ACPO, the Home Office, the MOD police and Bramshill College of Policing. It reported to the Iraq Senior Officials Group.

507. A briefing by the Iraq Police Training Project Team on 18 September stated that the first course at az-Zubayr was due to begin on 15 October, with specialised training courses being carried out by Danish police officers.⁴⁴⁹ At the same time, the facility was being expanded so that it could accommodate larger courses and begin three-week 'Transition Integration Programme' training. The expansion was due to be completed in December.

Training the ICDC in MND(SE)

In July 2003, military commanders from each of the areas in Iraq were instructed to stand up ICDC battalions. In response to that, in early September an MOD force level review concluded that a further two UK battalions should be sent to Iraq, one of which would begin training of the ICDC in MND(SE) alongside force protection and intelligence-gathering/surveillance duties.⁴⁵⁰ The review did not make clear what proportion of the battalion (around 600 strong in total) would be involved in training the ICDC.

The UK ICDC training team arrived in theatre in late September with the aim of training 1,200 troops by mid-October, and 5,000 in total, for deployment in MND(SE).⁴⁵¹

In the Security Action Plan written in September 2003, the IPU recorded that UK forces were training 160 members of the ICDC, and that would increase to 1,700 by early November.⁴⁵² ICDC battalions would be "fully operational" by the end of the year in all four provinces of MND(SE), carrying out basic guarding and infantry tasks.

The IPU identified four actions required:

- provision of additional UK Short Term Training Teams;
- allocation of a delegated budget to MND(SE) to support the training;
- provision of CJTF and CPA central support; and
- agreement that ICDC development costs should be underwritten nationally in order to avoid "procedural delays in CPA".

508. In October, Sir Hilary Synnott reported that CJTF-7 had issued an unexpected instruction entitled 'Acceleration of the Iraqi Police Services' which gave the military a greater role in accelerated police training programmes. That is described earlier in this Section.⁴⁵³

⁴⁴⁹ Minute FCO, 18 September 2003, 'Iraq: Police Training: Update: 18 September'; Email White to UND [junior official], 21 September 2003, 'Re: Police Training Plan'.

⁴⁵⁰ Letter Williams to Rycroft, 4 September 2003, 'Iraq: UK Forces and Resources Review'.

⁴⁵¹ Paper MOD, 9 December 2009, 'Iraq Security Sector Reform'.

⁴⁵² Paper IPU, 8 September 2003, 'Iraq: Security Action Plan'.

⁴⁵³ Telegram 110 FCO London [on behalf of CPA Basra] to UKRep Iraq, 31 October 2003, 'Police Training in South Iraq'.

509. Sir Hilary wrote:

“In the South, this has considerable implications for military resources to be devoted to police training; for our current plans, including the recently inaugurated Basra Regional Police Academy; and for the significant Danish effort at present and in future. We had no warning of this from CPA Baghdad (beyond a slight reference to such a possibility), no subsequent information from them and no consultation.”

510. Sir Hilary explained that he had come up with an action plan to adapt the approach being taken in the South in such a way as to be consistent with the instruction, cautioning:

“It will require an acceleration of the current building programme for the Police Academy and enhanced and extended engagement by the RMP. It will not negate the need for UK civil police involvement and, to enhance the civil nature of policing, it would be desirable to extend this further as soon as practicable. But the nature of the training programmes envisaged for the Academy will have to be adapted.”

SSR progress by October 2003

511. At the Chiefs of Staff meeting on 1 October, Lt Gen Reith was asked to provide an out-of-committee brief on SSR, which he did the same day.⁴⁵⁴

512. Lt Gen Reith described the purpose of his paper as “to summarise SSR progress to date, against CPA/CJTF-7 targets for MND(SE), and estimate the potential development in ISF over time”.⁴⁵⁵ He informed readers that:

“The CPA and CJTF-7 tightly control SSR policy, although currently medium to long term plans lack definition, an overarching SSR strategy, resources and funding.”

513. Lt Gen Reith described eight separate Iraqi security organisations, including the NIA and the IPS. He summarised the situation in MND(SE) as:

- 8,367 police officers had been recruited, out of a total of 11,800 planned by December 2005.
- 400 members of the NIA had been recruited, out of a total of 7,855 planned by the end of 2005.
- 840 members of the ICDC had been recruited, out of a total of 6,720 planned by April 2004.
- 2,500 FPS (for critical infrastructure) had been recruited, out of a planned total of 4,200 by February 2004.
- All 4,000 planned members of local militia, to perform a “Neighbourhood Watch” role, had been recruited.

⁴⁵⁴ Minutes, 1 October 2003, Chiefs of Staff meeting.

⁴⁵⁵ Minute Reith, 1 October 2003, ‘Iraqi Security Sector Reform – MND(SE)’.

- 282 Border Police and Customs officials had been recruited, out of a total of 1,500 planned by February 2004.
- 180 members of the Iraqi Riverine Patrol Service (IRPS), out of the 380 planned by February 2004, had been recruited.
- Recruitment for the 392-strong Iraqi Coastal Defence Force, which would be responsible for security in Iraqi territorial waters and anti-smuggling activity, would begin in two weeks.

514. Lt Gen Reith wrote that over the following 12 months only four elements of the ISF would relieve Coalition Forces of tasks: the IPS, ICDC, IRPS and FPS. It was “too early to judge the effectiveness or quality of these units, but the ‘Iraqisation factor’ alone is expected to gain popular support”. Although other elements of the ISF would help to improve the security situation, Lt Gen Reith felt there was “little likelihood that their partial or full operational capability will permit any meaningful reduction in troop numbers”.

515. On 14 October, a documentary entitled ‘Basra Beat’ which followed DCC White’s deployment in Iraq was broadcast by BBC Northern Ireland’s *Spotlight* programme.⁴⁵⁶ The programme exposed DCC White’s concerns about the SSR programme in Iraq, and the UK’s resourcing of it.

516. In his statement to the Inquiry, Former ACC White explained that, in particular, a remark he made about his frustration with the delays in deploying officers caused controversy back in the UK.⁴⁵⁷ He told the Inquiry that as a result many “negative opinions were offered” about him and that he was left “feeling unsupported and isolated” but for the support of Sir Hilary Synnott and Ms Kennedy.

517. An update from Mr Straw’s Private Secretary to Sir Nigel Sheinwald on 17 October did not refer to the issues raised by DCC White’s documentary.⁴⁵⁸ The Private Secretary reported that “good progress” was being made in developing the Iraqi police and that there was a “credible and deliverable strategy to train 30,000 Iraqi police over the next year”.

518. Mr Straw’s Private Secretary reported that efforts in Basra were focused on developing the Regional Police Training Academy (RPTA) and that an “initial retraining programme for serving Iraqi police officers began on 12 October under UK management”. He reported that 24 UK police officers were about to start pre-deployment training and would deploy as soon as the RPTA facilities were ready to receive them. That would bring the total deployment of UK officers in Basra and Jordan to 100.

⁴⁵⁶ *BBC News*, 14 October 2003, *UK ‘failing to police Basra’*.

⁴⁵⁷ Statement, 20 June 2010, pages 30-31.

⁴⁵⁸ Minute Sinclair to Sheinwald, 17 October 2003. ‘Iraq: Security and Policing’.

519. DCC White met Mr Rammell, Mr Adam Ingram, Minister for the Armed Forces, and Ms Kennedy on 3 November.⁴⁵⁹ In the meeting, DCC White stated that his alleged criticisms of government strategy were taken out of context but he expressed concerns about lack of progress, the lack of UK police officers on the ground (due in part he felt to Chief Constables blocking deployment for security reasons), differences between the UK and the US approach and the absence of a delegated budget. Mr Rammell stated:

“My view, having listened to him, is that he raises serious concerns which are at odds with our statements as to how the situation is improving.”

520. The Home Office record of the Iraq Senior Officials Group of 4 November recorded that Mr Straw’s initial reaction to DCC White’s documentary was to call a “special meeting of Ministers to discuss what more could be done” but FCO officials had advised that that was not necessary.⁴⁶⁰

521. An update produced for Mr Straw by the Iraq Security Sector Unit (ISSU) on 5 November acknowledged that “there had been delays in late summer” but said that these had now been resolved.⁴⁶¹ On the specific issues about which DCC White had expressed concern, the ISSU observed:

- risk assessments – “ACPO require very strict assurances”;
- budget – that was “a matter for CPA South and Baghdad”; and
- the new accelerated programme for training – “this is far from ideal ... the risks that flow from putting large numbers of insufficiently trained police on the streets are clear”.

Security incidents involving UK SSR staff

UK personnel involved in SSR were the subject of a number of security incidents between May 2003 and June 2004:

- On 24 June 2003, six members of the RMP⁴⁶² who had been engaged in the training of local Iraqi police forces were killed at Majarr al Kabir, near Basra (see Sections 9.2 and 16.3).⁴⁶³ An MOD Board of Inquiry later concluded that that had been “a surprise attack, which could not reasonably have been predicted”.⁴⁶⁴

⁴⁵⁹ Letter Rammell to Symons, 4 November 2003, ‘Iraq – Stephen White’.

⁴⁶⁰ Minute Storr to Acton, 5 November 2003, ‘Iraq: Senior Officials Meeting on 4 November’.

⁴⁶¹ Minute ISSU [junior official], to PS/SofS [FCO], 4 November 2003, ‘Iraq Policing’.

⁴⁶² Sergeant Simon Hamilton-Jewell, Corporal Russell Aston, Corporal Paul Long, Corporal Simon Miller, Lance Corporal Benjamin Hyde and Lance Corporal Thomas Keys.

⁴⁶³ House of Commons, *Official Report*, 24 June 2003, column 996.

⁴⁶⁴ House of Commons, *Official Report*, 17 November 2004, columns 90-91WS.

- On 23 August, three members of the RMP were killed⁴⁶⁵ and another seriously injured in an attack in central Basra (see Section 9.2).⁴⁶⁶ Up to five Iraqis were also understood to have been killed or seriously injured.
- On 19 November, DCC White's convoy was subject to an Improvised Explosive Device (IED) attack outside the Basra courthouse.⁴⁶⁷ One of his protection officers was seriously injured.
- On 22 April 2004, the police training academy at az-Zubayr was attacked by suicide bombers.⁴⁶⁸ Although no UK police were injured in the attack, it led to a review of security at the facility. A subsequent Cabinet Office paper described the site as "isolated and exposed" but said that a more permanent and secure site would take time to construct, and would cost between £5m and £10m, for which there was no provision.⁴⁶⁹

The facility at az-Zubayr remained and in June 2004 Mr Hoon stated:

"The attack on the facility in April had strengthened the determination of the Iraqi recruits (and their instructors) to deliver an effective police force. An impressive set up."⁴⁷⁰

Prison reform

522. The FCO identified the development of the Iraqi prison service as a "Priority One" area for UK support to ORHA in April 2003.⁴⁷¹

523. Mr Martin Narey, the Home Office Commissioner for Correctional Services, wrote to Sir Michael Jay, the Permanent Under Secretary to the FCO, on 24 April advising that he was seeking potential secondees from the Prison Service to support the UK effort.⁴⁷²

524. Prison reform was also included in the Annotated Agenda for the AHMGIR on 17 July.⁴⁷³ The Agenda described the Government's "continued support to the Iraq prison reform programme" and stated that the IPU considered it "likely ... that UK support [would] be requested specifically in training and general prison management".

⁴⁶⁵ Major Matthew Titchener, Company Sergeant Major Colin Wall and Corporal Dewi Pritchard.

⁴⁶⁶ Ministry of Defence, 23 August 2003, 'Major Matthew Titchener, Sergeant Major Colin Wall and Corporal Dewi Pritchard Killed in Iraq'.

⁴⁶⁷ Statement White, 20 June 2010, pages 33-34.

⁴⁶⁸ Note ISSU, 23 April 2004, 'Security Sector Reform Meeting – Thursday 22 April 2004'.

⁴⁶⁹ Minute Dodd to Rycroft, 7 May 2004, 'Enhancing Iraqi Security Forces'.

⁴⁷⁰ Letter Naworynsky to Owen, 15 June 2004, 'Secretary of State for Defence Visit to Iraq – 14 June 2004'.

⁴⁷¹ Letter Jay to Turnbull, 22 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)'.

⁴⁷² Letter Narey to Jay, 24 April 2003, 'Iraq: UK Support for the Office for Reconstruction and Humanitarian Assistance (ORHA)'.

⁴⁷³ Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

525. The minutes of the Security Sector Reform Meeting⁴⁷⁴ of 4 December recorded that “not much work had been done in this area” and that “there still did not appear to be a definitive US policy position”.⁴⁷⁵

526. On 25 February 2004, minutes of the Security Sector Reform Meeting recorded that Mr Gareth Davies, Senior Prisons Adviser to CPA(South), was arranging training for Iraqi Correctional Service officers.⁴⁷⁶ Canada had also “hinted” that it might support training. Two prisons in MND(SE) were being “refurbished/rebuilt”.

527. Canada’s offer to deliver training was confirmed at the Security Sector Reform Meeting on 5 April.⁴⁷⁷

528. For the same meeting, Mr Davies had prepared a paper (dated 29 March) on the progress of the Prisons Project in CPA(South). He noted that:

- The “clear separation of function” between the police, courts and prisons had been “more difficult practically than envisaged” but was now “largely complete”.
- Of the five facilities within the UK’s AOR, one was functioning (al-Maqil) and the other four (al-Minah, Basra Central, al-Amarah and Nasiriyah) were under development or construction.
- The recruitment and training of managers and staff for the increase in establishments should not be difficult, but funding “Pay Running Costs” remained a problem.
- On safeguards for the treatment of prisoners there was “little or no National Correctional Policy emanating from Baghdad”, resulting in “serious” policy gaps, such as disciplinary codes for both prisoners and staff.

529. Mr Davies described al-Maqil as being “in a very poor state of repair” and “close to collapse”. Problems with sewage had been exacerbated by severe overcrowding: in January the prison’s population reached 478 against a capacity of 230. Part of the reason for that rise had been a “weakness in the due process” where prisoners were kept on remand without judicial review. A system of referral to judges had helped alleviate the problem.

530. Mr Davies submitted a report in April 2004 with recommendations for staffing levels after 30 June.⁴⁷⁸ A joint bid from the FCO and DFID to the Global Conflict Prevention Pool (GCPP) fund for nine prison officers to be both monitors and advisers was planned. The Government has been unable to supply a copy of Mr Davies’ report.

⁴⁷⁴ The Security Sector Reform Meeting was a regular meeting of policy officers that discussed a range of SSR matters, including police training, military reform, prisons and the judiciary. It was chaired by the FCO and attended by the MOD, DFID, the Home Office and (occasionally) HM Customs and Excise.

⁴⁷⁵ Minutes, 4 December 2003, Security Sector Reform Meeting.

⁴⁷⁶ Minutes, 25 February 2004, Security Sector Reform Meeting.

⁴⁷⁷ Minutes, 5 April 2004, Security Sector Reform Meeting attaching Report Davies, 29 March 2004, ‘A Summary Against Scope of Progress in the Prisons Project in CPA(S)’.

⁴⁷⁸ Minutes, 22 April 2004, Security Sector Reform meeting.

531. A funding bid for £5.53m for a project to support the prison service in Southern Iraq from summer 2004 onwards stated that prisons strategy in MND(SE) was overseen by the Director of Law and Order, who had been seconded from the UK Prison Service.⁴⁷⁹ He was supported by a Senior Prisons Adviser and an administrator. Prison monitoring was undertaken by three members of the Military Prison Service plus two members of the Territorial Army who were UK prison officers in their civilian careers. The bid sought to increase staffing numbers to 15. All other staff working in the Correctional Service were Iraqi locals.

532. The bid stated that there were approximately 800 prisoners in MND(SE). Three new prisons were in development, with a total capacity of 1,650 places. All prisons within the CPA(South) boundary run by the Iraqi Prison Service were overseen and maintained by the UK.

533. A letter dated 2 July confirmed that £1.7m had been agreed for that project by the Iraqi GCPP Strategy Committee.⁴⁸⁰

The position in the South leading up to the transfer of sovereignty

534. A record of the Iraq Senior Officials Group on 12 December 2003 stated that the MOD intended to deploy an additional infantry battalion to assist ICDC training and more RMP to assist police training and mentoring.⁴⁸¹ The record stated: “The importance of close co-ordination between departments on police initiatives was stressed”.

535. On 19 December, Mr Lee wrote to Mr Bowen, stating there had been “some surprise” expressed at the forthcoming deployment of additional RMP to MND(SE) and “concern about MOD’s alleged lack of consultation over this deployment”.⁴⁸²

536. Mr Lee wrote:

“For months now the MOD has been assured by the FCO, and MND(SE) has been assured by the CPA, that civil police were in the pipeline to provide training and mentoring ... All accepted the crucial importance of standing up the IPS as rapidly as possible and thus the importance of providing proper civil police trainers to train civil police. HMG [Her Majesty’s Government] and the CPA have not ... delivered ... we have repeatedly stressed that we see police training as important and that it is best delivered by civil police.”

⁴⁷⁹ Paper Global Conflict Prevention Pool Project Bid Form, [undated, early 2004], ‘Prison Service Support in Southern Iraq’.

⁴⁸⁰ Letter Carlin to Hayward, 2 July 2004, ‘Iraq Global Conflict Prevention Pool’.

⁴⁸¹ Minute Cabinet Office [junior official] to Sheinwald, 15 December 2003, ‘Iraq: Senior Officials Group [12 December]’.

⁴⁸² Letter Lee to Bowen, 19 December 2003, ‘Iraq: Police Support for MND(SE)’.

537. In his response, Mr Bowen welcomed the deployment but said:

“... I find it odd that when we have discussed police training and the like at meetings of officials and had been reassured that all is on track, this has not been challenged at the time. It is not just the MOD who see the importance of police training, so do we all. We must ensure that the information flow between departments is such that messages we need to send to Washington or the CPA (or each other) are registered before we reach crisis point ... there is a clear role for senior officials to intervene if programmes are going off the rails.”⁴⁸³

538. A further MOD force level review at the end of January 2004 considered SSR to be “on track in MND(SE)”, although it did register problems with resourcing police training and mentoring.⁴⁸⁴ It concluded that “given the right conditions” there would be no need to replace the SSR battalion who were conducting ICDC training in July 2004 and added that “assuming the security situation continues to stabilise” further reductions in force levels might be possible by November 2004. Those recommendations were based on assumptions that “consent of the population” would be “maintained” and that SSR would continue “to deliver evermore capable and credible ISF”.

539. In early 2004, the focus in policing shifted from training to providing officers to act as monitors/mentors, terms that appear to have been used interchangeably at the time. Given the deteriorating security situation and the need for mentors to be out on the ground, deploying police officers was problematic.⁴⁸⁵ As a consequence, that role had been undertaken by the RMP.

540. Following a request from PJHQ to relieve the RMP, the FCO began considering contracting around 40 UK retired officers.⁴⁸⁶ At the same time the US was developing plans to recruit around 500 police advisers from Dyncorps to act as monitors/mentors, with 50 being earmarked for the South. The UK’s seemingly unilateral approach was met with some consternation by Mr Casteel, who reportedly said: “This isn’t two countries, you know.”

541. Sir Nigel Sheinwald chaired a meeting of the Iraq Strategy Group on 13 February.⁴⁸⁷ Mr Dodd’s record of the meeting stated that the recent attacks in Erbil showed that “terrorists felt threatened” by SSR. The US was focused on building the ISF’s capacity, “with [General] Abizaid stressing quality over quantity”. While the US planned to hand over security responsibility to Iraqi forces at a local level in July, US Commanders “were not entirely confident they would have sufficient Iraqi forces ... but five months remained” to meet that deadline.

⁴⁸³ Letter Bowen to Lee, 22 December 2003, ‘Iraq: Police Support for MND(SE)’.

⁴⁸⁴ Paper CJO to PSO/CDS, 29 January 2004, ‘Op TELIC Force Level Review – Jan 04’.

⁴⁸⁵ Minute ISSU [junior official] to Buck and PS/Foreign Secretary, 3 March 2004, ‘Iraq – Contracting of Police Monitors’.

⁴⁸⁶ Minute ISSU [junior official] to Buck, 4 February 2004, ‘Visit to Iraq 26-30 Jan’.

⁴⁸⁷ Minute Dodd to Sheinwald, 16 February 2004, ‘Iraq: Strategy Group’.

542. On 8 March, Mr Straw gave permission for ISSU to proceed with contracting 40 police monitors/mentors.⁴⁸⁸ Those officers would work directly to Coalition Forces but would co-ordinate closely with CPA(South).⁴⁸⁹ It was estimated that the cost for six months would be around £3-4m. In a minute from ISSU to Mr Straw, the reason given for the unilateral approach was that the numbers of international police advisers had been “slow to build”. There was no mention of the US Dyncorps contract.

543. DCC Brand had recommended that some of those officers should be offered to the CPA as part of a Coalition-wide effort. However, the assessment from ISSU was that, in the present security environment, it would be too great a risk to deploy FCO-contracted British personnel to police station monitoring outside the UK AOR.

544. The minutes of the working level ‘Security Sector Reform Group’ of 22 April mentioned US plans to deploy Dyncorps contractors to MND(SE) but stated that “it is still unclear as to the exact deployment dates and numbers”.⁴⁹⁰ They also referred to finalising the role for the UK contractors and efforts to ensure they “complement, not compete” with the Dyncorps contractors.

545. ACC Read told the Inquiry that “it was made quite clear” that the Dyncorps contractors would not answer to him and that “co-ordinating these resources and agreeing a common approach to police reform including the style of policing we wanted to introduce was going to be an issue”.⁴⁹¹

546. The separate UK contract for 40 police monitors/mentors was let to ArmorGroup⁴⁹² for £5m for six months, with the intention of deploying them in early June.⁴⁹³ However, in light of a further decline in security and the assessment that the type of monitoring they would do would be “of little value until the Iraqi police [in MND(SE)] have undergone more specialist skills training”, the deployment was put on hold by the FCO until September 2004.

547. On 26 April, Mr Rycroft wrote to Mr Straw’s Private Secretary, copying his letter to DFID, the MOD, the Cabinet Office and UK officials in Iraq and the US (see Section 6.2).⁴⁹⁴ He reported that Mr Blair thought improvements to existing activities must be made, including on:

“(a) Iraqiisation. We must do whatever it takes to get the ICDC and Iraqi police in shape ...”

⁴⁸⁸ Minute Owen to ISSU [junior official], 8 March 2004, ‘Iraq: Contracting of Police Monitors’.

⁴⁸⁹ Minute ISSU [junior official] to Buck and PS/Foreign Secretary [FCO], 3 March 2004, ‘Iraq – Contracting of Police Monitors’.

⁴⁹⁰ Minutes ISSU, 23 April 2004, ‘Security Sector Reform Meeting – Thursday 22 April 2004’.

⁴⁹¹ Statement, 23 June 2010, page 15.

⁴⁹² ArmorGroup is a UK-based private security contractor.

⁴⁹³ Minute ISSU [junior official] to PS/Foreign Secretary, 11 June 2004, ‘Iraq – Deployment of Police Monitors’.

⁴⁹⁴ Letter Rycroft to Owen, 26 April 2004, ‘Iraq: 15 Reports for the Prime Minister’.

548. On 30 April, the Cabinet Office assessed that in MND(SE) most ICDC battalions and the police should be able to operate without a full-time MNF presence by 30 June, although it conceded that the ISF in MND(SE) had not faced the level of challenge that many others faced in the April violence.⁴⁹⁵

549. Similarly, the MOD assessed that following the transfer, “by 1 July, the ISF will have the lead for security and the MNF will be operating in support of them”.⁴⁹⁶ The MOD assessed the position in Muthanna, Dhi Qar and Basra provinces positively: in some areas the ISF would “operate without any assistance at all except a standby Quick Reaction Force”. The MOD plan was to minimise its “overt presence” by, for example, relocating from Basra Palace (inside the city) to Basra Airport (outside the city). In Maysan province, the security situation was considered to be more challenging (as described later in this Section).

SSR across Iraq: summer 2004 to summer 2006

550. On 28 June 2004, the Coalition Provisional Authority (CPA) formally handed over to a sovereign Iraqi Government, the Iraqi Interim Government (IIG), and Dr Allawi became the Iraqi Prime Minister. The process of establishing the IIG is described in Section 9.2.

551. On 20 June, Prime Minister Designate Allawi set out his military capacity-building strategy in a televised press statement.⁴⁹⁷

552. Dr Allawi’s strategy included a 6,000-strong intervention force with both police and army components, the creation of a Special Forces Organisation and continued ING and army training.⁴⁹⁸

553. Mr Falah Haasan al-Naqib was appointed as the Minister of Interior and Mr Hazem Shalan al-Khuzaei was appointed as the Minister for Defence.⁴⁹⁹ Dr Rubaie continued to serve as the National Security Adviser. Mr Barham Saleh became Deputy Prime Minister for National Security.

554. During the CPA era, the metric used to measure progress with the ISF was the number of personnel on duty.⁵⁰⁰ Immediately after the transition, that metric was replaced by “trained and equipped” personnel. The net result was a 75 percent drop in recorded MOI force totals, from 181,297 “on duty” personnel on 15 June 2004, to 47,255 “trained and equipped” personnel on 25 August 2004.

⁴⁹⁵ Minute Dodd to Quarrey, 30 April 2004, ‘Iraqi Security Force Capabilities’.

⁴⁹⁶ Letter Naworynsky to Rycroft, 10 June 2004, ‘MND(SE): Handing over Responsibility for Security to the Iraqis’.

⁴⁹⁷ Telegram 337 Iraqrep to FCO London, 20 June 2004, ‘Iraq: Statement of Prime Minister Allawi on Iraqi Security’.

⁴⁹⁸ Letter Cabinet Office [junior official] to Sheinwald, 29 June 2004, ‘Iraq: Strategy Group’.

⁴⁹⁹ *BBC News*, 1 June 2004, *Interim Iraqi Government*.

⁵⁰⁰ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

555. When the IIG was constituted, the UK and the US ceased to be Occupying Powers and instead were operating under resolution 1546 (2004) and the annexed letters from Dr Allawi and Mr Powell (see Section 9.2).⁵⁰¹ The points of relevance for SSR were that the Security Council:

- welcomed ongoing efforts by the incoming IIG to develop the ISF, operating under the authority of the IIG and its successors, “which will progressively play a greater role and ultimately assume full responsibility for the maintenance of security and stability in Iraq”;
- recognised that the MNF would assist in building the capability of the ISF, through a programme of recruitment, training, equipping, mentoring and monitoring;
- emphasised the importance of developing effective Iraqi police and border enforcement, under the control of the MOI, and the FPS, under the MOI and other ministries, for the maintenance of law, order and security; it requested Member States and international organisations to assist the IIG in building the capability of those institutions;
- attributed a number of roles to the Special Representative to the Secretary General and the UN Assistance Mission for Iraq including promoting the protection of human rights, reconciliation and judicial and legal reform;
- welcomed the fact that arrangements were being put in place to establish a security partnership between the IIG and MNF;
- noted that appropriate Iraqi Ministers were responsible for the ISF, that the IIG had authority to commit the ISF to the MNF to engage in operations, and that the security structures planned would serve as fora for the IIG and the MNF to reach agreement on security and policy issues, and ensure full partnership between Iraqi security forces and the MNF, through close co-ordination and consultation; and
- called on Member States and international organisations to respond to Iraqi requests to assist Iraqi efforts to integrate Iraqi veterans and former militia members into Iraqi society.

556. Dr Allawi’s letter annexed to the resolution asked for the support of the Security Council and the international community in providing security and stability until Iraq was able to provide security for itself.

557. Resolution 1546 (2004) expired in November 2005. It was replaced by resolution 1637 (2005),⁵⁰² and subsequently resolutions 1723 (2006)⁵⁰³ and 1790 (2007).⁵⁰⁴ Those resolutions extended the authorisation for the MNF in Iraq until the end of 2008.

⁵⁰¹ United Nations Security Council resolution 1546 (2004).

⁵⁰² United Nations Security Council resolution 1637 (2005).

⁵⁰³ United Nations Security Council resolution 1723 (2006).

⁵⁰⁴ United Nations Security Council resolution 1790 (2007).

UK, US and Iraqi plans for SSR

558. On 15 July 2004, the Defence and Overseas Policy Committee (DOP) considered a paper by Mr Straw entitled ‘Iraq: the Next Six Months’.⁵⁰⁵ The paper outlined the desired position for Iraq by January 2005. For the ISF, the objective was:

“Significantly increased Iraqi security capacity and capability with Iraqi forces in local control around much of the country and a reduced reliance on MNF-I, paving the way for foreign troop reductions in 2005.”

559. The priority was identified as continued support to Iraqisation through training, equipping and mentoring of ISF, with a focus on command and civilian oversight (particularly of the army and the Iraqi National Intelligence Service).

560. The priorities identified in Mr Straw’s paper were agreed by DOP.⁵⁰⁶

561. On 21 July, the Annotated Agenda for the AHMGIR reported that recruitment to the ISF was “buoyant” and equipment was being delivered.⁵⁰⁷ The ISF were:

“... increasingly taking the lead in patrolling and on specific operations. Their credibility with the Iraqi people seems to be increasing ... and local control has been achieved in some areas, particularly MND(SE).”

562. The Annotated Agenda noted that “despite the growth of capacity, significant capability gaps remain” and both the Joint Headquarters and proposed National Joint Operations Centre would “require further advice, supervision and equipment before Iraqi command is satisfactory”. ISF units would “require careful command and control training and mentoring once formed”.

563. An annex to the Annotated Agenda stated that overall numbers were already close to target (a total of 233,000 ISF personnel against a planned total of “around 260,000” by January 2005). It stated that the IPS had “already hit its full manning levels”, would “be 100 percent equipped by end 04”, and with the completion of current training programmes be “fully operational” by June 2005.

564. The IPS was also focused on the need “to slim” the police force “by up to 30,000 men”. The annex stated that “just fewer than 3,000” Iraqi Army personnel had been trained and the rate of recruitment and training was “set to go up to end 2004”.

565. Lt Gen Petraeus carried out a “Troops To Task” assessment in July and August 2004 with General George Casey, who replaced Lt Gen Sanchez as Commander of the Coalition’s military command in June 2004.⁵⁰⁸ That was to identify what the size

⁵⁰⁵ Paper FCO, 13 July 2004, ‘Iraq: the Next Six Months’.

⁵⁰⁶ Minutes, 15 July 2004, DOP meeting.

⁵⁰⁷ Annotated Agenda, 21 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁵⁰⁸ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

and shape of Iraq’s security forces should be. They concluded that Iraqi forces were “not prepared” to combat the violent insurgency and that more forces, both police and military, were urgently required. Their recommendations for increases in the number of police, border patrol officers and Iraqi National Guard (ING) (shown below) brought the proposed total number of ISF to around 271,000, all of whom would receive counter-insurgency training. It would later become known as the “Petraeus Plan”.

Table 3: Summary of “Troops to Task” assessment

	Authorised numbers pre-Aug 2004 ⁵⁰⁹	Aug 2004 stated requirement	Percentage increase
Local police	90,000	135,000	50%
Border enforcement (inc. border police, customs police and immigration officers)	16,276	32,000	97%
Iraqi National Guard (ING) (formerly ICDC)	45 battalions 6 brigade HQs	65 battalions 21 brigade HQs 6 division HQs	Approximately 50%

566. Mr Mike Naworynsky, Mr Hoon’s Private Secretary, summarised the plan produced by Lt Gen Petraeus in a minute to Mr Antony Phillipson, Private Secretary to Mr Blair, on 20 August.⁵¹⁰ Mr Naworynsky reported that it would take until mid-2006 to achieve the proposed staffing levels for the ISF and that further (financial) resources would be needed. The development of the Iraqi police was identified as the “main effort”.

567. Mr Naworynsky wrote:

“The report shows that US thinking in this area remains very similar to our own with the key theme of Iraqiisation running through the brief. Timelines given within the briefing are broadly as we would expect across Iraq, and should be bettered in the MND(SE) area.”

568. Mr Edward Chaplin, British Ambassador to Iraq from July 2004 to June 2005, reported that a draft National Security Strategy for Iraq was discussed on 24 July by deputies to members of MCNS.⁵¹¹ The Strategy was described as “a wide-ranging document, which aims to underpin for the next one to five years the development of

⁵⁰⁹ Minute Naworynsky to Phillipson, 20 August 2004, ‘Report from Lt Gen Petraeus, Multi-National Security Transition Command – Iraq (MNSTC-I) on Developing the Iraqi Security Forces’.

⁵¹⁰ Minute Naworynsky to Phillipson, 20 August 2004, ‘Report from Lt Gen Petraeus, Multi-National Security Transition Command – Iraq (MNSTC-I) on Developing the Iraqi Security Forces’.

⁵¹¹ Telegram 61 Baghdad to FCO London, 26 July 2004, ‘Iraq: National Security Strategy’.

Iraq's security structures and policy, diplomatic and international relations, economic policy and investments in infrastructure". It had been drafted by an Iraqi and MNF working group that included UK advisers. Section 9.3 details the political elements of the Strategy.

569. The Strategy was approved with minor amendments. It was agreed that it should proceed to a Ministerial discussion on 29 July and to Prime Minister Allawi on 5 August. The intention was that "the Strategy should be published shortly afterwards" but the timetable might slip given Dr Allawi's overseas commitments.

570. Mr Chaplin wrote that "detailed work" on the chapter regarding national security institutions was ongoing and, in particular, a "troops to task study" led by MNF had "concluded that a significant increase in the planned number of conventional police, Border Police and National Guard is required". He confirmed that Prime Minister Allawi, Defence Minister Hazem Shalan al-Khuzaei and Interior Minister Falah Haasan al-Naqib had been told about that but he did not know their reaction. Mr Chaplin understood that the revised ISF structure, including the additional numbers of troops and police recommended, would create a US\$2.8bn shortfall and that Lt Gen Petraeus had approached Ambassador John Negroponte (who had replaced Ambassador Bremer as US Ambassador to Iraq) on 25 July to ask that these funds were found.

US and Iraqi SSR funding

The US funded SSR tasks through two funding streams:

- The Iraq Relief and Reconstruction Fund (IRRF) was the largest source of US reconstruction funding, comprising US\$20.86bn made available through two appropriations, IRRF1 and IRRF2.⁵¹² US\$4.94bn of IRRF2 funds were allocated to security and law enforcement. In addition to that, US\$2.31 billion was allocated to "justice, public safety infrastructure, and civil society".
- The Iraq Security Forces Fund (ISFF) was created in May 2005 and ran until June 2009.⁵¹³ It made available US\$18.04bn to "train, equip, and maintain all elements of the Iraqi Security Forces, including the Iraqi Army, Navy, Air Force, Special Operations Forces; Iraqi police forces; special task forces; the Iraqi Intelligence Agency; and border security forces." That fund was administered by the DoD through MNSTC-I.⁵¹⁴ ISFF funding is shown in Table 4.⁵¹⁵

⁵¹² Office of the Special Inspector General for Iraq Reconstruction, 30 July 2009, 'Report to Congress'.

⁵¹³ Letter SIGIR to Commanding General, US Forces-Iraq, 23 April 2010, 'Most Iraq Security Forces Fund Appropriations have been Obligated'.

⁵¹⁴ Office of the Special Inspector General for Iraq Reconstruction, 30 July 2009, 'Report to Congress'.

⁵¹⁵ Letter SIGIR to Commanding General, US Forces-Iraq, 23 April 2010, 'Most Iraq Security Forces Fund Appropriations have been Obligated'.

Table 4: Iraq Security Forces Fund

	Amount allocated (US\$bn)	Amount spent (US\$bn)
IRRF2	4.94	4.89
ISFF Fiscal Year		
2005	5.49	5.34
2006	3.01	2.73
2007	5.54	5.00
2008	3.00	1.92
2009	1.00	0.1 (in year figure)
Total	22.98	19.98

The Iraqi Government funded SSR predominantly through budgetary allocations to the Ministries of Defence and Interior.⁵¹⁶ The annual allocations and spends between 2005 and 2009 are shown in Table 5.

Table 5: Iraqi Government SSR funding

	IMOD		MOI	
	Amount allocated (US\$bn)	Amount spent (US\$bn)	Amount allocated (US\$bn)	Amount spent (US\$bn)
2005	1.3	1.1	1.1	0.9
2006	3.4	1.3	2.0	1.6
2007	4.1	2.3	3.2	3.1
2008	5.3	3.4	5.7	4.2
2009	3.9	3.7	5.5	5.0
Total	18.0	11.8	17.5	14.8
Total allocation across ministries 2005 - 2009			35.5	
Total spend across ministries 2005 - 2009			26.6	

In addition, the Iraqi Government between 2006 and 2009 set aside US\$5.5bn to purchase equipment, training and services through the US' Foreign Military Sales⁵¹⁷ programme.

⁵¹⁶ Report to Congress US Government Accountability Office, September 2010, 'Iraqi-US Cost-Sharing'.

⁵¹⁷ The US Foreign Military Sales programme involved the Iraqi Government identifying what needed to be procured, and transferring appropriate funds to the Federal Reserve Bank. The US would then oversee the spending.

571. On 29 July, Mr Chaplin wrote to the FCO in London advising that the UK should resist making substantive changes to the draft Strategy which risked delaying publication and “unravelling what we have achieved so far”.⁵¹⁸ He explained that the Strategy had been through “a laborious drafting process” for the past seven weeks and the “latest version represents a fine balance between the IIG and US/UK representatives”.

572. Mr Chaplin explained that some “confusion has crept into the Whitehall debate about different elements of the overall strategy required to deal with the insurgency”. Seeking to clarify matters, he wrote that the Strategy was “a conceptual document describing the Government’s overall approach”. The operational work “falling out” of it included:

- the MNF-I strategic campaign plan to develop a self-reliant ISF by January 2006;
- an operational plan to man, train, equip and assist the ISF, currently being “masterminded by Gen Petraeus”;
- a baseline “troops to task” reassessment; and
- work on the new intelligence architecture.

573. By early August, Mr Blair was concerned that neither an Iraqi security strategy nor an MNF internal review of Iraqiisation had yet appeared.⁵¹⁹ The security strategy was particularly important for demonstrating publicly that the IIG had a plan to deal with the security situation. The FCO was instructed to press Prime Minister Allawi on the importance of issuing a public statement soon.

574. Mr Dominic Asquith, a Deputy Commissioner in the CPA, reported on 9 August that Dr Allawi understood the need to explain the IIG strategy on security, “but does not think the National Security Strategy document fits the bill”.⁵²⁰ Dr Allawi had, however, agreed the need to sort out the details quickly with the MNF.

575. On 14 August, Mr Asquith reported that the launch of the National Security Strategy had been the subject of a “confused discussion” at the MCNS on 12 August.⁵²¹ Dr Allawi had said that the Strategy would need to be revised but it was unclear how that would be done.

576. By the time Mr Blair visited Iraq and met Dr Allawi in Baghdad on 21 December, a new plan had been drafted.⁵²² They discussed Iraqiisation. Mr Blair stated that he had seen a draft of Dr Allawi’s new security plan which he thought was “along the right lines” and that he had agreed to review the Iraqiisation strategy with President Bush in January.

⁵¹⁸ Telegram 78 Baghdad to FCO London, 29 July 2004, ‘Iraq: National Security Strategy’.

⁵¹⁹ Minute Cabinet Office [junior official] to Sawers, 6 August 2004, ‘Iraq’.

⁵²⁰ Telegram 107 Baghdad to FCO London, 9 August 2004, ‘Iraq: Security: Prime Minister’s Views’.

⁵²¹ Telegram 128 Baghdad to London, 14 August 2004, ‘Iraq: Ministerial Committee on National Security (MCNS), 12 August’.

⁵²² Letter Quarrey to Adams, 21 December 2004, ‘Prime Minister’s Visit to Baghdad, 21 December: Meeting with Allawi’.

577. Dr Allawi suggested that the Petraeus Plan could be accelerated by more training for the ISF command structure and more recruitment of untainted figures from the old army.

578. On 23 December, No. 10 reported that Mr Blair was “encouraged that Allawi is now working on a security strategy which he intends to publish”.⁵²³

579. On 3 January 2005, Prime Minister Allawi wrote to Mr Blair, enclosing an updated draft of the security plan.⁵²⁴ He had also sent the paper to President Bush that day and shared the covering letter with Mr Blair. The letter to President Bush highlighted the mounting security challenges facing Iraq, the lack of resources and the importance of accelerating the recruitment, training and deployment of Iraqi forces.

580. The paper was six pages long and briefly outlined the problems with the ISF and potential solutions. The solutions included: merging the ING with the Iraqi Army to fill gaps caused by current depletions; a rapid extension of forces; additional training; and giving the army responsibility for border security. It stated that a request would be made to the IMF and World Bank to cover a “\$1.9bn (or officially \$2.25bn)” shortfall in year one.

581. On 6 January, Mr Martin Howard, MOD Director General Operational Policy, sent a draft note about the Strategy to Ms Margaret Aldred, Deputy Head OD Sec, Cabinet Office.⁵²⁵ Mr Howard wrote that the letter was to go to Mr Nick Beadle, Coalition Senior Adviser to the IMOD, and Mr Charles Heatly, Adviser to Prime Minister Allawi in Baghdad and reflected what he and Ms Aldred had agreed the previous day. The note was broadly supportive of the Strategy but observed that the US could be sensitive to some of the content, including references to the slow pace of army training (“as a criticism of the Petraeus Plan”) and to recruiting members of the former Iraqi armed forces.

582. The draft note stated that reference to “coalition embedded troops” should be removed from the Strategy document because it had not yet been endorsed in London and said “it would be better from Allawi’s perspective to minimise any impression that the Iraqi security forces will remain over-dependent on the coalition”.

583. The National Security Strategy was eventually issued on 15 January 2005.⁵²⁶ In it, Dr Allawi was reported to have amended the goal of training 100,000 Iraqi soldiers by July to 150,000 “fully qualified” soldiers by the end of the year.

⁵²³ Letter Quarrey to Owen, 23 December 2004, ‘Prime Minister’s Visit to Iraq: Follow-up’.

⁵²⁴ Letter Allawi to Blair, 3 January 2005, [untitled] attaching Paper, ‘Iraqi Security Forces – Revised Recruitment and Training Strategy: 2005’.

⁵²⁵ Letter Howard to Aldred, 6 January 2005, ‘Iraqi National Security Strategy’.

⁵²⁶ *New York Times*, 24 February 2005, *Iraqi Army Is About to Add National Guard to Its Ranks*.

Training the Iraqi Army

Training of individual army recruits followed one of two patterns:

- Recruits with former military experience went into a Direct Recruit Replacement programme. They received three weeks' standardised training delivered by the Major Subordinate Commands at Regional Training Centres.
- Recruits without military experience were sent for training at the Iraqi Training Brigade in Kirkush. All new recruits undertook a five-week programme followed by an additional three to seven weeks of specialist skills training.⁵²⁷ The five-week programme was increased to 13 weeks in early 2007.⁵²⁸

In 2006, a system of six Regional Training Centres was established to develop a non-commissioned officer corps and a year-long Basic Officers Commissioning Course, based on a Sandhurst curriculum, was established at three Military Academies.⁵²⁹

By early 2007, a National Defence University had been established and was beginning to run institutions of professional development: Iraqi Staff Colleges, a National Defence College and a Strategic Studies Institute.⁵³⁰

In May 2007, the Iraqi Training and Doctrine Command, part of the Joint Headquarters assumed responsibility from MNSTC-I for training and equipping the Iraqi military.⁵³¹

UK assessments of the Iraqi Security Forces in late 2004

584. On 23 September, Lieutenant General John McColl, SBMR-I, sent Lt Gen Fry, Deputy Chief of the Defence Staff (Commitments) from July 2003 to March 2006, a paper on the UK's options for withdrawing or reducing the number of troops in Iraq "up to and beyond January 2006" (see Section 9.3).⁵³² He stated that the IPS would have manned, trained and equipped "77 percent" of the target 135,000 officers by the end of July 2005 and the ING numbers were also "on course" to be achieved by that date. Lt Gen McColl wrote that "these encouraging projections have, in part, prompted MNF-I's aspiration to establish Iraqi regional ... control across all 18 provinces by 31 July 2005".

585. Lt Gen McColl considered the goal "challenging" because of "significant shortfalls in logistics capability" of the ISF. He highlighted a lack of trained staff, a "serious rift" between the MOI and IMOD and "the need for a proper national security headquarters".

⁵²⁷ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

⁵²⁸ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

⁵²⁹ Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.

⁵³⁰ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

⁵³¹ Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.

⁵³² Minute McColl to DCDS(C), 23 September 2004, Iraq up to and Beyond January 2006 – Defining a UK Position'.

586. On 20 October, Lt Gen McColl sent the Hauldown Report of his tour in Iraq.⁵³³ He wrote:

“Despite their limited numbers and state of training, ISF are even now capable of strategically significant impact. Their deployment has an effect that coalition troops cannot achieve ... They are therefore in great demand and, there is a risk ... that their premature committal to operations, which are still beyond their capacity, could irreparably dent their confidence. The risk is exacerbated by the understandable impatience of the IIG, supported to some extent in both Washington and London ...

“The critical path for the IPS will be meeting the sheer scale of the equipping and training requirement, as well as the continued identification of tough committed police chiefs. There are grounds for optimism, but no police force could operate in the current levels of violence without relying on the support of the Army, including the ING, to provide a secure framework and surge capability ...

“The frustration that the UK has felt at the slow and chequered progress of ISF generation has been understandable. Our contribution outside MND(SE) has, however been limited (aside from helpful training team activity) to advice to US colleagues who are themselves frustrated and doing all they can to translate the \$5 billion they are investing into security capability, whilst reconciling the somewhat turbulent aspirations of the IIG. Within MND(SE) the flow of equipment to ING and IPS from US suppliers has been painfully slow, a problem compounded by the prioritisation of issue based on the prevailing security situation across the country. There has recently been an initiative, which has yet to deliver effect that would allow UK resources to support the equipping of the ISF within the UK area; this is to be welcomed and is perhaps overdue.”

587. On putting the right structures in place, Lt Gen McColl referenced the need to put particular emphasis on developing the MOI “staff planning capability”, which remained “the most serious concern”.

588. On 27 October, a Joint Intelligence Committee (JIC) Assessment reported that the capability of the ISF was “growing” but that their effectiveness remained “patchy”.⁵³⁴ It stated:

“The more reliable and better trained elements are in short supply and limit the current ability of the IIG to conduct more than one or two concurrent operations. The ISF will improve slowly up to the elections and their capability is planned to build significantly in the early part of 2005. But we judge that they will not be able to handle significant security responsibilities unaided until the middle of 2005 at the earliest. The nascent Iraqi intelligence service (INIS) is also under severe pressure and continues to suffer from assassinations and penetration.”

⁵³³ Report McColl to CDS and CJO, 20 October 2004, ‘SBMR-I Hauldown report – Lt Gen McColl’.

⁵³⁴ JIC Assessment, 27 October 2004, ‘Iraq: A Long-Term Insurgency Problem’.

589. A JIC Assessment on 11 November reported that the ISF had been attacked by insurgent groups “since their creation” and cited “one of the most serious” attacks on 23 October where a convoy of ING forces was ambushed and 49 unarmed recruits were shot.⁵³⁵ In describing the risk of infiltration, it stated:

“We judge that all the Iraqi official institutions, including the security forces ... employ individuals who give information to the insurgents, whether willingly or under threat. We estimate that nearly a third of current police officers will in time have to be dismissed due to their unsuitability, many of whom are believed to co-operate with insurgents. In Basra the police chief has been sacked ... Some attacks, such as the murders of high profile officials, suggest insider knowledge. But insurgents are also able to intimidate or attack the security forces simply because they live in and are known among the local community.”

590. On 26 November, MOD officials advised Mr Hoon that the ISF had performed well during operations in Fallujah (see Section 9.3) and that the development of the ISF was “on track”.⁵³⁶ Many ISF elements were “above the predicted capability” for 1 December. Although absenteeism remained a problem, it was being addressed, including through “greater use of posting away from home areas to avoid intimidation”. The minute asked Mr Hoon to note that:

“ISF tasks during [the Fallujah operation] were deliberately selected so as not to be too demanding. That most of Fallujah was virtually deserted made ISF follow up operations easier; and the insurgents made little concerted attempt to disrupt them. It is not surprising therefore that [the Fallujah operation] did not reveal any significant gaps in ISF capability, training or equipment. It was never intended so to do.”

FURTHER CONCERNS ABOUT IRAQIISATION

591. On 20 August 2004, Mr Phillipson wrote to Mr George Fergusson, OD Sec, commissioning a paper that set out the full picture in Iraq.⁵³⁷ It was to cover how Iraq could progress to successful elections in January 2005, the challenges faced and “initial thoughts” on how those challenges could be addressed.

592. The IPU produced the paper, which concluded that the strategy agreed by the DOP in July remained the right one but would need “regular fine tuning”.⁵³⁸ On SSR, the IPU suggested that timescales for Iraqiisation could “be compressed ... but only with increased resources and at risk to quality”. Equipment supply had started “to flow” but momentum would need to be maintained and in-country distribution improved.

⁵³⁵ JIC Assessment, 11 November 2004, ‘Iraq Security – Current Concerns’.

⁵³⁶ Minute MOD [junior official] to APS/SofS [MOD], 26 November 2004, ‘Post Fallujah – an Assessment of ISF Performance’.

⁵³⁷ Letter Phillipson to Fergusson, 20 August 2004, ‘Iraq: Next Steps’.

⁵³⁸ Minute Crompton to Private Secretary [FCO], 27 August 2004, ‘Iraq: Next Steps’ attaching Paper Iraq Policy Unit, 27 August 2004, ‘Iraq: Next Steps: Action Points’.

The paper also highlighted that the Petraeus Plan would strain budgets and require “sustained high level lobbying” of key allies to extend their deployment as many MNF contributors expected deployment to cease in 2005, earlier than required by the Plan.

593. Mr Phillipson, in summarising the paper to Mr Blair, described it as “too vague, and does not tally with loss of control compared to the situation on the ground in early July, not least in Basra”.⁵³⁹ On Iraqisation, Mr Phillipson suggested:

“The paper says that Iraqisation is on track. We should ask for a more explicit assessment. What were the original timelines and benchmarks? What is our performance against them? How and where can they be tightened up and accelerated? There is a tendency to fear that this will increase costs – we should make clear that this should not be a bar to the necessary policy judgements. On timelines we also need to challenge the assertion that MNF forces will now need to be in Iraq at present levels until 2006 – we should be looking to move as quickly as possible to a shift from offensive MNF forces to a smaller training and advisory deployment.”

594. On 29 August, Mr Blair produced a minute in response which expressed that although the rationale behind Iraqisation was “fine”, the “urgency of the situation may overwhelm us and make our timescales ... naive”.⁵⁴⁰ Mr Blair stressed the need for immediate action:

“Allawi has to be given, by hook or by crook, immediate strong, well-armed brigades who can move into any trouble-spot and clean up. This has got to take precedence over the General Petraeus plan. But we cannot have a row over equipment. If he needs the stuff, he has got to have it.”

595. On 9 September, Sir Nigel Sheinwald and Mr David Quarrey, a Private Secretary in No.10, sent Mr Blair a minute reporting their recent visit to Iraq, for use in Mr Blair’s planned video conference with President Bush.⁵⁴¹ They reported:

“Iraqisation is on a trajectory which will take us well into 2005, and maybe into 2006, before they can stand on their own. The police are doing better than the Army. There are real capacity issues in the key ministries, though throwing more advisers at them might not help. We seriously need to make a UK national contribution to speeding up equipment supply.”

596. The minute stated that the US NSC and No.10 would need to “be all over” the issue in coming months to ensure further progress and the need to maintain pressure for delivery on Iraqisation should be one of the key messages for Mr Blair’s conversation with President Bush.

⁵³⁹ Minute Phillipson to Prime Minister, 27 August 2004, ‘Iraq: Next Steps’.

⁵⁴⁰ Minute Prime Minister to Sheinwald, Powell and Phillipson, 29 August 2004, ‘Iraq’.

⁵⁴¹ Minute Sheinwald and Quarrey to Prime Minister, 9 September 2004, ‘Iraq’.

597. On 16 September, Mr Blair chaired a meeting of the Ad Hoc Ministerial Group on Iraq (AHMGI – see Section 2), called “to ensure the UK Government approach to Iraq was fully co-ordinated in the period up to Iraqi elections in January 2005”.⁵⁴² He intended that the Group should meet regularly.

598. Given an insurgency that appeared to be increasingly co-ordinated, Mr Blair told the Group that he was “concerned that the Iraqi Security Forces (ISF) did not have sufficient capability to take on the insurgents.”

599. Gen Walker reported that plans were in place for the ISF to be fully equipped and trained by mid-2005, but that their capabilities would remain limited, especially compared with the MNF. There was little scope for accelerating the plans.

600. The Group agreed that the MOD would “make recommendations on how ISF capacity will develop and what more we can do to accelerate or refine the delivery to allow the ISF to tackle the current insurgency campaign”.

601. General Sir Mike Jackson, Chief of the General Staff, visited Iraq from 12 to 15 September.⁵⁴³ In his report, he observed:

“... the generation of trained and equipped ISF and IPS is taking considerably more time than expected ... Although General Petraeus was buoyant about the progress in ISF and the recent performance of two of their battalions in Najaf, there is an underlying reservation highlighted by many, including Gen Casey, that improvement is slow – the faster release of allocated funds will help.”

602. On 19 September, Mr Blair met Prime Minister Allawi and Iraqi Ministers at No.10.⁵⁴⁴ In Mr Quarrey’s note of the meeting to Mr Straw’s Private Secretary, he wrote that Dr Allawi had expressed frustration at the pace of Iraqiisation which had followed “the slow route of General Petraeus” and “had told Bush that he needed security capacity now, not next year”.

603. Mr Blair said that it was important that the long-term work continued but that there was also a need rapidly to increase the capacity of Iraqi intelligence and the ISF. Prime Minister Allawi requested a meeting with senior defence and intelligence officials from the US, UK and Iraq “to discuss problems with Iraqiisation”. When Iraqi Ministers suggested a halt to de-Ba’athification, Mr Blair and Dr Allawi agreed that the IIG needed “a practical approach”.

604. In a private meeting with Mr Blair afterwards, Dr Allawi said security was his personal focus, but was part of wider work on an overall strategy addressing national reconciliation and Sunni outreach, building the economy and building up the institutions

⁵⁴² Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.

⁵⁴³ Minute CGS to CDS, 17 September 2004, ‘CGS Visit to OP TELIC 12-15 Sep 04’.

⁵⁴⁴ Minute Quarrey to Owen, 19 September 2004, ‘Iraq: Prime Minister’s Lunch with Allawi, 19 September’.

of government and the state.⁵⁴⁵ Dr Allawi made clear that tackling the security situation was his top priority, but he lacked effective resources to achieve that. He “needed: the two mechanised divisions, a Rapid Deployment Force,⁵⁴⁶ an effective anti-terrorist capability in the police, and a more rapid build up of intelligence capability”. Mr Blair commissioned advice from Lt Gen McColl on how best to meet that requirement.

605. On 20 September, Mr Naworynsky provided two papers to No.10: “one on the current status of the ISF, including an analysis of the Petraeus Plan and recommendations for further work”; and a speaking note for Mr Blair’s next conversation with President Bush.⁵⁴⁷

606. The first paper listed the current capability of the ISF as 91,000 recruited and trained personnel, comprising:

- 34,500 police;
- 34,200 members of the National Guard;
- 14,300 border officers;
- 4,800 regular army;
- 1,900 Army Intervention Force; and
- 600 Special Forces.

607. Those forces were “totally reliant on the Multi-National Force (MNF) for support” and “turning quantity into quality – the key to our withdrawal” would “take time”.

608. The Petraeus Plan had forecast that by the end of 2005, total ISF strength would be 234,000 and it would be “able to tackle the majority of threats currently present in Iraq”. The paper noted that that was ambitious but would in time deliver security forces to meet Iraq’s predicted needs. It could be accelerated to deliver more forces with counter-insurgency capability sooner, but only by taking resources from long-term development, and so ultimately extending the length of the programme and the presence of UK forces in Iraq. The paper stated: “This would not be desirable.”

609. The paper stated that the UK could complement the Petraeus Plan by: continuing to support the MOI and IMOD; procuring equipment for the ISF in MND(SE); continuing training and mentoring the ISF; supporting NATO training of the middle and senior ranks and “consider whether the ISF require a heavy force”.

610. Sir Nigel Sheinwald annotated the covering letter: “This is v. feeble”.⁵⁴⁸

⁵⁴⁵ Letter Sheinwald to Adams, 19 September 2004, ‘Iraq: Prime Minister’s Meeting with Prime Minister Allawi, Sunday 19 September’.

⁵⁴⁶ A Rapid Deployment Force is a military formation typically consisting of elite military units and usually trained at a higher intensity than the rest of their country’s military.

⁵⁴⁷ Letter Naworynsky to Quarrey, 20 September 2004, ‘Advice for the Prime Minister’s Next VTC with President Bush’.

⁵⁴⁸ Manuscript comment Sheinwald on Letter Naworynsky to Quarrey, 20 September 2004, ‘Advice for the Prime Minister’s Next VTC with President Bush’.

611. On 21 September, Maj Gen Houghton produced a paper for the Chiefs of Staff on “the prospects for developing capable and effective Iraqi Security Forces”.⁵⁴⁹ He described the development of the ISF as “not pretty”. The reasons given for that included de-Ba’athification, the decision to disband the Iraqi armed forces and the absence of a strategy for Iraq’s security sector architecture. The last had now largely been addressed by the National Security Strategy, although it was not “officially signed off”.

612. Maj Gen Houghton wrote that there had been “an understandable tendency by some to ‘talk-up’ the timescales” for delivering manpower, equipment and training. Progress had been made but “must be set in the context of significant political frustration at the highest levels of Iraq, US and UK government”. He offered that one conclusion was that:

“... the current political frustration at the lack of progress in ISF development may be mis-directed. It is focusing too much on short-term, physical and – to an extent – symbolic representations of capability; it is not focusing enough on the capabilities which will actually allow Iraq to fight its own campaign. The need to meet this latter requirement may be brought closer in time as a result of the elections in the new year.”

613. On 22 September, Mr Hoon wrote to Mr Blair with advice on how the ISF would develop.⁵⁵⁰ He stated:

“It is clear that Allawi feels frustrated with progress on Iraqiisation ... Our current assessment is that the Petraeus Plan will deliver ISF scaled to meet Iraq’s needs, including a limited offensive capability in time for the elections in January 2005. Allawi’s concerns are undoubtedly genuine.”

614. No.10 “pressed MOD for a full and imaginative response to Allawi’s request”.⁵⁵¹ Mr Hoon was “asked for more detail and a better focus” by No.10 after writing to Mr Blair on 27 September.⁵⁵²

615. Mr Naworynsky addressed that request in a letter to Mr Quarrey on 30 September after receiving advice from Lt Gen Fry.⁵⁵³ While the MOD accepted that the pace of progress “could have been more rapid”, its judgement was:

“... that the Petraeus plan will deliver the required capability and does not need a radical overhaul. Indeed, to do so would stall momentum and delay the progress which Allawi desires. Indeed, we run the risk of a ‘new plan’ causing confusion with the existing plan.”

⁵⁴⁹ Minute ACDS(Ops) to COSSEC, 21 September 2004, ‘Developing Capable and Effective Iraqi Security Forces’.

⁵⁵⁰ Letter Hoon to Blair, 22 September 2004, ‘Iraq: Petraeus Plan [sic]’.

⁵⁵¹ Minute Quarrey to Blair, 1 October 2004, ‘Iraqi-isation’.

⁵⁵² The Inquiry has not seen the 27 September letter from Mr Hoon to Mr Blair.

⁵⁵³ Letter Naworynsky to Quarrey, 30 September 2004, [untitled].

616. Despite that judgement, Lt Gen Fry had identified that the ING could be provided with more firepower, mobility and logistic support. To do that, Mr Naworynsky listed six proposals at an estimated total cost of US\$107m. He wrote that those proposals would “accelerate the development of capable ISF” but were “costly and unfunded” with no provision for meeting them within the MOD’s budget. He concluded by pointing out that “even if all this is done, the impact on Iraqi capability for high end counter-insurgency operations before elections will remain very limited”. It would, however, “give a highly visible Iraqi face to such operations which would be at least as important in perception terms as the military effect achieved”.

617. Mr Quarrey summarised the MOD’s proposals to Mr Blair as “effectively brush[ing] aside Allawi’s demands”.⁵⁵⁴ He accepted that there was logic in the proposals but the focus on ING instead of the main counter-insurgency forces would not deliver what Allawi “really wants”. He advised Mr Blair to speak to Mr Hoon, “emphasising the need for him to take a personal interest in the issue”.

618. Referring to the MOD’s proposals, Mr Blair responded: “It may be right but it’s definitely not a response to Allawi.”⁵⁵⁵

619. On 5 October, Dr Allawi wrote a letter to President Bush and Mr Blair.⁵⁵⁶ The Inquiry has not seen this letter.

620. On the same day, Mr Blair and President Bush spoke by video conference.⁵⁵⁷ Mr Blair’s brief for the conversation suggested that he should ask the President if there had been progress on accelerating Iraqiisation; Secretary Rumsfeld was believed to be resisting such a move.⁵⁵⁸

621. In discussion, Mr Blair said that Prime Minister Allawi was pushing ahead with Iraqiisation as fast as he could. Mr Blair suggested that Dr Allawi’s “twin track of political outreach and increased military capability” plus a statement from the US and UK that they were “in this until the job was done”, was “key”.⁵⁵⁹

622. Mr Blair and Prime Minister Allawi spoke on 22 October.⁵⁶⁰ Mr Quarrey recorded that Dr Allawi said that Iraqiisation was “finally moving” and that “people – even including Rumsfeld – now accepted that Allawi was right about the need to accelerate this”. Dr Allawi was expecting a detailed plan the following week.

⁵⁵⁴ Minute Quarrey to Blair, 1 October 2004, ‘Iraqi-isation’.

⁵⁵⁵ Manuscript comment Blair on Minute Quarrey to Blair, 1 October 2004, ‘Iraqi-isation’.

⁵⁵⁶ Letter Adams to Quarrey, 22 October 2004, ‘Prime Minister Allawi’s Letter on Developing ISF Capability’.

⁵⁵⁷ Letter Phillipson to Adams, 5 October 2004, ‘Prime Minister’s VTC with President Bush, 5 October: US Elections, Iraq, Iran, MEPP’.

⁵⁵⁸ Minute Phillipson to Prime Minister, 4 October 2004, ‘VTC with President Bush, 5 October’.

⁵⁵⁹ Letter Phillipson to Adams, 5 October 2004, ‘Prime Minister’s VTC with President Bush, 5 October: US elections, Iraq, Iran, MEPP’.

⁵⁶⁰ Letter Quarrey to Wilson, 22 October 2004, ‘Iraq: Prime Minister’s Conversation with Allawi, 22 October’.

Global Conflict Prevention Pool strategy update

On 29 September 2004, Mr Stuart Jack, FCO Director Iraq, provided an update on a revised Global Conflict Prevention Pool (GCPP) Strategy to Mr Straw's Private Secretary.⁵⁶¹ The Strategy had three objectives:

- building the capacity of the Iraqi Government and civil society to carry out conflict prevention and resolution;
- preventing further polarisation and reducing underlying tensions between different elements of Iraqi society; and
- building the capacity of the security sector, with special emphasis on the police and prisons.

On funding, Mr Jack wrote that Mr Blair had asked the GCPP to fund up to £2m for a project supporting the MOI. That was in addition to a £2.5m MOD bid approved by AHMGI on 16 September to purchase equipment for the ISF.⁵⁶² Both projects were considered to serve "our broader Iraq objectives", although the ISF project only "just about" met published eligibility criteria for the supply of military equipment.

Mr Straw wrote to Mr Hoon and Mr Benn on 4 October with the revised Strategy, recommending that the FCO, the MOD and DFID endorse it.⁵⁶³ Mr Straw flagged that funding was "over-committed" that financial year and warned that future project proposals for Iraq would need to be carefully considered in that light.

There is no record that Mr Benn or Mr Hoon formally endorsed the Strategy.

Suggestions for improvements in SSR

623. Mr Robert Davies, Chief Police Adviser to the MOI, produced a briefing on the IPS for Mr Straw on 6 October.⁵⁶⁴ He wrote:

"The impatient focus on increasing its size (aspiration force of 130K – there are 130K on current payroll but only 90K accounted for!) has led to a large number of police joining the service as a result of General Petraeus' drive for '30K in 30 days', who have not received any training and who are of questionable integrity and quality."

624. Mr Davies summarised the IPS as "... brave but subject to intimidation, in part poorly led, weak in structures according to western standards, and in need of further equipment".

625. Mr Davies also noted that there was no forensic examination of serious crime, intelligence gathering was weak and "the inability of the IPS to plan operations is causing all sorts of serious problems in combined operations".

⁵⁶¹ Minute Jack to Private Secretary [FCO], 29 September 2004, 'Global Conflict Prevention Pool – Iraq Strategy'.

⁵⁶² Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.

⁵⁶³ Letter Straw to Benn, 4 October 2004, 'Global Conflict Prevention Pool – Iraq Strategy'.

⁵⁶⁴ Minute Owen to Crompton, 12 October 2004, 'Iraq: Police Service' attaching Email Davies to Owen and Hurley, 6 October 2004, 'The Iraqi Police Service' and Paper, [undated], 'The Iraq Police Service [IPS]'.

626. Mr Davies stated that two regiments of police were being formed from soldiers who were “simply changing the colour of their shirts” to form assault brigades. He also said: “The poor quality of leadership is being buttressed by Generals with a military background being transferred to the police.”

627. Mr Davies suggested that the UK could offer further assistance through:

- developing a professional facility to deal with kidnapping and hostage taking;
- continued support for “operational planning training”;
- doubling UK advisers to bolster support to senior IPS officers and cover other UK officers’ leave periods; and
- supporting the development of the IPS intelligence strategy.

628. Following Mr Davies’ report, Mr Straw requested advice from the IPU.⁵⁶⁵ A junior official responded on 5 November, indicating that Mr Davies was in “daily contact” with the IPU on policing in Iraq and that the emphasis was “now on quality not quantity”. The two most significant problems were identified as “the dysfunctional MOI and equipment shortages” and IPU highlighted the two recent GCPP funded initiatives to address those (see Box, ‘Global Conflict Prevention Pool strategy update’, earlier in this Section).

629. In November, DCC Brand produced a report highlighting a range of issues from his time in Baghdad and recommendations to address them.⁵⁶⁶ Those included that:

- police involvement in pre-conflict planning could have helped to ensure the IPS were better prepared for their new role;
- the FCO providing terms of reference for seconded senior police officers would help to manage expectations for each mission; and
- a “fundamental shift should occur in HMG’s [Her Majesty’s Government’s] policy on the raising of police officers to support international missions” to create a standing reserve of officers that are able to be deployed quickly.

630. In his conclusion, DCC Brand observed that many of his suggestions echoed earlier reports (including the Brahimi Report⁵⁶⁷) whose recommendations had been “largely ignored”. He commented that he had “called this report ‘lessons identified’, as only time will tell whether any lessons have been learned”.

631. The Inquiry has seen no acknowledgement of or response to DCC Brand’s report by the Government.

⁵⁶⁵ Minute IPU [junior official] to PS [FCO], 5 November 2004, ‘Iraq: Advice to FS Following Robert Davies Paper on IPS’.

⁵⁶⁶ Report Brand, November 2004, ‘Iraq 2003-2004 Domestic Lessons Identified for Police Deployments’.

⁵⁶⁷ UN Report, 21 August 2000, ‘Report of the Panel on United Nations Peace Operations’.

NATO training mission – Iraq

On 22 June 2004, NATO received a request from Dr Allawi seeking support to Iraq through “training and other forms of technical assistance”.⁵⁶⁸

On the same day, in a video conference with President Bush, Mr Blair suggested using the NATO conference in Istanbul, scheduled for later in the month, to secure agreement to Dr Allawi’s request for NATO help with training.⁵⁶⁹

The matter was discussed at the Istanbul conference on 28 June and all Heads of State and Government in attendance agreed to offer assistance to the IIG with the training of its security forces.⁵⁷⁰ A training mission was deployed in August to conduct training of Iraqi Headquarters personnel.

NATO’s previous role had been limited to logistical support of the multinational division led by the Poles in MND(CS).⁵⁷¹ Personnel from Canada, Hungary, Norway, the Netherlands and Italy were all involved.

On 8 October, the North Atlantic Council agreed a Concept of Operations for enhancing NATO’s assistance to the IIG by taking a role in training of the security forces.⁵⁷²

Lt Gen Petraeus was given the additional role of the head of the NATO training mission.

On 21 February 2005, Mr Hoon was briefed that NATO was encountering problems fully manning its training mission in Iraq, with a shortfall of 25 posts (around a quarter of the total). At that stage, the UK had 11 personnel working in the NATO training mission.⁵⁷³

To address pressure from NATO for a greater UK role Mr Hoon agreed that the UK could rebadge 11 personnel from MNSTC-I involved in Basic Officer Training as NATO personnel. Mr Hoon agreed with advice from officials that the UK should resist requests to take the lead on the Junior Officer Leadership Training Module.⁵⁷⁴

On 2 June 2005, Mr Roger Cornish, MOD Deputy Director Iraq, recommended the UK take leadership of the Basic Officer training module when it transferred to NATO.⁵⁷⁵ That did not take effect until 1 July 2006, and then only after agreeing a Memorandum of Understanding that stipulated the UK would not be expected to make up any personnel or funding shortfalls.⁵⁷⁶

⁵⁶⁸ NATO website, ‘NATO in Iraq: the Evolution of NATO’s Training Effort in Iraq’.

⁵⁶⁹ Letter Quarrey to Owen, 22 June 2004, ‘Prime Minister’s VTC with Bush, 22 June: Iraq’.

⁵⁷⁰ NATO Press Release (2004) 098, 28 June 2004, ‘Statement on Iraq’.

⁵⁷¹ Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008; NATO Press Release (2003) 059, 3 June 2003, ‘Final Communiqué: Ministerial Meeting of the North Atlantic Council held in Madrid on 3 June 2003’.

⁵⁷² NATO Press Release (224) 134, 8 October 2004, ‘NATO Nations Agree Next Step in Implementing Training in Iraq’.

⁵⁷³ Minute MOD [junior official] to PS/Secretary of State [MOD], 21 February 2005, ‘The NATO Training Mission Iraq (NTM-I)’.

⁵⁷⁴ Minute Naworinsky to MOD [junior official], 22 February 2005, ‘The NATO Training Mission Iraq (NTM-I)’.

⁵⁷⁵ Minute Cornish to PS/Secretary of State [MOD], 2 June 2005, ‘Iraq: UK Short-Term Commitment to Bilateral Defence Relations’.

⁵⁷⁶ Minute DCDS(C)/Policy Director to PS/SofS [MOD], 2 June 2006, ‘NATO Training Missions – Iraq (NTM-I) Memorandum Of Understanding (MoU) for Basic Officer Training’.

By July 2007, the UK contribution to the NATO training mission had reduced to 18 personnel, and was expected to decrease further to 14.⁵⁷⁷

The UK provided personnel to the NATO training mission until its withdrawal from Iraq on 31 December 2011.⁵⁷⁸ The mission's mandate was not extended, as agreement could not be reached on the legal status of NATO troops operating in country. Over the seven-year period, the mission trained over 5,000 military personnel and over 10,000 police personnel at a cost of over €17.5m.

632. On 18 August 2004, Mr Hoon wrote to Mr Blunkett about the importance of offering training and mentoring to the IPS.⁵⁷⁹ He wrote that the MOI lacked “the ability to conduct even rudimentary operational planning” which restricted both “their ability to plan and execute police operations” and “the ability of the Iraqi police to assume greater responsibility from the Multi-National Force in Iraq”.

633. The MOD planned to run a training course “in September/October for some 50-60 senior Iraqi police officers”. Nine UK military personnel would be deployed to work with UK police officers in Iraq “to ensure that a coherent approach is maintained”.

634. Mr Hoon wrote that the MOD's experience suggested “that the benefits of such training initiatives will fade quickly unless they are followed up with longer-term support and underpinned by mentoring”. He had asked officials in the MOD to continue working with officials from the Home Office and the FCO to consider who should provide this support and how.

635. On 13 September, Mr Chaplin sought the FCO's views about a “high priority” programme of assistance to the MOI.⁵⁸⁰ He described the MOI as:

“... highly dysfunctional ... and in need of significant assistance in a range of areas, from operational planning to the basics like recording minutes of meetings and following up action points.”

636. Mr Chaplin reported that, while the UK and US had resources allocated to operational advice and supporting the IPS's development, nothing “adequately addresses the need for capacity-building” within the MOI. A meeting with the MOD, DFID and UK Police Advisers had concluded that a programme of assistance was needed to address this gap, and that the GCPP “would be the most appropriate source” of funding. The key elements of the programme were:

- operational planning;
- basic capacity-building – “getting effective structures and working practices in place”;

⁵⁷⁷ Report MOD, 5 July 2007, ‘PJHQ Manning Tables: MNSTC-I, NTM-I and NaTT’.

⁵⁷⁸ NATO website, ‘NATO in Iraq: the Evolution of NATO's Training Effort in Iraq’.

⁵⁷⁹ Letter Hoon to Blunkett, 18 August 2004, ‘Iraq: Training and Mentoring Senior Iraqi Police Officers’.

⁵⁸⁰ Telegram 203 Baghdad to London, 13 September 2004, ‘Iraq: Ideas for Further Help to the Ministry of Interior’.

- communications strategy;
- mentoring; and
- a training needs assessment.

637. In mid-October, the UK agreed to provide funds from the GCPP to build the capacity of the MOI, which was described as “a weak link in efforts to make the Iraqi police effective enough to operate without MNF support”.⁵⁸¹

638. At the SSR meeting on 7 October, it was reported that £3.5m of GCPP funding had been agreed for the MOI project over the next 12 to 18 months.⁵⁸² The first phase would be a scoping visit. The second phase would include two advisers until January 2005 and then four advisers for a further year. There was potential to use civil servants from the Home Office, such as a senior policy maker.

639. On 19 October, a group comprising Defence Advisory Team (DAT) personnel and a consultant were deployed to Iraq to do the initial scoping for the MOI project.⁵⁸³ It reported that the MOI was “unable to carry out basic management functions”.⁵⁸⁴ Basic management information, including the number of police, remained unavailable. Decision-making at the top of the Ministry was improving, helped significantly by US mentors, but it was very difficult to translate decisions into action:

“Iraqi politicians currently find it hard to work with their official colleagues and deputies, who have often been selected to achieve balance as part of a political settlement rather than on merit or because they share a political programme. In an unstable political and security environment, politicians are understandably reluctant to trust people whom they do not know, and prefer to work with trustworthy family and tribal members, regardless of formal structures or job titles.”

640. The DAT also reported that the MOI was located outside the Green Zone⁵⁸⁵ and that visits were currently limited to three two-hour slots per week.

641. The team recommended that UK support should focus on strengthening the capabilities of a small, permanent cadre of Iraqi officials who could provide a policy implementation capacity to any Minister within any overall structure. They also reported that in the absence of an agreed constitution they could not make recommendations to increase political accountability, and that they had been unable to consult civil society on their recommendations due to the security situation and because few representative

⁵⁸¹ Minute Jack to Private Secretary [FCO], 29 September 2004, ‘Global Conflict Prevention Pool – Iraq Strategy’; Minutes, 13 October 2004, ‘Record of Strategy Managers Meeting, 13 October 2004’.

⁵⁸² Minutes, 7 October 2004, Security Sector Reform meeting.

⁵⁸³ Minute IPU [junior official] to PS [FCO], 5 November 2004, ‘Iraq: Advice to FS following Robert Davies Paper on IPS’.

⁵⁸⁴ Report, October 2004, ‘GCPP Proposal, Iraq: Interim Security Sector Reform, Phase One Report’.

⁵⁸⁵ The ‘Green Zone’ is also described as the ‘International Zone’ and refers to the centre of the international presence in Baghdad.

bodies yet existed. Capacity would be built through a series of events focused on particular issues facing the Ministry, supplemented by a team of long-term advisers.

642. On 14 January 2005, a commercial proposal was submitted to DFID by Crown Agents, the company responsible for delivering the MOI project.⁵⁸⁶ That was a revision of two earlier proposals (in December and January), following on from the project design team's visit in October. The project was scheduled to run for 15 months at a cost of £2.3m, "with a provisional start date of January 2005". The proposal stated that two international advisers and two Iraqi advisers seconded from the MOI would be based in the Minister of the Interior's office to ensure continuity and "a link to wider Ministerial, governmental and donor concerns".

643. Mr Howard visited Baghdad from 13 to 15 January.⁵⁸⁷ He noted that increased UK assistance to the IMOD and the MOI ("by stepping up efforts ... to fill key advisory posts") was important in helping Iraqis achieve effective leadership of their security forces. He encouraged UK support in developing an Iraqi tactical intelligence capability by setting up a "Special Branch" function.⁵⁸⁸ He described the relationship between the MOI and the police as "very tenuous".

644. The MOD had been providing a team of civilian personnel to advise and assist with the development of the IMOD since January 2004.⁵⁸⁹ UK military trainers were also working on the creation of the Iraqi Joint Forces HQ, to provide command and control of the Iraqi Armed Forces.

645. On 4 March, Mr Howard wrote to Mr Hoon about future UK support to the IMOD.⁵⁹⁰ He stated that there was:

"... definite value in increasing UK efforts in this area by proactively identifying posts where we think we can provide targeted expertise ... and by finding the right people to fill them early on."

646. He also reported:

"We are currently looking at the possibility of increasing UK civilian support to the MOI with FCO and DFID ..."

647. Minutes from the GCPP Strategy Meeting on 8 March recorded that two consultants had withdrawn from the MOI project.⁵⁹¹ Three new candidates had been identified and a decision would be taken later that week to confirm the appointments.

⁵⁸⁶ Paper Crown Agents, 14 January 2005, 'Interim Iraq Security Sector Support'.

⁵⁸⁷ Minute Howard to DCDS(C), 19 January 2005, 'DG Op Pol visit to Baghdad 10-13 January 2005'.

⁵⁸⁸ 'Special Branch' is normally used to identify police units responsible for national security.

⁵⁸⁹ Annotated Agenda, 8 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁵⁹⁰ Minute Howard to Hoon, 4 March 2005, 'UK Support to the Iraqi Ministry of Defence'.

⁵⁹¹ Minutes, 8 March 2005, Iraq GCPP Strategy meeting.

The meeting heard that that could delay the project until early April, but that it could “prove beneficial, as the project will require the new Minister’s backing if it is to be effective”.

648. At the next Iraq GCPP Strategy Meeting on 16 March, the meeting was told that two new consultants had been appointed and would be deployed to Iraq mid-April.⁵⁹²

649. In his May 2005 review of policing priorities and resources, Acting Deputy Chief Constable Colin Smith, Chief Police Adviser Iraq, identified the need for a senior UK civil servant (from the Home Office) with experience in police strategic development and police structure to assist the MOI.⁵⁹³

650. That request was picked up by Mr Michael Gillespie, Home Office Head of the Public Order and Police Co-Operation Unit.⁵⁹⁴ He advised Mr Peter Storr, Home Office International Director, that there were financial implications to the request, as the FCO would not reimburse salary or the additional costs of deployment. Aside from the financial implications, Mr Gillespie raised “the issue of whether this is a good use of Home Office resources”.

651. On 27 November 2009, a draft review of the support provided to the MOI and IPS was circulated.⁵⁹⁵ It stated that the MOI project had been merged with the FCO-led IPS training programme in 2007 following the last external review, to create “greater co-ordination and a more cross-sectoral approach to Security Sector Reform”. Responsibility for the MOI element was transferred to the US in June 2009.

Fraud and assassinations in the Iraqi MOD

In his book *The Occupation of Iraq*, Mr Ali A Allawi, former IGC Defence Minister gave details of a major corruption scandal in the Iraqi IMOD (IMOD).⁵⁹⁶ He stated that the Ministry of Finance was instructed to appropriate US\$1.7bn in one lump sum, and put it at the disposal of the IMOD. The money was to be used for the formation of two rapid deployment divisions but no justification was given for the amount required and limits on spending were removed.

On 16 May 2005, the Iraqi Bureau of Supreme Audit⁵⁹⁷ presented a “damning report” to the incoming Prime Minister. Later in 2005, the Director General of Finance at the IMOD was arrested and helped in exposing the involvement of senior IMOD officials. Two of her colleagues, the Director General of Planning and the Inspector General, were subsequently murdered.

⁵⁹² Minutes, 16 March 2005, Iraq GCPP Strategy meeting.

⁵⁹³ Report Smith, 15 May 2005, ‘Next Steps on Policing – Review’.

⁵⁹⁴ Minute Gillespie to Storr, 26 May 2005, ‘Iraq: Request for a UK Civil Servant (Home Office) to act as Ministry of Interior Civilian Police Adviser: Baghdad’.

⁵⁹⁵ Paper Stabilisation Unit [junior official] and Howlett-Bolton, 27 November 2009, ‘Review of the support to the Ministry of Interior and Iraqi Police Service Programme’.

⁵⁹⁶ Allawi AA. *The Occupation of Iraq: Winning the War, Losing the Peace*. Yale University Press, 2007.

⁵⁹⁷ The Iraqi Bureau of Supreme Audit was responsible for anti-corruption.

JUSTICE SECTOR CONCERNS

652. The Justice Sector Adviser for the International Legal Assistance Consortium (ILAC) and DFID arrived at the British Embassy Baghdad on 22 September.⁵⁹⁸ Her report described the positive reception of training programmes, but noted that that was “accompanied by clear statements of need for more”. Reform of the Iraqi Bar Association would continue to be “complex and difficult due to the factional and political in-fighting”; it was seen as a “long-term project”.

653. The consultant identified factors which should inform future training and strategy of the justice sector, including the importance of increasing the number of jurists being trained, to involving women and the regions, and for all training sessions to include the basic requirements of a fair trial (civil and criminal). She also recommended establishing a donor co-ordination mechanism under Iraqi leadership which would help to provide a clear picture of all assistance being provided and planned and identify outstanding areas of need.

654. At the AHMGIR on 9 December the point was made in discussion that “there was a demand in Iraq for more judicial assistance”.⁵⁹⁹ The minutes recorded that Lord Goldsmith was “exploring what more help we could offer”.

655. On 15 December, a junior DFID official advised Mr Benn to write to Lord Goldsmith explaining DFID’s work in the justice sector.⁶⁰⁰ The official wrote that, following the AHMGIR on 9 December, Lord Goldsmith had “made clear his frustration” to officials that “more was not being done and that he [was] not being kept sufficiently informed”.

656. Mr Benn wrote to Lord Goldsmith on 13 January 2005.⁶⁰¹ Mr Benn wrote that “DFID’s bilateral assistance” had focused on the ILAC project and that, to date:

- 93 judges had received training on the independence of the judiciary;
- 263 judges, prosecutors and lawyers had received training by the International Bar Association in International Human Rights Law; and
- 13 trainers had been trained with “cascade training” reported for between 100 and 200 lawyers in Iraq.

657. The letter also highlighted two programmes being funded by the GCPP: the Southern Iraq Prison Programme (to ensure accordance with international minimum standards for the treatment of prisoners and monitoring capacity, and the MOI capacity-building programme. Mr Benn wrote that the work was undertaken “against the

⁵⁹⁸ Email Hoddinott to [Consultant], 10 October 2004, ‘Olivia’s Initial Report’ attaching Report Holdsworth, 9 October 2004, ‘Initial Report – Justice Sector Adviser, Baghdad’.

⁵⁹⁹ Minutes, 9 December 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁶⁰⁰ Minute DFID [junior official] to Private Secretary [DFID], 15 December 2004, ‘Iraq: Letter to the Attorney General on Work in the Justice Sector’.

⁶⁰¹ Letter Benn to Goldsmith, 13 January 2005, [untitled] attaching Paper, ‘Iraq: Update on Donor Support to the Justice Sector’.

backdrop of the very difficult security environment in Iraq” and that “security concerns have inevitably delayed some of ILAC’s work”.

658. An update on donor support to the Iraqi justice sector was attached to Mr Benn’s letter. This identified a number of constraints that were limiting access to justice, including the lack of scrutiny over court procedures, irregular sentencing, and weak integration between the police, courts and prisons. The update stated that “donor activity would benefit from a more co-ordinated and strategic approach, under the guidance of the Iraqi Minister of Justice and Chief Justice”.

659. On 12 January, ILAC submitted their annual report on the Justice Sector Support programme to DFID.⁶⁰² Security was described as “the major constraint faced by legal professionals” and was listed as a risk to delivery against all programme outputs. ILAC warned that costs would be £182,000 higher than their grant proposal because the assumption had been that in 2005 training would be delivered inside Iraq; the security situation dictated that training would have to continue outside.

660. ILAC reported “no substantial progress” with regard to strengthening the admission requirements or disciplinary procedures of the Iraqi Bar Association (IBA). It wrote that “politicking” by the IBA leadership would continue to be a risk to the selection of delegation members. ILAC plans for 2005 included “ways of ameliorating this”. The Judicial Training Institute remained closed with “no immediate plans to reopen”. It was “disappointing” that it had “not been possible to engage that important institution”.

661. A draft version of a Strategic Conflict Assessment (SCA) dated 27 December 2004 was circulated amongst officials on 2 March 2005 (it is described in more detail later in this Section).⁶⁰³ The report recommended “the continuation of training of judiciary and linking aid to independence of judiciary”.

662. In the Global Conflict Prevention Pool (GCPP) Strategy meeting on 7 April, it was reported that the SCA recommended “supporting the justice sector”.⁶⁰⁴ However, while there were “clear links” to the IMOD, MOI and SSR activities, “it was decided that the GCPP could not fund any sustainable development in the area with funds available”.

Delays in transferring security

663. In Mr Blair’s weekly Iraq update on 9 December 2004, Mr Quarrey reported that an upcoming JIC Assessment on Iraqisation was likely to conclude that “progress remains slow” and that “we will not hit a key target for handing over ‘provincial control’ to Iraqi security forces across the country by mid-2005”.⁶⁰⁵

⁶⁰² Letter Hoddinott to [Consultant], 12 January 2005, ‘ILAC Iraq Justice Sector Support – Annual Report 2004, Grant AG3737’.

⁶⁰³ Email DFID [junior official] to DFID [junior official], 2 March 2005, ‘Review of policing work’ attaching Paper ‘Strategic Conflict Assessment – Iraq’.

⁶⁰⁴ Minutes, 7 April 2005, Iraq GCPP Strategy meeting.

⁶⁰⁵ Minute Quarrey to Blair, 9 December 2004, ‘Iraq Update’.

664. The update also included the “latest version” of a paper on handling Iraq in 2005 sent by Ms Kara Owen, Private Secretary to Mr Straw, to Mr Quarrey on 9 December. Mr Quarrey wrote that Mr Blair had seen earlier versions of the paper and that it was “mostly fine, but it remains very much work in progress and will need to be revisited depending on progress with elections and Iraqiisation”.

665. The FCO paper, described as an agenda for discussion with the US, considered that continued progress on Iraqiisation would allow MNF to change during 2005 from primary responsibility for security in all areas to a supportive role, either in support of ISF operationally or as trainers or mentors.⁶⁰⁶ A transfer of security lead to the ISF could occur in summer 2005.

666. In a note dated 12 December to his No.10 staff, Mr Blair commented that the situation in Iraq was “worrying”.⁶⁰⁷ He gave six reasons for that assessment (see Section 9.3), one of which was that the Petraeus Plan did “not seem to be yielding the looked-for progress”. His note called for a “proper strategy based on a hard-headed reality check”; the FCO paper was deemed “inadequate”.

667. In a discussion with President Bush on 14 December, Mr Blair said that training issues needed careful consideration but he was not clear whether the problem was the strategy, or simply that it needed time.⁶⁰⁸ He wondered “were we missing something that was holding back the reconstruction and Iraqiisation programmes?”

668. A JIC Assessment produced on 15 December considering the ISF found:

- On force levels; that ISF figures did “not provide a guide to real capability and quality”, an example being that only “some 50 percent” of the 87,000 police “on duty” were classified as trained and equipped.
- On effectiveness; that while “some progress” had been made among elements of the ISF, the overall performance of the ISF continued to be “inadequate”. There was a lack of “equipment, training, leadership, command and control, and, in many cases, determination to oppose insurgents, particularly when they feel vulnerable with little or no MNF support close by”.
- On the environment; that the ISF had been “under sustained attack” and was “being undermined by increasing penetration and intimidation by insurgents”. Over 300 ISF members had been killed since August.⁶⁰⁹

⁶⁰⁶ Letter Owen to Quarrey, 9 December 2004, ‘Iraq: 2005’ attaching Paper ‘Iraq: 2005: Forward Look’.

⁶⁰⁷ Note Blair, 12 December 2004, ‘Iraq’.

⁶⁰⁸ Letter Phillipson to Adams, 14 December 2004, ‘Prime Minister’s VTC with President Bush, 14 December: Iraq and the MEPP’.

⁶⁰⁹ JIC Assessment, 15 December 2004, ‘Iraq: the Iraqi Security Forces’.

669. The JIC described the plan to address those issues:

“Prime Minister Allawi wants more capable Iraqi forces to take on the hard-line elements of the insurgency and reduce his reliance on the MNF. More army units are coming on line: elements of a mechanised brigade (including some tanks and armoured personnel carriers) and two new army brigades are deploying this month, one to Mosul and one to Baghdad. Three more police special commando battalions are planned. But these units have limited operational capability (the new brigade in Mosul is doing badly and is being replaced). This will restrict their employability in the short term and may jeopardise longer-term ISF aspirations. A plan has been put forward to address some of the command and control problems: by the end of January 2005 a national command and control system will be in place linking the Prime Minister, MOD and MOI to the national Joint Co-ordination Centre (JCC) and provincial JCCs. This will help, but better political leadership and overall management by the MOI and MOD is required.”

670. On prospects, JIC stated:

“Through 2005 ISF capability will grow incrementally and significant units, up to brigade size should be deployable by the summer. The ISF should benefit from the planned improved training and equipment procurement programmes. After significant delays these are now reported to be on track, however the planned expansion of trained and equipped police from some 47,000 to 135,000 and the army from some 3,000 to 27,000 between now and July 2005 seems very ambitious. The more modest increases planned for specialist units may be more achievable. The NATO mission to assist leadership training is stalled. The ISF will remain reliant on support from the MNF in many areas, in particular heavy fire support and logistics. There is little sign of the development of a coherent intelligence capability, which is critical to success. Leadership and discipline will remain chronic problems affecting capability; ... Attacks and intimidation will also continue to undermine effectiveness. Policing crime will have to remain a second priority in many areas.

“According to the MNF, 15 out of 18 provinces will be under local control – requiring only limited support by the MNF – by the end of the year. But we judge local control, even in some Shia and Kurdish areas, will remain fragile. We assessed in October that the ISF would not be able to handle significant security responsibilities unaided until the middle of 2005 at the earliest. We have also previously judged that the MNF are constraining, not containing, the insurgency. We now judge that, if the Iraqi Government and the MNF are unable to improve the security situation significantly, particularly in and around Baghdad, a credible ISF capable of managing the insurgency unaided will not emerge until 2006 at the earliest.”

671. The JIC advised that plans for Iraqi military forces had grown from three infantry divisions to two infantry divisions, six ING divisions, an Iraqi Intervention Force division and a mechanised brigade.

672. The JIC Assessment was discussed at the AHMGI on 16 December, where the consequences of slow ISF development on MNF drawdown were reiterated.⁶¹⁰ Ministers agreed that a number of papers should be prepared, including practical suggestions to adjust the Petraeus Plan, ways of improving the IMOD and MOI, a list of security and funding issues for Mr Blair to raise with President Bush and a list of useful activities that other countries could be asked to undertake.

673. In a Note to President Bush on 10 January 2005, Mr Blair described the Iraqisation of security forces as critical but said that he was not convinced that the plan to deliver it was robust enough.⁶¹¹ He identified work on ISF leadership – both Ministerial and operational – as necessary as well as the provision of “the equipment they need to be a match for the insurgents”. Mr Blair suggested that the objective should be “more and tougher quality, while building quantity” and confirmed that he had authorised “an extra \$78m from our MOD for the Iraqi Forces in the South”. Although he could not be sure that funding was essential, Mr Blair wrote “I’ll take the risk rather than find six months later it was”.

674. When Mr Blair spoke to President Bush by video conference the following day, he suggested that the “Luck Review” (described later in this Section) would “give us a better idea of what was required on Iraqisation”.⁶¹²

675. On 16 January, Mr Phillipson sent a note to Mr Geoffrey Adams, Mr Straw’s Principal Private Secretary, with details of Mr Sheinwald’s visit to Washington a couple of days earlier.⁶¹³ When he met Dr Rice, Mr Sheinwald raised the “gloomy assessment” that “only a few thousand of Iraqi Security Forces personnel were properly trained and led”.

676. Mr Sheinwald said: “This showed the scale of the problem, as the official numbers for those trained and equipped was 120,000.” Dr Rice was recorded as saying that “the problem with the police was simple. They were trained to walk a beat but were now facing terrorists with RPGs [Rocket Propelled Grenades]. They were either fleeing or dying, but not fighting.”

677. On 21 January, Mr Phillipson wrote to Mr Chris Baker, Principal Private Secretary to Mr Hoon, with a summary of a meeting held between Mr Blair and Mr Hoon that morning.⁶¹⁴ Gen Walker, Ms Aldred, Mr Phillipson and Mr Jonathan Powell, Mr Blair’s Chief of Staff, were also present. Mr Blair “said that his primary concern remained that the Iraqisation programme was not working”. Gen Walker “conceded that it certainly was not happening as fast as we had hoped” and that “all of Gen Petraeus’ timelines had been missed”. He said that there remained a “crucial need to accelerate the Iraqisation programme to advance the date when ISF could take over security”.

⁶¹⁰ Minutes, 16 December 2004, Ad Hoc Ministerial Group on Iraq meeting.

⁶¹¹ Letter Sheinwald to Hadley, 10 January 2005, [untitled] attaching Prime Minister to President Bush, 10 January 2005, ‘Note’.

⁶¹² Letter Quarrey to Owen, 11 January 2005, ‘Prime Minister’s VTC with President Bush, 11 January’.

⁶¹³ Letter Phillipson to Adams, 16 January 2005, ‘Nigel Sheinwald’s Visit to Washington: Iraq’.

⁶¹⁴ Minute Phillipson to Baker, 21 January 2005, ‘Iraq: Future Strategy’.

Allegations of abuse by Iraqi police

On 25 January 2005, Human Rights Watch (HRW) published a report which alleged that the abuse of detainees by Iraqi police and intelligence forces had become “routine and commonplace”.⁶¹⁵ The report was based on interviews with 90 detainees in Iraq between July and October 2004 and described “serious and widespread human rights violations”. It alleged “the systematic use of arbitrary arrest, prolonged pre-trial detention without judicial review, torture and ill-treatment of detainees, denial of access by families and lawyers to detainees, improper treatment of detained children, and abysmal conditions in pre-trial detention facilities”.

The report made a number of recommendations to MNF governments, including the immediate prioritisation of an investigation into allegations of torture or ill-treatment of detainees by the IPS, establishing new mechanisms to investigate allegations of abuse and an increase in the number of advisers deployed in detention facilities.

The press release issued by HRW on the same day stated:

“International police advisers, primarily US citizens funded through the United States government, have turned a blind eye to these rampant abuses.”⁶¹⁶

A note highlighting the publication of the report was sent from a junior official in IPU to the Private Secretary of Mr Bill Rammell, FCO Parliamentary Under-Secretary, on 24 January.⁶¹⁷ It stated that the report had been expected for “some time” and that “Ministers were aware it was pending”. The junior official wrote:

“A preliminary reading would suggest that it is well-researched, although it appears to be biased towards conditions in central Iraq with relatively limited coverage of southern Iraq where the UK has a more direct influence on conditions.”

The junior official outlined the support provided to the Iraqi police and prison services, and the procedures in place to ensure compliance with international law. The official wrote: “We will have to review our assistance in the light of this report.”

The Inquiry has seen no reporting of this review in contemporaneous documents.

A telegram from Baghdad on 6 February stated that Mr Andrew Hood, Legal Adviser, had met Mr Bakhtiar Amin, Iraqi Minister of Human Rights, on 3 February to establish Mr Amin’s response to the HRW report.⁶¹⁸ Mr Amin was “critical of HRW for issuing a report without bothering to check with him what corrective action was in hand”. He explained his Ministry’s team of prison inspectors had already raised the concerns highlighted in the report to the MOI and those responsible for individual facilities. He did, however, recognise that work was ad hoc and needed to be better established.

⁶¹⁵ Report Human Rights Watch, 25 January 2005, ‘The New Iraq? Torture and Ill-Treatment of Detainees in Iraqi Custody’.

⁶¹⁶ Press Release Human Rights Watch, 25 January 2005, ‘Iraq: Torture continues at hands of new government’.

⁶¹⁷ Minute IPU [junior official] to PS/PUS [FCO], 24 January 2005, ‘Human Rights Watch Report Alleging Abuse by Iraqi Police’.

⁶¹⁸ Telegram 90 Baghdad to FCO, 6 February 2005, ‘Iraq: Call on Minister of Human Rights’.

Mr Amin thanked the UK for its continued support of his Ministry, especially the training for prison inspectors in Basra, and asked Mr Hood to investigate whether additional funding might be available to extend the training to all inspectors.

The telegram reported that security concerns had prevented the International Committee of the Red Cross (ICRC) carrying out “all but a few” inspections of detention facilities and the Minister of Justice was reticent to appoint an independent prison ombudsman. That meant there was “an even greater need” to support the training of Iraqi officials to carry out inspections.

The “Luck Review” and strategy for 2005

678. A telegram from Mr Chaplin on 21 January 2005 reported that the retired US General Gary Luck had left Iraq on 20 January after a week-long assessment of the ISF’s development.⁶¹⁹ Gen Luck had been appointed by Secretary Rumsfeld to head a 20-strong team “asked to validate” the Petraeus Plan and “examine whether anything could be done to speed up the delivery of capable Iraqi forces”.

679. Gen Luck would not be producing a written report but would brief Secretary Rumsfeld and the President on his findings. Mr Chaplin understood that Gen Luck would “broadly endorse the emerging MNF-I plan for ISF development” and:

- suggest departments other than Defense play a bigger role;
- “rubber-stamp the MNF-I’s intention to switch its main effort from operations to training and mentoring” since that had worked well in MND(SE);
- recommend additional advisers in the Ministries to coach and mentor Iraqis; and
- recommend a fundamental overhaul of intelligence structures.

680. Mr Chaplin also referred to the Police Advisory Teams (PATs) concept, whereby a small number of MNF-I soldiers and police advisers would be placed in IPS stations. He wrote that there were different views on its viability. Iraqi advice was that this would “be a backward step politically”, be resented by the IPS and “raise serious force protection issues” for those involved. Gen Luck had indicated that he did not intend to reflect any of those concerns to Secretary Rumsfeld, “presumably because [Gen] Casey was dead set on PATs, which he sold heavily in Washington”. Mr Chaplin thought that PATs had “now got so much momentum that it will go ahead in some format” but that the UK “should influence the eventual shape it takes by encouraging MNF-I to engage seriously with the Iraqi concerns”.

681. Mr Chaplin wrote that Gen Luck was “particularly impressed” by the UK’s policing work in the South and that he was “seriously thinking of recommending that the UK should take the lead for all police work in Iraq”. Mr Chaplin thought that “this would probably be a step too far for us, and possibly for the Americans as well”, but that the

⁶¹⁹ Telegram 58 Baghdad to FCO London, 21 January 2005, ‘Iraq: ISF Assessment Team Visit’.

UK should consider how to use that opportunity to influence the strategic direction of policing in Iraq.

682. Mr Chaplin also reported that the importance of human rights had been raised with Gen Luck: “These were not nice to have add-ons but were fundamental to our chances of defeating the insurgency and sustaining democracy in Iraq.” Mr Chaplin said that Gen Luck “agreed entirely” but “did not say whether he intended to flag this up”.

683. On 23 January 2005, DCC Smith wrote a report about his role in the “Luck Review”.⁶²⁰ DCC Smith wrote that the review’s “key recommendation” would be PATs, and to embed these “to a far greater degree than current International Police Advisors (IPAs)”. He noted that the concept was not “universally supported” and cited concerns raised by US advisers, existing IPAs and the Minister of the Interior. DCC Smith did suggest that PATs could address other police issues such as leadership training and the “post initial training, quality and morale issues”. DCC Smith later became the UK Chief Police Adviser in Iraq (in May 2005), a role that combined the two previous Senior Police Adviser positions in Baghdad and Basra. His reports feature extensively in this Section.

684. During a video conference on 17 January, Mr Blair told President Bush that they had to give a sense that Iraqisation was “going somewhere” and that things would change after the elections.⁶²¹ He suggested that the Luck Review should feed quickly into a new, public, security plan. In Mr Blair’s view the weakness of Iraqi structures remained “a real problem”.

685. Ms Aldred and her team in the Cabinet Office co-ordinated a strategy paper for the 9 February AHMGI, which focused on how to achieve coalition objectives in post-election Iraq (see Section 9.3).⁶²² The draft ‘Iraq: Strategy for 2005’, sent to Mr Quarrey on 8 February, summarised General Luck’s key recommendations:

- improve ISF capacity to conduct independent counter-insurgency operations as well as to maintain domestic order;
- establish partnerships between Iraqi and coalition units and develop military, special police, border force, and PATs from the coalition and embed them within Iraqi forces;
- build the institutional capabilities of the Government (MOD and MOI) to plan and direct counter-insurgency operations; and
- develop the concept of bureaucratic assistance teams to help Iraqi ministries establish a Government that functions across all the ‘lines of operation’ needed for the campaign.

⁶²⁰ Report Smith, 23 January 2005, ‘Iraq Security Assessment Team’ attaching Paper Smith, [undated], ‘Iraq Security Assessment’.

⁶²¹ Letter Quarrey to Owen, 17 January 2005, ‘Prime Minister’s VTC with President Bush, 17 January: Iraq and MEPP’.

⁶²² Paper Cabinet Office, 7 February 2005, ‘Iraq: Strategy for 2005’.

686. One of the key elements of the “Strategy for 2005” was “building up the capability of the Iraqi Security Forces”. It predicted that the incoming Iraqi Transitional Government (ITG) would regard security as a top priority and that they should be “encouraged to build on Allawi’s new security plan” of which key elements were likely to include:

- an overarching and visible Iraqi structure responsible for security, under a single, senior minister;
- effective governance at provincial level to provide a political framework for ISF control;
- developing proposals on how to make SSR work and secure Iraqi ownership of the plan;
- adequate top end capability, including agreement on the size of the Iraqi Intervention Force (IIF) and Police Commandos and plans to deliver them;
- development of a “policing plan” setting out the role of the police, including self-protection, development of a paramilitary capability, its relationship with the military, and areas of police primacy; and
- resolving the de-Ba’athification dilemma to allow SSR to work.

687. The Strategy proposed offering further UK assistance with:

- continued training effort in MND(SE);
- development of a strategy for the IPS (deployment of experienced, senior officers to both the MOI and MNF could achieve considerable impact);
- provision of suitably qualified and experienced advisers to mentor senior Iraqi officials and support to build institutional capacity;
- development of Iraqi intelligence capability;
- building on MND(SE) practices to provide the conditions for handover to Iraqi regional control as soon as practicable;
- helping the Iraqis to co-ordinate international assistance; and
- encouraging other international forces (such as the Dutch and Portuguese) to keep at least some forces in Iraq in a training role, to mitigate the impact of their withdrawal from military operations.

688. The paper noted that there was no “silver bullet” for reforming the ISF.

689. The AHMGI approved the paper on 9 February, subject to various points including the need to cover judicial issues, which had not been addressed in the Strategy.⁶²³

⁶²³ Minutes, 9 February 2005, Ad Hoc Ministerial Group on Iraq meeting.

690. A revised version of the Strategy was shared with the US on 11 February.⁶²⁴ That version had removed references to the current security situation and to Military Assistance Teams (MATs) and Police Advisory Teams (PATs). However, on training the ISF, it did state the need to embed “military teams to mentor Iraqi forces in operational roles”. Also added was the need to introduce a criminal justice system, Iraqi criminal tribunal and “improved regimes for detention facilities”.

Military Assistance Teams and Police Advisory Teams

From November 2003 to November 2004, the number of US soldiers whose primary mission was to advise Iraqi units grew from 350 to 1,200.⁶²⁵ Gen Luck advocated doubling or tripling the number of advisers partnering Iraqi units and MNSTC-I expanded the programme in response.

The ‘Iraq: Strategy for 2005’ paper considered by AHMGI on 9 February 2005 highlighted that the idea of Military Assistance Teams (MATs) was supported (as this followed practice in MND(SE)), but did “not favour” Police Advisory Teams (PATs).⁶²⁶ It stated: “It is not yet clear whether the US will adopt the latter proposal, which carries a high risk for those embedded at local level.”

On MATs, the paper said that the UK “would not anticipate providing personnel for Military Assistance Teams ... outside our current area of operations”.⁶²⁷

On 18 February, Mr Cornish advised Mr Hoon on an MOD review of the Iraq campaign, looking at why the plan “was not delivering the required results”.⁶²⁸ In considering the UK’s involvement in “campaign enhancement”, Mr Cornish wrote:

“The US has accepted that the Security Sector Reform (SSR) models which the UK are developing in MND(SE) to train and mentor ISF are likely to be different from those that they might use elsewhere in Iraq.”

Delivering MATs was listed as one of the possible UK military initiatives. A footnote explained:

“The MATs concept will be implemented using the UK model, which is based on developing partner arrangements between UK and Iraq units, rather than embedding individuals in Iraqi units (the US approach) ... Because of Iraqi Ministerial objections and force protection concerns, the PATs concept, as originally conceived (including with MNF-I embedded in local police stations), is now all but dead.”

⁶²⁴ Minute Sheinwald to Hadley, 11 February 2005, ‘Iraq’ attaching ‘Iraq: Strategy for 2005’.

⁶²⁵ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

⁶²⁶ Minute Quarrey to Prime Minister, 8 February 2005, ‘Iraq: 2005 Strategy’.

⁶²⁷ Paper Cabinet Office, 7 February 2005, ‘Iraq: Strategy for 2005’.

⁶²⁸ Minute Cornish to Private Secretary [MOD], 18 February 2005, ‘Iraq – Key findings of the Iraq Stocktake’.

Major General Peter Wall, Deputy Chief of Joint Operations, attended a CENTCOM conference on the post-election strategy for Iraq on 21 to 23 February.⁶²⁹ He reported:

“MNF-I have walked back from their original PATs concept, though remained adamant that the principle of hands-on help to the police would still be required in areas where the insurgency was at its strongest ... We are making progress in MND(SE). But we also need to find a way of forcing this issue in Baghdad.”

THE “TRANSITION TO SELF RELIANCE”

691. On 22 April 2005, Gen Casey circulated a paper entitled ‘MNF-I Campaign Action Plan for 2005 – Transition to Self-Reliance’.⁶³⁰ The paper stated that the Iraqi Armed Forces would be “largely trained and equipped” by mid-2005 and that training of the police and Border Police would extend into 2006. Gen Casey wrote:

“Generally, while Iraqi forces still lack the capacity to conduct and sustain independent counter-insurgency operations, they now have the capacity to begin assuming the lead in counter-insurgency operations across the country, and the coalition can begin to progressively transition that responsibility to them.”

692. That would be “executed in four phases”:

- Phase I, Implement the Transition Team Concept – MNF-I would “establish partnerships between Iraqi and coalition units” and embed Transition Teams in designated ISF units by 15 June 2005. Concurrently MNF-I with IRMO [Iraq Reconstruction and Management Office] advisers would “build capacity to continue the development of ISF leaders, organizations, supporting institutions and Iraqi security Ministries”.
- Phase II, Transition to Provincial Iraqi Security Control – coalition forces would “pass the lead for conducting counter-insurgency operations to capable ISF as conditions warrant”. The goal was to have the ISF in all provinces “well-postured” to provide security for the elections in December, with the coalition’s visibility reduced.
- Phase III, Transition to National Iraqi Security Control – coalition forces to “progressively reduce their levels of support and presence” as the ISF became “increasingly capable”. Given the training timescales, it was “unlikely” that that would occur “before mid-2006”.
- Phase IV, Iraqi Security Self-Reliance – coalition forces would be “postured in strategic overwatch outside of Iraq with training, security co-operation and advisory presence remaining”, with the “exact nature” of support being “determined in close co-ordination with the Government of Iraq”.

⁶²⁹ Minute DCJO(Ops) to CJO, 28 February 2005, ‘CENTCOM Post Iraqi Election coalition Conference, Bucharest 21-23 Feb 05’.

⁶³⁰ Paper Casey, 22 April 2005, ‘MNF-I Campaign Action Plan for 2005 – Transition to Self-Reliance’.

693. Gen Casey stated that implementation of the strategy would “vary across Iraq based on the security situation and the readiness of Iraqi security forces and Ministries”.

ISF performance during the January elections

Beginning on 28 January 2005, two days before the election, Iraqi authorities implemented curfews, imposed severe restrictions on traffic, closed Iraq’s borders and banned the carrying of weapons by civilians.⁶³¹ Approximately 130,000 ISF personnel secured over 5,000 polling sites throughout the country.

Reflecting on the election in a telephone call with President Bush on 31 January, Mr Blair said it was encouraging that so many ISF had reported for duty over the weekend, but the problem remained that they were not able to cope with “big battle situations” against a well-armed and motivated enemy.⁶³² They lacked the necessary training and leadership. The key question remained whether they could “take over, hold and run a major city”.

On 3 February, the JIC assessed:

“On election day, the Iraqi security forces reportedly performed effectively at static guarding duties. But overall, their operational performance continues to be inadequate, particularly in Sunni Arab areas.”⁶³³

The Iraqi elections passed smoothly in MND(SE) with the GOC commenting that “the ISF needed our help but their momentum gathered. They had the courage to stand up and be counted.”⁶³⁴ For the elections, Provincial Joint Operations Centres were established in MND(SE) to improve co-ordination between different security elements. Maj Gen Riley described them as “a crucial element in the security system that managed election-day security”.

2005 policing strategies

694. On 21 February 2005, the FCO produced a paper for the AHMGIR (on 24 February) on UK support to civil policing in Iraq.⁶³⁵ Drawing on the “Strategy for 2005” and the Luck Review, it contained proposals for a greater focus at the national level where there was “an urgent need for an Iraqi national policing strategy, supported by an appropriate training syllabus to address established weaknesses”. There were 56,900 IPS officers now trained and equipped but there was still a need for the development of leadership, technical capabilities, forensics, crime scene management and investigative techniques.

⁶³¹ Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

⁶³² Letter Phillipson to Adams, 31 January 2005, ‘Prime Minister’s discussion with President Bush, 31 January: Iraq and MEPP’.

⁶³³ JIC Assessment, 3 February 2005, ‘Iraq: Insurgency and Counter-Insurgency’.

⁶³⁴ Report Farquhar, 2 February 2005, ‘CG MND(SE) – Southern Iraq Update – 2 February 2005’.

⁶³⁵ Note FCO, 21 February 2005, ‘Iraq – UK Support to Civil Policing in Iraq – 2005’.

695. Current UK commitments were summarised as:

- support for basic training – 86 officers in Jordan, az-Zubayr and Baghdad; including a combination of serving and retired police officers and MOD police officers, at a cost of £7.3m per annum from the GCPP International Peacekeeping Fund;
- enhancement of capabilities in MND(SE) – six senior and middle-ranking officers mentoring Iraqi Provincial Chiefs of Police at a cost of £500,000 from the GCPP International Peacekeeping Fund; 40 IPAs providing mentoring in the South (through ArmorGroup), costing £4.8m for six months; and
- enhancement of national capabilities – Mr Davies’ role as Senior Civilian Adviser, reporting to the Minister of Interior and supported by 12 officers in advisory roles at a cost of £500,000 from the GCPP International Peacekeeping Fund.

696. Two new priorities were identified arising from the 2005 Strategy: the development of national strategies and the development of Iraqi intelligence capability. Developing a Special Branch capability was still a UK priority but the Metropolitan Police would currently not deploy staff to Baghdad on security grounds.

697. The GCPP International Peacekeeping Fund could cover existing commitments but was not able to meet new ones. New expenditure would therefore fall to the GCPP (Iraq) fund. SSR so far amounted to £5.5m for 2005/06, not including the project to support the MOI (£2.57m) or the human rights programme (£950,000). While funding was “available for all planned police activity for the next six months”, an extension of the ArmorGroup contract for a further six months would create an overspend. That would leave no funding for renewing other contracts, such as the Prison Mentoring Contract, or for new projects such as additional support for the Iraqi Special Tribunal (IST– for trying crimes committed under the Saddam Hussein regime).

698. At the AHMGIR, the FCO said the “key message” from the paper was that funding beyond September was “extremely tight”.⁶³⁶ One of the points made in discussion was:

“The Government would need to be prepared to make tough decisions and prioritise carefully on funding for activity in Iraq. There should be no expectation of drawing down on the Treasury Reserve.”

699. Officials were tasked with taking forward funding issues, with the close involvement of the Home Office and ACPO.

⁶³⁶ Minutes, 24 February 2005, Ad Hoc Group on Iraq Rehabilitation meeting.

700. On 25 February, Mr Blair wrote a note to his Private Secretary, instructing that Mr Straw be “put in charge” of the AHMGI and that each week a report is provided containing actions on “e.g. reconstruction in the South; Sunni outreach; progress on security plan”.⁶³⁷

701. On 10 March, at the first meeting of the AHMGI under his chairmanship, Mr Straw explained that Mr Blair “had asked a core group of ministers to meet on a weekly basis to focus more closely on the delivery of policy in Iraq”.⁶³⁸

702. One point made in discussion was that there was pressure within Iraq for some unofficial militia to be incorporated into the ISF: “The benefits of bringing them under greater control needed to be balanced against risk to ISF cohesion and political complications”.

EU integrated police and Rule of Law mission for Iraq

On 21 February 2005, the EU announced that it had decided to establish an integrated police and Rule of Law mission for Iraq, known as ‘EU JustLex’.⁶³⁹

Mr Straw’s Private Secretary outlined the main elements of that mission in a letter to No.10 on 10 March:

- a planning office in Brussels to arrange senior management and specialist technical training for 520 judges and criminal justice officials and 250 senior police officers;
- a five-man liaison office in Baghdad to identify specific projects where EU member states could provide assistance;
- training that would take place in Member States or the region, but not in Iraq until the security situation had improved.⁶⁴⁰

Mr Straw’s Private Secretary wrote that the 21 February package had “followed months of internal deliberations and a tough final negotiation”. While there was a “more positive political mood, opposition to any association with MNF programmes or training in Iraq remains strong”. He stated:

“... the package as it stands ... is modest given the scale of the task and the immediacy of the needs. If all goes to plan over the next year, the EU will provide training for some 250 police officers. During this time, we [MNF] plan to train over 40,000 policemen through the academies in Baghdad, Basra and Amman.”

⁶³⁷ Manuscript comment Blair on minute Quarrey to Prime Minister, 25 February 2005, ‘Iraq Update’.

⁶³⁸ Minutes, 10 March 2005, Ad Hoc Ministerial Group on Iraq meeting.

⁶³⁹ *Official Journal of the European Union*, 9 March 2005, *Council Joint Action 2005/190/CFSP of 7 March 2005*.

⁶⁴⁰ Letter Siddiq to Quarrey, 10 March 2005, ‘Iraq: Policing’.

The operational phase of the mission began in July 2005 and was initially mandated to run until 2006. Between 2005 and the end of 2009 it was headed by Former ACC Stephen White, who had served as the UK's Senior Police Adviser in Basra in 2003.⁶⁴¹ The mission comprised around 40 staff and by June 2009 had spent €30m. Former ACC White described the purpose of the mission as to:

“... focus ... on the most senior members of the Iraqi police, judiciary and penitentiary services ... [to] create a critical mass of credible, influential leaders who are properly equipped to make plans and decisions relevant to their responsibilities ... in Iraq.”⁶⁴²

In 2009, the mission began to scope the provision of training and advice in Iraq and then to progressively shift its focus to in-country work, opening additional offices in Erbil and Basra.⁶⁴³ By July 2010, the mission had trained, advised and mentored:

- 805 judges (over 60 percent of the Iraqi judiciary);
- 1702 senior police officers (around four percent of senior police officers); and
- 903 prison officers (nearly 80 percent of senior prisons staff).

703. On 14 March 2005, Mr Quarrey asked the MOD for an update on progress against the Petraeus Plan.⁶⁴⁴ Mr Naworynsky replied on 17 March and reported that ISF development was:

“... largely on track, meeting the demands of a well-entrenched counter insurgency campaign and the evolving expectation of the Iraqi leadership ... From January 2006 the ISF should be approaching full strength and the transfer of regional control will be under way. Over the next six months of 2006, the generation of ISF units should be complete, the Multi National Force (MNF) training and mentoring commitment is expected to reduce, and in all but the most volatile provinces, Iraqi-led security operations should become the norm.

“Trained and equipped MOI forces currently number almost 82,000 personnel, but this includes a large number of absentees due to intimidation, injury, and corruption, varying dramatically in proportion across the country ... The largest component (135,000) will be Iraqi Police Service (IPS), which remains an area for improvement. Conceived for peace time constabulary duties, the rate of IPS development continues to lag, as standards of equipment, personnel and training are reviewed to answer the demands of the insurgency.”

⁶⁴¹ Council of the European Union Press Release, 30 June 2009, ‘Javier Solana, EU High Representative for the CFSP, welcomes the extension of the EU Integrated Rule of Law Mission for Iraq (EUJUST LEX)’; enclosing Factsheet, June 2009, ‘EU Rule of Law Mission for Iraq (EUJUST LEX)’.

⁶⁴² *European Security and Defence Policy*, July 2007, ‘EUJUST LEX The European Union’s Integrated Rule of Law Mission for Iraq’.

⁶⁴³ *EU JUSTLEX Press Release*, 22 July 2010, ‘EU JUST LEX – Iraq, more than 3,400 officials trained’.

⁶⁴⁴ Letter Naworynsky to Quarrey, 17 March 2005, ‘Petraeus Plan Update’.

704. The covering note for Mr Blair from Mr Quarrey described the MOD's paper as "rather insubstantial, and almost certainly too optimistic in its assessment of the quality of much of the ISF".⁶⁴⁵

705. Lieutenant General Sir Graeme Lamb, General Officer Commanding (GOC) MND(SE) from July to December 2003, reflected on the quality of the ISF in his evidence to the Inquiry.⁶⁴⁶ He said:

"The point of corruption in this part of the world is with the police and at the lowest level and yet we somehow were looking to try and make them into state troopers. We were never going to achieve that. It was an aspect of us approaching in many ways the problem seen through a Westminster or Washington perspective rather than one that was very much more locally focused ..."

706. In a telephone call with President Bush on 22 April, Mr Blair commented that "the Iraqisation plan did seem to be going well".⁶⁴⁷ However, the insurgency remained well armed and well financed. Mr Blair felt that there would be a greater sense of momentum after the formation of the ITG.

707. Lieutenant General John Kiszely served as the SBMR-I from October 2004 to April 2005. His Hauldown Report contained an assessment of the ISF.⁶⁴⁸ He described the leadership of the IMOD as "completely out of their depth" and the MOI as "dysfunctional", with the Minister bringing in his uncle to set up and run the Special Police.

708. In relation to the IPS, Lt Gen Kiszely assessed:

"... the selection process for these policemen ... is rudimentary; they undertake only eight weeks training; they are paid a very low wage; leadership at all levels is generally poor; corruption is high. To expect such a force, mostly under-strength and poorly equipped, to perform well in the face of a ruthless insurgency is unrealistic, and there have been occasions (for example in Mosul in November) when the whole of a city's police force has deserted their police stations in the face of attack or the threat of it."

709. Lt Gen Kiszely expressed concern about the Iraqi Special Police Commandos. He considered that they had been "highly effective in tackling the insurgency" but he stated that they had "no police training and are more akin to Black-and-Tans; many are former members of the Republican Guard. Their methods are robust, and there have been several cases of serious abuse, duly investigated, and no doubt many more that have not been."

⁶⁴⁵ Minute Quarrey to Prime Minister, 18 March 2005, 'Iraq Update'.

⁶⁴⁶ Public hearing, 9 December 2009, page 42.

⁶⁴⁷ Letter Quarrey to Siddiq, 22 April 2005, 'Prime Minister's Phone Call with President Bush'.

⁶⁴⁸ Minute Kiszely to CDS, 16 April 2005, 'SBMR-I's Hauldown Report'.

710. On the insurgency, Lt Gen Kiszely assessed:

“The high level of intimidation has been the insurgency’s biggest gain of the past six months and, helped by a weak, incompetent and corrupt police force, has led in many Sunni areas to a complete absence of law and order – in effect, anarchy. Initially intimidation was used by the insurgency to gain control of cities and towns, the favoured method being to capture and execute (blindfold, hands tied behind back) anyone who stood in the way of the insurgents or who was associated with the coalition or the government. In one city (Mosul) in one five week-period (from 12 November to 19 December) the bodies of 220 victims executed in this way were found, and in one single incident (Baquba, 23 October) a busload of 50 army trainees were similarly murdered.”

711. On INIS he wrote:

“In the past six months, INIS has been somewhat discredited in the eyes of both the IIG and the coalition due to evidence of incompetence, corruption and penetration by hostile agencies, both Iraqi and external ... this is an area ripe for UK advice and input.”

712. On 15 May 2005, DCC Smith produced a report of his review of UK policing support to the development of the IPS.⁶⁴⁹ His report described UK efforts in both Baghdad and Basra; those recommendations relating to policing specifically in MND(SE) are described later in this Section.

713. DCC Smith observed a weakening of UK influence in Baghdad. Following the Luck Review, the US was increasing resource for police training at a rate that the UK was unable to match. He also reported that the “UK inability to ‘walk the talk’ and tendency to write long, strategic doctrinal papers ... has been interpreted by the US as typical British procrastination”.

714. DCC Smith recommended targeting UK resources on a number of priority areas to increase influence at a strategic level in Baghdad. They included:

- the strategic development of the IPS – “there are currently no resources, except myself, dedicated to this key activity”;
- intelligence and crime investigation, including forensics, identified as “one of the few areas where the UK still has a foothold”, thanks, in part to the introduction of the TIPS scheme (described below); and
- continuing the Police Centre of Excellence – staffed primarily by Canadians, this was described as “a small resource but a disproportionate influence [which] helps to ‘fly the flag’ for policing in a land dominated by the Military”.

⁶⁴⁹ Paper Smith, 15 May 2005, ‘Next Steps on Policing – Review’.

TIPS hotline

The ‘Police Forward Look’ paper produced in November 2006 described TIPS as:

“... the UK’s biggest success story, and one where we have delivered more than we promised. The scheme has developed beyond the original plan, a ‘Crimestoppers’-style hotline, into a sophisticated intelligence system, including source cultivation.”⁶⁵⁰

Former DCC Brand told the Inquiry:

“Because we had British policemen in there, there was a huge uptake of people calling in, telling us about weapons and missiles and all sorts of things like that ... It was so successful that one of the last things that Mr Kerik did before he left was to announce: ‘It was so successful we are now handing it over to the Iraqis’, and all the calls stopped. So we had to reinstitute, because we understood after a while that it was ... the fact that people knew there were British police at the other end of the phone made for the calls to happen, and that was a really successful part of our small contribution.”⁶⁵¹

In his statement to the Inquiry, Former ACC Smith stated:

“TIPS in Baghdad generated increasing ‘actionable intelligence’ for coalition and Iraqi Security Forces with reports averaging from 150 per week in early 2005 to over 400 per week by the end of that year ... TIPS was one of the real successes of the UK work which ... brought in a large volume of intelligence that undoubtedly saved many Iraqi and coalition lives.”⁶⁵²

In his report dated August 2006, Former Chief Superintendent Barton stated that there were 14 ArmorGroup contractors working on the TIPS hotline.⁶⁵³ He added:

“The day-to-day successes (terrorist related arms finds, source development, target development) is extremely successful [sic] and receives accolades from coalition partners.

“However, to date, whilst Iraqi staff man the telephones there is no Iraqi ‘lead’ and no Iraqi trainers.”

A recently developed Basra TIPS line was described by Former Chief Superintendent Barton as “new and slow to start”.

715. Five key areas were prioritised in DCC Smith’s report:

- **Training:** Basic, Leadership and Developmental areas to be prioritised. Courses and regional, provincial or local training arranged;
- **Police Support Infrastructure:** at Police Headquarters level – Human Resources, Finance (and contracts), Communications, Logistics;

⁶⁵⁰ Paper BE Baghdad, November 2006, ‘Police Forward Look’.

⁶⁵¹ Public hearing, 29 June 2010, pages 98-99.

⁶⁵² Statement, 25 June 2010, page 10.

⁶⁵³ Report Barton, August 2006, ‘The window of opportunity’.

- Intelligence Capability: the Collections, Collation, Analysis, Action and Dissemination of Intelligence – criminal, terrorist and counter-insurgency;
- Operational Capability: Police to have effective Command and Control Systems with aim of Policy Primacy; Co-Ordination; Specialist Support SWAT [Special Weapons and Tactics] and TSU [Tactical Support Unit]; Criminal Investigation (inc. Forensic); and
- Public Support: Development of Police interaction with the Criminal Justice System (Courts, Prisons etc), Media and Public; Development of Public and Civil Accountability; Ability to remove corrupt and inefficient police officers through a robust, transparent and accountable Complaints System (Professional Standards).⁶⁵⁴

716. The report also analysed the UK resource requirement to meet those priorities and sought to identify any gaps. DCC Smith commented that, while he knew how many UK personnel were currently working on policing in Iraq, he was:

“... unsighted on ... the overall ‘staffing’ allocation or budget for Iraq. There is no clear indication of the number of posts that are budgeted by the FCO either in Baghdad or Basra ... This is not a personal failing on any department but reflects a sometimes unstructured approach.”

717. In his statement to the Inquiry, Former ACC Smith wrote that, although those five areas became “the focus of successive plans”, the strategy itself “did not become, in the long run, the driver in MND(SE)”.⁶⁵⁵ He wrote:

“Why? Perhaps lack of adequate consultation and explanation with the military, possibly the changing situation on the ground or the military expectation that as the main provider of resources etc they had the better understanding of the issues. Attempts to support a strategic aim of ‘developing an efficient, effective, credible and community-based accountable police service’ rapidly became subsumed within military operational and logistical plans ...

“In the absence of an agreed strategy, plans were driven on the ground by successive six month military and staff rotations and changes in security and political expectations.”

718. On 10 June, DFID commissioned a consultant to “assist the FCO in drawing together a cross-Whitehall strategy for UK support to the development of Iraqi policing capacity”.⁶⁵⁶ The Terms of Reference for the strategy stated that UK support needed “a more strategic focus” and that FCO’s draft strategy now needed to be “expanded and amended by inputs from the various department specialists”. The strategy should be completed by 17 June.

⁶⁵⁴ Report Barton, August 2006, ‘The window of opportunity’.

⁶⁵⁵ Statement, 14 June 2010, pages 2-3.

⁶⁵⁶ Letter DFID [junior official] to [Consultant], 10 June 2005, ‘Cross-Whitehall Strategy for UK support to Iraqi Policing’.

719. A junior DFID official emailed the FCO on 14 July to say that DFID felt that the strategy could not be agreed across Whitehall.⁶⁵⁷ He wrote: “We see your paper as something that we have tried very hard to inform and influence, but have failed. It’s way off something that we would wish to put our name to.” He suggested that it was instead presented as an FCO-led document.

720. On the same day, Commander Simon Huntingdon, MOD, emailed the FCO to say that the MOD also did not feel the strategy represented an agreed FCO, DFID and MOD position on policing in Iraq.⁶⁵⁸

721. On 18 July, MOD, DFID and FCO officials met to discuss policing in Iraq.⁶⁵⁹ They agreed that the strategy could not be viewed as “complete and usable” until additional information was sent by the British Embassy. The minutes recorded:

“In the meantime, we should avoid giving the impression that policing was on track when the reality was that we did not know.”

722. The group agreed that a background paper on the strategy should be submitted to senior officials on 22 July and possibly to Ministers afterwards. A second cross-departmental paper would be submitted by the end of August outlining the intended “end state” for the IPS, including “a route map of how to get there”, an analysis of the risks (such as the sustainability of policing) and “an indication of the resources required”. While the FCO accepted that it led policing activity in Iraq, it “stressed” the need for all relevant departments to agree the papers; there was a “shared responsibility for delivering policing”.

723. Commenting on the draft background paper, an FCO junior official described policing as “the Cinderella of SSR”.⁶⁶⁰ The “reasons/factors” for that included:

- “The insurgency broke the original plan, but no-one was prepared to admit it.”
- “The international policing community has not responded adequately to Iraq” – even the reduced figure of 1,500 (from 6,000) International Police Liaison Officers (IPLOs) had not been achieved.
- As the US was “the monopoly supplier of assets and people”, its “military vision [had] prevailed”.
- “The original vision of the Iraqi police force as a community based service is (and was) idealistic pie-in-the-sky. It does not fit with the culture or environment.”
- The Iraqis were seeking to balance the police against the army to prevent a coup.

⁶⁵⁷ Email DFID [junior official] to FCO [junior official], 14 July 2005, ‘Cover note to Strategy Group’.

⁶⁵⁸ Email Huntingdon to FCO [junior official], 14 July 2005, ‘Police Cross-Departmental Strategy’.

⁶⁵⁹ Minutes FCO, 18 July 2005, ‘Cross-Departmental Meeting on Policing in Iraq – 18 July 2005’.

⁶⁶⁰ Email FCO [junior official] to FCO [junior official], 21 July 2005, ‘Background paper on police’.

724. The official wrote that the UK had:

- “over-promised and under-delivered”;
- “sent the wrong people and not enough of them”; and
- “fixated on strategies that gather dust”, gaining a reputation with the US “for procrastination rather than delivery”.

725. The official wrote that there were “a lot of lessons to be learnt” and that the absence of Home Office officials from the addressee list “tells its own story”.

726. On 7 August, a junior official from the British Embassy Office Basra circulated a draft of a policing transition paper.⁶⁶¹ He wrote that “the level of micro-management” had “at times almost beggared belief” but that the police team in Basra had remained committed to making it work “if only so the police here can get on with implementing it, rather than sitting around re-editing it all day!”

727. The final version of the document was circulated on 7 September and is discussed later in this Section.⁶⁶²

Training the IPS

Training for IPS officers took two forms:

- Basic Recruit Training was for personnel with no previous police or military experience. That took eight weeks, increasing to ten weeks in mid-2005.
- Transition Integration Programme was a three-week programme for personnel with previous police or military experience.⁶⁶³ In July 2006, TIP training was offered to serving officers who had not been trained but had been serving for over a year.⁶⁶⁴

Training took place at the Jordan International Police Training College (JIPTC), the Baghdad Police College and seven smaller regional academies; including az-Zubayr near Basra.⁶⁶⁵ By the end of 2006 all regional Iraqi Police academies had transitioned to Iraqi control.⁶⁶⁶ Basic recruit training ceased at JIPTC at the end of February 2007.⁶⁶⁷

Leadership training began in 2006 with the Bagdad Police College running police officer commissioning courses.⁶⁶⁸

⁶⁶¹ Email FCO [junior official] to FCO [junior official], 7 August 2005, ‘Policing Transition Paper: final draft?’.

⁶⁶² Letter FCO [junior official] to OD Sec, Cabinet Office [junior official], 7 September 2005, ‘Iraqi Police Service Transition Plan for Southern Iraq attaching Paper Consulate Basra, 7 September 2005, ‘Southern Iraq: Iraqi Police Service – Transitional Plan’.

⁶⁶³ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

⁶⁶⁴ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

⁶⁶⁵ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

⁶⁶⁶ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

⁶⁶⁷ Report to Congress, 7 June 2007, *Measuring Stability and Security in Iraq*.

⁶⁶⁸ Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.

By September 2008 there were 18 MOI training establishments and plans for another 12, to include a training centre in every province.⁶⁶⁹ Only Camp Dublin⁶⁷⁰ was still supported by MNSTC-I.⁶⁷¹

STRATEGIC CONFLICT ASSESSMENT AND SSR PROJECT REVIEW

728. In October 2004, DFID commissioned a Strategic Conflict Assessment (SCA), an analysis of conflict drivers in Iraq to help the UK Government identify conflict prevention and reduction opportunities.⁶⁷²

729. A draft version of the SCA (dated 27 December 2004) was circulated amongst officials on 2 March 2005.⁶⁷³ The official circulating the document raised the need for an objective assessment of the SSR work being done to “ensure we are on track, are getting value for money, achieving aims” and making improvements where necessary. An email from a DFID junior official in response said that Mr Benn was in support of such a review.

730. At the Iraq GCPP Strategy meeting on 7 April, it was reported that the final SCA would be produced within a week and would feed into a revised GCPP Strategy for 2005/06.⁶⁷⁴ In addition, the team conducting the SSR review would depart for Basra on 14 April and report in May. It would only focus on GCPP-funded activity.

731. The SCA’s findings were discussed at the Iraq GCPP Strategy meeting on 28 April.⁶⁷⁵ Concerns were raised about the quality of the report; amendments were necessary before it could be disseminated more widely. While the GCPP Strategy could draw on the SCA, it was not to be the only source used.

732. Minutes from a meeting about Iraq policing and SSR on 28 April reported that an SSR review team would be giving feedback on their findings at DFID on 9 May.⁶⁷⁶ It would have “both positive and negative aspects”.

733. The Government has been unable to provide any record of the SSR review team mission or of its conclusions, but understands that the views of the review team were expected to be incorporated into a report by DCC Smith examining the UK effort on policing in Iraq (described earlier in this Section).⁶⁷⁷ The review also informed the revised GCPP Strategy.

⁶⁶⁹ Report to Congress, 26 September 2008, *Measuring Stability and Security in Iraq*.

⁶⁷⁰ Camp Dublin was part of a US military installation near Baghdad.

⁶⁷¹ Report to Congress, 26 September 2008, *Measuring Stability and Security in Iraq*.

⁶⁷² Paper GCPP bid, [undated], ‘Strategic Conflict Analysis (SCA)’.

⁶⁷³ Email DFID [junior official] to DFID [junior official], 2 March 2005, ‘Review of policing work’ attaching Paper ‘Strategic Conflict Assessment – Iraq, Draft Report 27 December 2004’.

⁶⁷⁴ Minutes, 7 April 2005, Iraq GCPP Strategy meeting.

⁶⁷⁵ Minutes, 28 April 2005, Iraq GCPP Strategy meeting.

⁶⁷⁶ Minutes, 9 May 2005, ‘Iraq Policing and Security Sector Reform – 28 April 2005’.

⁶⁷⁷ eGram 4472/05, 13 May 2005, IPU to Baghdad, ‘Iraq: Police Training’.

734. Minutes of the Iraq GCPP Strategy meeting on 3 August recorded that a draft of the GCPP Strategy had been circulated but the final version still needed to be “drawn together”.⁶⁷⁸

735. The objectives outlined in the GCPP Strategy for 2005/06 remained similar to those in 2004/05 but were re-ordered and re-worded to reflect their “condensed scope” and the shift in prioritisation.⁶⁷⁹ They were:

- Build the capacity of the security sector to prevent and manage conflict, with special emphasis on police and prisons.
- Support government and civil society institutions in preventing and resolving conflict.
- Promote good relations between groups inside Iraq.”

736. It was identified that the 2004/05 Strategy had “proved too ambitious in the worsening security context” and therefore 2005/06 objectives had been “narrowed down” to reflect the difficulties surrounding implementation. Some of the SCA’s recommendations would not be taken forward at that time, such as the recommendation “for more support to the ISF in favour of the IPS”. The Strategy stated that the MOD had a “large budget” for that purpose. The recommendations of the SSR review had been accepted in their entirety.

The Iraqi Transitional Government

737. On 24 March, Mr Straw sent his first report to Mr Blair on the AHMGI, which dealt with the first three meetings of the Group (described in more detail in Section 9.3).⁶⁸⁰ On the political process Mr Straw wrote that messages to Iraqi contacts had emphasised “the importance of getting good people into the key security related Ministerial positions (Defence and Interior)” and of the “enormous damage that could be done to efforts at outreach by a significant renewal of the de-Ba’athification drive”.

738. On 28 April, Prime Minister Designate Ibrahim al-Ja’afari presented the majority of his Cabinet to the Transitional National Assembly for ratification.⁶⁸¹ The new Minister of Interior was Mr Bayan Jabr and the new post of Minister of State for National Security was given to Mr Abdul Kareem Al-Anizi. Dr Sadoun Dulaimi was confirmed as the new Minister of Defence some days later.⁶⁸²

⁶⁷⁸ Minutes, 3 August 2005, Iraq GCPP Strategy meeting.

⁶⁷⁹ Paper, [undated], ‘Iraq GCPP Strategy 05/06 Update’.

⁶⁸⁰ Minute Straw to Prime Minister, 24 March 2005, ‘Iraq: Ad Hoc Ministerial Meetings’.

⁶⁸¹ eGram 3590/05 Baghdad to FCO London, 28 April 2005, ‘Iraq: New Cabinet Ratified by the TNA’.

⁶⁸² Telegram 4430 Baghdad to FCO London, 12 May 2005, ‘Iraq: Call on Minister of Defence, 12 May 2005’.

739. On 11 May, a JIC Assessment on the ISF stated:

“There is no coherent Iraqi counter-insurgency strategy and the balance of responsibility between the MOD and MOI and other government departments is undefined.”⁶⁸³

740. Mr Blair spoke to Prime Minister Ja’afari for the first time on 26 May and said that “we stood ready to help in any way we could”, in particular on developing the ISF.⁶⁸⁴

741. On 3 August, a junior official in Baghdad emailed FCO officials and No.10 to inform them that Prime Minister Ja’afari would announce a 12-point security plan the following day.⁶⁸⁵ The official described the intended announcement as “nothing particularly new”, with the exception of a plan to co-ordinate intelligence, “neighbourhood watch”, and a possible amnesty for political groups. The purpose of the plan was to structure activities that the government and MNF-I had been taking into measurable objectives with actions assigned to specific Ministers.

742. Following the announcement, the official told Mr Asquith that Prime Minister Ja’afari had been “ultra-cautious” and omitted “many of the details that were most interesting”. He reported that the possible amnesty had been toned down to “national dialogue with those with whom a dialogue is possible”.

743. The JIC reported on 12 October that:

“The Iraqi Transitional Government (ITG) has failed to develop a coherent national security strategy. This will not change in the short time remaining before the December election. Nor will there be a significant increase of capacity in the security ministries or development of intelligence capability. The need to establish a new Iraqi administration following the elections means that we are likely to see little momentum in these critical areas over much of the next year.”⁶⁸⁶

Police and judicial reform

744. At the Ministerial Committee on Defence and Overseas Policy - Iraq (DOP(I)) on 16 June, there was a discussion of progress on police and judicial reform within Iraq.⁶⁸⁷ The following points were raised:

“Having effective police would be one condition for achieving the successful drawdown of the coalition’s military forces in Iraq.

⁶⁸³ JIC Assessment, 11 May 2005, ‘The Iraqi Security Forces’.

⁶⁸⁴ Letter Quarrey to Siddiq, 26 May 2005, ‘Iraq: Prime Minister’s Conversation with Ja’afari’.

⁶⁸⁵ Email FCO [junior official] to various, 3 August 2005, ‘Iraq Media Grp Mtg 3.00pm 3 August’.

⁶⁸⁶ JIC Assessment, 12 October 2005, ‘The Iraqi Security Forces: Very Slow Progress’.

⁶⁸⁷ Minutes, 16 June 2005, DOP(I) meeting.

“The requirement in Iraq was for paramilitary style policing. A plan was now in place but it would take time to deliver. There was also a funding gap in the Global Conflict Prevention Pool that would need to be addressed.”

745. On judicial reform, the minutes indicated that the discussion focused on the arrangements for the Iraqi Special Tribunal (IST) rather than on the wider criminal court system. The Committee agreed that the UK “needed to concentrate on seeing progress on the judicial process including the IST, and the police”.

746. Mr Blair wrote to President Bush on 27 June, to share concerns raised with him by Ms Clwyd during her recent visit to Iraq.⁶⁸⁸ On the IST, Mr Blair wrote:

“Our people are already working together on plans to help build the capacity of the Iraq Special Tribunal. We are making some progress, but there is much still to be done. A credible IST process which delivers – and is seen to deliver – justice for the appalling crimes of the previous regime will have major political impact ... We may need to make sure, however, that they do not rush to try the most serious cases before they are ready.”

747. The discussion at DOP(I) on 7 July under the item “Progress on the Iraqi Special Tribunal (IST) and judicial issues” focused exclusively on the IST.⁶⁸⁹

Developing Iraq’s intelligence organisations

In April 2004, the Iraqi National Intelligence Service (INIS) had been established (see Box, ‘An Iraqi intelligence service’, earlier in this Section).⁶⁹⁰

On 15 July 2004, Prime Minister Allawi announced the creation of a new intelligence organisation – the General Security Directorate – that reported to the IMOD.⁶⁹¹

General Luck’s Review in January 2005 assessed the intelligence structures as very weak and in need of a fundamental overhaul.⁶⁹²

In May 2005, the Criminal Intelligence Unit was established in Basra as part of an MOI project. It reported directly to the MOI and was structured similarly to the US FBI.⁶⁹³

The National Information and Intelligence Agency (NIIA) was re-named the National Information and Investigations Agency in September 2005.⁶⁹⁴

⁶⁸⁸ Letter Sheinwald to Hadley, 27 June 2005, ‘Iraq’ attaching Note Blair to Bush, [undated], ‘Note from the Prime Minister to President Bush’.

⁶⁸⁹ Minutes, 8 July 2005, DOP(I) meeting.

⁶⁹⁰ Minute Dodd to Quarrey, 30 April 2004, ‘Iraqi Security Force Capabilities’.

⁶⁹¹ *BBC News*, 15 July 2004, *Iraqi PM vows to crush insurgents*.

⁶⁹² Telegram 58 Baghdad to FCO London, 21 January 2005, ‘Iraq: ISF Assessment Team Visit’.

⁶⁹³ Email Innes to FCO [junior official], 4 July 2005, ‘Basra: Police’.

⁶⁹⁴ Minute Smith, 11 September 2005, ‘Weekly Report – Week Ending Sunday 11th September 2005’.

On 11 May 2005, the JIC assessed:

“Iraqi intelligence organisations will be critical for success: they are developing but are still largely unproductive and unco-ordinated ... Provincial and local structures are also emerging. A number of these are under the control of rival militias and political groups; some are Iranian financed. The degree to which these organisations are able – or willing – to be absorbed into a national structure is unclear. The tensions between the Ministers of Defence and Interior, and the addition of a new Ministry of State for National Security, will complicate the issue.”⁶⁹⁵

On 12 October, the JIC assessed:

“Some progress has been made, including establishing central co-ordinating mechanisms ... There is some co-ordination between INIS and DGIS, but overall co-ordination remains poor. INIS is perceived by local politicians as run by the CIA; DGIS is making some progress but is undeveloped and under-resourced; and the MOI’s relationship with other agencies remains difficult ...”⁶⁹⁶

On 6 September 2007, a report from the Independent Commission on the Security Forces in Iraq stated:

“The level of information sharing and cooperation between the Iraqi intelligence community and the Iraqi Security Forces is not satisfactory – a problem exacerbated by bureaucratic competition and distrust among duplicative intelligence organisations.”⁶⁹⁷

The report advocated low technology solutions, describing Iraq as “principally a human intelligence theatre of operations” and commended the TIPS hotline set up by UK police officers (see Box, ‘TIPS hotline’, earlier in this Section).

Request for an “honest assessment”

748. On 21 July 2005, Mr Naworynsky forwarded to Mr Quarrey an update from Lieutenant General Robin Brims, now SBMR-I, on the ISF’s progress.⁶⁹⁸ Lt Gen Brims wrote:

- The Iraqi Army was “steadily building in confidence and competence” though units “were not yet able to conduct complex operations”.
- The IPS was “lagging the Iraqi Army”. Personnel were “of a doubtful quality” but plans were being implemented “to address these shortcomings”. The “broad judgement” was that the IPS would “not fail when Multinational Forces step back, but we may be uneasy about their methods”.
- The IMOD was “immature and struggling with implementation of its policies”.

⁶⁹⁵ JIC Assessment, 11 May 2005, ‘The Iraqi Security Forces’.

⁶⁹⁶ JIC Assessment, 12 October 2005, ‘The Iraqi Security Forces: Very Slow Progress’.

⁶⁹⁷ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁶⁹⁸ Letter Naworynsky to Quarrey, 21 July 2005, ‘Update on Progress of Iraqi Security Forces’ attaching Paper 20 July 2005, ‘Update on Progress of Iraqi Security Forces’.

749. Mr Roger Cornish, MOD Deputy Director Iraq, wrote to Mr Ingram's Private Secretary on 10 August with a draft note on ISF capacity-building.⁶⁹⁹ He wrote that, having read Lt Gen Brims' report, Mr Blair had asked for further advice, giving "greater clarity on ISF capacity-building. Specifically: exploring the detail beneath headline numbers; discussing the delivery of equipment and training; assessing the Iraqi command structure; and an honest assessment of the progress of Iraqiisation."

750. Dr John Reid became Defence Secretary in May 2005. Dr Reid sent Mr Cornish's note to Mr Blair on 28 August, advising that "numerically, generation of ISF remains on track, but significant development in key capability areas is still needed".⁷⁰⁰ The problem areas were:

- the ability of IMOD forces to direct and sustain independent operations;
- equipment maintenance and effective command and control;
- IMOD's financial management, acquisition and logistics; and
- IPS's progress – its capability thought to be 12 months behind the Iraqi Army.

751. Dr Reid wrote that those issues were being addressed but that "with the focus on quantity rather than quality, this inevitably will take time". On the political control of the ISF by the Iraqi Government, he stated:

"... the succession of short term 'power sharing' governments has not created the conditions for the generation of coherent policies ... Armed militias are a reality and cannot be ignored; both the Kurds and Shia have them and their presence is implicit in the form of local militias to protect businesses mentioned in PM Ja'afari's twelve-point security statement. We must beware that the ISF we are creating does not migrate into yet more locally owned militias."

752. The IPS remained "riven with bribery, corruption, intimidation and politicisation" and Special Police Commandos had been "linked to human rights abuses and extra judicial killings". Dr Reid wrote:

"Across Iraq, the Rule of Law is hampered by institutional fragility in the police and criminal justice system. Shortcomings in basic infrastructure, equipment, training and specialist capabilities such as forensics continue to limit IPS performance."

⁶⁹⁹ Minute Cornish to PS/Minister (AF), 10 August 2005, 'Update on the Iraqi Security Forces (ISF) and the Process of Iraqiisation'.

⁷⁰⁰ Minute Reid to Blair, 28 August 2005, 'Update on Progress of the Iraqi Security Forces (ISF)'.

Progress on disbanding militias

A report to Congress in July 2005 stated that, under CPA Order No.91, nine militias were to be integrated into the ISF.⁷⁰¹ Of those nine, only the Kurdistan Democratic Party, the Patriotic Union of Kurdistan Peshmergas and the Badr Organisation remained as “significant entities”. The other six organisations had either disbanded or been “assigned to personal security details”. JAM was not part of the integration process as it was viewed as a potential insurgent organisation rather than a militia. The report assessed:

“The ITG and its predecessor have had some success in integrating militias into the ISF, but militia elements integrated into the ISF typically remain within pre-existing organisational structures and retain their original loyalties or affiliations.”

The nature of the insurgency was discussed at the DOP(I) on 26 May.⁷⁰² Mr William Ehrman, Chairman of the JIC, said that it was looking likely that elements of JAM would be absorbed into the ISF. In discussion, concerns were raised about the Minister and the Ministry of Interior, with rumours that the MOI was sanctioning sectarian attacks.

A JIC Assessment on 12 October stated:

“The issue of militias and their incorporation into the ISF has still not been resolved ... In the absence of an effective local ISF, the MOD with MNF support has begun to recruit a Sunni tribal militia in Anbar province to help deal with AQ. In both Shia and Sunni areas of Baghdad there have been calls for local militias to be raised to improve security. We judge the perpetuation of militia forces, on ethnic, tribal, or political lines, carries significant risks for the future.”⁷⁰³

753. Dr Reid’s letter to the Prime Minister on 28 August 2005 made clear that the original timescale for the completion of the Petraeus Plan (mid-2006) was not achievable.⁷⁰⁴ The number of trained and equipped IMOD forces was “just below 80,000” and would “reach full authorised strength (currently 106,000) in November 2006”. MOI force numbers were “just over 95,000” and “should reach full strength (193,500) in 2007”.

754. A JIC Assessment about the ISF on 12 October reported that the forces had “again expanded rapidly”: the Iraqi Armed Forces stood at 91,000 personnel and MOI forces 106,000 personnel.⁷⁰⁵ The JIC cautioned that those figures did not take account of absenteeism or “provide an indication of true capability”. MNF planners foresaw a continued need for substantial MNF forces, capable of conducting combat operations,

⁷⁰¹ Report to Congress, July 2005, *Measuring Stability and Security in Iraq*.

⁷⁰² Minutes, 26 May 2005, DOP(I) meeting.

⁷⁰³ JIC Assessment, 12 October 2005, ‘The Iraqi Security Forces: Very Slow Progress’.

⁷⁰⁴ Minute Reid to Blair, 28 August 2005, ‘Update on Progress of the Iraqi Security Forces (ISF)’.

⁷⁰⁵ JIC Assessment, 12 October 2005, ‘The Iraqi Security Forces: Very Slow Progress’.

to support the ISF until the end of 2007, and for advisory teams at least until 2009. Assessing those targets, the JIC judged:

“... the ISF and MNF together have been unable to contain the level of violence, which continues to grow. If the insurgency persists at anywhere near current levels, these timeframes will be unachievable, at least in Baghdad and the Sunni heartlands.”

755. A report to Congress on 13 October stated that IMOD force generation was due to be complete by late 2006 and MOI force generation complete by August 2007.⁷⁰⁶

Assessing readiness for Provincial Iraqi Control

On 27 September 2005, an IPU official wrote to Mr Straw with details of the Joint Committee to Transfer Security Responsibility (JCTSR). The JCTSR had been established in July and tasked with establishing the conditions to permit transfer of security responsibility to the Iraqi civilian authorities.⁷⁰⁷ Membership included the Iraqi Interior and Defence Ministers, the National Security Adviser, the UK and the US Ambassadors and the Commander and Deputy Commander of MNF-I.

The Committee published its conditions for transferring security responsibility to an Iraqi civilian authority on 10 October 2005.⁷⁰⁸ Those fell into four categories for both urban and provincial areas:

- Threat assessment: MOI, IMOD, MNF-I and the National Intelligence Coordination Council (NICC) assess the threat from terrorist/insurgents as low, and steady or on a downward trend determined by the IMOD, MOI and MNF-I. For provincial areas, the threat to critical infrastructure and lines of communication should also be assessed as low.
- Iraqi Security Forces readiness: The IPS has capacity (at TRA level 2 [TRA levels are explained in Box, ‘Provincial Iraqi Control’]) to maintain domestic order and prevent the resurgence of terrorism. The Iraqi Army are able to respond to requests for assistance from the city and able to contain the insurgency in the provinces with appropriate support.
- Governance: The Governor must be capable of overseeing security operations in the urban area and province, as assessed by the IMOD, MOI, Ministry of Justice, the Ministry of Human Rights, the US Embassy and MNF-I. The PJCC must be operational and co-ordinating operations and there must be systems in place for detention, trial and incarceration under Iraqi law.
- Coalition forces: must maintain the capability to reinforce if ISF capabilities are exceeded; co-ordinate civil construction activities; provide support and force protection for Transition Teams; and retain freedom of movement and the capability to conduct counter-terrorism operations.

⁷⁰⁶ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

⁷⁰⁷ Minute IPU [junior official] to Straw, 27 September 2005, ‘Iraq: Transition: The Joint Committee to Transfer Security Responsibility’.

⁷⁰⁸ Paper Republic of Iraq National Security Council, 10 October 2005, ‘Joint Committee to Transfer Security Responsibility’.

Corruption, infiltration and abuse

756. Despite improvements in size and performance of the ISF, concerns about corruption, infiltration and abuse continued to grow during 2005. The incident on 19 September at the Jameat Police Station in Basra is described later in this Section.

757. In its 12 October Assessment, the JIC reported that both the IMOD and the MOI were “dysfunctional, with their capacities developing very slowly if at all” and that neither could “administer their forces effectively”.⁷⁰⁹ Units were unpaid and unsupplied for significant periods and nepotism was ingrained.

758. The JIC repeated its warnings about the IPS, judging:

“Elements of the ISF, primarily those under Ministry of Interior (MOI) control, are involved in sectarian violence. This is fuelling broader tensions across Iraq.

“The Iraqi police are a particular concern. They often suffer from divided loyalties and a significant number are involved in criminality for financial gain. Their command and control mechanisms remain confused, as does the exact relationship between local police and the MOI in Baghdad.”

759. The JIC reported that some senior Iraqi politicians viewed MOI paramilitary units as “a particular problem: they are seen as a Shia force and as perpetrating a campaign of violence against Sunnis”.

760. On 25 October, Mr Blair and President Bush held a video conference between London, Washington and Baghdad.⁷¹⁰ Mr Straw and a number of officials and military officers were in attendance. They discussed Iraqiisation. Mr Blair said that the development of the police seemed to be lagging behind that of the army and asked what more could be done. He also asked how important were the Ministries of Interior and Defence. He was told that a major effort was required with the police in 2006 and that the Ministries were crucial. Lieutenant General Nicholas Houghton, SBMR-I from October 2005 to March 2006, said that the problem with the police was not limited to their quantity and quality; there was also an issue with the commitment to national goals. Strong national leadership was required at the political level.

761. In response to a question from President Bush about the situation in the South, Sir William Patey, British Ambassador to Iraq, stated that the political process had exposed deep divisions within the Shia and that those had impacted on local government. He warned of “local turf wars”, declining consent for the MNF, and Iranian interference. He stated that the police were key and training efforts needed to be stepped up. Lt Gen Houghton said that the situation in the South remained much calmer than in other parts of the country. Progress had been made on SSR and the South might well be able to lead the process of security transition.

⁷⁰⁹ JIC Assessment, 12 October 2005, ‘The Iraqi Security Forces: Very Slow Progress’.

⁷¹⁰ Letter Quarrey to Siddiq, 25 October 2005, ‘Iraq: London/Washington/Baghdad VTC’.

Responsibility for the security ministries moves to MNSTC-I

A report to Congress on 13 October 2005 stated that the US Embassy Iraq and MNF-I had “recently agreed” to assign responsibility for the Iraqi security ministries’ development to MNSTC-I with effect from 1 October 2005.⁷¹¹

A paper produced by the MOD for DOP(I) on 15 November stated:

“MNSTC-I has overall responsibility for providing assistance ... to the IG [Iraqi Government] in the development of the MOD and MOI. This helps to generate some short-term capacity assistance; however, the UK must use its senior representation within this Command to help the Iraqis build indigenous capacity within the security sector. This can be achieved through full manning of agreed liaison posts throughout the IG and recognising the need for local participation and ownership at all stages of the capacity-building project.”⁷¹²

An eGram from Baghdad on 2 November reported that merging efforts on MOI reform “should combine IRMO civilian expertise with MNSTC-I military resources and manpower”.⁷¹³ The “bedding-in process [was] still under way” and “some tension between the civilian element and the military” remained.

In his weekly report of 1 January 2006, DCC Smith stated that military personnel were gradually replacing police officers in key CPATT roles.⁷¹⁴ He cited the upcoming vacancy for a Senior IPLO Advisor post at CPATT as “a further opportunity for Senior UK influence” and that if the UK was to embed officers into CPATT, it was “essential” that it include a senior strategic position or the UK would “simply be providing more ‘indians’”. DCC Smith was “not convinced” that the US would allow the post to be taken by a “non-American”. He described “a weakening morale among IPLO colleagues and ... increased military encroachment”.

A report to Congress on 26 May reported that MNSTC-I had awarded a contract to provide civilian experts to help build organisational capacity by working alongside Iraqi officials in the IMOD and MOI in February that year.⁷¹⁵

An eGram was sent from Baghdad on 8 September about the development of the MOI and progress of the GCPP-funded project (as described earlier in this Section).⁷¹⁶ It said that a new structure for the MOI was “now more or less in place”, although there were still insufficient systems in place to reduce corruption and staff had difficulties delegating tasks because they lacked the understanding about how responsibility should be matched with accountability and authority.

The eGram acknowledged that capacity-building was a long-term process but that “measurable progress” had been made. Collaboration with MNSTC-I had been “very good” and represented “an example of how civilian (DFID) and military (MNSTC-I) efforts can effectively complement each other”.

⁷¹¹ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

⁷¹² Paper MOD, 11 November 2005, ‘Strategy for the UK’s Contribution to Iraq Security’.

⁷¹³ eGram 17261/05 Baghdad to FCO, 2 November 2005, ‘Iraq: Ministry of the Interior and Policing’.

⁷¹⁴ Minute Smith, 1 January 2006, ‘UK Chief Police Advisor – Iraq: Weekly Report: Week Ending Sunday 1st Jan 2006’.

⁷¹⁵ Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.

⁷¹⁶ eGram 39420/06 Baghdad to FCO, 8 September 2006, ‘Iraq: Institutional Development in the Ministry of Interior’.

THE JADIRIYAH BUNKER

762. On 13 November, the US military visited an MOI-controlled detention facility in Baghdad, known as the Jadiriyah bunker, to facilitate the release of a detainee.⁷¹⁷ Upon entering the facility they discovered “around 170 detainees” in an emaciated state. Instruments of torture, including belts, rubber hoses, electrical cable and truncheons were recovered and there was evidence of links to the Badr Corps militia.

763. The following day, Gen Casey and Mr David Satterfield, the US Deputy Chief of Mission, made a strong demarche⁷¹⁸ to Mr Jabr, and demanded both a full criminal investigation and a nationwide audit and inspection of MOI facilities conducted by Iraqi and US officials.

764. In the Chairman’s brief for DOP(I) to be held on 15 November, Mr Blair was advised that Mr Patey should raise the issue “in the strongest terms” with Prime Minister Ja’afari and Mr Jabr.⁷¹⁹

765. A note from an IPU official to Mr Straw on 22 November stated that Prime Minister Ja’afari had announced on 15 November that a full investigation into the matter would be held.⁷²⁰

766. The official advised Mr Straw that the Embassy had “first picked up suspicions about maltreatment” at the facility on 4 and 5 September in “an uncorroborated informant report to a police adviser”. The Embassy’s Senior Police Adviser had accompanied the US military to the location on 24 October but saw no evidence of abuse in the areas where he was allowed access. The official wrote that before follow-up action could be taken, the US had “stumbled” upon the mis-treated detainees.

767. There were indications that Mr Jabr had “been in direct contact with MOI operatives at the Bunker” and that there were “suspicions of other illegal detention centres”. The media had reported Mr Jabr was “playing down the incident significantly”.

768. The IPU would “instruct Baghdad to maintain pressure” on Prime Minister Ja’afari to address the issues.

769. Mr Straw issued a statement the same day, welcoming this decision and condemning illegal detention and torture.

⁷¹⁷ Telegram 18170 Baghdad to FCO London, 14 November 2005, ‘Iraq: Detainees Found in Bunker’.

⁷¹⁸ Demarche is the term used to describe a protest by diplomats.

⁷¹⁹ Letter Cabinet Office [junior official] to Prime Minister, 14 November 2005, ‘DOP(I) – Chairman’s Brief’.

⁷²⁰ Minute IPU [junior official] to Foreign Secretary, 22 November 2005, ‘Iraq: Abuse at Ministry of Interior Detention Facility – follow up’.

770. On 27 November, *The Observer* published an article on human rights abuses in Iraq, based on an interview with Former Prime Minister Ayad Allawi.⁷²¹ It quoted him as saying:

“The Ministry of the Interior is at the heart of the matter. I am not blaming the Minister himself, but the rank and file are behind the secret dungeons and some of the executions that are taking place.”

771. The IPU was concerned that the investigation would slip in the run-up to elections, and advised Mr Straw on 2 December to reiterate the importance of its progress during a telephone call with Prime Minister Ja’afari.⁷²² The IPU had “received indications” that a representative on the investigation committee and an Iraqi Minister were “trying to whitewash the report”. Concurrently, the IPU was considering with the US and the MOD “the possibility of taking direct MNF-I action” in other suspected locations of abuse.

772. The IPU raised concerns about the delay in the investigation again with Mr Straw on 7 December.⁷²³ A note by a junior official advised Mr Straw to raise the matter with Dr Rice during their bilateral meeting that day. The note said that no action had been taken, other than two meetings of Deputy Prime Minister Rosch Shaway’s committee.

773. As well as continuing to apply pressure for a report to be delivered, the official advised Mr Straw to suggest “snap inspections” of other locations, which ideally would be Iraqi-led, but could be led by MNF-I if necessary.

774. An eGram sent from the British Embassy on 17 January 2006 stated that there was “still no sign of any report”.⁷²⁴ Mr Shaway had spoken to the US on 16 January and had blamed the delay on Shia and Badr members appointed to the Commission by Prime Minister Ja’afari and difficulties in working around the election and local holidays. He had told the US that he intended to report in between 10 and 14 days.

775. The eGram also stated that:

- There had been three unannounced inspections of detention facilities by joint Iraqi/MNF-I forces. The US/MNF-I selected the sites but Iraqi officials led the investigations.
- Details had been provided about two of the inspections, one facility had 234 detainees claiming abuse (though mostly from previous facilities and not within the last two months), and the other held 13 detainees and was “of a fairly good standard”.

⁷²¹ *The Observer*, 27 November 2005, *Abuse worse than under Saddam, says Iraqi leader*.

⁷²² Minute IPU [junior official] to Foreign Secretary, 2 December 2005, ‘Iraq: Secretary of State’s Telephone Conversation with Iraqi Prime Minister Ibrahim Ja’afari’.

⁷²³ Minute Paterson to Foreign Secretary, 7 December 2005, ‘Iraq: Foreign Secretary – Secretary Rice Speaking Note’.

⁷²⁴ eGram 978/06, Baghdad to FCO, 17 January 2006, ‘Iraq: Detainee Abuse Update’.

- The US planned to conduct one unannounced search per week, starting the following week.
- The Judicial Commission was carrying out a separate investigation, and was working through the case files of every detainee in Jadiriyah.
- Supreme Council for Islamic Revolution in Iraq (SCIRI)/Badr had begun to “push back” against accusations of detainee abuse.

776. In early 2006, the MOI began establishing an abuse complaint process system involving the Inspector General, Internal Affairs and a Public Affairs Office.⁷²⁵ Detention was a particular cause of concern. The DoD’s May 2006 Report to Congress stated:

“Many human rights violations occur at detention centres because the centres have inadequate facilities. The centres have no places to shower, pray, or prepare food; plumbing and electrical systems are substandard. Furthermore, the police are not trained as jailers ... To date the Joint Iraqi Inspection Committee, consisting of Iraqi Inspectors General from various ministries, supported by the US Embassy and MNF-I, has inspected seven facilities.”

777. A junior official at the British Embassy Washington emailed IPU on 17 March with a summary of a meeting with US officials.⁷²⁶ She noted that it had been agreed that the UK and US should confront Prime Minister Ja’afari about any efforts to suppress evidence from the Jadiriyah bunker report.

778. Dr Reid visited Iraq from 17 to 20 March.⁷²⁷ A report of his visit from his Private Office on 21 March referred to a meeting with Mr Zalmay Khalilzad, the US Ambassador to Iraq, in which Dr Reid was told that the US investigation into the Jadiriyah facility had “concluded terrible abuses had taken place and that senior figures were likely to have been aware of them”. A copy of the US investigation report had gone to Prime Minister Ja’afari but “nothing seemed to have come of it”, although they said they had not “pushed that hard”.

779. The minutes of DOP(I) on 30 March recorded that Dr Kim Howells, FCO Minister, had stated:

“... the UK and the US had to press Ja’afari to publish an unexpurgated version of the report into abuse by the Ministry of Interior at the Jadiriyah bunker, and be ready to press the new Iraqi Government to take action against those responsible ... Our legacy could not be to construct an edifice in Iraq based on human rights abuses.”⁷²⁸

⁷²⁵ Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.

⁷²⁶ Email FCO [junior official] to FCO [junior official], 17 March 2006, ‘Briefing for DCDS(C) – Iraq – Detainees and Abuse’.

⁷²⁷ Minute APS/SoS [MOD] to PS/Policy Director [MOD], 21 March 2006, ‘Secretary of State’s visit to Iraq’.

⁷²⁸ Minutes, 30 March 2006, DOP(I) meeting.

780. Dr Reid, who chaired the meeting, concluded that it was “critical” to the UK’s objectives that the Iraqi security forces were non-sectarian; officials “should work urgently on an action plan and messages for use with the US ... and an incoming Iraqi Government”.

781. On 20 April, an email from Mr Straw’s Private Secretary to a junior FCO official stated that Ms Clwyd had raised the delayed publication of the Iraqi investigation’s report with Mr Straw that morning: “She asked what we could do to force the publication of the report.”⁷²⁹

782. A junior official in Baghdad relayed a telephone conversation between Ms Clwyd and Mr Patey.⁷³⁰ Mr Patey said:

- Mr Shaways had passed Mr Patey a copy of the report on 19 April.
- The report was consistent with the US report but was “not as hard-hitting in implicating those involved”.
- It had been sent to Prime Minister Ja’afari but was only signed by Mr Shaways (and not other members of the committee).
- There was no indication that it would be released or acted upon until a government was formed, after which recommendations could be made public.
- The report would not damage Mr Ja’afari but “would be seen as an attack on SCIRI”.

783. Mr Patey also said that other work was in hand on detainee abuse: the bunker was closed, spot-inspections continued, and the UK was working to remove SCIRI’s influence on the MOI. It wanted to stop the MOI running detention facilities in the longer term. Ms Clwyd “seemed broadly content with this explanation”.

784. On 5 May 2006, Mrs Margaret Beckett became Foreign Secretary. On 9 June, an IPU official advised her that “serious abuse and torture”, including of juveniles, had been discovered at another detention facility (“Site 4”) on 30 May.⁷³¹ Mr Khalilzad had taken “swift action” with the newly elected Prime Minister, Mr Nuri al-Maliki, “pressing him to take public action” and to revisit the Jadiriyah bunker incident. Mr Al-Maliki’s response was “positive”; he committed to establishing a committee to investigate the Site 4 incident.

785. On 19 September, an eGram from Mr Dominic Asquith, now British Ambassador to Iraq, reported that investigations into Jadiriyah and Site 4 abuse were still ongoing.⁷³² He had met Mr Hashim Al-Shibli, Iraqi Minister of Justice, the previous day, who had

⁷²⁹ Email Private Secretary/SofS [FCO] to FCO [junior official], 20 April 2006, ‘Clwyd: Mol Bunker’.

⁷³⁰ Email FCO [junior official] to FCO [junior official], 20 April 2006, ‘Clwyd: Mol Bunker’.

⁷³¹ Minute FCO [junior official] to Foreign Secretary, 9 June 2006, ‘Torture at an Iraqi Ministry of Interior Detention Facility’.

⁷³² eGram 40974/06, Baghdad to FCO, 19 September 2006, ‘Iraq: Investigations in HR abuses at Site 4 and Jadriyah’.

been “evasive about when prosecutions would happen”. Mr Asquith had encouraged Mr Al-Shibli to push for unannounced inspections to be resumed, despite the Minister’s resistance on the basis that security conditions made it difficult.

786. Mr Asquith considered Mr Al-Shibli “honest and aware of the problems”, but that he had a “weak political base” and an “inability to confront effectively the powerful vested interests behind the MOI”.

2006 as the “Year of the Police”

787. An eGram from an FCO official in Baghdad on 2 November 2005 reported that Gen Casey had designated 2006 as the “Year of the Police”, recognising that “a national police force that can help enforce the Rule of Law [was] vital to any exit strategy”.⁷³³

788. The official wrote that UK police officers were embedded within CPATT and providing a mentor to the Minister of Policing. The UK military had influential positions in CPATT and MNSTC-I. The official wrote that the US had indicated they wanted the UK to “do more” in discrete areas, such as forensics. They stated that another possibility was to embed a high-ranking police officer in CPATT to help direct strategic development but “the key remains the quality as well as the quantity of civilian staff we are able to deploy to Iraq”.

789. Gen Walker visited Iraq from 22 to 23 November 2005.⁷³⁴ He stated:

“ISF development across Iraq is seen to be on track. For most, this includes the IPS (by design the IPS plan delivers more slowly than that for the Army).”

790. The MOD produced two papers for DOP(I) on 20 December.⁷³⁵ The first was an update on progress of Iraqiisation. It stated:

- development of the Iraqi Army remained “on track” for the fully funded and trained figure of 130,000 by December 2006;
- the Iraqi Police were making an “increasingly significant contribution” but were behind the Iraqi Army in development terms;
- malign militia influence, incompetent personnel and weak national control were issues that needed to be addressed by the new government;
- the Department of Border Enforcement (DBE) was due to reach full strength by May 2006; and
- the Iraqi Navy was a “success story” that risked being undermined by the failure of IMOD to provide a suitable acquisition programme.

⁷³³ eGram 17261/05 Baghdad to FCO, 2 November 2005, ‘Iraq: Ministry of the Interior and Policing’.

⁷³⁴ Minute CDS to SofS [MOD], 25 November 2005, ‘CDS’s Visit to Iraq 22-23 Nov 05’.

⁷³⁵ Agenda, 19 December 2005, DOP(I) meeting attaching Paper MOD, [undated], ‘Update on Progress on Iraqiisation’ and Paper MOD, [undated], ‘Ensuring the Iraqis are Ready for a Handover of Security Responsibility’.

791. The second paper was entitled “Ensuring the Iraqis are Ready for a Handover of Security Responsibility”. It highlighted two high level areas where there was cause for concern:

- the output of the Ministries – their ability to command, control and sustain their security forces, with control of the Chiefs of Police being a “major issue”; and
- the proper government control of the Ministries.

792. The paper stated that the coalition had “got what we resourced”: an increasing number of officers on the ground but no overarching leadership and control from the Ministries to which they were responsible. Action in the first 100 days of government was seen as “essential”. MNSTC-I was developing a plan on that basis, with a surge in resources:

“... MOI advisers up from 76 to 113; MOD advisers up from 45 ... to 103. It is envisaged that military, civilian and contractors will be used to fill civilian slots.”

793. The paper made a number of recommendations, including that consideration should be given to increasing the number of UK security sector advisers (to “include some ‘doers’ in IMOD”) and measures to strengthen government control including bolstering the MCNS.

794. The minutes of the meeting indicated that those recommendations were not explicitly addressed.⁷³⁶

795. On 23 December, Mr Blair sent a Note to President Bush.⁷³⁷ On Iraqisation, he wrote:

“I was surprised people were more upbeat than I expected (and most important the ordinary soldiers working alongside Iraqis). The two clear messages were: the vital nature of leadership of the MOI and MOD; and 2006 being the year of the police. There may also be equipment issues with the military and the police.”

796. In his evidence to the Inquiry, Gen Sir Nicholas Houghton said:

“It is quite difficult to compartmentalise the aspiration and the optimism of late 2005 ... the realities of the true state of the police were more dawning realities, as we moved into 2006, where some of the ... problems about death squads, torture dens, the degree of militia infiltration of police, both nationally and locally in Basra, became more evident, and I think that probably it was the policing issue that lay on the critical path to most of the conditionality for effective transition.

“... 2006 was to be the year of the police, so it is not as if we were not aware of the fact that this was the critical problem.

⁷³⁶ Minutes, 20 December 2005, DOP(I) meeting.

⁷³⁷ Letter Quarrey to O’Sullivan, 23 December 2005, ‘Iraq’ attaching ‘Note Prime Minister to President Bush’.

“But I think that the degree of the problem, just recalling another sense of the time, is that we could pour significant resource into ... training the police and in the quantity of their generation but we never had the ability to command their loyalty at a local level or a national level.

“This is where you probably get into the dark business of the degree to which police loyalties were affected by political loyalties, links to criminality and corruption, and I don’t think that we had a full understanding of that at the back end of 2005. That was more revealed to us incrementally, as 2006 ensued.”⁷³⁸

797. In his weekly report of 1 January 2006, DCC Smith wrote about the “Year of the Police”: “... the strap line that ‘just enough is good enough’ is, whilst probably realistic, not particularly encouraging”. He wrote that it could be “a defining factor in the development of an effective Iraqi Police Service”.⁷³⁹

The Iraqi border police

The Department of Border Enforcement (DBE) was established in 2003.⁷⁴⁰ A report to Congress on 7 March 2008 described the DBE as having two key missions:

- Ports of Entry (POE) policing to ensure the smooth transition of legal goods and persons; and
- to interdict illegal traffic – including smuggling and movement of terrorists and foreign fighters – within and between POE.

Securing Iraq’s border was a considerable task – in total Iraq has 2,268 miles of land border and 36 miles of coastline.⁷⁴¹

In June 2004, Maj Gen Houghton described the DBE as “successfully ... reconstituted with over 19,000 Iraqis now in roles as border police, customs officers, immigration officers and nationality and passport officers”.⁷⁴²

The first border police graduated in September 2004, after receiving training in Jordan.⁷⁴³

AM Torpy visited Iraq from 13 to 19 February 2005.⁷⁴⁴ On DBE, he commented:

“The DBE in MND(SE) has advanced considerably since my last visit and are now an effective force, with a good system of refurbished forts along the Iranian, Kuwaiti and Saudi borders.”

⁷³⁸ Public hearing, 5 January 2010, pages 12-13.

⁷³⁹ Minute Smith, 1 January 2006, ‘UK Chief Police Advisor – Iraq: Weekly Report: Week Ending Sunday 1st Jan 2006’.

⁷⁴⁰ Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.

⁷⁴¹ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁷⁴² Minute ACDS(Ops) to Rycroft, June 2004, ‘How Best to Progress the Iraqiisation of the Security Sector’.

⁷⁴³ Wright DP & Reese TR. *On Point II: Transition to the New Campaign – The United States Army in Operation IRAQI FREEDOM May 2003 – January 2005*. Combined Studies Institute Press, June 2008.

⁷⁴⁴ Minute CJO to CDS, 22 February 2005, ‘CJO Visit Report – Iraq – 13 to 19 Feb 05’.

In a report to Congress on 13 October 2005, the DoD assessed:

“The decentralised and dispersed nature of this force has fostered an environment in which corruption, “ghost” employees [employees on the payroll but not presenting for duty], and absent without leave rates remain a significant concern.”⁷⁴⁵

798. DCC Smith completed his tour of Iraq in April 2006.⁷⁴⁶ He described a number of difficulties experienced during his tour in his end of mission report, including:

- lack of an agreed, resourced strategy: “There was not a shortage of ... plans ... What has been lacking for three years is a will and an organisational capability to develop, and act upon, such a strategy”;
- confusion over command of various personnel involved in policing: “Even the Review conducted by Sir Ronnie Flanagan [HM Chief Inspector of Constabulary; the Review is described later in this Section] ... failed to provide a clear statement”, with the security situation making a military lead inevitable in 2006; and
- prioritisation of scarce resources: he highlighted a number of areas where the UK could have played a significant role but were unable to resource initiatives either through funding or appropriate personnel.

The rise in sectarianism

799. Elections were held in December 2005 but it was not until May 2006 that the Iraqi Government was formed (see Section 9.4). As the period of time taken to form a new government extended, British military commanders in Iraq observed an increase in violence.⁷⁴⁷

800. A report to Congress on 30 November 2006 stated that Sunni and Shia “death squads” were responsible for the significant increase in sectarian violence in Iraq.⁷⁴⁸ Those were defined as “armed groups that conduct extra-judicial killings; formed from terrorists, militias, illegal armed groups, and – in some cases – elements of the ISF”.

801. During his visit to Baghdad in March 2006, Dr Reid had raised the role of the militia with a number of interlocutors.⁷⁴⁹ Mr Sa’adoun al-Dulaimi, Iraqi Minister for Defence, reported that he felt under pressure to incorporate sectarian militias into the IMOD, noting that “the Ministry of the Interior seemed completely open to the integration of militias”. Mr Jabr commented that “too many old regime staff had been brought back in” and “could not simply be removed”.

⁷⁴⁵ Report to Congress, 13 October 2005, *Measuring Stability and Security in Iraq*.

⁷⁴⁶ Report Smith, May 2006, ‘End of Mission Report’.

⁷⁴⁷ Public hearing Houghton and Style, 5 January 2010, pages 8-9.

⁷⁴⁸ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

⁷⁴⁹ Minute APS/Secretary of State [MOD] to PS/Policy Director [MOD], 21 March 2006, ‘Secretary of State’s visit to Iraq’.

802. A JIC Assessment on sectarianism in Iraq on 5 April stated:

“The MNF and Iraqi security forces (ISF) have been able to constrain only some of the violence. After the Samarra mosque bombing, MNF reporting indicated the Iraqi Army proved effective in many areas, deploying in numbers to protect both Sunni and Shia mosques. Some local police units also performed well, although the Ministry of the Interior (MOI) itself was sluggish in its response. The imposition of a curfew and a large security force presence probably deterred some violence. But the picture is patchy: in some Shia areas of Baghdad, militias were allowed free rein.

“The most focused and disciplined anti-Sunni campaign is being run by SCIRI’s Badr organisation. Since the formation of the interim government, SCIRI has systematically embedded Badr members and units into the state security structures, particularly the MOI where they control intelligence and some paramilitary units. Forces under the control of the Ministry of Defence, with its close ties to MNF, have proved less penetrable ...”⁷⁵⁰

803. On 20 April, Lt Gen Fry, now SBMR-I, was asked by Mr Blair to give DOP(I) his assessment of the capacity of the Iraqi Army and police, and what impact the new government would have.⁷⁵¹ He stated that progress with the army was relatively positive, but progress with the police was less good; the “weakness and sectarian bias of the Ministry of Interior” had “exacerbated” problems. He judged that “the key challenge ... remained to bring in the Sunnis”.

804. In discussion at DOP(I) the following points were raised:

- the UK should not underestimate the sectarian character of the ISF, the new government would need to tackle this issue actively; and
- the UK had to be realistic about how possible it would be to develop non-sectarian forces at that stage in Iraq’s development.

SSR in the South: summer 2004 to summer 2006

805. On 15 July 2004, the FCO produced a paper considering the options for the commitment of UK police officers in southern Iraq after handover of sovereignty to the IIG.⁷⁵² The FCO recommended maintaining current staffing levels until mid-2005, which could mean extending ArmorGroup’s contract and a further roulement⁷⁵³ of UK police trainers. That would recognise “that SSR remains a main effort for the UK” and mirrored current MNSTC-I and CPATT projections on the completion of IPS training. The paper noted that “the UK would have a diminishing influence if we were to withdraw before IPS training was complete”.

⁷⁵⁰ JIC Assessment, 5 April 2006, ‘Iraq: Sectarianism’.

⁷⁵¹ Minutes, 20 April 2006, DOP(I) meeting.

⁷⁵² Paper FCO, 15 July 2004, ‘Iraq Southern Provinces – Future UK Civilian Police Commitment’.

⁷⁵³ A roulement is the deployment of forces, especially for short periods of duty.

806. On 29 August, Lt Gen McColl reported that Prime Minister Allawi had decided to appoint an Iraqi Military Commander for southern Iraq – initially for Basra and Maysan.⁷⁵⁴ The Military Commander would have command of all the ISF in the area and be answerable to a committee in Baghdad, made up of the Prime Minister and the Ministers of the Interior and Defence. Lt Gen McColl's view was that there was "plenty of scope for friction" between the local Military Commander's HQ and those of the GOC MND(SE), now Major General William Rollo, who was reported to be concerned about the introduction of "another layer of approval and consultation before forces can be deployed".

807. On 2 September, Maj Gen Rollo reported that Prime Minister Allawi was considering the appointment of General Rachash as Military Commander of the South-East. Maj Gen Rollo had concerns about Gen Rachash's views on the need to consult provincial Governors and the lack of legal basis for his appointment.⁷⁵⁵

Security restrictions on UK police officers

On 26 September 2004, a report from Mr Robert Davies, Chief Police Adviser to the MOI, stated that the FCO's Overseas Security Adviser had directed UK police staff not to travel in Snatch Land Rovers because of inadequate armour (see Section 14.1).⁷⁵⁶ Mr Davies wrote:

"This direction places a significant limitation on the deployment of our staff. The role of mentors requires them to be able to travel frequently to see their chiefs of police. The essence of their role and indeed, the role of the International Police Advisers, needs them to go to the stations. The appropriate protection could be provided by a team from the Control Risk Group, but there are insufficient numbers to meet our requirement."

In March 2005, DCC Smith wrote to Mr Stuart Innes, British Consul General Basra, about travel and movement protection in Basra.⁷⁵⁷ He raised concerns that UK police officers were subject to an "inflexible and restrictive" policy that was "likely to hamper the conduct of work in the next 12 months". In particular, UK police officers could only travel overland by vehicle if accompanied by a team of bodyguards. That was during daylight hours only and with 24 hours' notice. However, ArmorGroup and Dyncorp officers were able to travel by military vehicles, unaccompanied and without such tight restrictions.

DCC Smith stated that, as the policing effort moved from classroom-based training to mentoring and monitoring at IPS stations, officers would need more flexible travel arrangements. He recommended that UK police officers should have the option, with additional training if required, to operate on the same basis as the International Police Advisers (IPAs). He also suggested supplying UK police officer secondees with enhanced weapons, also with additional training.

⁷⁵⁴ Minute McColl to CDS and CJO, 29 August 2004, 'Report 126 of 29 August 2004'.

⁷⁵⁵ Report Rollo to CJO, 2 September 2004, 'GOC MND(SE) – Iraq Update – 02 September 2004'.

⁷⁵⁶ Minute Davies, 26 September 2004, 'Weekly Report Number: 46'.

⁷⁵⁷ Minute Smith to Innes, March 2005, 'Travel and Movement Protection – CivPol3'.

CC Kernaghan visited Iraq from 12 to 17 May 2005 and wrote a report of his findings on 25 May to Mr Charles Clarke, the Home Secretary, and Mr Chris Fox, President of ACPO.⁷⁵⁸ The first part of this visit was spent investigating the role of UK police officers with Sir Ronnie Flanagan, HM Chief Inspector of Constabulary, CC Hugh Orde, Chief Constable of PSNI, and Mr Colin Cramphorn, Chief Constable of West Yorkshire.

In his report, CC Kernaghan endorsed the use of armoured vehicles within military convoys for police officer secondees, but considered enhanced weaponry “a step too far”. He cautioned against treating police officers who had served in Northern Ireland differently from those without this background, noting that this “could be interpreted as ... placing a lesser value on their safety and treating them as de facto cannon fodder”.

On 24 October, Major General James Dutton, GOC MND(SE) from June 2005 until December 2005, wrote that “clarity” in the contractual obligations of UK police officers and ArmorGroup personnel was needed.⁷⁵⁹ In addition:

“...we will need to resolve the issue of movement restrictions on the CivPol and ArmorGroup personnel. There appear to be different transport restrictions placed upon civil servants employed by MOD to those working for the FCO and their contractors, CivPol and ArmorGroup (although there are even differences between them). The principal problem is that the FCO and their contractors are not permitted to travel in military vehicles.”

On 11 November, CC Kernaghan emailed a junior official in the Home Office following a report from DCC Smith that stated Maj Gen Dutton wished to assume control of police and ArmorGroup assets, and see police personnel travel in Snatch vehicles.⁷⁶⁰ Maj Gen Dutton had reportedly suggested he would review the relevant contracts of employment to enable the latter.

CC Kernaghan wrote that it was important that the arrangements for police officers were not considered in isolation from those of other deployed civilians and emphasised his expectation that he should be consulted on any move to change the command and control arrangements for deployed police officers, not presented with a “fait accompli”.

Acting Commander Kevin Hurley, Chief Police Adviser in Basra, June 2004 to December 2004, told the Inquiry of the challenges of trying to effect police training and mentoring while being unable to travel:

“Security conditions made road travel almost impossible ... We were all but ineffective for most of our time. Ultimately ... we reached a stage whereby if we could not get a helicopter ride we did not move.”⁷⁶¹

In his evidence to the Inquiry, Lieutenant General Jonathan Riley, GOC MND(SE) from November 2004 to June 2005, said that the “chief difficulty” of the FCO rather than the military leading police work was the restrictions placed on civilian personnel meant that he

⁷⁵⁸ Report Kernaghan to Clarke and Fox, 25 May 2005, ‘Report on 4th Visit to Iraq by Chief Constable Kernaghan – 12/16 May 2005’.

⁷⁵⁹ Letter Dutton to Wall, 24 October 2005, ‘Policing SE Iraq’.

⁷⁶⁰ Email Kernaghan to Home Office [junior official], 11 November 2005, ‘UK civil police assistance effort in Iraq – command & control issues – request for clarity’.

⁷⁶¹ Statement, 17 June 2010, page 3.

could not guarantee that the mentoring of police was done “to the depth, to the degree, to the duration that it had to be”.⁷⁶² That meant that he had to “fill that gap using soldiers and military police so that instead of partnering my military forces with Iraqi military forces only, which would have been the ideal situation, I also had to partner them closely in many cases with the Iraqi police to fill that void”.

Lt Gen Riley said that he had discussed that difficulty with colleagues many times but the rules for civilian personnel were fixed; “So it became a given”.

The arrangements for civilian personnel are described in Section 15.1.

A decline in security

808. On 18 August 2004, a Current Intelligence Group (CIG) Assessment stated:

“Little is being done in Basra by the security forces to stop a minority of Mahdi Army militants causing disruption. The police chief is in league with the militants and elements of the Iraqi police were involved in the kidnapping of the British journalist [Mr James Brandon, subsequently released – see Section 9.3]. A report suggests the Amara police chief has agreed not to interfere in the activities of the Mahdi Army in the city, but this is due to police concern at their own vulnerability rather than support for al-Sadr.”⁷⁶³

809. In his letter to Mr Fergusson on 20 August (as detailed earlier in this Section), Mr Phillipson wrote that the Prime Minister considered “problems with the police chief in Basra” as one of the “real risk[s] to our objectives”.⁷⁶⁴

810. The IPU’s paper entitled “Iraq: Next Steps”, produced on 27 August, stated that the Chief of Police in Basra was “co-operating with the Sadrists” but did not suggest a way of addressing that, or of addressing the issue of divided loyalties more widely.⁷⁶⁵

811. Two days later Mr Blair produced a minute to No.10 staff which stated:

“... we cannot have a situation as in Basra where the police chief is working with Sadr’s people.”⁷⁶⁶

812. On 3 September, the CIG reported that a senior Badr organisation official had been appointed as Basra Governor and that he intended to remove the Basra Police Chief.⁷⁶⁷

813. On 11 November, the JIC reported that the Police Chief had been “sacked”.⁷⁶⁸

⁷⁶² Public hearing, 14 December 2009, pages 25-26.

⁷⁶³ CIG Assessment, 18 August 2004, ‘Iraq Security’.

⁷⁶⁴ Letter Phillipson to Fergusson, 20 August 2004, ‘Iraq: Next Steps’.

⁷⁶⁵ Minute Crompton to Private Secretary [FCO], 27 August 2004, ‘Iraq: Next Steps’ attaching Paper Iraq Policy Unit, 27 August 2004, ‘Iraq: Next Steps: Action Points’.

⁷⁶⁶ Minute Prime Minister to Sheinwald, Powell and Phillipson, 29 August 2004, ‘Iraq’.

⁷⁶⁷ CIG Assessment, 3 September 2004, ‘Iraq Security: Shia Violence in Multi-National Division (South East)’.

⁷⁶⁸ JIC Assessment, 11 November 2004, ‘Iraq Security – Current Concerns’.

814. On 26 September, Mr Davies reported that 38 ArmorGroup mentors had deployed to Basra.⁷⁶⁹ Their roles included: three personnel in Maysan developing a criminal intelligence database and mentoring the Tactical Support Unit (TSU); five personnel based at the az-Zubayr Police Academy providing training for the TSU; and the bulk of the remaining staff engaged in mentoring and developing the investigative capability of the Basra investigators.

815. That deployment had been planned for June 2004, but on 11 June Mr Straw was advised by a junior official that the deployment should be delayed from June to September because of a decline in security in southern Iraq.⁷⁷⁰ An additional factor was that the type of mentoring they were contracted for would be “of little value until the Iraqi police ha[d] undergone more specialist skills training”.

816. Minutes from an SSR meeting on 7 October reported that ArmorGroup had all police mentors operating in various locations across MND(SE).⁷⁷¹ The contract was due for renewal at the end of November 2004 but it was likely that a proposal for an extension would be submitted based on the positive feedback received.

817. A six-month extension of the contract was agreed at the Iraq GCPP Strategy meeting on 7 January 2005.⁷⁷² The Committee agreed that the ArmorGroup contract for 68 mentors costing £4.8m should have “specific reporting procedures, including monitoring and evaluation” with a “clearer work plan”. The project would be reviewed again after six months.

818. On 12 October, an email from a junior FCO official confirmed that 12 US IPAs had been deployed to MND(SE) in late September: six to the Sector and District Command, two to the traffic unit, two to the forensic unit and two to the TSU.⁷⁷³

819. On 14 October, Mr Simon Collis, British Consul General in Basra, wrote to the FCO in London stating: “we need help in the form of more senior police officers, flexible security rules for their deployment, less nationalist policies on behalf of MNF contributors and more specialist trainers and equipment.”⁷⁷⁴ He also highlighted limited co-ordination between civilian and military structures in MND(SE).

820. Lt Gen Rollo, who left MND(SE) in November, told the Inquiry that:

“Not all the Iraqis were ineffective. We focused on getting relatively small numbers of them to a relatively good standard.”⁷⁷⁵

⁷⁶⁹ Minute Davies, 26 September 2004, ‘Weekly Report Number: 46’.

⁷⁷⁰ Minute ISSU [junior official] to PS/SofS [FCO], 11 June 2004, ‘Iraq – Deployment of Police Monitors’.

⁷⁷¹ Minutes, 7 October 2004, Security Sector Reform meeting.

⁷⁷² Minutes, 7 January 2005, Iraq GCPP Strategy meeting.

⁷⁷³ Email FCO [junior official] to FCO [junior official], 12 October 2004, ‘Basra Update’.

⁷⁷⁴ Telegram 169 Basra to FCO London, 14 October 2004, ‘Southern Iraq: Putting Civilian Police First’.

⁷⁷⁵ Public hearing, 15 December 2009, page 12.

821. Commenting on how to raise effective forces, Lt Gen Rollo said:

“... the answer to more forces ultimately was more Iraqis, and the real trick was to raise effective Iraqi forces, and that the way to do that was to take relatively small numbers and to try to instil into them a sense of loyalty to the state, which was really quite difficult to achieve ... So loyalties were fragile and depended on human contact.”⁷⁷⁶

The Iraqi Navy

A US report from the Independent Commission on the ISF, published on 6 September 2007, explained that Iraq’s coastline was very small but strategically significant.⁷⁷⁷ It included the al-Basra and the Khor al-Amaya oil terminals (responsible for 90 percent of Iraq’s revenue) and Iraq’s only deep water port, Umm Qasr. The maritime borders with Iran and Kuwait were contested and not clearly demarcated.

The Iraqi Navy reported through the Joint Headquarters to the IMOD.⁷⁷⁸

A paper produced by the MOD on 9 December 2009 stated that “the notable UK contribution” during Phase IV was the development of the New Iraqi Navy, led by the Royal Navy at Umm Qasr.⁷⁷⁹ The Royal Navy also trained the Iraqi Coast Guard, which operated in close proximity to the Iraqi Navy but reported to the MOI.⁷⁸⁰

On 1 February 2005, a junior MOD official advised Mr Hoon that 49 personnel were deployed in Navy Advisory Support Teams (ASTs), including force protection.⁷⁸¹

The Chief of the Naval Staff visited Iraq in July and observed that recruiting and training of the Marine force was almost complete and subject to the procurement of suitable support vessels they should be able to resume responsibility for the security of oil platforms later in the year.⁷⁸² He noted problems with funding but stated: “our AST and the Iraqi Navy have done well ... I am content that we have reached the stage where the AST can start to draw down provided it is adequately supported by MND(SE)”.

In the same month Lt Gen Brims described the development of the Iraqi Navy as “a significant UK success”.⁷⁸³

Prison Service support in southern Iraq

822. At the SSR meeting on 7 October 2004, it was reported that there were two senior prisons advisers and four prisons mentors in theatre.⁷⁸⁴ The minutes recorded that a

⁷⁷⁶ Public hearing, 15 December 2009, page 14.

⁷⁷⁷ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁷⁷⁸ Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.

⁷⁷⁹ Paper MOD, 9 December 2009, ‘Iraq Security Sector Reform’.

⁷⁸⁰ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁷⁸¹ Minute Chaudhry to APS/SofS [MOD], 1 February 2005, ‘Manning and Development of the Iraqi Navy Advisory Support Teams’.

⁷⁸² Minute CNS to CDS, 28 July 2005, ‘Visit to the Northern Gulf and Iraq 25-26 Jul 05’.

⁷⁸³ Letter Naworynsky to Quarrey, 21 July 2005, ‘Update on Progress of Iraqi Security Forces’.

⁷⁸⁴ Minutes, 7 October 2004, Security Sector Reform meeting.

recent assessment of all UK government staff in Iraq had determined that “the prisons contribution” was vital. Risk assessments were being conducted at military locations to enable the deployment of prisons mentors to the provinces. Support to the prisons effort was being maintained by the RMP.

823. On 20 January 2005, minutes of the SSR meeting recorded that the prisons programme had been extended for a further six months and the Prison Service had confirmed they would provide officers for phase two. A UK criminal justice adviser had also been deployed.⁷⁸⁵

824. On 9 August, the IPU submitted an initial bid for the prison programme to receive funding until 31 March 2006.⁷⁸⁶ The bid stated that since it had begun in May 2004, the programme had:

- trained every prison officer in MND(SE);
- established a training school for the Iraqi Correctional Service (ICS);
- developed a corps of Iraqi trainers;
- built and established a new prison in Basra that would “become a model prison for Iraq”; and
- “substantially improved conditions and treatment of prisoners” in each other prison in the region.

825. The bid was for funding to continue supporting prisons advisers, to help to increase the capability of the ICS and to complete the ongoing infrastructure projects.

826. In describing the effects of the programme, the IPU cited Iraq’s “dreadful human rights record” in prisons and stated that the first two phases of the programme had “already dramatically transformed the functioning of the prisons in MND(SE) both by improving the physical conditions in which prisoners are kept, and changing attitudes amongst staff”. Continuing work would build on that, particularly in respect of female and juvenile prisoners.

827. On 15 August, Mr Collis sent a telegram to the FCO reporting allegations of “systematic abuse” at al-Maqil prison in Basra.⁷⁸⁷ The allegations, made by an Iraqi prison officer, included the sexual abuse of a female prisoner and the payment of bribes to avoid beatings and facilitate visits by relatives. The prison officer claimed that one-quarter of the prison staff was involved, including at a senior level.

828. Mr Stephen Fradley, the British Senior Prison Adviser, had raised the concerns with the Regional Director of the Iraqi Correctional Service, who subsequently spoke to the Prison Governor. The Governor said that an investigation had been undertaken and that

⁷⁸⁵ Minutes, 20 January 2005, Security Sector Reform meeting.

⁷⁸⁶ Email FCO [junior official] to FCO [junior official], 17 August 2005, ‘FW: GCPP Prisons Bid’ attaching Project Bid Form, 9 August 2005, ‘Prison Service Support in Southern Iraq’.

⁷⁸⁷ Telegram 113 Basra to FCO, 15 August 2004, ‘Iraq: Allegations of Abuse in Iraqi Run Prison’.

he was satisfied there had been no abuse. The Regional Director had concluded that no further action was necessary.

829. Mr Collis was considering how to ensure that a proper investigation was carried out. He had referred the matter to the ICRC and waited to hear whether they would investigate. Plans were in place on how to press the issue if the ICRC were denied access.

830. On 26 October, Baroness Symons, Minister of State for the Middle East, International Security, Consular and Personal Affairs at the Foreign Office, wrote to Mr Straw about a meeting she had held with Mr Bakhtiar Amin, the Iraqi Minister of Human Rights, the previous evening.⁷⁸⁸ Mr Amin had expressed concerns over the current conditions in Iraqi prisons and said that he would be “most interested” in help on rehabilitation programmes and prison monitoring.

831. On 6 February 2005, a telegram from Baghdad sought an indication of whether further funding would be available to develop the prison inspectors’ training programme in Basra.⁷⁸⁹ Reporting on a meeting between Mr Andrew Hood, Legal Adviser, and Mr Amin, it stated that Mr Amin was positive about the training prison inspectors had received and that he would like all this to be available to all inspectors. Speaking to Mr Hood, Mr Amin requested further assistance: “he had sufficient funds to employ more prison inspectors if there was sufficient capacity to train them”.

832. A bid for additional funding to extend the prisons programme was submitted on 17 August.⁷⁹⁰ The bid mentioned co-ordinating MND(SE) activity with the US programmes elsewhere in Iraq, but did not specify supporting the extension of the Basra training programme outside southern Iraq.

UK equipment for the Iraqi Security Forces: Project OSIRIS

833. At the AHMGI on 28 October, Mr Paul Boateng, the Chief Secretary to the Treasury informed Mr Blair that, of the US\$107m worth of equipment requested by the MOD to speed up Iraqisation in MND(SE), US\$29m would be funded by the US, the remaining US\$78m/£40.6m could be funded by the Treasury from the Reserve on a “one-off” basis.⁷⁹¹ That was in addition to the US\$4.5m/£2.5m GCPP-funded ISF equipment purchase agreed in September.

834. On 24 November, a junior official in the MOD submitted a draft departmental minute to Mr Hoon to be laid before Parliament for the first tranche of ISF equipment

⁷⁸⁸ Minute Symons to Straw, 26 October 2004, ‘Iraq: Human Rights Assistance’.

⁷⁸⁹ Telegram 90 Baghdad to FCO, 6 February 2005, ‘Iraq: Call on Minister of Human Rights’.

⁷⁹⁰ Email FCO [junior official] to FCO [junior official], 17 August 2005, ‘FW: GCPP Prisons Bid’ attaching Project Bid Form, 9 August 2005, ‘Prison Service Support in Southern Iraq’.

⁷⁹¹ Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

(detailed further below).⁷⁹² The press lines annexed to the document explained that Prime Minister Allawi had “made a direct call for assistance to No.10”:

“The Prime Minister is keen to assist, not least as the speedy Iraqiisation of the security sector is a key strategic aim of the UK and will ultimately facilitate our own withdrawal.”

835. Between November 2004 and July 2005, equipment was delivered to the ISF in four tranches through “Project OSIRIS”. Over that period, minutes from MOD officials to the Defence Secretary detailed what would be provided in each tranche:

- Tranche one for £15m was approved in early December and focused on items that could be procured quickly through existing contracts, such as small arms, ammunition, public order and urban operations equipment as well as seven infrastructure projects.⁷⁹³
- Tranche two for £3.6m was approved in mid-December and comprised grenade launchers, pistols, radios and ammunition. That was to be procured through both new and existing contracts.⁷⁹⁴
- Tranche three for £6.2m was approved in late January and consisted of three batches of equipment covering protective vehicles, search equipment for DBE and machine guns.⁷⁹⁵
- Approval for tranche four covering the remaining £15.6m was not sought until 18 July “because of the need to align expenditure plans with the planning for operational transition” and “changing US expenditure plans”. It included infrastructure projects, vehicles and communications equipment.⁷⁹⁶

836. Parliamentary approval was sought for the first three tranches but the obligation to give Parliament 14 days to raise any objections to gifting⁷⁹⁷ the items was reduced to two days with Treasury approval. Tranche four was approved by the Chairman of the Public Accounts Committee (PAC), who had authority to grant approval, given the imminence of Parliamentary recess.

⁷⁹² Minute MOD [junior official] to APS/SofS [MOD], 24 November 2004, ‘Parliamentary Clearances for Gifting of the First Phase of the £40.6 million (\$73m) Worth of Equipment for Iraqi Security Forces.’

⁷⁹³ Minute MOD [junior official] to APS/SofS [MOD], 24 November 2004, ‘Parliamentary Clearances for Gifting of the First Phase of the £40.6 million (\$73m) Worth of Equipment for Iraqi Security Forces’; Minute Johnson to DJC Sec 1, 2 December, ‘Iraq: Gifting of Military Equipment to the Iraqi Interim Government’.

⁷⁹⁴ Minute MOD [junior official] to PS/SofS [MOD], 13 December 2004, ‘Iraq: 2nd phase of £40.6m Gifting of Military Equipment to the Iraqi Interim Government: Project OSIRIS’.

⁷⁹⁵ Minute MOD [junior official] to PS/SofS [MOD], 19 January 2005, ‘Iraq: 3rd Phase of £40.6m Gifting of Military Equipment to the Iraqi Interim Government: Project OSIRIS’; Minute Naworinsky to Deputy Command Secretary PJHQ [MOD], 24 January 2005, ‘Iraq: 3rd Phase of £40.6m Gifting of Military Equipment to the Iraqi Interim Government: Project OSIRIS’.

⁷⁹⁶ Minute MOD [junior official] to APS/SofS [MOD], 18 July 2005, ‘Iraq: Funding for Security Sector Reform and a Civil Effects Fund for MND(SE)’.

⁷⁹⁷ ‘Gifting’ is a technical term that usually describes a government giving equipment to another government.

837. On 18 July, a junior MOD official wrote to Dr Reid, stating that the Chairman of the PAC had “expressed dissatisfaction with the shortcuts we took to gaining parliamentary approval” for the first three tranches and that “a couple of backbench MPs” had objected.⁷⁹⁸ The official considered the final tranche “less likely” to generate objections because it did “not contain any weapons” but:

“We will need to explain why we have again been unable to allow Parliament to consider this gifting as fully as some MPs might wish.”

838. The official wrote that an additional £58m was likely to be needed for the year ahead: £38m for OSIRIS II (protected and other mobility, infrastructure construction for forces training, communications, logistics and command and control functions) and £20m for a Civil Effects Fund. He recommended that Dr Reid propose that expenditure to the Chief Secretary to the Treasury, now Mr Des Browne. He also noted that Project OSIRIS had “been an understated success story” that should be highlighted in the presentation plan for operational transition.

839. As advised, Dr Reid wrote to Mr Browne on 19 July stating that the additional £58m was “central to the success of our plans”.⁷⁹⁹

November Force Level Review

Air Marshal Glenn Torpy, Chief of Joint Operations, wrote to General Sir Michael Walker, CDS, on 10 November 2004 about the interim Force Level Review conducted for Operation TELIC (see Section 14.1).⁸⁰⁰ AM Torpy stated that the training, mentoring and monitoring of the NIA and ING was one of three emerging tasks from the review. All three tasks were discretionary for the UK but not for MNF-I and if other Troop Contributing Nations did not undertake them, they could fall to the UK.

AM Torpy wrote that the new tasks could be conducted by a battalion plus senior mentors, “possibly of one-star rank”, and work was under way to confirm the requirement. He had agreed with Lt Gen Rollo that the work should be delayed until after the election. AM Torpy advised that “for force generation purposes we should assume that this is a new – potentially enduring” task.

Mr Roger Cornish, MOD Deputy Director Iraq, wrote to Mr Hoon about the review on 19 November.⁸⁰¹ He reiterated AM Torpy’s assessment of the training task, assessing that the force package needed to undertake it would be 650 personnel in total.

Mr Naworynsky replied to Mr Cornish on 24 November, stating that Mr Hoon had noted the emerging tasks.⁸⁰²

⁷⁹⁸ Minute MOD [junior official] to APS/SofS [MOD], 18 July 2005, ‘Iraq: Funding for Security Sector Reform and a Civil Effects Fund for MND(SE)’.

⁷⁹⁹ Letter Reid to Browne, 19 July 2005, ‘Iraq: Funding for Security Sector Reform and for a Civil Effects Fund for MND(SE)’.

⁸⁰⁰ Minute CJO to CDS, 10 November 2004, ‘Iraq – Interim Force Level Review’.

⁸⁰¹ Minute Cornish to APS/SofS [MOD], 19 November 2004, ‘Iraq: Interim Force Level Review’.

⁸⁰² Minute Naworynsky to Cornish, 24 November 2004, ‘Iraq: Interim Force Level Review’.

The uplift in personnel took place as part of the roulement of forces in late April 2005 (described later in this Section).

Police reform

840. On 5 November 2004, Mr David Hayward, FCO Military Liaison Officer, sent a teletype to Mr Tom Dodd, Deputy Consul General in Basra, in reply to “a number of problems” Mr Dodd had raised about policing in the South.⁸⁰³ On the provision of UK police officers, Mr Hayward wrote that:

- Mr Hugh Orde, Chief Constable of PSNI, had confirmed his commitment of six Chief Inspectors for Iraq.
- CC Orde would extend the current PSNI officer deployments until replacements were available.
- Nineteen junior officers in az-Zubayr would end their tour in December but 14 officers were trained and ready to replace them. They were looking to recruit others and had a small reserve capacity of trained officers that could be deployed if necessary.
- GCPP’s funding for 40 IPAs had been extended by one month and a bid to extend it for a further six months would be submitted.

841. A second phase of the ArmorGroup contract was agreed in early 2005. It extended and expanded the deployment to 68 personnel, including five forensic experts.⁸⁰⁴

842. On 12 January 2005, Major General Jonathon Riley, GOC MND(SE) from November 2004 until June 2005, reported:

“Although the work of the International Police Advisers is much trumpeted, the reality falls well short of perception. Responsibilities for various areas of police reform are unclear, and as a result, progress is lagging behind that of the military.”⁸⁰⁵

843. Acting DCC Colin Smith arrived in Iraq in January 2005 as part of General Luck’s Review team. In his statement to the Inquiry, ACC Smith wrote:

“On arrival ... there appeared to be a number of competing plans including SSR with police training at az-Zubayr and in Basra, Maysan and Al Muthanna and that ubiquitous term ‘mentoring’. Civilian contractors, funded by the UK, largely worked under their own direction and command structure. The only apparent link to any pan-Iraq coalition Strategy was through the US International Police Liaison Officers.”⁸⁰⁶

⁸⁰³ Teletype 161 Hayward to Dodd, 5 November 2004, ‘Southern Iraq: Civilian Policing’.

⁸⁰⁴ Project Bid Form, [undated], ‘International Police Advisers: Training, Mentoring and Monitoring of the Newly Trained Iraqi Police Service Officers in MND SE’.

⁸⁰⁵ Report Riley, 12 January 2005, ‘GOC MND(SE) – Southern Iraq Update – 12 January 2005’.

⁸⁰⁶ Statement, 14 June 2010, page 2.

844. DCC Smith wrote that “an attempt was made to develop ... an integrated ‘12 month IPS Development Strategy’ ... 12 months being seen ... as the likely duration of UK training in Iraq”. The plan acknowledged that the military should play a key role in ‘generic’ policing areas such as infrastructure, equipment and non-specialist training. Police officers would be left to concentrate on enhancing specialist capability.

New Chief of Police for Basra

In his update on 12 January, Maj Gen Riley reported that a new Chief of Police for Basra, Major General al-Saad Hassan, had been appointed by the MOI.⁸⁰⁷

A telegram from Mr Collis on 21 January reported that (now General) Hassan had removed a Badr officer from his post as Head of Police Intelligence, and whilst allowing him to remain Head of Internal Affairs, ordered Internal Affairs to stop carrying out arrests or search operations following a number of suspicious deaths involving the unit.⁸⁰⁸ Mr Collis saw this as “a welcome example” of the new Chief of Police “making his mark”.

Considering whether to embed personnel in Iraqi units

845. The US began embedding MNF personnel in Iraqi units in January 2005.⁸⁰⁹

846. In his 19 January update, Maj Gen Riley reported on a conference he had attended in Baghdad about the future of the MNF’s mission.⁸¹⁰ Referring to the emphasis on Military Assistance Teams (MATs) and Civil Police Assistance Teams (CPATs),⁸¹¹ he wrote:

“... this is the direction we have taken in MND(SE). The MNF leadership will not impose a template, but ... [allow] local conditions to determine how the assistance teams are to operate. This suits us very well.”

847. On 21 January, Mr Phillipson sent a letter to Mr Hoon’s Principal Private Secretary about a meeting between Mr Blair, Mr Hoon and Gen Walker on Iraq strategy that morning.⁸¹² In discussing Iraqisation and delays to the Petraeus Plan, Gen Walker referred to MATs and CPATs as the “latest US plan” but added “this was not the answer”.

848. At the Chiefs of Staff meeting on 2 February, it was observed that there were differences between the UK and US implementation of MATs, but they “were unlikely to be an issue”.⁸¹³ The CPAT concept was “not favoured by the UK”. There is no record of the rationale for that view in the minutes.

⁸⁰⁷ Report Riley, 12 January 2005, ‘GOC MND(SE) – Southern Iraq Update – 12 January 2005’.

⁸⁰⁸ Telegram 7, Basra to FCO London, 21 January 2005, ‘Southern Iraq: Security and Political Round Up 13 January’.

⁸⁰⁹ Letter Phillipson to Baker, 21 January 2005, ‘Iraq: Future Strategy’.

⁸¹⁰ Report Riley, 19 January 2005, ‘GOC MND(SE) Southern Iraq Update – 19 January 2005’.

⁸¹¹ ‘CPATS’ are also sometimes referred to as ‘PATS’.

⁸¹² Letter Phillipson to Baker, 21 January 2005, ‘Iraq: Future Strategy’.

⁸¹³ Minutes, 2 February 2005, Chiefs of Staff meeting.

849. On 11 February, AM Torpy produced a paper on SSR for Gen Walker ahead of the latter’s visit to Washington on 15 February.⁸¹⁴ In the paper, AM Torpy outlined two options being considered to support MNF-I’s focus on assistance teams:

- Full support (“the MNF-I default”): MATs placed with every ISF unit in MND(SE) (excluding the police), and at training schools, requiring 324 personnel.
- Targeted support: “continuation of current partnering arrangements with ISF units” targeted at “areas of weakness, such as formation headquarters, training schools and logistic bases”, requiring 110 personnel. MATs would not be involved with the Public Order Battalions or the DBE units.

850. AM Torpy wrote that the UK’s emphasis had been on “partnering” and there were currently no UK personnel embedded within Iraqi units. In introducing the options, he stated:

“Given MOD guidance to avoid a significant increase in commitment, our scope to implement this SSR strategy will be constrained by our ability to free up and refocus manpower.”

851. The resource implications of both options were to be assessed by a US Joint Force Headquarter team deploying to Iraq the following week. It was anticipated that “coalition partners” would offer “significant contributions” once briefed by the US at a Bucharest Conference in February. That briefing would also “provide further clarity, thereby allowing the UK to refine its potential contribution”.

852. AM Torpy visited Iraq from 13 to 19 February.⁸¹⁵ He reported:

“[Gen] Casey is entirely comfortable with the UK’s approach in MND(SE); indeed, he has told his commanders to visit MND(SE) to see how we handle the task.”

853. Major General Peter Wall, Deputy Chief of Joint Operations, attended the CENTCOM conference on 28 February. He reported that the US approach to embed trainers at division, brigade and battalion level (and also with Special Police and Border Enforcement units) would have “implications” for the UK’s “current policy”.⁸¹⁶ He would discuss with Maj Gen Houghton and Mr Howard.

854. On 11 March, AM Torpy produced a paper for the Chiefs of Staff on delivering SSR in MND(SE).⁸¹⁷ There was no specific reference to his 11 February paper, but the plan he set out for MTTs⁸¹⁸ was consistent with the “Targeted Support” option proposed in that earlier paper.

⁸¹⁴ Minute CJO to PSO/CDS, 11 February 2005, ‘Op TELIC: Security Sector Reform’.

⁸¹⁵ Minute CJO to CDS, 22 February 2005, ‘CJO Visit Report – Iraq – 13 to 19 Feb 05’.

⁸¹⁶ Minute DCJO(Ops) to CJO, 28 February 2005, ‘CENTCOM Post Iraqi Election Coalition Conference, Bucharest 21-23 Feb 05’.

⁸¹⁷ Minute CJO to COS, 11 March 2005, ‘Op TELIC – Supporting Security Sector Reform in MND(SE)’.

⁸¹⁸ ‘MTTs’ were formerly referred to as ‘MATs’.

855. The Chiefs discussed AM Torpy's SSR paper on 16 March.⁸¹⁹ The minutes record:

"The continuous burden of manning MTTs and STTTs [Short Term Training Teams], and its potential impact on the requirement for augmentees was highlighted. DCJO(Ops) [Maj Gen Wall] indicated that the majority of posts would be filled from current force levels and that the requirement for UK augmentees was not expected to exceed 20."

856. On 17 March, Mr Hoon's Private Secretary wrote to No.10 to provide an update on SSR progress.⁸²⁰ On the creation of MTTs he stated:

"MNF-I plan to have Military Transition Teams (MTTs) established across Iraq and working with Iraqi units by June. In MND(SE) we expect to have MTTs established by May. The MTTs will train and mentor their affiliated Iraqi units, remaining with them both in barracks and on security duties. In MND(SE) the MTT organisation will be developed from the existing partnership arrangements between coalition and ISF units, which first highlighted the benefits of this approach."

857. The MOD's Directorate of Operational Capability considered the differing approaches to mentoring the ISF undertaken by the UK and US militaries in 2010.⁸²¹ It commented:

"The UK and US approaches were fundamentally at odds; this was identified by those in theatre at the time and reported back ... The decision not to embed mentors ... may seem perplexing, particularly considering UK troops in Afghanistan were embedding in this manner at that time ...

"We have pondered the reasons for this approach, without reaching an entirely satisfactory conclusion. During interview a number of people have suggested that this very different approach to embedding mentors between two UK theatres of operation, as well as the difference between the UK and US approaches in Iraq, was that senior politicians (or perhaps military leaders) in the UK were risk-, and in particular, casualty-averse. Whether this is true, and if so whether it can be seen as a result of the different way in which the two theatres were viewed by the British public – Iraq as an unpopular "war of choice", with Afghanistan a "war of necessity" – is unclear. What is certain is that, at the time, the total number and rate of casualties being experienced in Afghanistan were both far lower than had been suffered in Iraq. We might reasonably conclude that this would have had an effect on the political-military discussions and decisions regarding embedding and force protection. This seems especially likely as the focus in Iraq became predominantly on reducing troop numbers in order to hand over to the Iraqi Security Forces, allowing the UK forces to withdraw and focus on [Afghanistan]."

⁸¹⁹ Minutes, 16 March 2005, Chiefs of Staff meeting.

⁸²⁰ Letter Naworynsky to Quarrey, 17 March 2005, 'Petraeus Plan Update'.

⁸²¹ Report Directorate of Operational Capability, 17 March 2010, 'Operation TELIC Lessons Study Vol. 3'.

The US approach to Transition Teams

A Report to Congress on 29 August 2006 stated that “more than 160” Police Transition Teams (PTTs) were helping to develop the IPS.⁸²² International Police Liaison Officers (IPLOs) were integrated into PTTs, providing expertise in all technical aspects of criminal investigation and police station management. The Report stated that an additional five (US) Military Police companies were deployed in July 2006 to bolster the PTT programme.

The next Report on 30 November stated there were 177 PTTs, each team with 11-15 members: three or four IPLOs, hired as contractors from US State Department and the rest typically military personnel (often Military Police).⁸²³

A Report to Congress on 2 March 2007 stated that there were a total of around 6,000 international advisers in more than 450 Transition Teams.⁸²⁴ The Transition Teams were established in the following proportions:

- 200 Police Transition Teams;
- 40 National Police Transition Teams;
- 30 Border Transition Teams;
- 170 Military Transition Teams; and
- Transition Teams in various ministries and command establishments including the MOI, IMOD and the JHQ.⁸²⁵

Even with the extra personnel, shortages of PTTs were limiting observation of the IPS in 13 of the 18 provinces, including Basra and Maysan.⁸²⁶ The DoD’s Report to Congress in March 2007 cited cost and risk to personnel as the reasons for limited coverage.⁸²⁷

Concerns about strategy

858. In his weekly update on 2 February 2005, Maj Gen Riley wrote:

“IPS reform is a problem wider and deeper than the Army, and the incoming Chief Police Adviser will be key to turning them into an effective counter insurgency force ... there is a proposal to send the new Chief Police Adviser to Baghdad instead of here ... I would advise against this in the strongest possible terms: this will lead to a delay of months (probably) in police reform here, months that we do not need. UK can have the greatest effect here on the ground ...”⁸²⁸

859. On 17 March, Lt Gen Fry produced a paper for the Chiefs of Staff examining the consequences of “the UK’s MND(SE)-centric strategy” and the likelihood that ISF development in MND(SE) would progress faster than elsewhere in Iraq.⁸²⁹ The Chiefs

⁸²² Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

⁸²³ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

⁸²⁴ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

⁸²⁵ These are approximate figures, estimated by the Inquiry based on available data.

⁸²⁶ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

⁸²⁷ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

⁸²⁸ Report Riley, 2 February 2005, ‘CG MND(SE) – Southern Iraq Update – 2 February 2005’.

⁸²⁹ Minute DCDS(C) to COS, 17 March 2005, ‘Iraq – Strategic Consequences for UK of Iraqi Self Reliance’.

were briefed that the eventual move to provincial control would be based on “complex, inter-dependent conditions” that were not fully defined and would depend upon the development of a national security framework and that, although military SSR activity in MND(SE) was progressing well, the scope for significant military disengagement in 2005 would be limited. Military SSR was expected to be completed in MND(SE) in March 2006.

860. Lt Gen Fry highlighted that non-military Iraqi capabilities, especially the IPS, were lagging behind the Iraqi Army and stated:

“This imbalance must be redressed not only to ward against an overly dominant IA [Iraqi Army], but also to allow us to realise the potential military dividend of our efforts with the IA.”

861. Lt Gen Fry suggested that the UK needed to:

- influence the development of a national policing strategy;
- encourage greater international involvement, particularly for gendarmerie-type training;
- develop IPS leadership and niche capabilities; and
- develop an effective judiciary and prison system to support IPS activity.

862. Lt Gen Fry stated that the FCO was planning to address some of those shortfalls but that those plans required “significant extra funding and depend largely on the availability of suitable senior UK policemen”. MOD activity to support IPS development at that stage comprised:

- basic skills training;
- training of TSUs (to focus on public order, dangerous criminality and low level insurgent action); and
- the provision of military officers to support planning and co-ordination at the Provincial Joint Operations Centres (PJOCs).

863. Lt Gen Fry identified three risks to ISF development in MND(SE) progressing ahead of national development:

- The ISF in MND(SE) would not mesh into national Iraqi security structures.
- The ISF would become autonomous and “prone to tribal, political and confessional influences rather than national control”.
- There may be a lack of national logistical, equipment, procurement and maintenance structures for them to access.

864. Lt Gen Fry suggested that those risks could be mitigated, to some extent, by UK advisers in Iraq’s security Ministries seeking to accelerate the development on coherent national policies and structures and that where possible the UK “should seek to achieve a demonstrable vanguard effect by spreading UK ‘best practice’ in the development of ISF to other areas in Iraq”.

865. On 24 March, Dr Roger Hutton, MOD Director Joint Commitments, provided an update to Mr Hoon on discussion of Lt Gen Fry's paper by the Chiefs of Staff.⁸³⁰ The update gave further detail on how the UK military would support that new approach in MND(SE), to include:

- the provision of MTTs at divisional and brigade level (there were four Iraqi Army brigades in MND(SE); it was envisaged that the UK would provide MTTs for two of them and the Australians and Italians would provide one MTT each for the other two brigades);
- two Short Term Training Team deployments, one in June and one in December to look at the effectiveness of training; and
- continued "partnership" with the UK brigade partnering the divisional headquarters of 10th Division and a coalition battlegroup working with each of the four brigades in the 10th Division.

866. Dr Hutton advised that there would be a requirement of only 25 extra troops to implement this approach.

10th Division

The 10th Division was the Iraqi Army division in MND(SE) that had been trained by UK personnel. It was established by Maj Gen Riley as reported in his update on Southern Iraq on 12 January 2005. He wrote that he had established the 10th Division alongside HQ MND(SE) at the Basra Air Station.⁸³¹

867. Gen Jackson visited Iraq from 17 to 20 April 2005.⁸³² On his return he reported:

"... military SSR continues to progress well and the provision of Military Transition Teams (MiTTs) should provide a qualitative boost to ISF performance ... Overall, GOC MND(SE) remains confident that his military SSR efforts will be complete in Maysan and Al Muthanna circa October 2005; and in Basra and Dhi Qar circa March 2006."

868. On the IPS, Gen Jackson wrote:

"In contrast to the satisfactory progress with the development of the Iraqi Army, the lack of discernable progress with the IPS is alarming ... It could become our Achilles heel because without an effective IPS, not to mention a criminal justice system – there can be no Rule of Law, a pre-requisite for our eventual military disengagement. The scale and quality of International Police Adviser effort is woeful and the arrival of the new Senior Police Adviser has failed to re-invigorate IPS development. Although theoretically the military is acting in support of the IPA, we find ourselves de facto

⁸³⁰ Minute Hutton to APS/SofS [MOD], 24 March 2005, 'Iraqi Self-Reliance and Strategic Intent'.

⁸³¹ Report Riley, 12 January 2005, 'GOC MND(SE) – Southern Iraq update – 12 January 2005'.

⁸³² Minute CGS to CDS, 25 April 2005, 'CGS visit to Op Telic 17-20 Apr 05'.

in the lead without appropriate funding and resources ... We must be prepared, however, to make some difficult decisions across Whitehall including, perhaps, transferring leadership for IPS reform from the FCO to the MOD and subsequently restricting IPA effort to developing certain IPS specialist functions. There is further concern, which I share, that the UK model of policing is not necessarily the most appropriate for the Iraqis. A gendarmerie model might be more suitable.”

Restructuring SSR

869. Mr Stuart Innes, British Consul General Basra, sent an eGram on 3 May 2005 reporting a meeting he had held with Maj Gen Riley and DCC Smith a day earlier.⁸³³ Mr Innes stated that Maj Gen Riley had “said that SSR was now the main focus of the UK’s military efforts in MND(SE)” and that the IPS programme required greater attention if responsibility for security was to be handed to the ISF by October.

870. On 5 May 2005, Maj Gen Wall wrote to Lt Gen Fry about the 2 May meeting, stating that the FCO’s eGram provided “a partial explanation of the proposed way ahead” which was “open to misinterpretation”.⁸³⁴ On the increase of military support he wrote:

“The lead for police reform remains with the FCO. The military continue to fulfil a supporting and co-ordination role with greater planning responsibility.

“No additional UK military resources are required, and none will be ‘fixed’ if there is an opportunity to reduce force levels ... Nor does it require resources being redirected from existing tasks.

“Military assistance to the Iraqi Army will remain the Division’s main effort; support to the IPS is a lower priority.”

871. DCC Smith became the UK Chief Police Adviser in Iraq in May 2005, a role that combined the two previous Senior Police Adviser positions in Baghdad and Basra. He told the Inquiry:

“... part of my remit to go to Baghdad was to increase UK influence at a strategic level, which had for different reasons ... dropped off since the time that [DCC] Doug Brand was there.”⁸³⁵

872. On 15 May, DCC Smith produced a report of his review of UK policing support to the development of the IPS.⁸³⁶ His report described UK efforts in both Baghdad and Basra; those recommendations relating to policing in Baghdad are discussed earlier in

⁸³³ eGram 3797/05 Basra to FCO, 3 May 2005, ‘Iraq: SSR: Police in the South’.

⁸³⁴ Minute DCJO(Ops) to DCDS(C), 5 May 2005, ‘Military Support to Iraqi Police Service Training’.

⁸³⁵ Public hearing, 21 July 2010, page 20.

⁸³⁶ Paper Smith, 15 May 2005, ‘Next Steps on Policing – Review’ attaching Smith, [undated], ‘Iraqi Police Service – Development Strategy’.

this Section. DCC Smith wrote that he had appointed two Deputies at the rank of Chief Superintendent; one based in Baghdad, the other in Basra. The team in Baghdad was also strengthened from around 10 to just under 20.

873. The review included a 12-month policing strategy, which DCC Smith identified as a priority for the three provinces to implement. DCC Smith wrote that it had received wide circulation and consultation “with all stakeholders” and particularly with Iraqi Chiefs of Police. The paper stated:

“It will concentrate on areas that have ‘Iraqi buy in’, are achievable within 12 months and importantly, sustainable (by the Iraqis) beyond 12 months.”

874. He described the operational implementation priorities in MND(SE) as focusing on two key areas:

- implementation of the “12 month IPS Development Strategy and Plan”; and
- further strengthening the Regional Police Training Academy at az-Zubayr to enable it to train the Iraqi trainers who would, in due course, be responsible for police training.

875. DCC Smith stated that Gen Petraeus had taken the decision to put the 20 CPATT International Police Liaison Officers in MND(SE) under the command of Maj Gen Riley, a move which DCC Smith described as:

“... at best misguided and at worst a major difficulty. GOC MND(SE) now has his own private US Police Advisers!! It is clear that at the senior level in Baghdad the US Authorities have not been made aware that we have done things more professionally in MND(SE) with senior serving CivPol Officers leading on IPS Development.”

876. DCC Smith stressed the importance of extending the ArmorGroup contract, noting that police officers “cannot meet the major priorities without ArmorGroup support”. He identified a number of other opportunities to increase available resources, including:

- seeking input from the Commonwealth and EU;
- identifying police officers currently serving in the Territorial Army in MND(SE) and attaching them to joint military/police teams; and
- better recruitment of recently retired police officers, particularly from Northern Ireland.

877. DCC Smith concluded:

“We have failed in the past through lack of appropriate succession planning ... Substantial effort has been put into driving UK effort forward in both Basra and, more recently, Baghdad ... We must not allow ... poor communication with, and within, the UK to diminish this drive. [The police] have many critics in Iraq in the ... military. **We must not fail.**”

878. CC Kernaghan's visit report on 25 May stated:

"... progress has been made in training Iraqi Police Service personnel. However, with the exception of groups such as the Tactical Support Unit they remain of questionable quality. The initial concept of creating a community policing force on the classic Anglo-American model appears to have been overtaken by a more realistic recognition, that first and foremost a police force must be effective if it is to secure public support. Thus in the face of an insurgency, it is essential that the force can defend itself and its police stations. This has improved but philosophical confusion still appears to bedevil the project ... I am still of the view that there is a disconnect between CPATT [Baghdad] and the British led effort within MND(SE)."⁸³⁷

Should the UK focus be on Baghdad or the South?

On 4 July 2005, the record of the Iraq Senior Officials Group stated:

"The work of our international policing adviser in Baghdad was being hampered by the scale of the US presence and the difficulty of securing buy-in from the Minister of the Interior. An emerging conclusion was that we should concentrate our effort on MND(SE), moving our adviser there and away from the national policing strategy. This would be consonant with our broader policy, but could risk sending the signal that we were concerned only with the South-East."⁸³⁸

879. On 19 May, Dr Reid briefed Cabinet that he had "been encouraged" by the progress in building up the ISF and that he hoped it would be possible for the ISF to take over from UK forces in MND(SE) in "the course of the next year".⁸³⁹ He stated that progress with the Iraqi police was "less advanced" and that the border forces were the "least capable".

880. On 5 June, Maj Gen Riley produced a post-tour report.⁸⁴⁰ On SSR he wrote:

"A good plan is now in place for the expansion of the Iraqi Army ... The barrack building plan is properly resourced and is delivering. The training and recruiting plans are in place ... Equipment is going well ... I remain concerned about the ability of the IA chain of command to issue orders and ensure compliance with those orders.

"You know my views on police reform. I have now formed teams to take on those areas in which we have taken the lead from the FCO/Civil Police: organisation, management, control systems, administration, leadership, paramilitary training,

⁸³⁷ Report Kernaghan to Clarke and Fox, 25 May 2005, 'Report on 4th Visit to Iraq by Chief Constable Kernaghan – 12/16 May 2005'.

⁸³⁸ Letter Cabinet Office [junior official] to Asquith, 4 July 2005, 'Iraq: Senior Officials Group'.

⁸³⁹ Cabinet Conclusions, 19 May 2005.

⁸⁴⁰ Report Riley to CJO, 5 June 2005, 'Commanding General's Overview Multinational Division (South East) and British Forces Iraq'.

and equipment husbandry ... This leaves the Civil Police and IPAs with: criminal intelligence ... serious crime investigation ... forensic investigation, [and] tactical support units and SWAT teams.

“Looking to the future, the original model, which failed in Bosnia and Kosovo, and was failing here, must never be used again. Great Britain must only step forward to take the lead on police reform if our policing model is appropriate to the problem ... Beat Bobbies from Hampshire, and even RUC men, concerned with human rights and traffic violations, are of limited use to a paramilitary police force fighting an insurgency ... In the future, we should have the courage to decline the lead where it is inappropriate for us ... Only professionals – whether soldiers or policemen – can produce professionals.”

881. In DCC Smith’s six-month update on 20 November, he wrote:

“My greatest concern for the future is co-ordination with the military ... Senior UK Military have almost totally failed to acknowledge the equivalent seniority of their Civilian colleagues. In the UK ... we are used to working as part of multi-discipline teams comprising civil servants, military, professionals from private and public sector. That is what we have become used to. I think the UK Police dot [sic] it well with style and expertise.

“I sincerely hope that will develop in MND(SE). We must move away from comments made by ... [Maj Gen Riley] ... to a true partnership.”⁸⁴¹

Raising concerns with the Iraqis

882. On 28 April 2005, a junior IPU official sent a note to Mr Asquith and Baroness Symons highlighting serious concerns about the links between the Iraqi police and the Shia militia, particularly in southern Iraq.⁸⁴² There was an increasing picture of “systematic collusion between the Basra Police Intelligence Unit (within the IPS) and Shiite militias to interrogate, torture and murder Sunni prisoners, particularly suspected Ba’athists”. Specifically, the Police Intelligence Unit (PIU)⁸⁴³ based at the Jameat police station in Basra was suspected of abusing and killing an Iraqi criminal detainee, Mr Abbas Allawi.

883. The junior official sent advice to Dr Kim Howells, FCO Minister, on 18 May, recommending that the UK continued providing assistance to the IPS but “at the same

⁸⁴¹ Paper Smith, 20 November 2005, ‘Next Steps on Policing – Review’.

⁸⁴² Minute IPU [junior official] to Asquith and PS/Symons, 28 April 2005, ‘Iraq: Murder and Abuse of Detainees in Iraqi Detention Facilities’.

⁸⁴³ Sometimes referred to as the Police Investigation Unit.

time taking strong and urgent action” with the IPS and MOI to stop abuse and torture.⁸⁴⁴ They would recommend a partial or complete withdrawal of support if the Iraqis were not co-operative.

884. The advice said that the “Iraqis have promised action”. The Basra Governor had agreed to establish an investigation committee following “strong pressure” from Mr Chaplin and Mr Innes. It was not clear whether the Governor and Maj Gen Hassan were willing to prosecute any officers if found guilty. The official added:

“It is even less clear that they will take firm action on the wider issues of abuse that appear to be inherent in some Iraqi police detention facilities, notably that of the PIU.”

885. Dr Howells’ Assistant Private Secretary responded to IPU on 19 May.⁸⁴⁵ He agreed the recommendation and asked for “firm, decisive and urgent action”. He also requested that IPU raise the issue with the US administration (to “exert pressure on the Iraqis”), and brief Ms Clwyd (to raise it “at a senior level on her visit to Iraq next week”).

886. Dr Howells subsequently visited Baghdad from 13 to 15 September. He met Mr Jabr and raised concerns about human rights abuses by the ISF, pressing for independent investigations.⁸⁴⁶ Mr Patey handed Mr Jabr a dossier on three members of the ISF in Basra who were implicated in abuses and requested their dismissal.

887. In his weekly report on 22 May, DCC Smith wrote that he had attended a “police to police meeting” on 18 May with Maj Gen Hassan, senior CPATT IPLOs and senior ArmorGroup Advisers.⁸⁴⁷ Maj Gen Hassan was “pushed very firmly” to take action against the PIU and “a range of options were put to him to assist in rooting out the problem”. It was still hoped that he, with the backing of MOI, would “take action”.

888. On 23 May, a junior MOD official briefed Dr Reid that FCO and MOD officials had made “strong representations” to Iraqi authorities in Baghdad and Basra for thorough investigations.⁸⁴⁸ UK forces had “minimised” their contact with the PIU and reduced joint detention operations with the Iraqi police to those deemed essential. The official wrote that, while the recent reports were “serious and disturbing”, they were “largely limited to a small element of the IPS in one province, Basra”.

889. Dr Reid noted this briefing on 24 May.⁸⁴⁹

⁸⁴⁴ Minute IPU [junior official] to PS/Howells, 18 May 2005 ‘Iraq: Murder and Abuse of Detainees in Iraqi Detention Facilities’.

⁸⁴⁵ Minute APS/Howells to IPU [junior official], 19 May 2005, ‘Iraq: Murder and Abuse of Detainees in Iraqi Detention Facilities’.

⁸⁴⁶ eGram 13565/05 Baghdad to FCO London, 18 September 2005, ‘Iraq: Visit by Dr Howells, 13-15 September’.

⁸⁴⁷ Minute Smith, ‘Weekly Report – Week Ending Sunday 22 May 2005’.

⁸⁴⁸ Minute MOD [DJC-SEC4] to APS/SofS [MOD], 23 May 2005, ‘Iraq: Reports of Abuse of Criminal Detainees by Elements of the Iraqi Police Service’.

⁸⁴⁹ Minute Naworinsky to DJC-SEC4, 24 May 2005, ‘Iraq: Reports of Abuse of Criminal Detainees by Elements of the Iraqi Police Service’.

890. Major General James Dutton was GOC MND(SE) from June 2005 until December 2005. In his first report on 15 June he noted:

“... political pressure to clean up the Police Intelligence Unit (PIU) in Basra is having some impact. For example, moves seem to be afoot to reform practices in the Jameat [the police station where the PIU was based] through a new overseeing judge and a new head of internal affairs. We also hear rumours that the PIU may be subsumed into a larger MOI intelligence organisation.”⁸⁵⁰

891. A junior official in Baghdad emailed the IPU on 14 June to report that Mr Patey had met Mr Jabr that day and raised Mr Abbas Allawi’s case.⁸⁵¹ He had “stressed that support from the top was needed to ensure that there was meaningful investigation – it was necessary to embolden General Hassan”. Mr Jabr was supportive of action being taken against the suspects and had established the investigation commission but pointed out that it was the British who had chosen the police in the South.

892. Mr Fraser Wheeler, Deputy Consul General in Basra, emailed FCO officials on 15 June to report a mix-up over who was the investigating judge on Mr Abbas Allawi’s case.⁸⁵² He wrote:

“I do not put this down to incompetence (though there is clearly some of that too) but to deliberate obfuscation. We are being passed from pillar to post, and the Allawi case is not receiving the treatment and attention a case of this nature deserves.”

893. On 16 June, Mr Wheeler and the Justice Sector Adviser met a senior judge in Basra to discuss Mr Abbas Allawi’s case.⁸⁵³ In his record of the meeting, Mr Wheeler reported that the case had been passed between four judges so far. It was important that a police station without Jameat links conduct the investigation, but the branch had officers in many stations. The Basra Judicial Committee would appoint an investigating judge on 19 June.

894. Mr Wheeler wrote that, although there had been an autopsy and arrest warrants had been issued for four suspects, none had been arrested because “no-one dare arrest them”. The judge had “commented that the judiciary is not afraid but is hampered by a lack of support from the police who do not effect judicial orders”. Mr Wheeler wrote that this was “hard to accept” given the reluctance to deal with the case.

895. An email from a junior official in IPU on 17 June reported that General Hassan had “been fired”.⁸⁵⁴ There was concern over the impact that could have on progressing Mr Abbas Allawi’s case and that those responsible may view General Hassan’s removal as “proof that they are untouchable”.

⁸⁵⁰ Report Dutton, 15 June 2005, ‘CG MND(SE) – Southern Iraq Update – 15 June 2005’.

⁸⁵¹ Email FCO [junior official] to IPU [junior official], 14 June 2005, ‘Allawi Case – Minister of the Interior’.

⁸⁵² Email Wheeler to FCO [junior officials], 15 June 2005, ‘Re: Allawi Case – Minister of the Interior’.

⁸⁵³ Email Wheeler to FCO [junior officials], 17 June 2005, ‘Allawi Case Update’.

⁸⁵⁴ Email IPU [junior official] to Patey, 17 June 2005, ‘Re: Allawi Case Update’.

896. Mr Straw raised the issue with Mr Jabr in the margins of the Iraq Conference in Brussels on 22 June.⁸⁵⁵ Mr Jabr agreed with the importance of investigating the case and said that a team had already travelled to Basra to do so. He said that “the problem was that the policemen responsible had been appointed well before he assumed office”.

897. On 4 July, Mr Innes emailed Mr Paul Fox, Head of IPU, to report that the PIU had been disbanded and the Department of Internal Affairs (DIA) purged. Around 290 of the 560 officers from the PIU and the DIA had been transferred to the new Criminal Intelligence Unit (CIU), a unit established a few weeks earlier as part of an MOI project to establish an “FBI style organisation” with branches around the country.

898. Mr Innes raised further concerns that the former head of the DIA, who had been sacked in January, had been appointed by the MOI to command the CIU.⁸⁵⁶ Mr Innes summarised:

“So, where does all that leave us? I think we can take a good deal of credit for provoking the dismemberment of the PIU and the DIA. The old rings have been broken, and the practice of systemic abuse has been disrupted. There has been a real shake-up in personnel and command. According to intelligence and eye-witness reports, the Jameat has indeed turned over a new leaf ... The fact remains however that bad men are still at large; of the three officers we named in our earlier lobbying of MOI, two are now in the new CIU and the third ... is still in the DIA. We will continue to urge their arrest, investigation, and prosecution – though we need to accept that the political and tribal constraints on this actually happening are considerable. Their sacking from the IPS would at least send an important signal, and we may have to settle for that.”

899. On 17 July, DCC Smith reported that the PIU’s closure had left 100 incomplete cases that were now being reviewed by the Serious Crimes Unit (SCU).⁸⁵⁷ There was also the release of a number of detainees because there was “no evidence against them in the case files”. A Ministry of Health team had visited the Jameat on 13 July to carry out medical checks on all detainees and a routine of daily visits had been put in place.

900. DCC Smith wrote that details about the CIU’s structure were “conflicting” but it appeared to have “approximately 350 staff”. It was directed from Baghdad to act as an intelligence-gathering agency without powers to make arrests, though DCC Smith observed that this direction was unlikely to be followed. He commented that “the Governor and Chief of Police currently refuse to work with the CIU and their remit and responsibilities are unclear”. A former head of the CIU had made “currently unsubstantiated allegations” that the CIU was being funded by officers taking

⁸⁵⁵ Email Siddiq to Patey, 22 June 2005, ‘The Foreign Secretary’s Discussion with Iraqi Interior Minister, 22 June 2005’.

⁸⁵⁶ Email Innes to FCO [junior official], 4 July 2005, ‘Basra: Police’.

⁸⁵⁷ Minute Smith, ‘Weekly Report – Week Ending Sunday 17th July 2005’.

bribes to release detainees and that the CIU were using force to beat confessions out of prisoners.

901. On Mr Abbas Allawi's case, DCC Smith reported that a second meeting of the investigation team had been held and one of the suspects had been arrested. Two new suspects had been identified but it was "unlikely" they would be arrested without MOI support because of the "instability" it would cause. A representative from the UN would be taking the matter to the Minister for Human Rights and Baghdad to "add more pressure for action to be taken".

902. Mr Fox visited Iraq from 17 to 21 July.⁸⁵⁸ He reported that progress was being made on policing, stating he "left Iraq believing the overall picture to be positive". He explained that DCC Smith was creating a link between the strategic and operational levels and recommended he took on the role of adviser to the Deputy Minister of the Interior responsible for policing.

903. When in Basra, Mr Fox had requested details from personnel on achievements against the 12-month plan and on the next steps. Mr Fox's report made no mention of concern about corruption, infiltration or abuse.

904. Mr Fox described the GCPP-funded prisons project in MND(SE), where eight UK trainers had trained 250 prison staff, as having "established an independent detention monitoring team" and worked closely with the US "to spread best practice elsewhere" as a "good example of a small-scale, low cost (£1.9m) project delivering outcomes far greater than the inputs".

905. On 22 July, a junior IPU official briefed Dr Howells that reports suggested that abuse by the Iraqi police was much more widespread. Pressure should be maintained on the Iraqi authorities to tackle the issue.⁸⁵⁹

906. The official wrote that Mr Abbas Allawi's case had "shown that our policy of engagement and strong lobbying can work" and "the alternative - to disengage and cease co-operation - would only give abusers a free rein to continue abuse unmonitored".

907. The official advised that the UK should continue to lobby both in Iraq and internationally, should ensure that abuse was on the agenda at weekly meetings in Baghdad, and should push for a strong Iraqi Human Rights Minister. He also stated that there was a need to increase police human rights awareness to overcome an "inherited ethos of abuse and stifle any tendency towards sectarian victimisation". UK forces had reviewed their procedures for transferring detainees to Iraqi custody and were in the process of introducing further guidance on protecting detainees' human rights but there was no specific evidence that the police with whom MNF-I in MND(SE) engaged were abusing detainees.

⁸⁵⁸ Minute Fox to Sawers, 27 July 2005, 'Iraq: Visit: 17-21 July'.

⁸⁵⁹ Minute IPU [junior official] to Asquith and Howells, 22 July 2005, 'Iraq - Abuse by Iraqi Police'.

908. On 29 July, a junior official from the MOD submitted a similar briefing to the Private Office of a Parliamentary Under Secretary for Defence.⁸⁶⁰ The official wrote:

“It has become increasingly clear ... that abuse in the Iraqi Security Forces may be far more widespread than the specific incidents of which we are aware suggest, with reports now beginning to reach the media. This raises two issues: what should be done to address human rights abuses in Iraq – FCO are leading on this area; and the nature of our wider involvement with the IPS?”

909. The official described work under way on tackling abuse and added:

“Although instances of abuse by the IPS are ultimately a matter for the Iraqi Government, our involvement in the training of the IPS ... means that we may be judged by the media and others to be culpable. Legally, we may also be at risk if our involvement could be judged as directly assisting units that systematically torture detainees.”

910. In his weekly report on 28 August, DCC Smith highlighted that the CIU’s name was likely to be changed to the National Information and Investigation Agency: “The Iraqis are not ‘keen’ on either ‘intelligence’ or ‘criminal’ in the name.”⁸⁶¹ He wrote that a number of officers previously involved in corrupt or criminal behaviour remained members of the CIU and that the unit’s training could not begin until they were removed by the MOI. There had been no progress in investigating Mr Abbas Allawi’s case.

Continued plans for a UK troop drawdown

On 16 June 2005, Dr Reid advised his colleagues in DOP(I) that:

“... considerable progress had been made on the development of the Iraqi Security Forces. 165,000 were now trained. There could be a drawdown in British troop numbers starting at the beginning of 2006 ... culminating in the middle of that year.”⁸⁶²

On 20 July, Dr Reid presented a paper to DOP(I) on transition in Iraq.⁸⁶³ The paper suggested that handover in Maysan and Muthanna would occur from March 2006, with Basra slightly later in July 2006 (no specific date was given for Dhi Qar). “Handover” would see Iraqis assuming security control of their province. The paper described the ISF in MND(SE) as “fragile and untested” but made no reference to issues of loyalty, corruption or abuse by ISF personnel. The failure to deliver an effective ISF and wider criminal justice capability was seen as one of two key risks to transition (the other being a deterioration in the security situation).

DOP(I) agreed Dr Reid’s proposed approach on 21 July.⁸⁶⁴

⁸⁶⁰ Minute MOD [junior official] to PS/USofS [MOD], 29 July 2005, ‘Iraq: Alleged Abuse of Detainees by the Iraqi Police Service’.

⁸⁶¹ Minute Smith, 28 August 2005, ‘Weekly Report – Week Ending Sunday 28th August 2005’.

⁸⁶² Minutes, 16 June 2005, DOP(I) meeting.

⁸⁶³ Paper MOD, 20 July 2005, ‘Operational Transition in Iraq’.

⁸⁶⁴ Minutes, 21 July 2005, DOP(I) meeting.

UK equipment for the Iraqi Security Forces: Project OSIRIS II

911. In Dr Hutton’s update to Mr Hoon of 24 March (described earlier in this Section), Dr Hutton warned of risks that other aspects of SSR were lagging behind the Iraqi Army and of a requirement for further funding since there were “constraints on GCPP funding for existing policing projects beyond the next six months, and no identified resources for additional policing effort”.⁸⁶⁵

912. Dr Hutton advised that SSR required the “sufficient and appropriate investment of UK financial resources”. Work was under way to develop a coherent plan for the financial year 2005/06 which would form the basis of a request to Treasury for support from the Reserve. The plan was to be aligned with other government departments and sources of funding from others, including the US.

913. On 29 April, a Force Level Review by the MOD recommended an increase of 535 personnel to “resource properly the Security Sector Reform (SSR) task” which was where the “main effort” lay.⁸⁶⁶ Of the 27 military sub-units (each of around 100 personnel) that would be in MND(SE) following the troop rotation, only four were to be fully dedicated to SSR and a further 12 available would provide some input when their primary tasks allowed.

914. On 15 June, an official in PJHQ wrote to Dr Reid to highlight ongoing discussions with Treasury for an additional £38m⁸⁶⁷ to fund a successor programme to Project OSIRIS.⁸⁶⁸ The bulk of expenditure would be spent on mobility and the remainder on ISF training infrastructure, communications, logistics and command and control functions. The Treasury had taken “a close interest” and was keen to ensure that there was “no duplication” with funding allocated to the FCO and DFID.

915. The official in PJHQ wrote that Project OSIRIS had been “a success”. The 10th Division could “deploy battalions with all four of their rifle companies correctly armed and equipped” and had improved communications equipment. The IPS, who “bear the brunt of the violence in the region”, were correctly armed, wore body armour and were able to communicate at a local level when on duty. The border police were also armed correctly and had basic communications equipment.

916. Dr Reid responded on 23 June, acknowledging that expenditure on SSR and military-led reconstruction had been judged as a success and confirming that he was content for negotiations with the Treasury for the additional funding to be pursued.⁸⁶⁹

⁸⁶⁵ Minute Hutton to APS/SofS [MOD], 24 March 2005, ‘Iraqi Self-Reliance and Strategic Intent’.

⁸⁶⁶ DG Op Pol to PS/Secretary of State [MOD], 29 April 2005, ‘Iraq: UK Roulement and Force Level Review’.

⁸⁶⁷ The full request was for £58m, £20m of which was requested for the Civil Effects Fund.

⁸⁶⁸ Minute Scholefield to PS/Secretary of State [MOD], 15 June 2005, ‘Funding for a Further Programme of Security Sector Reform and a Civil Effects Fund for MND(SE)’.

⁸⁶⁹ Minute APS/SofS [MOD] to Command Secretary PJHQ, 23 June 2005, ‘Iraq: Funding for a Further Programme of Security Sector Reform and a Civil Effects Fund for MND(SE)’.

917. Mr Des Browne, the Chief Secretary to the Treasury, wrote to Dr Reid on 23 August, approving £16m from the Reserve for the package of vehicles, infrastructure and communications equipment that had been presented by MOD officials.⁸⁷⁰ Of the future, he wrote:

“Looking ahead, I hope that it will be possible for you to find other means of funding the remaining elements – either by negotiating with Baghdad, for a larger share of what is available (it is striking that MND(SE) provinces are right at the bottom of the priority list for ISF funding from Baghdad despite being among the best candidates for early transition to ISF control), or by encouraging our allies – most of whom are spending far less than we are in maintaining forces on the ground – to play a bigger role.”

918. On 30 November, Dr Reid wrote to Mr Browne again, explaining that the MOD had secured funding from MNSTC-I for infrastructure projects valued at £15m and from Australia, Italy and Japan for other projects.⁸⁷¹ The MOD reduced its request to £19.6m for 734 IPS vehicles and for 11 ISF infrastructure projects. Dr Reid stated that the additional funds he was seeking were “on the critical path to enable the transfer of lead responsibility for security to the ISF within the timescales we have been discussing in DOP-I”.

919. Mr Browne wrote to Dr Reid on 20 December, approving an additional £19.6m from the Reserve for 734 patrol vehicles and 11 major infrastructure projects.⁸⁷² That was “on the basis that they continue to meet the ISF’s highest priority needs and that funding from alternative sources does not become available”.

920. Mr Browne added that the delay to commencing withdrawal from Muthanna and Maysan was “regrettable, particularly when the military advice is that there is no overwhelming security need to postpone our withdrawal”. He asked to be kept informed of the resource implications.

921. On 21 December, AM Torpy wrote to Lt Gen Fry to highlight key issues for 2006 (as described earlier in this Section).⁸⁷³ On SSR resourcing, AM Torpy stated:

“The best efforts of our staff are being hampered by the speed of decisions that were designed for a different era.”

⁸⁷⁰ Letter Browne to Reid, 23 August 2005, ‘Iraq: Funding for Security Sector Reform and for a Civil Effects Fund for MND(SE)’.

⁸⁷¹ Letter Reid to Browne, 30 November 2005, [untitled].

⁸⁷² Letter Browne to Reid, 20 December 2005, ‘Security Sector Reform’.

⁸⁷³ Minute CJO to DCDS(C), 21 December 2005, ‘Key Operational Issues for Early 2006’.

Legacy in the South

922. Lt Gen Dutton told the Inquiry that, on his arrival in June, “the priority was definitely Security Sector Reform”.⁸⁷⁴ He said that the UK was optimistic about progress in the South-East:

“I can remember being told actually, in my briefings in the MOD, that my job was to go there for six months and make sure nothing went wrong because things were going right, you know, just keep the thing ticking over and we will be okay.”

923. He said that the priority of SSR was skewed “massively” by the increased security threat shortly after he arrived which meant that more resource had to be devoted to force protection.

924. At the Chiefs of Staff meeting on 13 July, CJO briefed that, of the planned total of IPS officers, 58 percent had now been recruited and trained.⁸⁷⁵ Reports suggested that Maj Gen Dutton was encouraged by the progress made.

925. On 26 August 2005, the IPU produced a discussion paper on what MND(SE) should look like in autumn 2006.⁸⁷⁶ The objective for “security/Rule of Law” was:

“Security forces (including police) which can provide sufficient law and order to avert descent into full-blown criminality and chaos, and which owe their allegiance to the state and local administrations, with tribal and militia allegiances managed.”

926. The IPU noted that local political parties were inserting their followers into the IPS and that there were reports of assassinations, abductions, torture, intimidation and corruption.

927. The IPU then posed a number of suggestions and questions that needed to be addressed. Alongside lobbying various politicians and securing convictions of corrupt police officers, the IPU asked:

- How far do we go in reaching out to Shia militiamen ... Is it fruitless to give support to a Chief of Police who has no militia links?
- Working a dialogue on ‘transfer of responsibility, not irresponsibility’, into the work of the Committee to Transfer Security Responsibility in Baghdad without inadvertently including a nebulous target and further conditions the Iraqis cannot hope to meet.
- A cultural shift (on, eg, abuse, corruption) will take years. Are we prepared to commit mentors and advisers for years to come?”

⁸⁷⁴ Public hearing, 12 July 2010, page 17.

⁸⁷⁵ Minutes, 13 July 2005, Chiefs of Staff meeting.

⁸⁷⁶ Paper IPU, 26 August 2005, ‘MND (South-East) in Autumn 2006: Discussion Paper’ attaching eGram 12326/05 [Basra] to Iraq Directorate, 1 September 2005, ‘Southern Iraq: the Legacy’.

928. The Iraq Strategy Group considered the IPU paper on 2 September.⁸⁷⁷ The lack of progress on the police and a gap in funding for the Iraqi Armed Forces were highlighted.

Crime and power in Basra

Mr James Tansley took over as Consul General in Basra in September and sent a telegram to FCO colleagues with his first impressions on 31 October.⁸⁷⁸ He described Basra as “a city whose social, political and economic structures had largely decayed”. The political scene had been “dominated by rivalry between Sadrists and Baristas” and differences between the two groups had grown in the last two years, flaring up into “open confrontation”.

Mr Tansley wrote that the city was “a less liberal place than it was a year ago, with gangs enforcing clampdowns on the sale of DVDs, musical instruments, alcohol, women’s attire and behaviour and gambling through intimidation. Both Sunnis and Christians ha[d] been targeted by Shia extremists.”

On crime, Mr Tansley wrote:

“The Iraqi Police do not compile crime statistics. But over the summer, our police advisers have recorded an average of 65 murders a month in the province. Kidnapping and extortion are rife. Basra has long been known for smuggling and prostitution ... [and] in recent years, the province has become an increasingly important conduit for illegal drugs from Afghanistan via Iran.

“But the serious money today comes from oil smuggling ... estimates from both the US IRMO [Iraq Reconstruction and Management Office] and MND(SE) suggest that possibly as much as 30 percent of the South’s oil production is appropriated illegally ...

“Corruption may be endemic throughout Iraq. But in Basra, where the opportunities for illicit gain are greater, the stakes are higher ... Links between crime and politics abound. No prominent politician seems untainted, and all the main players have their own militias with links to the various law enforcement agencies ...

“Compared to Central and Northern Iraq, the number of coalition casualties in Basra has been low. But the threat of kidnapping and EFP IED [Explosively Formed Projective Improvised Explosive Device] attacks by anti-coalition groups remains high, and disrupts both our and MND(SE)’s work. In addition, the levels of criminal, political and sectarian violence are high and rising. This lawlessness overshadows all life in Basra, and acts as a major obstacle to development ...

“The police (IPS) are currently unable to address Basra’s security problems. Minimal screening of entrants to the IPS after the fall of Saddam [Hussein], poor leadership and the connections between politicians and crime in Basra have resulted in a force riven with factions, many of whom are as likely to be involved in criminal activity as helping to prevent it ...”

⁸⁷⁷ Letter Cabinet Office [junior official] to Sheinwald, 6 September 2005, ‘Iraq Strategy Group’.

⁸⁷⁸ Telegram 16985/05 Basra to FCO London, 31 October 2005, ‘Basra: First Impressions’.

929. On 7 September, the FCO circulated a Transition Plan for the IPS in southern Iraq, which had been produced by the Consulate in Basra in consultation with UK police and military in theatre and agreed with DFID, the MOD and the Home Office.⁸⁷⁹ There was recognition that the Iraqi police had been limited in what they could achieve due to a lack of trained personnel, shortages of equipment and inadequate facilities. The plan aimed to address those factors by achieving a set of quantitative and qualitative targets in the areas of training, police support infrastructure, intelligence capability, operational capability and public support. The timetable for those targets was driven by the established plans for military withdrawal.

930. The plan stated:

“The IPS runs its own operations in Southern Iraq. Standards across the South vary, but generally speaking the IPS has a growing capacity to perform policing functions from community patrolling to counter-terrorism. It has enough training and equipment to allow it to patrol 24 hours a day. It has the capability to respond to calls for assistance from the public and co-ordinate with other agencies in an emergency. It has the resources to tackle public disorder and is capable of gathering intelligence and detecting crime. It knows how to manage a crime scene and exploit forensic evidence.”

931. The more detailed figures on police training provided in the FCO plan, when compared with earlier MOD papers, made clear that the overall figure of 55 percent of police trained masked considerable variations across MND(SE) – whereas 90 percent of personnel in Dhi Qar province had received training, the figures for Muthanna and Basra were considerably lower (40 percent and 42 percent respectively). The plan noted:

“Police reform in Basra is the most complex task facing us. Far more police need training than in the other provinces [in MND(SE)] combined; and the culture of corruption and abuse is deeply ingrained. Militia infiltration threatens our efforts to encourage an independent apolitical police force.”

932. The plan stated that the ability to solve those problems lay with the Iraqi authorities and that there were no effective levers within the UK’s control. The FCO concluded:

“The IPS in Southern Iraq is functioning, with minimal supervision. We could leave today and it would continue to function. There would, however, remain serious question marks about the destabilising activities of the militias, corruption, lack of public accountability and human rights abuse within the IPS. We are addressing these problems but they will not disappear overnight ... We know where we want to be at transition ... We must be realistic about what we can achieve here: our

⁸⁷⁹ Letter FCO [junior official] to Cabinet Office [junior official], 7 September 2005, ‘Iraqi Police Service Transition Plan for Southern Iraq’ attaching Paper Consulate Basra, 7 September 2005, ‘Southern Iraq: Iraqi Police service – Transitional Plan’.

aim should be to leave an IPS comparable to other competent police forces in the region.”

933. On 9 September, Mr Quarrey provided Mr Blair with a number of weekly reports.⁸⁸⁰ On the covering note he listed a number of causes for concern including: the “apparent involvement of members of Basra Police in attacks against the MNF, and a claim from the Basra Chief of Police that only 500 out of 12,000 Basra Police are loyal to him”.

934. Mr Quarrey concluded by saying:

“We still do not have the comprehensive picture that we need of what is going on in Basra. Kim Howells visits next week. I have spoken to his office today and emphasised that you are personally very concerned about the situation and that we need a serious report from him on this.”

935. Mr Blair’s manuscript comments said: “This is v.worrying. It all depends on the ISF being built up credibly.”⁸⁸¹

THE IMPACT OF POLITICAL AND TRIBAL MATTERS ON THE POLICE IN THE SOUTH

936. On 22 August 2005, Chief Inspector Barry Pollin, the Senior Police Adviser in MND(SE), produced a report on the impact of political parties and tribes on the IPS in MND(SE).⁸⁸² That paper was circulated to Iraq Senior Official Group members on 14 September, along with the Transitional Plan (as described earlier in this Section) which was to be considered out of committee.⁸⁸³

Tribal justice

The paper produced by Chief Inspector Barry Pollin, the Senior Police Adviser in MND(SE), on 22 August 2005, included an annex on extra-judicial justice, which stated that it was important for that issue to be “thoroughly addressed” given those influences were “notoriously strong” in the South-East.⁸⁸⁴

The annex stated that a void within the Iraqi Law on criminal proceedings allowed for the use of tribal justice through agreement between the tribes of the aggrieved party and the perpetrator. In the majority of cases, that involved payment of financial compensation, although other resolutions, such as arranged marriages, were also known.

⁸⁸⁰ Minute Quarrey to Prime Minister, 9 September 2005, ‘Iraq Update’.

⁸⁸¹ Manuscript comment Blair on Minute Quarrey to Prime Minister, 9 September 2005, ‘Iraq Update’.

⁸⁸² Paper Pollin, 22 August 2005, ‘The Impact of Political and Tribal Matters on the Iraq Police Service in South-East Iraq’.

⁸⁸³ Letter Cabinet Office [junior official] to Asquith, 14 September 2005, ‘Iraq: Senior Officials’.

⁸⁸⁴ Report, ‘Annex B – The Judiciary and Extra-Judicial “Justice”’ attached to Paper, ‘The Impact of Political and Tribal Matters on the Iraqi Police Service in South-East Iraq’.

It found that the “post-war instability of the Iraqi society appears to have increased reliance on tribal justice even in the urban areas”. In some cases offences were not reported to the police at all, but simply dealt with through the tribal justice system. One example provided was alleged rape victims being placed in prison custody “to protect them from honour-related violence from their tribe”.

The annex recommended that, in the longer term, the Iraqi Government should engage the public in a general debate on tribal justice, including “its reasoning and justification”. A comprehensive study of tribal justice was needed to understand its impact on the criminal justice system. Efforts should also be made to raise awareness in criminal justice institutions. Police training should include understanding which offences could legally be resolved through the tribal system, and which must be referred to an investigating magistrate. A dialogue should be commenced with tribal leaders to improve compliance with Iraqi law.

937. CI Pollin wrote:

“Immediately post-April 2003, the relationship between the IPS and the political parties and their militia was largely opportunistic: it was based on the affiliation and sympathies of individual members who were joining. (This is not the case in other parts of the security forces.) However, more recently, political parties and militia have been exploiting the lack of transparent recruitment, vetting and central oversight to deliberately place their supporters within the IPS.

“It is assessed that the majority of IPS officers are associated with a political party and/or tribe with whom their allegiance is stronger than their allegiance to the IPS. The extent to these ties and the degree to which they undermine the efficiency of the police to support the Rule of Law is significant. It is now likely that if called upon to take action against them, the IPS would support their party’s militia or tribe. The larger parties have well-armed and well-organised militias, but the paramilitary capabilities of the tribes vary.

“Often, political party and tribal allegiances of one or both heavily influence the dynamics of the relations between the Chiefs of Police and Provincial Governors. The potential of the parties to use the IPS to effect political, social and religious influence is a serious concern. By using affiliated IPS officers to carry out ‘de-Ba’athification’, the political parties are able to create vacancies in influential positions within the IPS for their own members. There are also signs that Islamic fundamentalism is increasing within IPS ranks.

“It is clear that the judiciary in the South is subject to interference either direct or indirect from tribes, political parties, militia and IPS intimidation. Subsequently, they are not the Rule of Law bulwark that they should be or that they need to be in order to address tribal, religious or political party influence.”

The Jameat incident and subsequent developments

938. On 17 September, UK forces detained two leading members of a JAM splinter group.⁸⁸⁵ On 19 September, two UK soldiers were arrested by the IPS in Basra and taken to the Jameat Police Station. Negotiations to release the soldiers failed, and a rescue was mounted by MND(SE). That became known as ‘the Jameat incident’ and is described in detail in the Box below.

The Jameat incident

On 19 September, two UK soldiers were arrested by the IPS.⁸⁸⁶ According to the account provided to No.10 by Dr Reid’s office, the two soldiers had been working under cover following up the operation against JAM the previous weekend. They had been parked at the side of a road when an unmarked vehicle with four men in plain clothes pulled up behind them. Two people got out of the car and walked towards the soldiers’ vehicle, with weapons cocked. The UK soldiers, believing they were “facing death or serious injury”, opened fire killing one of the men and wounding the other. Not realising the men they had shot were police, the soldiers tried to escape but were blocked by police in several marked vehicles who opened fire. At that point, the two soldiers put down their weapons and produced their identification.

Although the uniformed police initially appeared willing to talk constructively with the soldiers, “the atmosphere changed significantly” when Iraqi police arrived in plain clothes. The two UK soldiers were reported to have been beaten and then taken to the Jameat Police Station, which was known to MND(SE) as a “notorious detention facility” and home of the Serious Crimes Unit (SCU), “which had been infiltrated by militant elements, especially the Jaysh al Mahdi and (by his own admission) were outside the control of the Chief of Police”.

Negotiations to hand over the arrested soldiers to MNF, in line with agreed practice where MNF personnel were arrested by ISF, failed and the negotiators themselves were unable to leave the Jameat Police Station. The Governor and Chief of Police had made it clear that they were not in a position to offer any assistance and, despite explicit directions by the Chief of Police to release the two soldiers, the IPS refused to comply. Orders from the MOI in Baghdad were similarly disregarded. The General commanding the 10th Division of the Iraqi Army also “refused to get involved in the incident”.

A rescue operation was successfully mounted by MND(SE) using armed force to free the six negotiators and the two soldiers. That was achieved without casualties on either side but caused significant damage to the wall of the police station and several police vehicles. The two soldiers who had originally been arrested were found to have been taken to a house away from the police station and held by what was suspected to be a mixture of JAM and IPS personnel. A further rescue operation was carried out successfully (again without casualties) to free them later that evening.

⁸⁸⁵ Letter Naworynsky to Quarrey, 23 September 2005, ‘Iraq Update’ attaching COS MND(SE), ‘GOC MND(SE) – Southern Iraq Update – 21 September’.

⁸⁸⁶ Letter Naworynsky to Quarrey, 23 September 2005, ‘Iraq Update’ attaching COS MND(SE), ‘GOC MND(SE) – Southern Iraq Update – 21 September’.

939. The Chiefs of Staff considered the events at their meeting on 21 September, briefed by Lieutenant General Andrew Ridgway, the Chief of Defence Intelligence.⁸⁸⁷ The minutes recorded that:

“The incident in Basra was the inevitable product of the dual loyalties of IPS members: whilst giving Iraqis status and pay, it also enabled them to sustain their tribal, religious and – in the worst cases – militia associations; these reflected Iraqi and Middle Eastern society, did not necessarily represent infiltration, but would endure and thus would remain a key planning consideration for Security Sector Reform (SSR).

“The success of SSR depended on the proportion of the Iraqi Security Force (ISF) personnel that enjoyed these dual loyalties benignly without affecting their professional integrity, against the number that exploited their ISF positions to effect intimidation and murder ... this proportion was not known and was unlikely to be clear for another six-nine months ...

“The continued existence of insurgents in the ISF evinced the weakness of the Iraqi Ministry of the Interior (MOI): having failed to purge and reform the IPS, despite being aware of problems for at least a year, the MOI needed to be galvanised by UK Government pressure through the Cabinet Office.”

940. Mr Straw chaired a meeting on 23 September – involving Dr Reid, Mr Benn, Gen Walker and senior officials from No.10, the FCO and DFID – to discuss the incident and agree what advice should be put to Mr Blair on current policy for South East Iraq.⁸⁸⁸ A record of the meeting by Dr Reid’s Private Secretary stated Sir Nigel Sheinwald “stressed that the PM needed advice on how to deal with the political and security strands of our policy; he was not expecting a sudden lurch in any direction away from our current plan”.

941. The record stated:

“During discussion it was stressed that the incident ... should be seen as a relatively minor one which had resulted in a great deal of media attention.”

942. Those present at the meeting “agreed that the incident would probably prove to be a blip but it had highlighted the need to review the overall strategy and ensure we were on the right track”. Dr Reid “suggested that the IPS be audited by a UK specialist”, Mr Asquith agreed to investigate the practicality of getting someone like Sir Ronnie Flanagan, HM Chief Inspector of Constabulary, to provide the analysis.

⁸⁸⁷ Minutes, 21 September 2005, Chiefs of Staff meeting.

⁸⁸⁸ Letter Naworynsky to Asquith, 26 September 2005, ‘Meeting to Discuss South East Iraq: Impact of Security Incident in Basra’.

An assessment of the Iraqi Security Forces

On 28 September 2005, the JIC assessed the security situation in the South.⁸⁸⁹ On the ISF and local governance, it stated:

“This fragility of local governance is not new and is mirrored to a greater or lesser degree across the country. We have previously judged the Iraqi security forces (ISF) in the South to be brittle, largely untested and under the influence of political and tribal factions; and noted that the relationship between regional and national government is tenuous. The effectiveness of the police in particular has been a persistent concern. Policemen have been implicated in the recent murder of two journalists working for US papers; intelligence has indicated serious abuse of prisoners on political and sectarian grounds; and [...] some police were conducting assassinations on behalf of political militias [...] The scale of divided loyalty within the police, and the ISF more generally, is difficult to quantify. Most members of the ISF undoubtedly have allegiance to political factions or tribes: under pressure their reliability will be doubtful. We judge that a significant number actively colludes with Shia extremist militias.”

943. The Iraqi and UK authorities in Basra conducted separate investigations into the Jameat incident.⁸⁹⁰ Mr Patey met Prime Minister Ja’afari to discuss the Iraqi report on 30 September. The Iraqi investigation found faults on both sides but attributed “80 percent of the blame ... to the British”, a position that was refuted by Mr Patey. When pressed on the need to take action against the militia influence at the Jameat Police Station, Mr Ja’afari claimed that the Transitional Administrative Law (TAL) gave central government very little control over the local police. Mr Patey reminded Mr Ja’afari that the worst offenders were the CIU which reported directly to the Minister of the Interior.

944. The UK military’s investigation into the incident concluded that no crime had been committed by the UK’s soldiers, as reported to Dr Reid by a junior MOD official on 28 November.⁸⁹¹ Two separate investigations were carried out by military officers from the regiment responsible for troops at the Jameat cordon who judged that the actions of British troops were compliant with the Rules of Engagement and their right to self defence. They deemed that no further investigation by the Special Investigation Branch was required. Those findings had been reviewed by “a higher authority” and endorsed by AM Torpy and Gen Walker.

945. At the Chiefs of Staff meeting on 5 October, the minutes recorded a “need to resolve differences” between the UK’s enquiry into events at Jameat and those of the Iraqi investigation team.⁸⁹² They hoped to close the issue with a “Joint (Iraqi/UK) statement when one could be agreed”.

⁸⁸⁹ JIC Assessment, 28 September 2005, ‘Iraq: the Security Situation in the South’.

⁸⁹⁰ eGram 14641/05 Baghdad to FCO London, 1 October 2005, ‘Iraq: Basra Investigation’.

⁸⁹¹ Minute MOD [junior official] to PS/SofS [MOD], 28 November 2005, ‘Iraq: Investigation of Events in Basra on 19 September’.

⁸⁹² Minutes, 5 October 2005, Chiefs of Staff meeting.

946. The Annotated Agenda for the DOP(I) meeting on 12 October (circulated on 11 October) confirmed that a joint statement had been agreed.⁸⁹³

947. The final paper for Mr Blair was produced on 30 September by the FCO, the MOD and DFID.⁸⁹⁴ It was sent to No.10 by Mr Peter Hayes, Principal Private Secretary to Mr Straw. It stated:

“The security incident on 19 September ... highlights what was previously more opaque, that we face acute challenges in achieving our objectives in the South-East region. Stability in the South-East is being threatened by intense rivalry among political parties and their militias. Criminality, jockeying for patronage and leaders’ differing political visions are being exacerbated by tribalism and increasing religiosity. Specifically, this has a severe impact on the effectiveness of the police service.”

948. The paper stated that negative media reporting was “wrong”:

“While militia rivalry is a fact of life in the Basra police, the behaviour of the Jameat police station ... is not representative of the police service as a whole. Some 70 out of 240 Jameat officers are pursuing primarily a militia rather than an IPS agenda. This should be set against a total southern police force of around 14,000. Police officers will continue to have dual loyalties to the state on one hand and militia/tribe on the other. It will take five, possibly 10 years to train up a sufficiently large cadre of middle management police officers loyal to state institutions.”

949. Although the Basra Governor and Provincial Council had “refused to do business with us”, their credibility meant that the effect was “not significant”. The “immediate problem” was whether there would be “reprisal” attacks on UK personnel, and whether police and prison mentors could safely be deployed to ISF units. Training teams had been withdrawn from Basra city and some areas beyond, but the British military were “back on the ground visiting police stations”.

950. On whether the UK was “on the right policy course”, the paper stated:

“**Asserting direct British control** over local government and rule of [law] institutions is out of the question. There is no legal base for this ... If, on the other hand, we were to **pull out more rapidly**, the Transitional Government and security forces would be unable to fill the vacuum. Militia rivalry would escalate. Iran’s influence would be entirely unchecked. We would be accused of ‘cutting and running’.

“**Our only realistic option is to maintain our course and see the job through.** But **we need to make adjustments to our policy**, while sticking to our strategic approach of ensuring in due course successful transition of responsibility for Rule of Law in the South-East to the Iraqis ... We should apply pressure on the Iraqi

⁸⁹³ Annotated Agenda, 11 October 2005, DOP(I) meeting.

⁸⁹⁴ Letter Hayes to Quarrey, 30 September 2005, ‘Iraq: Basra’ attaching Paper ‘South-East Iraq: Impact of Security Incident in Basra’.

authorities to take action against those who abuse and represent a threat to law and order ... they should start with firm action against Jameat personnel.”

951. The immediate next steps identified by Mr Hayes included to:

- “**Secure an explicit undertaking from the Governor and (new) Chief of Police** that our personnel will be able to operate in safety”;
- “**Get a clear commitment from Baghdad politicians to grip the South-East**”;
- “**Get the Interior Minister to visit Basra, immediately**”;
- “**Demonstrate to the international community (in particular, the US) that we can handle the situation**” – while the underlying problems in Basra were “serious”, they were “not new” and could be managed by the UK; and
- “Consider the **dispatch of a senior UK police officer**” to “audit the police in MND(SE)”.

952. Amongst the actions advised by Mr Hayes for the medium and longer term were that the UK would need to ensure an “**effective**” Chief of Police was in place (potentially replacing the incumbent with no party ties with one with “political clout”), to redeploy training teams and allocate more resources.

953. The paper also cautioned: “we may not be able to deliver, by next year, the minimum standards required in Rule of Law and governance.”

954. In response, Mr Blair agreed that there was no need to change the overall strategy but Sir Nigel Sheinwald recorded in a letter on 4 October to Mr Hayes:

“He [Mr Blair] is convinced ... that we need a major and sustained push over the next few months on the political and security lines of operation if we are to get what we need – the political process moving ahead on time and producing an effective and moderate Iraqi Government after the elections, with visible progress on the Iraqisation of security.”⁸⁹⁵

955. Mr Blair agreed to a review to establish “whether our police training strategy in the South-East is working, and whether the national policing strategy knits together”. He also agreed that a visit by Sir Ronnie Flanagan would be a good idea. Mr Blair wanted “a UK Minister to take ownership of our overall policing strategy, including our liaison with the US over national strategy” and that “this needs to be supported by a dedicated and sufficiently strong team in London”. The FCO was asked to work on that with the Cabinet Office and the MOD, though the letter also noted that “the Prime Minister would be grateful if the Defence Secretary could continue to oversee the overall security strategy”.

⁸⁹⁵ Letter Sheinwald to Hayes, 4 October 2005, ‘Iraq Strategy’.

956. In an email on 7 October to senior officials in the Home Office and the FCO, CC Kernaghan said that he was “naturally supportive” of Sir Ronnie’s appointment to review the UK’s policing contribution in Iraq.⁸⁹⁶ However, he expressed concern that there was an “apparent lack of strategic vision” within the UK Government and asked whether Mr Blair had ever been briefed on his earlier reports, particularly his first report dated May 2003 (described earlier in this Section). He highlighted a number of issues that he believed a review of the UK’s strategy on policing in Iraq needed to take into account, including:

- the level of resource – finance and personnel – that the UK was willing to commit;
- an assessment of what influence the UK had with both the Iraqi Government and the US in the context of SSR; and
- whether the UK’s interest was limited to MND(SE) or applied to Iraq as a whole.

957. On 10 October, Mr Wheeler produced an update of policing in each of the four MND(SE) provinces.⁸⁹⁷ He described both Muthanna and Dhi Qar provinces as “conducive to police reform” but highlighted more serious issues in the other two provinces. His comments on Maysan province are dealt with later in this Section.

958. On Basra, he said:

“In Basra the situation is most complex. The security threat is high (we are in lock-down but are reviewing whether PAT movements might happen under military escort). There is significant IPS/militia affiliation, abuse and assassinations are carried out by those in the Jameat and the Governor and Council have recently been encouraging non co-operation ...”

959. On 24 October, Maj Gen Dutton wrote to Maj Gen Wall, setting out his views and proposals for action to improve management of the IPS programme.⁸⁹⁸ On the nature of the current problems, he stated:

“The events of 19 September 2005 in Basra brought the issue into sharp focus and to public attention, but nothing that happened in that incident will have come as a surprise to anyone who had been involved or who had followed the reporting from MND (SE) over a period of many months. The problems associated with the Jameat Police Station: the lack of control and authority of the Basra Chief of Police and the problems of the divided loyalties of many policemen who are controlled (and indeed in some places planted in the Police) by militant factions, was well known and reported. Knowledge of the problem does not of course make the situation any more

⁸⁹⁶ Email Kernaghan to Home Office [junior official], 7 October 2005, ‘Possible assessment of UK development of IPS by Sir Ronnie Flanagan’.

⁸⁹⁷ Telegram 15268/05 Basra to FCO London, 10 October 2005, ‘Update on Reform of the Iraqi Police Service in Southern Iraq’.

⁸⁹⁸ Letter Dutton to Wall, 24 October 2005, ‘Policing SE Iraq’.

tolerable but my point is that nothing changed on 19 September and we should not therefore assume that the existing strategy for police SSR is wholly off-track or now inappropriate, nor should it overshadow the excellent work being done at the tactical level.”

960. In his evidence to the Inquiry Lt Gen Dutton said that the military was “certainly aware” of the reputation of Jameat police station, but:

“... did it come as a surprise? Yes, because ... it was an event that was triggered by individuals getting themselves into a fire fight and then being taken to that police station. So ... it is not as if the Jameat police station incident ... evolved from a series of other events; it was a particular thing that caused it. So it was certainly a surprise.”⁸⁹⁹

961. Lt Gen Dutton said that the incident had “huge effect” in London and at PJHQ but that “it calmed down quite quickly”. With hindsight, Lt Gen Dutton said that “there perhaps wasn’t as much upwards communication to Baghdad, to keep them in the picture, as would have been useful”.

962. Lt Gen Riley told the Inquiry that, although the Jameat incident occurred after he had left Iraq, he “would not have expected it”.⁹⁰⁰ Explaining how it arose, he said:

“The Iraqi police in the South ... reflected the local political climate and the tensions, and all the tensions that were present in southern Iraqi society played out in the police ...”

963. In his evidence to the Inquiry, Lieutenant General John Cooper, GOC MND(SE) from December 2005 to July 2006, referred to the fall-out with the Basra Provincial Council as “the divorce”.⁹⁰¹ He said that the restricted access to Basra’s police stations that followed enabled “a series of murder squads and corruption to become endemic” and “produced a climate of lawlessness” inside Basra’s police. Lt Gen Cooper told the Inquiry:

“... because we were not allowed to go back into contact until May of 2006, it meant that we lost ground and we lost time.”

964. Lt Gen Cooper added that “some policemen would still allow us in, but the vast majority were following the Provincial Council direction that they weren’t to have anything to do with us”.⁹⁰² He said that the Council only re-engaged when a “major security incident” occurred after a Lynx helicopter was shot down in May 2006.

965. Lieutenant General Sir Richard Shirreff, GOC MND(SE) from July 2006 until January 2007, also told the Inquiry about restrictions on visiting Basra’s police stations.

⁸⁹⁹ Public hearing, 12 July 2010, pages 36-38.

⁹⁰⁰ Public hearing, 14 December 2009, page 12.

⁹⁰¹ Public hearing, 15 December 2009, pages 20-21.

⁹⁰² Public hearing, 15 December 2009, pages 49-50.

He said that in the six months following the incident “there had been virtually no activity” in police stations, and many “had simply not been touched”.⁹⁰³

The MOD takes the lead on policing

966. On 12 September 2005, a week before the Jameat incident, Dr Reid wrote to Mr Blair advising that “considerable progress” had been made in training the ISF since May.⁹⁰⁴ He recommended that “consequently, an overall reduction of about 500 troops” would be possible in “October/November”.

967. On 10 October, Dr Reid announced in the House of Commons plans to reduce force levels in MND(SE) by “about 500”.⁹⁰⁵

968. In the subsequent debate, Mr Michael Ancram asked Dr Reid about the level of infiltration by “Iranian-backed insurgents” in the police. Dr Reid responded:

“In any theatre of combat in the world where competing factions have been at war with each other there is always a problem of split loyalties when rehabilitating and restructuring the police force afterwards. The question is not whether those split loyalties exist, but whether we can diminish them by human rights training and training the police to be as objective as possible ... However, although there are certain elements in the police service in Iraq about who we ought to be worried, I would not want him to believe that that is the majority or anything like it. Let us remember that every time Iraqi policemen put on their uniforms in the morning, they go out to face the threat of death. Many of them have died leading operations. Even in Basra, there were police around the Jameat Police Station trying to ensure that the 250 to 300 militant demonstrators did not approach it. So it is not the case that all the police, even in Basra, were antagonistic towards us.”

969. Dr Reid provided Mr Blair with a security update on 11 October.⁹⁰⁶ He reported:

“Despite a lack of an Iraqi lead from Baghdad, MND(SE) have continued to build bridges with the local authorities post the Basra incident. Outside Basra city, Security Sector Reform (SSR) work has continued with little interruption, including joint patrolling. In Basra itself, our soldiers are again visiting IPS stations and we are able to talk in private to the Chief of Police ...

...

“Security Sector Reform (SSR) continues to be MNF-I’s main effort with MND(SE) focusing on the 10th Division of the Iraqi Army ... and the Department of Border

⁹⁰³ Public hearing, 11 January 2010, pages 19-20.

⁹⁰⁴ Letter Reid to Blair, 12 September 2005.

⁹⁰⁵ House of Commons, *Official Report*, 10 October 2005, columns 24, 28-30.

⁹⁰⁶ Paper Reid, 11 October 2005, ‘Iraq: Security Update’.

Enforcement (DBE) ... whilst playing a supporting role in the training and mentoring of the Iraqi Police Service (IPS) ...

“Progress on Iraqiisation continues. There are now 190,000 members of the Iraqi Security Forces trained and equipped ...

“SSR for the Iraqi Army continues to be on track for our transition plans ...

“On policing, the situation is less satisfactory. We need to do further work between MOD, FCO, DFID and the Home Office to improve support to IPS development at the strategic level ... Problems of divided loyalties and militia links can only be dealt with by the political will of an effective Iraqi Government ...

...

“We need to review our strategy on policing ... at two levels ... In Baghdad ... there would be a good case for providing a senior Home Office official with the right experience to work with the MOI ... Sir Ronnie Flanagan [will] visit MND(SE) soon to carry out an audit of the effectiveness of [the] police training programme ... Part of this work might include an assessment of the Italians’ programme in Dhi Qar province.”

970. Dr Reid’s paper sought clarification of whether or not it was intended there should be a re-assignment of Ministerial responsibilities for policing, noting that DOP(I) would need to take a collective view on the issue and that “there would be resource implications if MOD were to take this on”.

971. Gen Jackson visited Iraq from 10 to 13 October.⁹⁰⁷ His visit report noted that, of the four key strategic areas (SSR, governance, reconstruction and counter-insurgency work), he “only saw encouraging signs of progress in one: SSR” though that progress was still “patchy”, with the UK’s “undoubted success with the Iraqi Army” contrasting with the position of the Iraqi police:

“The events of 19 September in Basra are merely indicative of a wider malaise across the IPS as a whole. We are where we are, but it is not to our credit that we have known about the inadequacies of the IPS for so long and yet failed to address them. We must do so now ... Whatever the eventual remedial plan is, it must be resourced and led properly. It must also address the specific needs of an Iraqi police force facing Iraq’s current security climate. More UK Police trainers are not the answer. I have heard not one complimentary word about their involvement during my last two visits. We, the military, must be prepared to shoulder an extra training burden here.”

⁹⁰⁷ Minute CGS to CDS, October 2005, ‘CGS Visit to Iraq: 10-13 Oct 05’.

972. At the meeting of DOP(I) on 12 October, the Committee discussed the need “to do more to speed up the development of police” but considered that “the plan for ISF development that was in place was largely sound”.⁹⁰⁸

973. The Committee agreed that the MOD would take the lead on “police issues in Iraq” as “the Iraqi policing situation called for a para-military, rather than a civilian, style of policing”.

974. Although the MOD would take responsibility for police issues, the FCO continued to administer the police secondments to Iraq and to manage the contract with ArmorGroup for IPAs.⁹⁰⁹

975. In his evidence to the Inquiry, Lt Gen Dutton commented on the move of responsibility for policing to the MOD:

“I didn’t get the impression that it had a great deal of effect at all, because what did it actually mean? On the ground it didn’t really mean anything; it meant that one particular Secretary of State felt he was now responsible for the police as well ... but it didn’t produce more resources, it didn’t, to my mind, sort out the structural problem we have ... about being able to train those sorts of policemen.”⁹¹⁰

976. On 31 October, an MOD paper about the reform of the IPS described the number of UK civilian personnel devoted to policing.⁹¹¹ It totalled over 200 and comprised:

- 105 UK police officers funded through the [FCO’s] Peacekeeping Fund at a cost of £3.3m for financial year 2005/06:
 - 61 UK staff based in Jordan, delivering eight-week Basic Recruit Training;
 - 26 serving and retired UK police officers in MND(SE) mentoring, liaising and conducting specialist training courses with the Iraqi police; and
 - 18 serving and retired UK police officers in Baghdad, including the UK Chief Police Adviser focusing on: IPS development, planning and mentoring the Police Minister, forensics, criminal intelligence, training at the staff officer college.
- 106 UK International Police Advisers provided by ArmorGroup, funded by the GCPP (£11.1m for financial year 2005/06) and by the Dutch and Japanese governments; five of those contractors were based in Baghdad and the remainder in MND(SE), acting as advisers, mentors (including to each Provincial Chief of Police in MND(SE)) and trainers.

⁹⁰⁸ Minutes, 12 October 2005, DOP(I) meeting.

⁹⁰⁹ Letter Howard to Asquith, 5 January 2006, [untitled].

⁹¹⁰ Public hearing, 12 July 2010, page 39.

⁹¹¹ Paper MOD, 31 October 2005, ‘Iraq – UK Policy for Police Security Sector Reform (SSR)’.

977. Additionally, in Dhi Qar province the Italian brigade was responsible for IPS training and mentoring, employing their Carabinieri. Royal Military Police (RMP) and other coalition troops (including Danes and Czechs) were involved in mentoring and follow-up training in the other three provinces. CPATT also provided International Police Liaison Officers (IPLOs) to MND(SE) to conduct training and mentoring, and to ensure that training in MND(SE) was consistent with efforts elsewhere in Iraq.

978. In total, including the spend on equipping the police under Project OSIRIS (described earlier in this Section), police SSR spending represented less than two percent of the annual spend by the UK on Iraq – estimated to be £1bn in financial year 2005/06.

979. The Chiefs of Staff considered SSR on 18 October.⁹¹² They concluded: “The military effort was well resourced compared to the commitments by other Government departments.” Now that Dr Reid would be responsible for SSR in Iraq, it would be “important to calculate the resources needed to deliver [this] and to secure appropriate HMT [Treasury] funding”.

980. On 24 October, Maj Gen Dutton sent a paper with proposals on how to reform the IPS programme in MND(SE) to Maj Gen Wall.⁹¹³ He wrote that:

“As time has gone by, it has become clear that the aspirations in the existing plan are unachievable. We need to be realistic about what we can expect to achieve: we should be aiming for a police force that is relevant and ‘good enough’ for this region.”

981. Maj Gen Dutton stated: “We must dismiss any ideas of starting again: it is reform that is required, not complete re-design.” He proposed “a three-point plan”:

- removal of those senior elements of the IPS who were engaged in serious crime, acknowledging that that may require the MNF to act if it could not be achieved by the ITG;
- dismissal of uncommitted IPS officers (estimated by the Basra Chief of Police to number around 6,000 in a total force of 30,000); and
- “redoubling efforts on training the remaining police, so that eventually the ‘good’ outweighs the ‘bad’”.

982. On 25 October, Mr Tansley submitted recommendations along similar lines to the FCO, also proposing the three-point plan.⁹¹⁴ He wrote that a “key part” of the plan would be for “joint teams” from PATs and MND(SE) conducting “surges” on police districts and stations that were “exposed as the weakest or of most importance”.

⁹¹² Minutes, 18 October 2005, Chiefs of Staff meeting.

⁹¹³ Letter Dutton to Wall, 24 October 2005, ‘Policing SE Iraq’.

⁹¹⁴ Telegram 16521/05 Basra to FCO London, 25 October 2005, ‘Reform of the Iraq Police Service in South-East’.

983. Although the two papers were broadly the same, Mr Tansley suggested that the dismissal of IPS officers would require the implementation of a planned MOI redundancy package whereas Maj Gen Dutton saw that as desirable but not essential. Mr Tansley also suggested that a suitably qualified senior civil servant should be deployed to assist MOI reform.

984. Both papers suggested that the numbers of military personnel dedicated to support police reform should be increased (to include an extra two infantry companies, RMP personnel and administrative staff) and that restrictions on movement of police officers and contractors should be eased to allow them to move with the military.

985. Mr Tansley suggested that there should be joint responsibility for delivery between the Senior Police Adviser and the Task Force Commander in each province, with ArmorGroup personnel directly managed by the Senior Police Adviser. Maj Gen Dutton's paper did not suggest a formal command structure but did cite "lack of unity of command" as a major part of the problem.

986. Lt Gen Dutton told the Inquiry that there was "nothing particularly magical" about the three-point plan:

"It was a very simple plan, but it was designed in some ways to counter what I thought was a feeling from elsewhere, that the only answer to the Basra police force was to disband it completely and start again from scratch."⁹¹⁵

987. On 27 October, Dr Reid reported to Cabinet that the build-up of Iraqi security forces was "going well" but that they "were generally not yet capable of operating on their own".⁹¹⁶ He stated that he and Mr Straw were looking at ways of addressing militia infiltration in the Iraqi police.

988. On 31 October, the MOD produced a paper about the UK's policy on the IPS to be considered at the next DOP(I).⁹¹⁷ The paper outlined the approach advocated by Mr Tansley and Maj Gen Dutton but proposed that all police reform in MND(SE) should be consolidated "under unified military direction ... enabling the GOC to deploy additional (civil and military) resources as necessary". The MOD stated:

"... the utility of the civil police contingent ... is limited by their contractual terms of service and civilian working practices ... If they were brought under military direction (the command and control issues would need to be finessed) the policing component would be employed to meet the priorities of operational transition, with its output reported through the established military chain."

⁹¹⁵ Public hearing, 12 July 2010, page 20.

⁹¹⁶ Cabinet Conclusions, 27 October 2005.

⁹¹⁷ Paper MOD, 31 October 2005, 'Iraq – UK Policy for Police Security Sector Reform (SSR)'.

989. The minutes of the DOP(I) meeting on 3 November recorded:

“... there was considerable concern ... among British police at the prospect of police advisers in Iraq being placed under military command ...”⁹¹⁸

990. Ministers agreed:

“Departments, notably the FCO, MOD and Home Office, should work together to agree a way forward on command and control of the policing effort ... Paul Kernaghan should also be consulted.”

991. The DOP(I) minutes did not record any discussion of increasing military resource or lifting movement restrictions. See the Box earlier in this Section, ‘Security restrictions on UK police officers’, for more detail on civilian security restrictions.

992. On 9 November, Maj Gen Dutton reported that a new Police Strategic Steering Group had met for the first time that week.⁹¹⁹ That brought together the Consul General, GOC MND(SE), the Senior Police Adviser and members of the GOC’s staff. Maj Gen Dutton wrote:

“I am confident that we are now approaching a situation where we can make best use of the different capabilities which the civil police, contractors and my own soldiers, including Royal Military Police, can provide. The Consul General and I expect to set out our proposed solution to London shortly.”

993. The first meeting of a new cross-Whitehall SSR Group⁹²⁰ was held on 17 November.⁹²¹ It was chaired by Mr Howard, reflecting the transfer of responsibility for policing to MOD. The meeting addressed what that transfer meant and the command and control issues in MND(SE). In an email to DCC Smith, CC Kernaghan summarised:

“Lead status remains to be defined but no one argued that you were in a line of command relationship with the GOC or that your professional judgement could be over-ruled by anyone else in theatre.”

994. In a report dated 20 November, DCC Smith was critical of military co-ordination with police in MND(SE):

“Despite reassurances from London it is quite clear, to myself and senior CivPol officers on the ground in Basra, that the military are initiating changes in their relationship with CivPol. This is unfortunate as it is increasingly becoming obvious

⁹¹⁸ Minutes, 3 November 2005, DOP(I) meeting.

⁹¹⁹ Report Dutton, 9 November 2005, ‘CG MND(SE) – Southern Iraq Update – 9 November 2005’.

⁹²⁰ The cross-Whitehall Iraq SSR Group replaced the Security Sector Reform Meeting.

⁹²¹ Email Kernaghan to Smith, 18 November 2005, ‘Cross-Whitehall Security Sector Reform [SSR] Group – Iraq Inaugural Meeting 17/11/05’.

that ‘partnership’ is a one-sided (CivPol) concept. Clarification from London would be welcome.”⁹²²

Strategic considerations in late 2005

995. The MOD produced a paper entitled ‘Strategy for the UK’s contribution to Iraq Security’ for DOP(I) on 15 November.⁹²³ It described three key outcomes:

- security up to the December elections;
- activity up to the handover of security responsibility; and
- achievement and maintenance of ISF self-reliance.

996. Four supporting objectives were detailed:

- establishment of a secure environment;
- transition to tactical, operational and strategic overwatch;
- development of an effective, self-sufficient IPS: “Although wholesale national reform of the IPS is beyond the scope of UK influence, the provision of a technically competent IPS at a local level within MND(SE) is possible with the appropriate resource and is fundamental to an enduring handover. Mindful of the endemic nature of divided loyalty and militia involvement, the UK must continue to pursue IPS reform within MND(SE) to a level that will support handover – nothing more/nothing less”; and
- governance and capacity-building in key Ministries (MOI and the IMOD) within the security sector.

997. Security was discussed at the meeting but the minutes do not refer to the MOD’s paper.⁹²⁴

998. The report produced by DCC Smith on 20 November was an update of his May ‘Next Steps on Policing’ review, assessing progress in both Baghdad and Basra.⁹²⁵ In the South, he judged that the “key area to address was militia influence in the Basra IPS and the lack of real MOI authority into the province”. To achieve that, he identified four elements that would need to be addressed:

- a strong Chief of Police;
- clear direction and support from the Deputy Minister for Police;
- good support infrastructure; and
- the removal of the unacceptable “bad eggs” in Basra.

⁹²² Paper Smith, 20 November 2005, ‘Next Steps on Policing – Review’.

⁹²³ Paper MOD, 11 November 2005, ‘Strategy for the UK’s Contribution to Iraq Security’.

⁹²⁴ Minutes, 15 November 2005, DOP(I) meeting.

⁹²⁵ Paper Smith, 20 November 2005, ‘Next Steps on Policing – Review’.

999. On 12 December, Maj Gen Dutton submitted his Hauldown Report to AM Torpy.⁹²⁶ He wrote that the threat from IEDs had “radically affected our freedom of manoeuvre and consequently inhibited” SSR work (see Section 14.1 for detail on the IED threat).

1000. On the Iraqi Army, Maj Gen Dutton reported:

“The development of the Iraqi Army is the ‘jewel in the crown’ of our SSR effort and we must not let up now. The MiTT [Military Transition Team] system has been a great success ... their contribution to the ‘conceptual’ and ‘moral’ development of 10th Division has been enormous ... I acknowledge the desire to shift responsibility to the Iraqis themselves to prevent over-dependence, but the structure is built on ‘foundations of sand’ and will require support for some time yet.”

1001. On the IPS, Maj Gen Dutton wrote:

“I have written more than enough on this. I believe that, over time, the IPS can be reformed to an acceptable level, but there is no simple quick solution, which is, I sense, what London wants. In fact, it will be a long hard slog and will need unwavering commitment. The one critical point I must stress is that the UK should never again expect to be able to undertake police restructuring and reform in this sort of environment using UK police: they do not have the institutional structure or expertise to cope, nor can they be compulsorily deployed.”

1002. In his evidence to the Inquiry, Lt Gen Dutton said:

“We had some excellent policemen but simply not sufficient to take on the role of police training, which is why it had to be done in ... a very poor way, but as best we could, by the military.”⁹²⁷

1003. Lt Gen Dutton said that there was “nothing wrong” with the policemen, “there just weren’t enough of them”.⁹²⁸ He continued:

“My criticism of the UK’s policing – expeditionary policing effort has never been aimed at the individual policemen who do it, simply the fact that I don’t believe we, in the UK, have a system for expeditionary policing that will work in the sort of environment of Iraq or Afghanistan.”

1004. On 21 December, AM Torpy wrote to Lt Gen Fry to highlight the key issues for 2006.⁹²⁹ On the police he reiterated the need to “maintain momentum and our commitment, pushing ahead quickly with any new work recommended by Ronnie Flanagan”. He then drew attention to Maj Gen Dutton’s Hauldown Report and stated: “Jim [Maj Gen Dutton] has hit the nail on the head and we must not repeat this painful mistake in Afghanistan.”

⁹²⁶ Minute Dutton to Torpy, 12 December 2005, ‘June to December 2005 – Hauldown Report’.

⁹²⁷ Public hearing, 12 July 2010, page 20.

⁹²⁸ Public hearing, 12 July 2010, pages 21-22.

⁹²⁹ Minute CJO to DCDS(C), 21 December 2005, ‘Key Operational Issues for Early 2006’.

SIR RONNIE FLANAGAN'S REVIEW

1005. On 18 October, a meeting was held at the Home Office to discuss the terms of reference for Sir Ronnie Flanagan's visit to Iraq, attended by Sir Ronnie, CC Kernaghan and senior representatives from the FCO, the MOD and the Home Office.⁹³⁰ Some of the points made included:

- the FCO wanted to understand the progress in MND(SE) and how that could be improved upon, considering how this fitted with work in Baghdad and London;
- the MOD felt that current IPS training could be more efficient; and
- "much of Whitehall [was] not aware of elements that are beyond UK control. It would be helpful if Sir Ronnie could highlight these as part of his report".

1006. CC Kernaghan circulated the terms of reference on 10 November and summarised Sir Ronnie's task as to "concentrate on assessing the resourcing and effectiveness of the UK's IPS Security Sector Reform (SSR) programme in MND(SE) and its linkage to the shape and effectiveness of MNF-I national policing policy in Baghdad".⁹³¹ There were 12 areas specifically highlighted, including the effectiveness of IPS training, police officer and ArmorGroup contract management, IPAs and the relationship between UK structures and those of the US and Iraq.

1007. Sir Ronnie Flanagan visited Iraq between 20 and 24 November 2005 to conduct an initial review of the UK policing effort in Iraq.⁹³² He submitted an interim report to Dr Reid on 13 December, who briefed the DOP(I) on 15 December.

1008. Sir Ronnie's interim report identified:

- There was no single strategy for SSR at a national level – he had uncovered "references to at least four", and "many of these" existed in isolation of one another.
- There was "a loss of corporacy and a disconnect with MNSTC-I and CPATT in Baghdad".
- There had been insufficient counter-insurgency preparation.
- There was an inadequate focus on intelligence – he referred to US\$1m worth of computers for the National Information and Investigation Agency (NIIA) being held at Basra Airport because of "apparently insufficient funds to transport and then assemble it".
- Only 5 percent of military activity was currently focused on SSR.
- "Within MND(SE), the biggest issue remain[ed] militia (and criminal) infiltration of security forces".

⁹³⁰ Minutes, 18 October 2005, 'Meeting at the Home Office: Tuesday 18 October 2005: to discuss the Prime Minister's request to HMCIC to visit Iraq'.

⁹³¹ Email Kernaghan to Home Office [junior official], 10 November 2005, 'Flanagan's TORs' attaching Note 'TORs for the Assessment by Sir Ronnie Flanagan of the Iraqi Police Service (IPS)'.

⁹³² Minutes, 16 December 2005, DOP(I) meeting.

- The “biggest source of friction” between the military and UK police officers had been the inconsistent restrictions on movements but “significant progress” had been made during his visit to harmonise these, both operating on the basis of military risk assessments (subject to FCO and ACPO confirmation).⁹³³

1009. Sir Ronnie visited Iraq again from 3 to 8 January 2006 and submitted his final report on 31 January.⁹³⁴

1010. Sir Ronnie wrote that the original terms of reference had evolved into three overarching issues:

- The strategic direction and integration of the SSR (policing) effort;
- The efficiency and effectiveness of the SSR (policing) effort, including the Carabinieri, in MND(SE);
- The effectiveness of the existing training arrangements.”

1011. Sir Ronnie was “encouraged” to learn that since his previous visit “a broad strategic plan” was now being prepared and that the “disconnect” he had identified was “already becoming a thing of the past”. In MND(SE), he noted “a high level of co-operation” between UK police officers and that SSR now accounted for 47 percent of the military’s work. He added:

“Nevertheless tensions, both in theatre and within Whitehall, still exist over where primacy for SSR (policing) effort rests. Put simply, the shift in thinking that should have followed the assumption by MOD of primacy for SSR in Iraq has not permeated all activity.”

1012. Sir Ronnie made 17 recommendations, including:

- The Iraqis should be encouraged to develop a robust vetting system for IPS recruits as soon as possible and to take immediate action to “root out” corrupt and sub-standard elements within the IPS. In progressing this the UK will need to provide support and expert guidance.
- The UK should encourage MNF-I to transfer responsibility for criminal and counter-insurgency intelligence to CPATT.
- For Iraq and future deployments, a senior police officer of Chief Superintendent rank should be embedded within PJHQ.
- The US and UK should use whatever influence is available to them to ensure that the next Minister of the Interior has a sound appreciation of the scale of the challenges and, moreover, is willing to take decisive action to address them.

⁹³³ Report Flanagan, 13 December 2005, ‘Interim Report on Policing in Iraq’.

⁹³⁴ Report Flanagan, 31 January 2006, ‘An Assessment of the UK’s Contribution to Security Sector Reform (Policing) in Iraq’.

- The US should be encouraged to allow the Iraqi Government lead responsibility for the National Policing Plan. That should be led by the new Minister of Interior in consultation with the 18 provincial Chiefs of Police. In progressing that, the coalition must of course provide expert advice and guidance and perhaps the suggested draft.
- The CPA-I's successor should be re-deployed and should function within the MND(SE) command structure where he or she will be able to direct the SSR (policing) effort.
- The judicial dimension should be fully integrated within the SSR effort.
- The Strategic Taskforce should be re-convened with the goal of creating a genuine police expeditionary capability operating within a framework that provides maximum support to overseas SSR (policing) deployments.
- The UK should exert its influence to further embed and encourage the concept of joint operating between the IPS and the Iraqi Army in areas where the security situation makes this appropriate.

1013. Sir Ronnie Flanagan stated:

“In many respects the challenge facing us in Iraq appears more daunting from London than it does in theatre. This I attribute to the inevitable difficulty that exists in grasping some of the key contextual factors.”

1014. Sir Ronnie wrote that his recent visit had given him “a greater appreciation” of the significant threat from “rogue elements” in the Basra intelligence agencies and “pop up battalions” that could jeopardise SSR if not addressed. He stated that “the ultimate solution” rested with the MOI and that “the key to success” would be “the creation of effective governance structures”.

1015. Sir Ronnie concluded:

“Notwithstanding the reservations I have expressed about the quality of training, intelligence and other factors that inhibit the SSR (policing) effort, Iraq is on the right path and there is a good news story to be told. From an admittedly low base, Iraq's security forces are now recognisable as such and early signs of self-sufficiency are becoming apparent ... The UK can take pride in its contribution.”

1016. A junior FCO official sent Dr Howells a copy of Sir Ronnie's report on 17 February.⁹³⁵ The note also enclosed a matrix listing each recommendation and the department responsible for its progress alongside it, including an additional 16 “other recommendations” from the report. Out of the total 33 recommendations, five were complete and 11 others were in progress or being considered.

⁹³⁵ Minute FCO [junior official] to Howells, 17 February 2006, ‘Review of UK Policing Reform Work in Iraq by Sir Ronnie Flanagan’.

1017. The Baghdad SSR Working Group met on 19 February to discuss Sir Ronnie's report.⁹³⁶ The Group commented or identified action against all of recommendations, including:

- how critical the MOI and its Minister would be in delivering change;
- the practical difficulties encountered while trying to establish effective vetting procedures which were constrained by a lack of resources;
- that the National Policing Plan needed to be written by the Iraqi Government and not by the coalition; and
- that there were cost and duty of care issues in implementing Sir Ronnie's recommendation that recruits visited theatre.

1018. A summary of the Baghdad SSR Committee on 27 April listed progress against the six "Baghdad-related recommendations" from Sir Ronnie's report.⁹³⁷ Discussions were ongoing with CPATT on how to implement those; those had been some difficulties engaging "the right people at the right levels" and the National Policing Plan was "still too military-dominated". It was recorded that there were insufficient resources to undertake an audit of training at that time.

1019. On 16 May, Mr Patey wrote to Mr Stephen Pattison, FCO Director International Security, with recommendations on how to ensure the staffing of the UK's police effort was right.⁹³⁸

1020. In his response on 24 May, Mr Pattison said that the FCO was taking forward recommendations from Sir Ronnie's review, but did not provide further details.⁹³⁹ The letter focused on attracting more UK police officers to postings in Iraq, and enabling those postings.

Reforming the Iraqi Police Service: Operation CORRODE

1021. On 30 November 2005, Maj Gen Dutton reported that the Iraqi authorities had taken the first step towards reforming the IPS by disbanding the Department of Internal Affairs (DIA).⁹⁴⁰

1022. On 25 January 2006, Major General John Cooper, GOC MND(SE) from December 2005 until July 2006, reported that two former members of the DIA who were implicated in "numerous allegations of corrupt and criminal activity including attacks against MNF and involvement in the events of Sep 19" had been arrested by UK and Danish troops.⁹⁴¹

⁹³⁶ Email FCO [junior official] to Cunningham, 21 February 2006, 'Baghdad SSR Working Group' attaching Paper 'BE Baghdad Comments – Sir Ronnie Flanagan's Report'.

⁹³⁷ Email FCO [junior official] to Mcgurgan, 30 April 2006, 'Cross-Whitehall SSR Meeting, 27 April'.

⁹³⁸ Letter Patey to Pattison, 16 May 2006, 'Re: Policing in Iraq'.

⁹³⁹ Letter Pattison to Patey, 24 May 2006, 'Policing in Iraq'.

⁹⁴⁰ Minute Dutton, 30 November 2005, 'GOC MND(SE) – Southern Iraq – 30 November 2005'.

⁹⁴¹ Minute Cooper, 25 January 2006, 'GOC MND(SE) – Southern Iraq Update – 25 Jan 06'.

1023. On 8 March, Maj Gen Cooper reported:

“We have intelligence that the recidivists within the IPS have resumed their criminal activity, and the population at large is beginning to question our commitment. Absent buy-in from the MOI, I am clear about the need for us to press ahead unilaterally with [Operation] CORRODE, before the IPS regress to a position from which they cannot be redeemed.”⁹⁴²

1024. The following week, Maj Gen Cooper reported that Mr Jabr had given the “green light” for MNF to continue with arrest operations under Op CORRODE.⁹⁴³ He said that the next target was a “relatively junior player”. Mr Jabr was also reported to have endorsed plans to establish a new DIA based at Basra Air Station.

1025. On 15 May, a junior official from PJHQ provided briefing to Mr Ingram about IPS members detained by MND(SE) as part of Op CORRODE.⁹⁴⁴ He stated that Op CORRODE was established in conjunction with the MOI after the Jameat incident on 19 September and aimed to:

- remove corrupt individuals in key positions of responsibility;
- replace those individuals with suitable personnel from outside Basra province; and
- reform the remaining officers.

1026. The official wrote that the operation had been constrained because of “problems with political disengagement in Basra” and “nervousness amongst senior political figures in Baghdad”. PJHQ assessed that there were currently ten policemen detained in Shaibah, a military airfield seven miles southwest of Basra. They were likely to remain at the facility “for the foreseeable future”, because the intelligence against detainees was not admissible as evidence. Also, the detainees had connections which meant that Basra judges would be reluctant to try them, or be susceptible to intimidation if they did try them.

1027. In his weekly report on 24 May, Maj Gen Cooper described two enemies in Basra: rogue JAM and – “most dangerous” – the “corrupt IPS elements ... which have murdered so many Basrawis”.⁹⁴⁵ He wrote that he needed political cover from the Iraqi Government to tackle IPS reform and would be grateful for UK political pressure.

1028. Maj Gen Cooper’s report on 8 June stated that Op CORRODE had re-started and, on 4 June, there had been the first successful targeting and detention of a serving Basra police officer for more than three months.⁹⁴⁶ There would now be “a succession of

⁹⁴² Minute Cooper, 8 March 2006, ‘GOC MND(SE) – Southern Iraq Update – 8 March 2006’.

⁹⁴³ Minute Cooper, 16 March 2006, ‘GOC MND(SE) – Southern Iraq Update – 16 March 2006’.

⁹⁴⁴ Minute PJHQ [junior official] to PS/Min(AF), 15 May 2006, ‘Iraqi Police Service (IPS) Detainees Held by MND(SE)’.

⁹⁴⁵ Minute Cooper, 24 May 2006, ‘GOC MND(SE) – Southern Iraq Update – 24 May 2006’.

⁹⁴⁶ Minute Cooper, 8 June 2006, ‘GOC MND(SE) – Southern Iraq Update – 8 June 2006’.

detention ops targeting IPS and N Basra leadership". Maj Gen Cooper reported that a total of three IPS officers had been detained within Op CORRODE since 17 May 2006.

1029. The JIC's Assessment of 9 June described the disbanding of the DIA as "remedial action" resulting from "MNF pressure".⁹⁴⁷ However, the JIC stated that "the personnel have been reassigned rather than sacked".

1030. This JIC Assessment considered whether the ISF was "fit for duty". It reported:

"The ISF in the South reflect the deep-rooted local tribal and political influences. The Army's 10th Division in MND(SE) is rated by the MNF as increasingly effective. It has performed basic tasks such as patrols and static guard duties successfully, but remains untested in counter-insurgency operations without MNF support. The Police in the South are a cause for much greater concern. Many local Police officers, in Basra and Maysan in particular, remain loyal to their political faction or militia rather than to formal command structures. Both Badr and JAM retain support among the ISF in different parts of the South. We judge that these divided loyalties would affect the ability and willingness of the Police to cope in the event of an intensified campaign of violence by Shia militias against the MNF, or fighting between Shia factions ... Baghdad's central institutions have been unable to exert any control over the police in Basra."

Iraqi Navy progress

On 9 June 2006, a JIC Assessment stated that, by 1 May, 800 Navy personnel had been "trained and equipped", increasing from 750 on 4 October 2005.⁹⁴⁸

In September, the Iraqi Navy transferred to Iraqi control, under the command and control of the Joint Headquarters.⁹⁴⁹

In November, the Private Secretary to Mr Des Browne, Defence Secretary from May 2006, briefed No.10 officials that progress on the Iraqi Navy had "lost early momentum due to failure of the Iraqi procurement process" but stated that contracts had recently been awarded and that the Iraqi Navy had plans to fund and build critical infrastructure during 2007.⁹⁵⁰ He concluded: "this momentum must be sustained".

On 6 September, an Independent Commission reported to Congress its conclusion that:

"The Iraqi Navy is small and its current fleet is insufficient to execute its mission. However, it is making substantive progress in this early stage of development: it has a well-thought-out growth plan, which it is successfully executing. Its maturation is hampered by the [Iraqi] Ministry of Defence's understandable focus on ground forces and counterinsurgency operations, as well as by bureaucratic inefficiency. The Iraqi

⁹⁴⁷ JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'.
⁹⁴⁸ JIC Assessment, 9 June 2006, 'The Iraqi Security Forces: Fit for Duty?'.
⁹⁴⁹ JIC Assessment, 17 January 2007, 'Iraqi Security Forces: Prospects in 2007'.
⁹⁵⁰ Letter McNeil to Banner, 9 November 2006 attaching Minute DJC, 9 November 2006, 'Strengthening the Iraqi Military Forces'.

Navy will continue to rely on coalition naval power to achieve its mission for the foreseeable future.”⁹⁵¹

At that time, there were around 35 UK naval personnel working in Naval Assistance Training Teams.⁹⁵²

1031. Mr Des Browne became Defence Secretary in May 2006. He visited Iraq from 18 to 22 June.⁹⁵³ His Assistant Private Secretary recorded that Mr Jawad Boulani, the new Minister of the Interior, told Mr Browne he was very clear about the need to reform the police, particularly in Basra.

1032. Major General Muhammed Latif, the Commander of the 10th Division, had told Mr Browne that there were 15,000 police in Basra, but you could never find them on the streets. If necessary, he was prepared to put a soldier in every police car to force them to do their jobs. They failed to carry out even the most perfunctory investigations into murders. Maj Gen Latif had started to use his own intelligence officers to follow up cases and monitor police progress. When his staff asked questions about inaction, the police would say that murders were “big boys’ issues”, usually a reference to the specialist police organisations that Mr Boulani sought to disband.

1033. During a meeting with UK representatives, Mr Browne was told by the police advisor that “we [the UK] had originally set our sights too high; teaching forensics instead of the basics”. Adjustments had now been made and the programme seemed to be working well. The police advisor rejected the outright criticism from Maj Gen Latif and said that there were “areas that had the start of an effective policing service”.

1034. Air Chief Marshal Jock Stirrup, CDS, briefed DOP(I) in July:

“... the main issue affecting the population was sectarian murders. To see progress on that we needed to take action against corrupt police officers and militia groups.”⁹⁵⁴

1035. ACM Stirrup described progress with the Iraqi Army as “on track” but stated that “the situation of the police was more difficult”.

Further reduction in troops

1036. During early 2006, substantial effort was dedicated to preparation for the transfer of lead responsibility for security in Muthanna and Maysan provinces. That effort is detailed in Section 9.4.

⁹⁵¹ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁹⁵² Report, 5 July 2007, ‘PJHQ Manning Tables’.

⁹⁵³ Minute APS/SoS [MOD] to DCDS(C), 28 June 2006, ‘Secretary of State’s Visit to Iraq – 18-22 June 2006’.

⁹⁵⁴ Minutes, 6 July 2006, DOP(I) meeting.

1037. In a meeting of DOP(I) on 15 February, Mr Blair made clear that the UK should be able clearly to demonstrate that the conditions for transition had been met, and that this was as a result of the increasing capacity of the ISF.⁹⁵⁵ The UK should not be handing over for solely political reasons.

1038. During a video conference between Mr Blair and President Bush on 22 February, Lt Gen Houghton assessed that there had been good progress with the ISF in the South which should allow security transfer in Maysan and Muthanna provinces by late spring.⁹⁵⁶ He assessed that Basra was “less promising, given the collusion between police and militia, aided by local politicians” and that arrests of police “rapidly became confrontations over political and sovereignty issues”.

1039. On 9 March, Dr Reid wrote to Mr Blair explaining that, as a result of the latest Force Level Review, troop levels would be reduced in May 2006, from approximately 8,000 to around 7,200 (see Section 9.4).⁹⁵⁷ That reduction was made possible because of the “completion of various Security Sector Reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre”.

1040. In his statement to the House of Commons on 13 March, Dr Reid stated that the completed tasks included training of trainers and Iraqi troops being capable of guarding their own establishments.⁹⁵⁸

1041. On 15 March, a JIC Assessment stated:

“The Iraqi security forces [in Southern Iraq] can cope with the low level of threat posed by the Sunni Arab nationalist insurgents and jihadists. Their readiness to deal with the activities of Shia extremists or intra-Shia violence is more uncertain. Army command, control and logistics capabilities are all still developing, making major operations without MNF support difficult. The police are a greater concern: they have multiple loyalties and have taken sides in intra-Shia clashes. A minority of police, particularly in Basra, is involved in attacks on the MNF, the assassination of Sunnis and organised crime.”⁹⁵⁹

1042. On 20 April, Mr Robin Lamb, Consul General in Basra, provided an assessment of the security situation in Basra and its impact on the ability for UK civilian staff to operate effectively (see Section 15.1).⁹⁶⁰ He stated:

“Our LE [locally employed] staff regard the Iraqi Police Service as at best ineffective, and at worst complicit in the assassinations. We would support that assessment.”

⁹⁵⁵ Minutes, 15 February 2006, DOP(I) meeting.

⁹⁵⁶ Letter Banner to Siddiq, 22 February 2006, ‘Prime Minister’s VTC with President Bush, 22 February: Iraq’.

⁹⁵⁷ Letter Reid to Blair, 9 March 2006, ‘Iraq: Force Level Review and Announcement’.

⁹⁵⁸ House of Commons, *Official Report*, 13 March 2006, columns 1152-1153.

⁹⁵⁹ JIC Assessment, 15 March 2006, ‘Iraq: the Security Situation in the South’.

⁹⁶⁰ Letter Lamb to MCGurgen, 20 April 2006, ‘Basra: Security and Drawdown’.

Policing reviews: ACC Barton and a Strategic Task Force

1043. Acting ACC Dick Barton took over from DCC Smith as Chief Police Adviser-Iraq on 27 March 2006 and was based in Basra (as opposed to Baghdad) in line with Sir Ronnie’s recommendation described earlier in this Section.⁹⁶¹

1044. For his first task, ACC Barton was commissioned by the FCO to conduct a review of the UK police mission in Iraq, focusing on three main areas: strategic priorities, personnel structure of UK police in Iraq and “other work required (in support of Strategic Priorities)”.⁹⁶²

1045. ACC Barton’s review was completed on 20 April and sought “to avoid replicating areas already covered” by Sir Ronnie’s review four months earlier. He wrote that his “review theme” was to “keep it basic”, stating that basic principles sat under many complex policing issues. He highlighted three strategic priorities:

- The mission must focus on building links with the criminal justice system.
- The mission must be engaged in developing the new Internal Affairs, Major Crime [Unit] and National Information and Investigation Agency (NIIA).
- The mission must identify a realistic working model which facilitates draw-down and eventual complete handover to the Iraqi Police Service.”

1046. ACC Barton made 12 recommendations for change in the way the UK police mission was staffed including:

- creating an Assistant Chief Police Adviser post with a focus on major crime and criminal justice;
- creating a post to focus on developing an effective Internal Affairs capability, warning that overt corruption in the police was “crippling”;
- reducing the number of contracted police officers; and
- designating a Senior Police Adviser at Chief Superintendent level to be territorial lead for Baghdad now that the CPA-I role had relocated.

1047. Mr Straw wrote to Mr Charles Clarke, Home Secretary, on 17 October 2005 about findings from a Strategic Task Force established to “take a fresh look” at how the UK contributed to international operations.⁹⁶³ Mr Straw wrote that assisting in international missions was “vital” for the UK’s foreign policy priorities and also created “direct operational benefits” for the UK when officers returned with experience of “working in the field”.

1048. The Strategic Task Force assessed that there was no need to increase the overall numbers provided by the UK, but suggested increasing the proportion of senior officers

⁹⁶¹ Statement Barton, 7 June 2010, page 3.

⁹⁶² Report Barton, 20 April 2006, ‘Situational Review of the United Kingdom Civilian Police Mission in Iraq’.

⁹⁶³ Straw to Home Secretary, 17 October 2005, ‘International Policing’.

and those with specialist skills. It proposed that “more use” was made of police staff. The Task Force also advised ensuring that the spread of officers was more evenly distributed across the forces (meaning a reduction in PSNI officers), and that the transition should be made easier for returning officers by guaranteeing interviews for posts for which they are qualified.

1049. On 4 May 2006, Mr Howard submitted a draft response for Dr John Reid, who became the Home Secretary on 5 May 2006, to send to Mr Straw.⁹⁶⁴ Mr Howard said the draft emphasised that “recent operational experience ha[d] demonstrated the need for a robust expeditionary policing capability, ideally acting as part of an international force” but also made clear that the matter was “constrained by issues that can only be resolved by the police itself.”

1050. Mr Patey wrote to Mr Pattison on 16 May, highlighting concerns that “our effort on SSR and the Rule of Law in Iraq will suffer if we do not get staffing of our policing effort right”.⁹⁶⁵ Mr Patey noted that there was a risk the UK would “continue to lose credibility in the eyes of the US as a key partner” if that issue could not be addressed, citing the frequent turnover of staff (recommending tours of more than one year) and gaps between posting of senior staff as contributing to problems. He acknowledged that those were manifestations of a wider problem in recruiting, and that there was “little benefit to the police service for their good police officers to deploy to Iraq” requiring “more radical solutions ... In the short and longer term”. The letter concluded by recommending that the FCO “should engage with the new Home Secretary, about the need for appropriate career and reward packages to be in place for deployed officers and the need for all police services to contribute to the effort”.

1051. Mr Pattison’s reply agreed with the premise that “good quality police staffing is central to delivery of the UK’s objectives in Iraq” but noted that that needed to be seen in the wider context, in particular that all UK police secondees were volunteers.⁹⁶⁶

SSR across Iraq: summer 2006 to summer 2009

Formation of the Iraqi Government

1052. On 1 April, Mr Blair wrote to President Bush outlining his views on the steps required to achieve success in Iraq.⁹⁶⁷ He suggested a strategy that involved pressing hard for a unity government and stated:

“This must include a top quality, neutral figure in the Ministry of Interior. It is perfectly obvious to me that a lot of the Shia violence is now being organised out of there and there has to be a definite statement going throughout the police, it won’t be tolerated.”

⁹⁶⁴ Minute DG Op Pol to PS/SofS, 4 May 2006, ‘International Policing in Peace Support Operations’.

⁹⁶⁵ Letter Patey to Pattison, 16 May 2006, ‘Policing in Iraq’.

⁹⁶⁶ Letter Pattison to Patey, 24 May 2006, ‘Policing in Iraq’.

⁹⁶⁷ Letter Sheinwald to Hadley, 1 April 2006 attaching Note [Blair], 1 April 2006.

1053. Mr Nuri al-Maliki was nominated as Prime Minister on 21 April 2006.⁹⁶⁸ Reporting the news, an eGram from the British Embassy Baghdad stated that Prime Minister Maliki had been a “driving force” as Deputy Chair of the de-Ba’athification Committee and had “a strong anti-militia stance”. He favoured “the dissolution of all militias and [did not] believe in their reintegration into Iraqi security forces”.

1054. Sir Nigel Sheinwald and Mr Nick Banner, a Private Secretary to Mr Blair, visited Iraq shortly after Prime Minister Maliki’s nomination.⁹⁶⁹ In a report of the visit, Sir Nigel told Mr Blair:

“The two litmus tests ahead are:

- (i) Choice of Interior and Defence Ministers and willingness/ability to clean out their ministries and make them work;
- (ii) Disbanding the militias ... some can be integrated in the ISF, but others will need to be demobilised and retrained.

There will need to be a major DDR and jobs package which we should try to get the international community involved in. Even if we do, this is a massive task. Militias abound – from personal protection, to Badr and JAM, through to the Facilities Protection Service.”

1055. Mr Blair spoke to Prime Minister Maliki on 28 April.⁹⁷⁰ Prime Minister Maliki stressed his commitment to “remove weapons from all the militias” and requested UK support to accelerate the training of the ISF.

Iraqi appointments

On 8 June 2006, the Iraqi security ministers were appointed:

- Minister of the Interior: Mr Jawad Boulani (Shia Independent);
- Minister of Defence: Lieutenant General Abdel Qadir (Sunni); and
- Minister for National Security: Mr Sherwan al Wa’ali (Shia Da’wa Tanzeem).⁹⁷¹

Improving Iraqi Security Force build-up

1056. Mr Blair met Prime Minister Maliki on 22 May during his visit to Iraq.⁹⁷² A minute from Mr Banner about the meeting reported that Prime Minister Maliki “expressed concern about the readiness of the Iraqi Security Forces, in terms of numbers, training

⁹⁶⁸ eGram 13011/06 Baghdad to FCO, 24 April 2006, ‘Iraq: Formation of the New Government: Al-Maliki Nominated by UIA as Prime Minist’ [sic].

⁹⁶⁹ Minute Sheinwald to Prime Minister, 27 April 2006, ‘Visit to Iraq’.

⁹⁷⁰ Letter Banner to Siddiq, 28 April 2006, ‘Nouri al-Maliki’.

⁹⁷¹ eGram 22963/06 Baghdad to FCO London, 8 June 2006, ‘Iraq: Ministers of Interior, Defence and National Security Appointed’.

⁹⁷² Minute PS/PM to PS/FS, 22 May 2006, ‘Iraq: Prime Minister’s Meeting with Nouri al-Maliki’.

levels and, in particular, equipment". Prime Minister Maliki had said that "the ISF were outgunned", citing an example in Najaf where he had been told by the Chief of Police that his 13,000 officers "had only 5,000 rifles between them".

1057. Following his visit, Mr Blair wrote to President Bush stating that ISF build-up "must be improved".⁹⁷³ He continued:

"... the basic point is: we need better, stronger ISF build-up. A strong centre will be a big help. But they also need equipment and intensive support. Therefore we need to do this even better and more strongly and test the robustness of the build-up. Iraqi MOI and MOD need real capability to make it happen. If we don't do this, we can't defeat the terrorists."

1058. Sir Nigel Sheinwald wrote to Mr Hayes on 23 May reporting Mr Blair's conclusions as a result of his visit.⁹⁷⁴ On SSR, Mr Blair wanted action including:

- Drawing up a timetable with conditions setting out the potential path to MNF withdrawal. This should address the desire of Iraqis for clarity over two issues: that the MNF will stay until Iraqi security forces are capable of acting independently; and that the MNF will go once that has been achieved. Any timetable should include dates, but each one should be conditional on ISF build-up of capability and overall violence levels ...
- We need to make sure that Iraqi forces really are capable of dealing with the threat, including from AQ ... The Prime Minister heard a number of disquieting comments on this score from Iraqis and others. We therefore need a candid analysis of the gap between current capabilities and future requirements ... and a plan for closing the gap ...
- ...
- Turning around the situation in Basra ... This will require ... a larger role and presence for the Iraqi forces, working alongside UK forces ... The Prime Minister hopes that the Defence Secretary will personally supervise the military aspects of this.
- ...
- Capacity-building for Iraqi Ministries. We need a paper setting out our and the US's current assistance to them, in terms both of advisers and equipment, and a plan for addressing additional gaps."

1059. DOP(I) met on 25 May.⁹⁷⁵ Mr Blair said that the UK should focus on the development of the ISF, seeing progress in Basra, and support to the Iraqi Government

⁹⁷³ Letter Sheinwald to Hadley, 22 May 2006, 'Iraq' attaching Note Prime Minister to President Bush.

⁹⁷⁴ Letter Sheinwald to Hayes, 23 May 2006, 'Iraq'.

⁹⁷⁵ Minutes, 25 May 2006, DOP(I) meeting.

on security and electricity provision in Baghdad. On the development of the ISF, he stated:

“... the Ministry of Defence needed to look closely at the level of capability of the Iraqi forces. This should also look at the quality of training and provision of equipment ... ensuring the ISF did have sufficient capability could make a very big difference to our strategic progress in Iraq.”

1060. The MOD was asked to provide a paper on the capability and requirements of the ISF.

1061. On 25 May, during a working dinner with Dr Rice and Mr Steve Hadley, US National Security Advisor, Sir Nigel Sheinwald said that urgent action was needed on ISF capacity:

“The numbers used by the MNF were suspect as they did not take account of substantial desertions. It was disappointing that there were still problems over equipment, as well as the known gaps in terms of command and control and running their own operations.”⁹⁷⁶

1062. On 2 June, Sir Nigel chaired a meeting of the Iraq Strategy Group.⁹⁷⁷ The Group had reviewed progress against the tasks commissioned by Mr Blair:

- Gen Casey was “preparing an Iraqi-fronted security statement in mid/late June” that “would announce the first wave of provinces to transition”. The UK “favoured” an indication of what could be expected “over the next 18-24 months, but the US was cautious”.
- The MOD was working on a “robust assessment of where things stood” with the ISF.
- Gen Casey was preparing a Security Plan for Basra (described later in this Section).
- GOC MND(SE) “intended to start detention operations in the next few days, and was working to increase the Iraqi face on security using the Iraqi Army”. The Iraqis were currently participating in 40 percent of all patrols in Basra.
- The “FCO was pursuing a US analysis of the gaps in their support to the key ministries and DFID was pulling together an overview of UK support”.

⁹⁷⁶ Letter Sheinwald to Hayes, 26 May 2006, ‘Dinner with US Secretary of State and National Security Adviser, 25 May’.

⁹⁷⁷ Minute Cabinet Office [junior official] to Sheinwald, 5 June 2006, ‘Iraq Strategy Group’.

1063. On 7 June, the MOD submitted its assessment of the ISF's progress to the Cabinet Office.⁹⁷⁸ Some of the key points were:

- The programme was on target to complete by December 2006 with 80 percent of the ISF trained and equipped (less the forces in Anbar province and the Air Force and Navy capability).
- Higher-level command and control, logistics, equipment husbandry and intelligence remained immature, but "significant improvement" was expected during 2006. MND(SE) had "some of the same issues" but they were "less acute" with 10th Division having received 97 percent of its "critical items".
- Of the Iraqi Army battalions and brigade/divisional headquarters, 50 percent were capable of planning, executing and sustaining counter-insurgency operations. The Iraqi people held the Iraqi Army "generally in high regard".
- The police were "some way behind" but "significant progress" was expected by the end of the year. Their effectiveness rested on their credibility with the Iraqi people, which was "increasing but remain[ed] an issue".
- Equipment shortfalls in the police were attributed to MOI "over-recruiting" police forces, by "possibly 9,000 to 10,000 ... in the South alone". That was "reportedly to combat unemployment".
- "The ISF in MND(SE) should be capable of managing the threat that they will face but could be quickly undermined by poor leadership." The UK had trained 22,000 IPS officers out of an agreed number of 29,000.

1064. On the Basra Security Plan, the MOD wrote that "in seeking efficiencies to resource the new initiatives proposed in the Basra paper, it would be counter-productive to disrupt established projects in MND(SE) ... to then re-invest in the same sectors". The FCO was exploring options to reduce the UK's commitment to the Jordan International Police Training College, which had the potential to save £3.5m "with minimal impact upon ISF capacity-building" although it "may meet with opposition in US quarters".

1065. Writing about the way ahead, the MOD report stated:

"As the Iraqi security forces mature, Iraq's partners will need to put additional resources into areas such as the judiciary and courts which have been relatively neglected but which are critical to enforcing law and order as security forces. We need to caution against further growth in the size of the ISF whose size/shape has been designed to be affordable in the long run ...

"On the whole, the advice of the UK personnel is appreciated by not only the US, but more importantly the Iraqis. We must build on this influence, without negating the current good work that is being planned and will soon be implemented in

⁹⁷⁸ Minute DJC/Iraq to Cabinet Office [junior official], 7 June 2006, 'Iraq: Strategy Group Workstrands' attaching Paper 'Update on Progress of the Iraqi Security Forces (ISF)'.

Iraq. Additional resources (civilian official and extra CivPol) to aid Ministerial capacity-building, particularly in the Ministry of Interior, would be a key place to add value.”

Iraqi Air Force progress

A Report by the Independent Commission on the Security Forces in Iraq published on 6 September 2007 stated that the Iraqi Air Force had a “meagre beginning and late start” compared with the Iraqi Army.⁹⁷⁹ Development of the Iraqi Air Force was led by the Coalition Air Force Transition Team (CAFTT) which was part of MNSTC-I.

In June 2004, Maj Gen Houghton recorded that 148 air force personnel were in training.⁹⁸⁰ Initially, the force would be 500 strong. An agreement had been established for the transfer of air transport and helicopters from Jordan.

In July 2005, Lt Gen Brims reported that it was “a long term project” and that there were “insufficient funds to even forecast when a plan might be considered”.⁹⁸¹

On 7 June 2006, the MOD produced an update on ISF progress.⁹⁸² On the Iraqi Air Force, progress had been made in the adoption of new structures and procedures. However, operational tasks were limited to reconnaissance and air transport, and equipment procurement had proved a challenge.

Initial recruits to the Iraqi Air Force were people who had served in the Air Force prior to the invasion.⁹⁸³

The main objectives of the Iraqi Air Force were:

- to organise, train and equip air operations;
- to conduct day/night/all-weather counter-insurgency operations; and
- to provide homeland capabilities to the Government of Iraq.

The Iraqi Air Force operated out of four bases:

- Al Muthanna Air Base which operated the Air Force’s fixed wing capability;
- Taji Air Base which housed an interim Air Force Academy as well as most of the rotary wing assets; and
- Basra and Kirkuk Air Bases which focused on intelligence, surveillance and reconnaissance capabilities.

The Iraqi Air Force transferred to Iraqi control in September 2006, under the command and control of the Joint Headquarters.⁹⁸⁴

⁹⁷⁹ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁹⁸⁰ Minute ACDS(Ops) to Rycroft, June 2004, ‘How Best to Progress the Iraqiisation of the Security Sector’.

⁹⁸¹ Letter Naworynsky to Quarrey, 21 July 2005, ‘Update on Progress of Iraqi Security Forces’.

⁹⁸² Minute DJC/Iraq to Cabinet Office [junior official], 7 June 2006, ‘Iraq: Strategy Group Workstrands’ attaching Paper, ‘Update on Progress of the Iraqi Security Forces (ISF)’.

⁹⁸³ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

⁹⁸⁴ JIC Assessment, 17 January 2007, ‘Iraqi Security Forces: Prospects in 2007’.

On 21 November, the Chiefs of Staff were briefed that the Iraqi Air Force would not be capable of external air defence until 2013.⁹⁸⁵ Although funding was not an issue there were difficulties with poor quality personnel, anti-corruption mechanisms and bureaucracy in the IMOD. To increase the rate of development, the US was planning to double its CAFTT team to 232 personnel. The UK was contributing one Group Captain to the CAFTT and had provided some places on courses in the UK. An earlier request from MNSTC-I for the UK to provide flying instructors had been turned down as a result of airworthiness and safety concerns. The paper recommended increasing UK support to CAFTT and providing an RAF officer to the Iraqi JHQ.

1066. On 9 June, the JIC assessed:

“The new government will take time to agree critical strategic security policy. Even if the Ministers of Defence and Interior prove capable and non-partisan, robust administrative capacity in these Ministries will take time to build. We judge there is likely to be only limited progress during the rest of this year in the face of a virulent insurgency and continuing sectarian violence. The need to absorb Shia militias will add to the challenges and could exacerbate sectarian tensions; but a failure to do so would undermine the authority of the government.”⁹⁸⁶

An Iraqi security strategy

1067. Mr Browne visited Iraq from 18 to 22 June (as described earlier in this Section).⁹⁸⁷ His Assistant Private Secretary recorded that “the main players from a security perspective (Maliki, Boulani (MOI) and Qader (MOD)) all seem determined to tackle problems previously skirted: corruption, militias, sectarianism”.

1068. On 25 June, *BBC News* reported that Prime Minister Maliki had announced his plan for national reconciliation.⁹⁸⁸ Some of the points dealing with SSR were:

- preventing human rights violations, reforming prisons and punishing those responsible for acts of torture;
- measures to strengthen Iraq’s armed forces so they would be ready to take over responsibility for national security from the MNF;
- review of the armed forces to ensure they were being run on “professional and patriotic” principles;
- ensuring the political neutrality of Iraq’s armed forces and tackling Iraq’s militia groups; and
- review of the de-Ba’athification Committee to ensure it respected the law.

⁹⁸⁵ Minute ACDS(Ops) to COS, 21 November 2006, ‘Update on UK Engagement with Iraqi Air Force (IzAF)’.

⁹⁸⁶ JIC Assessment, 9 June 2006, ‘The Iraqi Security Forces: Fit for Duty?’.

⁹⁸⁷ Minute APS/SoS [MOD] to DCDS(C), 28 June 2006, ‘Secretary of State’s Visit to Iraq – 18-22 June 2006’.

⁹⁸⁸ *BBC News*, 25 June 2006, *Main points of Iraq’s peace plan*.

1069. On 17 July, Lt Gen Fry reported that MNSTC-I had made recommendations for changes to the ISF structures following concerns expressed by Prime Minister Maliki about the ISF's ability to tackle the current security situation.⁹⁸⁹ Mr Maliki was reported to have:

“... little confidence in the police and [he] thinks that the army should be greatly expanded. The view from MNF-I and MNSTC-I is that the currently planned ISF force structure is about the right size and properly balanced between the [Iraqi] MOD and the MOI.”

1070. The main changes proposed were:

- The Iraqi Army should have a second Divisional HQ in Baghdad; one additional brigade in each of Diyala and Anbar; two additional battalions for 10th Division in Basra; an additional Special Operational battalion in Baghdad plus 400 armoured vehicles and a mobile armoured strike force.
- The National Police should have a “near-term reconstitution, to restore standards of training, discipline and leadership, and a two-year plan to reorganise and retrain them so that they evolve into a Carabinieri/gendarmerie force”.
- To bring together existing units into a rapid response national counter-terror force overseen by the IMOD and a national strike force comprising a mechanised brigade, a Special Forces commando battalion and a National Police brigade.

1071. Lt Gen Fry reported that the key theme of the recommendations was “a better not bigger ISF, within budget” and that “we are close to an agreed ISF size and shape, revised in the light of experience to address the developing operational challenges”.

1072. On 20 July, Mr Patey sent a valedictory prior to leaving Iraq.⁹⁹⁰ He wrote:

“Maliki knows he must reduce and eventually eliminate the power of the militias but does not feel he has sufficient forces at his disposal or cover within his political circles to do so whilst terrorism and the insurgency show no signs of abating. We are in a Catch 22; those insurgents who might consider joining the political process are unlikely to do so until the militias have been disbanded or disarmed. As long as AQ-I and other groups are bombing Shia markets and mosques the militias will continue to pose as a better security option than the ISF and to assuage the desire for revenge ...

“But the position is not hopeless ... Our strategy must be to get the Iraqis to increasingly take the lead and responsibility. This will produce some uncomfortable

⁹⁸⁹ Minute Fry to PSO/CDS, 17 July 2006, ‘Development of the Iraqi Security Forces’.

⁹⁹⁰ eGram 31514/06 Baghdad to FCO London, 20 July 2006, ‘Iraq: Valedictory’. This is the corrected version of his valedictory; the original was 31444/06.

moments but in the long run is the only solution. Considerable progress has been made in building up Iraqi military capability and further significant milestones will be achieved by the end of the year. It should be possible to ensure that the Iraqi Government has a near monopoly of force by the time the coalition withdraws the bulk of our forces. Our ability to help them transform the National Police into a capable non sectarian force will be dependent on tackling the issue of militias. This in turn will be the key to bringing local police forces up to snuff although the civil institutions they report to will require considerably more work.”

1073. On 27 July, the Iraq Strategy Group discussed whether there was “any better alternative to the current MNF-I strategy for building up the ISF and progressively transferring security to the Iraqis”.⁹⁹¹ It agreed with the MNSTC-I view that they “should not give up on the Iraqi Police, notwithstanding the obvious problems”; that MOI reform remained a critical and urgent task; and that the Iraqi Army’s ranks should be overfilled to bring them closer to 100 percent effective strength.

DEALING WITH THE MILITIAS

1074. Gen Jackson visited Iraq from 15 to 18 May 2006.⁹⁹² On the various unofficial and semi-official armed groups, he said:

“Although not wholly in the purview of SSR, these armed groupings must either be disbanded or integrated into the national security structure. The militias pose by far the hardest challenge and before there is any chance of DDR or integration into the ISF, formal political engagement with the associated political leaders of these groups is required: a priority task for the new government.”

1075. When they met on 22 May, Mr Blair asked Prime Minister Maliki how the issue of militias could be best addressed.⁹⁹³ Mr Maliki “favoured extensive dialogue, including with extremists, so long as they had not shed Iraqi blood”; terrorists should “be dealt with forcefully”. There was “a consensus on militias, which all parties had now agreed to disband” but it would be necessary to find alternative employment for current militia members.

1076. Mr Maliki also said that he recognised the importance of the Ministries of Interior and Defence being seen to be independent and non-sectarian. He hoped to have soon appointed independent Ministers “without militia links”.

1077. During a wider discussion on ISF at DOP(I) on 6 July, the following point was raised:

“While the numbers of ISF looked good on paper, anecdotal reports suggested that absenteeism and desertion brought those numbers down considerably. The Prime

⁹⁹¹ Minute Blake to Sheinwald, 27 July 2006, ‘Iraq Strategy Group, 27 July’.

⁹⁹² Minute CGS to CDS, 22 May 2006, ‘CGS Visit to Iraq: 15-18 May 06’.

⁹⁹³ Minute PS/PM to PS/FS, 22 May 2006, ‘Iraq: Prime Minister’s Meeting with Nouri al-Maliki’.

Minister had some sympathy with the view of Maliki and the US that we should consider increasing the size of the Iraqi Army. The countervailing argument was that it was the ability to use troops available effectively that was the real constraint on the ISF's effectiveness. In either case, there was a political argument for absorbing some of the militia forces into the ISF. The US was exploring the options but the potential costs had yet to be established."⁹⁹⁴

1078. No.10 wrote to the MOD on 10 July to report that Mr Blair was "very concerned at the recent attack statistics" from Iraq, particularly the "widely reported sectarian killings" in Baghdad.⁹⁹⁵ Mr Blair judged that "overcoming the evident lack of engagement against the militias by the Iraqi Government and security forces is a major strategic task". As well as continuing to press the Iraqi Government to take action, it was important for the UK to "have a clearer view of what action is required, to complement and make up for the shortcomings of the current Baghdad and Basra security plans". In addition, he was concerned that the evidence demonstrated that the ISF were not as capable as had previously been assessed. No.10 asked for advice on addressing both of those issues.

1079. Mr Browne's Private Secretary replied to No.10 suggesting that the UK should press Prime Minister Maliki to:

- "re-emphasise publicly the theme of national unity";
- conduct a vigorous internal reform of the MOI;
- agree a four-step "militia engagement plan" comprising political engagement of figures with militia links, public engagement to establish popular support, military engagement to neutralise militia presence on the streets and a DDR process to absorb ex-militia members";
- overhaul the Baghdad Security Plan; and
- work with Muqtada al-Sadr to make him choose between politics and "populist adventurism".⁹⁹⁶

1080. On 16 July, Lt Gen Fry reported continuing concerns that in the MOI "the insidious effects of political and militia affiliations are beginning to compromise any claim it might have for institutional integrity".⁹⁹⁷

1081. Lt Gen Fry thought that Mr Boulani would need help to address those issues and reported that Gen Casey had commissioned the development of an internal reform programme for the Ministry.

⁹⁹⁴ Minutes, 6 July 2006, DOP(I) meeting.

⁹⁹⁵ Letter Banner to McNeil, 10 July 2006, 'Iraq: Security'.

⁹⁹⁶ Letter McNeil to Banner, 11 July 2006, 'Iraq: Security' attaching Paper, [undated], 'Summary – Update on Progress of the Iraqi Security Forces (ISF)'.

⁹⁹⁷ Minute Fry to PSO/CDS, 16 July 2006, 'SBMR-I Weekly Report (218): 16 July 2006'.

1082. On 23 August, a JIC Assessment of the militias stated:

“Violence in Iraq is part of a vicious circle: deteriorating security has led to a proliferation of militias, in turn fuelling further violence. Prime Minister Maliki is [...] unable to confront the militias, fearing a violent backlash that would threaten the break-up of the Shia political coalition (the UIA). Without significant progress on the National Reconciliation Plan and a sustained improvement in the security situation there will continue to be little appetite for the MNF plan for the Disarmament, Demobilisation and Reintegration of the Iraqi militias.

“Many militias are sectarian based and competing with the Iraqi state’s security forces to provide security and protection for their own communities. They are undermining government authority. Some elements are engaged in violent attacks against their political and sectarian opponents and coalition forces. In some cases, the distinction between the armed gangs and the Iraqi Security Forces (ISF) is blurred.”⁹⁹⁸

Who were the militias?

Table 6: The main militias recognised in Iraq in 2006

Name	Associated political party	Size
Patriotic Union of Kurdistan*	Patriotic Union of Kurdistan	80,000 to 90,000
Kurdistan Democratic Party*	Kurdistan Democratic Party	
Badr*	SCIRI then later ISCI ⁹⁹⁹	10,000 to 13,000
Jaysh al-Mahdi	Office of the Martyr Sadr	10,000
Iraqi Islamic Party*	Iraqi Islamic Party	1,900
Iraqi Hizballah*		1,000
Jaysh al-Dawa*	Dawa	1,000
Army of the Guardians		500
Thar Allah		200

* Denotes a militia recognised in CPA Order No.91 as having accepted the terms and timetable for reintegration, the process of which was expected to be completed by September 2005.¹⁰⁰⁰

⁹⁹⁸ JIC Assessment, 23 August 2006, ‘Iraq: The Problem With Militias’.

⁹⁹⁹ Supreme Council for Islamic Revolution in Iraq, then Islamic Supreme Council in Iraq.

¹⁰⁰⁰ Telegram 290 Iraq Rep to FCO, 7 June 2004, ‘Iraq: Militias Order’.

1083. A US Report to Congress on 30 November stated that, in early October, Prime Minister Maliki had said that political parties should eliminate their militias or leave the government.¹⁰⁰¹ It added:

“However, personnel with sectarian agendas remain within key ministries, especially the Ministry of Interior. In addition, rivalries for the control of key resources and the central government’s limited influence outside Baghdad undermine the Government of Iraq’s ability to disband the militias ...

“Despite these legal and political prohibitions, militias and other small armed groups operate openly, often with popular support, but outside formal public security structures. These militias provide an element of protection for the populace, generally on a sectarian or political basis. This is especially true in areas where there is a perception that the Government of Iraq is unwilling or unable to provide effective security for the population. Some militias also act as the security arm of an organisation devoted to social relief and welfare, lending these armed groups further legitimacy. Their continued existence challenges the legitimacy of the constitutional government and provides a conduit for foreign interference. Controlling and eventually eliminating militias is essential to meeting Iraq’s near- and long-term security requirements.”

Transition to Iraqi control of security begins

1084. On 1 September, an eGram from the British Embassy Baghdad reported an “important step psychologically” for the Iraqi military: the Iraqi Ground Forces Command and IMOD would commence “a staggered handover” of command and control functions from MNF-I on 3 September.¹⁰⁰² It would begin with the 8th Division and other divisions would follow at a rate of one every two weeks until the end of the year. The transfer of 10th Division was planned for January 2007 and the final transfer, of the Ramadi Division, was planned for April. MNF-I forces were expected to retain responsibility for logistical support and development.

1085. The British Embassy Baghdad reported that “while the assumption of responsibility looks gradual and sensibly phased, in reality the pace will be demanding to both MNF-I and the IGFC [Iraqi Ground Forces Command]”. As “life support and logistics capabilities” were “developing at their own, much slower, pace”, it predicted that “IA Divisions will remain dependent on MNF-I for some time to come”.

¹⁰⁰¹ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁰² eGram 38264/06 Baghdad to FCO, 1 September 2006, ‘Iraq: Iraqis to Take Over Command and Control of its First Army Division’.

Ethno-sectarian diversity in the Iraqi Ministry of Defence

In its Reports to Congress, the US DoD monitored ethno-sectarian diversity in the IMOD.¹⁰⁰³ On 26 May 2006, it stated that the leadership of the IMOD, selected with MNSTC-I co-ordination, was majority Sunni.

On 29 August, Sunnis and Kurds were over-represented, in relation to the population, at higher command levels, though Shia commanders held the majority of command positions.¹⁰⁰⁴ That was reported to reflect the requirement for military experience, which Sunnis had obtained in the Iraqi Army before the invasion and Kurds had obtained through years of experience in the Peshmerga.

The composition of Iraqi Army divisions could be divided into two groups. The nationally recruited divisions (those with an odd number) were roughly representative of the country.¹⁰⁰⁵ The even numbered divisions, which had been recruited locally, initially as ICDC personnel then ING, were more homogenous.

Describing the composition of Iraqi Army divisions, the JIC recorded that “of the 10 Army divisions, three are heavily Shia (over 90 percent), a further three are Shia-dominated, two are mostly Kurdish and one is relatively mixed, which is unsurprising given that five are based on National Guard divisions recruited locally in 2003. Among the top three senior Army officer grades, representation broadly reflects the national confessional breakdown: Sunnis 20 percent; Shia about 50-60 percent; the Kurds 20-30 percent.”¹⁰⁰⁶

To increase diversity in the odd numbered divisions, the intent was for replacements from a national recruiting pool to join these units.¹⁰⁰⁷ Further army recruitment was done at the national level with IMOD policy strictly prohibiting unit commanders from hiring their own personnel and clearly requiring enlisted and commissioned personnel to attend national training schools to receive certification of their rank and duty speciality.¹⁰⁰⁸

1086. On 3 November, the British Embassy Baghdad reported that a video conference between President Bush and Prime Minister Maliki had resulted in agreement to accelerate the pace of training the ISF, their assuming command and control and the transfer of security responsibility to the Iraqi Government.¹⁰⁰⁹

1087. A High Level Working Group with three sub-committees was established to report on whether and how acceleration could take place in each area. The Working Group consisted of Gen Casey and Ambassador Khalilzad, along with the Iraqi National Security Adviser, Minister of the Interior and Minister of Defence.

¹⁰⁰³ Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁰⁴ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁰⁵ Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁰⁶ JIC Assessment, 9 June 2006, ‘The Iraqi Security Forces: Fit For Duty?’.

¹⁰⁰⁷ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁰⁸ Report to Congress, 17 February 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁰⁹ eGram 48788/06 Baghdad to FCO London, 3 November 2006, ‘Accelerating Security Transition’.

1088. The Embassy reported that “Maliki is frustrated at what he feels is his lack of control over Iraqi security” but also that Gen Casey feared that “forcing the pace risks putting too much pressure on immature Iraqi systems and capabilities”.

Iraqi Security Force assessments in late 2006

1089. Lt Gen Fry submitted his End of Tour Report on 28 August.¹⁰¹⁰ He wrote:

“The key indices of the development of the Iraqi Security Forces (ISF) are regularly reported and show steady progress. There are some structural problems which, in the IA, will require an additional 52,000 soldiers to be trained, and in the IPS, will require the process of internal reform to be seen through. But these are regarded as running repairs to structures which are fundamentally sound in design and institutionally well-conceived. Given this positive background, the successive IA battalions which have disintegrated when placed under orders or actually deployed to operations outside their divisional area is disappointing. Disappointing, but probably not surprising. The month on month increase of numbers trained conceals organisations which remain very immature ... Seen from MNSTC-I, this is entirely predictable at the 18 month point of a three year process and [Lieutenant General] Dempsey [Commander MNSTC-I] would assert that the ISF project is on track, so long as too much is not asked of it too soon ...”

1090. Lt Gen Fry thought that the ISF would be tested over the next month. If they were successful he judged:

“... the campaign will have negotiated a tricky period ... But the stakes are high and failure would have implications for campaign progress, the place of the ISF in Iraqi society and the authority of the Maliki government. It is difficult to predict the outcome ...”

1091. On 15 November, the JIC assessed:

“MNF operations under the Baghdad security plan have had only temporary and local impacts: violence has been displaced and has increased overall. The ISF have been unable to sustain any improvements. Operations have exposed the patchy nature of Iraqi Army capability and the ineffectiveness of the Iraqi police. Prime Minister Maliki is attempting to address some of the problems: diplomatic reporting indicates he has ordered a purge of officers within the security Ministries involved in sectarian violence. The MOI claims that 3,000 police have been relieved of duty – although most are likely to be re-deployed elsewhere.”¹⁰¹¹

¹⁰¹⁰ Minute Fry to PSO/CDS, 28 August 2006, ‘SBMR-I End of Tour Report’.

¹⁰¹¹ JIC Assessment, 15 November 2006, ‘Iraq: Risk of Deepening Sectarian Division’.

1092. A further JIC Assessment on 24 November stated:

“The UIA [United Iraqi Alliance] recognises the need to build ISF capabilities, but ISF credibility as impartial, national forces is being damaged by the main Shia factions entrenching their influence – and in some cases control – over state security structures. [...] SCIRI’s Badr Organisation is the most organised, placing its members in important positions within the Ministries [...]. The Jaysh al Mahdi (JAM), largely under the control of Sadr, has been less systematic, but controls the police in many Shia areas through infiltration and intimidation. The relative influence of SCIRI/ Badr and JAM in the ISF varies across the Shia areas of central and southern Iraq; their rivalry has led to serious violence in places, most recently in al-Amara.

“Shia militias provide protection and leverage to Shia political parties. In a climate of poor security and political uncertainty, we see no prospect that SCIRI/Badr, Sadr/ JAM and others will willingly give up their power. Maliki has made some attempts to get rid of sectarian elements within the ISF [...]. He says he is pursuing a strategy with the Sadrist to bind them more tightly into the political process while gathering the necessary political backing to take tough action against renegade JAM elements. [...] By aligning himself with the Sadrists, Maliki risks alienating SCIRI/Badr.”¹⁰¹²

Enabling the police to tackle crime

A Report to Congress on 30 November 2006 stated that the MOI’s emphasis on tactical skills meant that little resource was left for training for or conducting criminal investigations.¹⁰¹³ As a result, corruption and smuggling were becoming more organised and entrenched. The CPATT was seeking to address that by strengthening the Iraqi Major Crimes Task Force and the Major Crimes Unit. In addition, there were discussions between the MOI and MNSTC-I about improving Iraq’s forensic investigative capabilities by adding several thousand forensic specialists to the police forces.

In November 2006, the British Embassy Baghdad produced a ‘Police Forward Look’ that suggested the UK’s aim was to move its “assistance increasingly to higher-level mentoring and support”.¹⁰¹⁴ It identified seven work strands in Baghdad, a number of which were expected to transfer to an Iraqi lead during 2007:

- TIPS – CPATT was likely to move the hotline to the MOI “in the next few months”. Without a significant increase in resources, the UK contribution (ArmorGroup) was judged to be unsustainable and it was recommended that it be drawn down by March 2007 “at the latest”. Despite being “the UK’s biggest success story”, it “was not part of our original remit”. TIPS is described earlier in this Section in the Box, ‘TIPS hotline’.
- Forensics – the Baghdad laboratory and training academy were open with “significant” support from UK police officers and ArmorGroup. They aimed to be completely Iraqi-led by the end of 2007; the Basra equivalent was “now the priority”.

¹⁰¹² JIC Assessment, 24 November 2006, ‘Iraq: What do the Shia want?’.

¹⁰¹³ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰¹⁴ Paper BE Baghdad, November 2006, ‘Police Forward Look’.

- Intelligence – the NIIA should be “running successfully” by early 2009. It was currently “still in its infancy and was heavily dependent on British assistance”. One UK police officer oversaw the entire programme.
- Capacity-building at the MOI – the UK would continue to provide Rule of Law and policing advice at a strategic level to the MOI through one or more high-level advisors.
- CPATT slots – to continue “for as long as is required”. British officers held two positions in CPATT and a further two were desired over the next year.
- Hostage affairs – one officer whose role was to provide links into the Hostage Working Group and other US and MNF-I hostage recovery groups. It was a post that the UK could not “manage without” and any departing officer should be replaced “as rapidly as possible with another police officer from the UK with the relevant skill set”. The role was described as “not a heavily loaded slot until hostage issues arise (as at present),¹⁰¹⁵ when it involves long hours and a heavy workload”.
- Chief Police Adviser – recommended that that role be returned to Baghdad following the transition to Provincial Iraqi Control in Basra “to oversee what should be a smaller and more strategic policing team”. His role could double up with a senior role in CPATT.

Developing the Ministry of Interior and Iraqi Ministry of Defence

1093. Lt Gen Houghton described the focus on IMOD development (compared with the focus on the Ministry of Oil) in his 8 January 2006 weekly report to Gen Walker:

“A coalition engagement plan that has 103 advisers in the MOD yet only six in the Ministry of Oil is not properly balanced.”¹⁰¹⁶

1094. Mr Straw asked FCO officials for advice on Lt Gen Houghton’s comments on the imbalance between coalition support for the Ministries of Defence and Oil.¹⁰¹⁷

1095. Mr Asquith replied to Mr Straw on 18 January.¹⁰¹⁸ He advised that the IMOD had indeed received a “disproportionately” larger number of advisers than other ministries, for three reasons:

- unlike other ministries, the IMOD had been torn apart by the coalition and needed rebuilding from scratch;
- the importance of security issues; and
- its location in the Green Zone, which meant that advisers could work there relatively uninterrupted.

¹⁰¹⁵ This may be a reference to the kidnapping of up to 150 employees and visitors of an Education Ministry building in Baghdad.

¹⁰¹⁶ Minute Houghton to CDS, 8 January 2006, ‘SBMR-I Weekly Report (194) 08 January 06’.

¹⁰¹⁷ Minute Asquith to Foreign Secretary, 18 January 2006, ‘Iraq: Capacity-building in Ministries’.

¹⁰¹⁸ Minute Asquith to Foreign Secretary, 18 January 2006, ‘Iraq: Capacity-building in Ministries’.

1096. A Cabinet Office paper on 13 June reported that the UK contribution to the Ministerial Transition Teams was:

- MOI: five international consultants (working in rotation) and two military officers. The focus was on management and administrative capacity-building, including strategic planning, improving administrative controls and accountability, clarifying the legal and constitutional framework and human resource management.
- IMOD: seven full-time advisers (MOD), including the Team Leader/Senior Advisor who was responsible for directly advising the Minister. The team focused on establishing a functional Secretariat, strengthening contracting procedures and developing the Inspector General Group.¹⁰¹⁹

1097. A Report to Congress on 30 November stated that the MOI “was currently assessed as being partly effective overall”.¹⁰²⁰ The MOI Transition Team had “just over 100 advisers”:

- Seven were from the US State Department.
- Three were from the US Department of Justice.
- 45 were from the US military.
- “just over a third” were contractors (Military Professional Resources Inc).
- The rest were non-US military and civilian personnel.

1098. The IMOD Transition Team contained “just under 50 advisers”:

- The majority were contractors (Military Professional Resources Inc).
- Six were US military personnel.
- 12 were civilian advisers.

1099. A “similarly scaled effort” was provided at Joint Headquarters, with US military personnel making up roughly half and the rest split between US contractors and personnel from coalition countries.

1100. On 17 January 2007, the JIC repeated its concerns about the IMOD and the MOI but did note some small signs of improvement in the Ministries, stating:

“The Ministerial Committee for National Security – chaired by [Prime Minister] Maliki – is taking on more strategic planning. The MOD has benefited from MNF engagement, performing better than the MOI. We judge that both ministries are better able to direct their forces, albeit inconsistently. Some efforts have been made to correct deep-seated problems. But the lack of united national political direction is reflected in Iraq’s security machinery which remains largely un-coordinated and, we

¹⁰¹⁹ Paper Cabinet Office, 13 June 2006, ‘Follow-up to the Prime Minister’s visit, including Delivering a Step-Change in Basra’ attaching Annex B ‘Capacity-building Assistance (Excluding Direct Support from UK Missions in Iraq)’.

¹⁰²⁰ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

judge, only partially effective: undermined by personal and party rivalries, endemic corruption and the absence of a capable bureaucracy. This is unlikely to change significantly in the foreseeable future. [...]

“Both the MOI and MOD still face significant difficulties in effectively administering their rapidly expanding forces ... Corruption and sectarianism still permeate the MOI.”¹⁰²¹

1101. Reports to Congress between November 2006 and March 2007 highlighted the work being undertaken to tackle corruption in the MOI:

- Internal Affairs: By the end of September 2006, 650 out of a total of around 1,000 MOI Internal Affairs officers had received specialised training. Training for all personnel was expected to be completed by March 2007.¹⁰²²
- “Quicklook”: A coalition-initiated, MOI-led police reform programme called “Quicklook” was launched in December 2006.¹⁰²³ It aimed to review all aspects of the performance and effectiveness of Iraqi police stations, beginning in Baghdad. It comprised visits by representatives from Police Affairs, Internal Affairs, Human Resources, Training and Administrative Directorates and was complemented by the PTTs.
- Dismissals: By August 2006, over 230,000 MOI employees had been screened by the Iraqi Police Screening Service, against Ba’ath Party records and Saddam Hussein-era criminal records.¹⁰²⁴ Possible positive hits numbered 5,300, leading to the dismissal of 74 personnel. By March 2007, there had been 1,228 dismissals with a further 2,143 dismissals pending.¹⁰²⁵ The screening process was severely hampered by its inability to check for militia links; to counter that, IPS recruits were required to take an oath of office denouncing militia influence and pledging allegiance to Iraq’s Constitution.¹⁰²⁶

The National Police

The DoD reported to Congress on 26 May 2006 that the Iraqi National Police had been created on 1 April 2006.¹⁰²⁷ The Minister of Interior signed an order to reorganise and merge the Police Commandos, the Public Order and Mechanised Police and the Emergency Response Unit to form a single force under a single headquarters.

An eGram from Mr Asquith on 7 December explained that the intention behind the National Police was to create a mixed ethno-sectarian force, filling the gap between the “provincial” IPS and the Iraqi Army in dealing with serious civil disorder and internal

¹⁰²¹ JIC Assessment, 17 January 2007, ‘Iraqi Security Forces: Prospects in 2007’.

¹⁰²² Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰²³ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰²⁴ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

¹⁰²⁵ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰²⁶ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰²⁷ Report to Congress, 26 May 2006, *Measuring Stability and Security in Iraq*.

emergencies.¹⁰²⁸ The planned number of officers was 25,000 but it was currently staffed to “around 19,000”. Almost all National Police personnel were deployed in Baghdad.

Mr Asquith reported that the National Police’s first major deployment in June had been “disappointing” and the second “somewhat better” but capability concerns remained. In response, MNF-I and the MOI had initiated a comprehensive retraining and leadership programme, resulting in a reshuffle that attracted local and international press coverage. It was now in the second phase of retraining which was scheduled to run until September 2007. Officers would be retrained in police (as opposed to military) skills and “not released for duties until they are able to meet the required standard”.

The MNF-I hoped that the retraining would also make “the NP [National Police] less susceptible to the influence and infiltration of the militias” but Mr Asquith noted: “Indeed, as so often with the ISF as a whole, leadership will be the key.”

While the National Police’s future role was undecided, the aim was to turn it into a “more aggressive, responsive, paramilitary-style force over the next five years”, similar to the Italian Carabinieri (National Military Police). Plans for regionalising the force were dependent on the security situation in Baghdad, where the National Police would be crucial in maintaining public order once the US drawdown began.

A JIC Assessment issued on 9 June 2006 reported:

“The more capable National Police, largely confined to the Baghdad region, have provided effective support to MNF counter-insurgency operations. But we judge that there are serious problems of corruption, criminality, and divided loyalties; elements have taken part in sectarian attacks and are prone to Shia militia influence.”¹⁰²⁹

A Report to Congress on 30 November 2006 stated that while the National Police had “proven useful in fighting the insurgency”, frequent allegations of abuse and other illegal activities affected their credibility.¹⁰³⁰ A report in June 2007 stated that a four-phase transformation programme began in October 2006 to reorient the National Police towards police (as opposed to paramilitary) functions:

- Phase I: “Quicklook” inspections to improve overall readiness.
- Phase II: Standardised collective training, including added emphasis on human rights, Rule of Law and police ethics. Extensive re-vetting of currently serving officers, including ID checks, fingerprints, biometrics, a literacy test, and criminal intelligence background checks. There was no specific screening for militia affiliation.
- Phase III: An Italian led training plan based on the tactics, techniques and procedures of the Carabinieri.
- Phase IV: Forward positioning to train on contingencies such as security for pilgrimages, natural disasters and national emergencies.¹⁰³¹

¹⁰²⁸ eGram 54506/06 Baghdad to FCO, 7 December 2006, ‘Iraq: The National Police’.

¹⁰²⁹ JIC Assessment, 9 June 2006, ‘The Iraqi Security Forces: Fit for Duty?’

¹⁰³⁰ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰³¹ Report to Congress, 7 June 2007, *Measuring Stability and Security in Iraq*.

By September 2007, the National Police Commander had relieved commanders of both of the divisions, all nine brigades and 17 of 27 battalions.¹⁰³² The Report to Congress stated that despite those changes, sectarianism remained a significant problem within the National Police.

Reform of the Facilities Protection Service

1102. Facilities Protection Service (FPS) personnel were also implicated in violent crimes and other illegal activity.¹⁰³³ On 24 August 2006, Prime Minister Maliki announced that the majority of the FPS would be consolidated into a unified organisation accountable to the MOI.¹⁰³⁴ An early test case review of the Central Bank of Iraq's Protection Service suggested that 800 of the 1,800 employees on the payroll were either ghost employees or otherwise unfit for such employment.

1103. On 27 December, Prime Minister Maliki signed a consolidation directive that provided instructions to place all FPS personnel under the MOI, with the exception of the Ministry of Oil, the Ministry of Electricity and the Higher Juridical Council forces.¹⁰³⁵

1104. Many Ministries resisted central control over their guard forces and continued to use the FPS as an employment opportunity for militia and sectarian interests.¹⁰³⁶

1105. The draft Facility Protection Service Reform Act was still in limbo between the Council of Ministers and the Committee of Representatives at the point of UK military withdrawal more than two years later.¹⁰³⁷

Creation of the Iraqi national counter-terrorism capability

On 10 October 2006, Prime Minister Maliki approved the establishment of an Iraqi national counter-terrorism capability, comprising:

- The development of a National Counter-Terrorism Bureau separate from the ministries, to act as the principal adviser to the Prime Minister on counter-terrorism matters.
- The establishment of a separate major command equivalent to the Iraqi Ground Forces Command to provide support to the National Counter-Terrorism Bureau in intelligence and targeting areas.

¹⁰³² Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.

¹⁰³³ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

¹⁰³⁴ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰³⁵ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰³⁶ Report to Congress, 7 June 2007, *Measuring Stability and Security in Iraq*.

¹⁰³⁷ Report to Congress, 23 July 2009, *Measuring Stability and Security in Iraq*.

- The expansion of the Iraqi Special Operations Forces that would be commanded by the new counter-terrorism command. That expansion would include an additional commando battalion with forward-based commando companies in Basra, Mosul and al-Asad.¹⁰³⁸

Iraq Forward Plan

1106. Following a discussion in the Iraq Strategy Group,¹⁰³⁹ a draft of a Forward Plan was sent to Mr Blair's Private Secretary by Mr Simon McDonald, FCO Director Iraq, on 24 November 2006.¹⁰⁴⁰ It was also sent in parallel to the FCO, the MOD and to SIS. The Forward Plan considered what more needed to be done to improve the chances of successful transition (there is more detail on the Forward Plan in Section 9.5).

1107. The Forward Plan assessed the key weaknesses of the ISF as:

- “• A lack of capacity and ineffective command and control arrangements, particularly at strategic and operational levels.
- Militia infiltration of the Iraqi Security Forces, in particular the Iraqi police force and other Ministry of Interior forces.
- The inability of Iraqi Ministry of Defence to apportion and release funding.
- Strategic and tactical level intelligence capabilities.
- Lack of Iraqi Security Forces logistic capacity and protected mobility.
- Lack of some heavier weapons such as machine guns.”

1108. To address those concerns over three, six and 12 months, at both the national and the MND(SE) level, the proposals included:

- providing subject matter experts to the security Ministries;
- encouraging the Iraqi Government to address issues such as sectarianism;
- reforming corrupt elements of the police;
- enhancing the UK commitment to monitoring and mentoring 10th Division; and
- providing niche equipment.

1109. Responding to Mr McDonald, Mr Blair's Private Secretary reported that he had described the Forward Plan as “an excellent piece of work”.¹⁰⁴¹ The Private Secretary asked for it to be finalised and implemented.

¹⁰³⁸ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*; Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰³⁹ Minute Cabinet Office [junior official] to Sheinwald, 27 November 2006, 'Iraq Strategy Group, 24 November'.

¹⁰⁴⁰ Minute McDonald to Banner, 24 November 2006, 'Iraq Forward Plan' attaching Draft Paper, [undated], 'Iraq: Forward Plan'.

¹⁰⁴¹ Letter Banner to McDonald, 27 November 2006, 'Iraq: Forward Plan'.

1110. On 29 November, Vice Admiral Charles Style, Deputy Chief of the Defence Staff (Commitments), told the Chiefs of Staff that the Forward Plan had received Mr Blair's approval over the weekend.¹⁰⁴²

1111. At DOP(I) on 7 December, Mr Browne reported that the security aspects of the Forward Plan were being implemented and that weaknesses in ISF capacity and in the Basra police were being addressed.¹⁰⁴³

1112. The Inquiry has seen no other record of implementation against the Forward Plan's proposals.

Iraqi Air Force progress

In September 2007, the US Independent Commission on the Security Forces in Iraq (led by General James L. Jones and described later in this Section) concluded:

“The Iraqi Air Force's relatively late establishment hampers its ability to provide much-needed air support to ground operations. It is well designed as the air component to the existing counterinsurgency effort, but not for the future needs of a fully capable air force. Though limited by the availability of properly skilled personnel, and by an inclination to value force size and acquisition over operational effectiveness, it is nonetheless progressing at a promising rate during this formative period.”¹⁰⁴⁴

In September 2007, the Iraqi Air Force numbered 1,100 personnel with 45 aircraft.¹⁰⁴⁵ There were plans to increase personnel to 3,000 and for the number of aircraft to increase to 80 by the end of 2007. Although the target of 3,000 personnel by the end of 2007 was not met (there were only 1,200), long-term ambitions grew and plans were developed to create an Iraqi Air Force of 12,000 personnel operating from 10 main bases and five secondary bases.

By 31 May 2010, there were 5,600 personnel with 106 aircraft.¹⁰⁴⁶ The US assessed that the “Minimum Essential Capability” required when US forces left in December 2011 was “to establish the capability to support COIN operations and put in place the building blocks necessary for the achievement of air sovereignty”.¹⁰⁴⁷ The US assessed in August 2010 that the Iraqi Air Force was on track to meet this capability in all areas with the exception of airspace control and fixed wing airlift.¹⁰⁴⁸

¹⁰⁴² Minutes, 29 November 2006, Chiefs of Staff meeting.

¹⁰⁴³ Minutes, 7 December 2006, DOP(I) meeting.

¹⁰⁴⁴ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

¹⁰⁴⁵ Report to Congress, 14 December 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁴⁶ Report to Congress, 20 August 2010, *Measuring Stability and Security in Iraq*.

¹⁰⁴⁷ Report to Congress, 29 April 2010, *Measuring Stability and Security in Iraq*.

¹⁰⁴⁸ Report to Congress, 20 August 2010, *Measuring Stability and Security in Iraq*.

Focus on the Iraqi Army

1113. On 29 October 2006, Mr Blair wrote a minute to staff in No.10 entitled 'Iraq Plan'.¹⁰⁴⁹ On ISF development he suggested:

“Rectify any weaknesses in training, equipment, pay and capacity of the Iraqi Army. This should be built up as a major force which everyone knows is superior to any other force. If we need to embed more of our officers to help, we should do it. We need to make the Iraqi MOD effective in paying soldiers.

“A plan to pay off the worst aspects of the police, slim them down and change the command and control. All this is easier to do in the context of the growing Army power.”

1114. In a Note to President Bush on 20 December, Mr Blair suggested three ways in which to support Prime Minister Maliki, the first of which was to:

“... increase the speed of Iraqi Army command and control; training and equipment. They are the one reasonably solid force structure the Iraqi Government has. All our effort must be directed to building its capability.”¹⁰⁵⁰

1115. On 6 January 2007, Prime Minister Maliki delivered what Mr Asquith described as a “robust” speech at Iraq’s Army Day event.¹⁰⁵¹ Mr Maliki called for armed forces that were without political bias, cohesive in the national interest and protected from political interference and militia. Mr Maliki said:

“We will not allow anybody to be an alternative to the state, whether the militias or anybody else, regardless of their affiliations ... We will confront them firmly.”

1116. On 14 January 2007, Mr Blair met Mr Robert Gates, US Secretary of Defence.¹⁰⁵² Mr Blair was recorded as stating that the Iraqis needed “at least one institution of power which worked and supported the government”. His advice to the US was to place a high value on building up Iraqi military capability.

Expansion of the Iraqi Security Forces

1117. On 10 January 2007, President Bush announced a change of strategy for Iraq, often referred to as “the Surge”.¹⁰⁵³ This is explained in more detail in Section 9.5.

¹⁰⁴⁹ Note Blair, 29 October 2006, 'Iraq Plan'.

¹⁰⁵⁰ Note Blair to Bush, 20 December 2006, 'Note'.

¹⁰⁵¹ eGram 534/07 Baghdad to FCO London, 7 January 2007, 'Iraq: Prime Minister al-Maliki, 7 January'.

¹⁰⁵² Letter Sheinwald to Forber, 15 January 2007, 'Prime Minister's Meeting with US Defence Secretary, 14 January: Iraq and Afghanistan'.

¹⁰⁵³ The White House archive, 10 January 2007, *President's Address to the Nation*.

As well as increasing the number of US and Iraqi troops in Baghdad, President Bush announced a further focus on SSR:

“In keeping with the recommendations of the Iraq Study Group [described in Section 9.5], we will increase the embedding of American Advisors in Iraqi Army units, and partner a coalition brigade with every Iraqi Army division. We will help the Iraqis build a larger and better-equipped army, and we will accelerate the training of Iraqi forces, which remains the essential US security mission in Iraq.”

1118. On 17 January, the JIC produced an Assessment commissioned by the Iraq Senior Officials Group.¹⁰⁵⁴ It stated:

“The success of new US plans will depend in part on the willingness of the Iraqi Government to take on sectarian and political militias. Maliki will not take action which risks breaking the Shia United Iraqi Alliance (UIA) and bringing down his government. Only a small proportion of the ISF are currently both willing and able to take on the Shia militias. In Baghdad the ISF will need support from MNF combat units beyond 2007. Similar support will be required in the Sunni Arab heartlands if *de facto* control of large areas is not to pass to the insurgents.”

1119. The US view of what was necessary to stabilise the situation in Iraq was reflected in an assessment produced and published in January 2007 by the US National Intelligence Council.¹⁰⁵⁵ On the ISF it stated:

“Despite real improvements, the Iraqi Security Forces (ISF) – particularly the Iraqi police – will be hard pressed in the next 12-18 months to execute significantly increased security responsibilities, and particularly to operate independently against Shia militias with success. Sectarian divisions erode the dependability of many units, many are hampered by personnel and equipment shortfalls, and a number of Iraqi units have refused to serve outside of the areas where they were recruited.”

1120. It also judged that if a rapid drawdown of coalition forces were to occur, the ISF “would be unlikely to survive as a non-sectarian national institution”.

1121. Mr Blair met General David Petraeus, the new Commander MNF-I on 6 February.¹⁰⁵⁶ They discussed Iraq’s security institutions and agreed that there were still problems with funding, equipment and key enablers such as intelligence. They also discussed the loyalty of the ISF and agreed that it was vital that the Iraqi Government was able to impose its authority. Gen Petraeus agreed to lobby the Government on matters such as a replacement commander for 10th Division if a solution was not forthcoming. Mr Blair said that the UK would stay in Basra Palace and do more training and mentoring.

¹⁰⁵⁴ JIC Assessment, 17 January 2007, ‘Iraqi Security Forces: Prospects in 2007’.

¹⁰⁵⁵ [US] National Intelligence Estimate, [approved] 29 January 2007, *Prospects for Iraq’s Stability: a Challenging Road Ahead (Key judgments)*.

¹⁰⁵⁶ Letter Banner to McNeil, 6 February 2007, ‘Prime Minister’s Meeting with David Petraeus’.

1122. The DoD reported to Congress on 2 March that over 40 Joint Security Stations in Baghdad would be established to “facilitate co-operation between coalition and Iraqi Forces and to build trust and confidence with the local population”.¹⁰⁵⁷

1123. The Report to Congress stated that the generation of MNSTC-I-agreed force levels as mandated under the Petraeus Plan was considered complete. Both the IMOD and the MOI had assumed control of most force generation tasks.

1124. A letter from Mr Browne, circulated to DOP(I) members ahead of a meeting on 10 May, commented that “we must build on examples like Anbar, once considered all but lost, where tribal leaders are now working with the coalition to drive out Al Qaida”.¹⁰⁵⁸

1125. Mr Browne said in discussion at the DOP(I) meeting that, in Anbar: “young Sunnis were queuing up to join the Iraqi Security Forces”.¹⁰⁵⁹

Machinery of Government under Mr Brown

Mr Gordon Brown took office as Prime Minister of the UK on 27 June 2007. In his initial Cabinet reshuffle, he appointed Mr David Miliband as Foreign Secretary and Mr Douglas Alexander as Development Secretary. Mr Des Browne remained as Defence Secretary until 3 October 2008.

Mr Brown reorganised the structure of Cabinet Committees. As well as discussions in Cabinet, Iraq business was formally addressed in the Overseas and Defence Sub-Committee of the Committee on National Security, International Relations and Defence (NSID(OD)). An additional sub-committee specifically on Iraq (NSID(IR)) was also established, but never met.

1126. In June, a proposal agreed by Prime Minister Maliki established an additional light infantry division, bringing the total planned force structure to 13¹⁰⁶⁰ divisions.¹⁰⁶¹ That expansion was funded by the Iraqi Government, bringing the total IMOD expansion budget to US\$950m. The development of the 14th Division which was to be raised in Basra is described further in Box, ‘A new Iraqi Army division for Basra’, later in this Section.

1127. Commenting in his valedictory on 16 August 2007, Mr Asquith said:

“The surge has failed to create the space for politics to work because the military (tactical) successes (local security structures loyal to the MNF) conflict directly with the political objective (inclusive and integrated national Iraqi authority).”¹⁰⁶²

¹⁰⁵⁷ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁵⁸ Letter Browne to Blair, 5 May 2007, ‘Iraq: Reconciliation’.

¹⁰⁵⁹ Minutes, 10 May 2007, DOP(I) meeting.

¹⁰⁶⁰ The new division would be called the 14th Division, because the number 13 was not used.

¹⁰⁶¹ Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁶² Letter Asquith to Miliband, 16 August 2007, ‘Iraq: Valedictory’.

1128. Mr Asquith told the Inquiry:

“Personally, I was sceptical that the surge would be effective and was unsure whether the real objective of agreeing the local cease-fires with some of the Sunni Arab areas’ tribal leaders was designed to minimise the casualties of US forces or was really designed to build them into the political process. My suspicions were that the first objective ... was probably a more important one in the minds of the military planners, and I was sceptical that they would be successful in persuading, particularly the Sunni Arab tribal leaders, to be loyal to a Shia-led government in Baghdad.

“I think in retrospect I was wrong and I think the surge did produce what General Petraeus was seeking to achieve by it, not just to create the sort of breathing space for some politics to work, but that it did, more sustainably than I assumed, quieten those areas which were extremely violent.”¹⁰⁶³

Iraqi border police progress

The DoD reported on 2 March 2007 that MNSTC-I had trained 28,400 Department of Border Enforcement (DBE) and Port of Entry (POE) personnel and that the DBE was supported by 28 Coalition Border Transition Teams.¹⁰⁶⁴

Later in the year a joint DBE and MNSTC-I five-year plan was developed to bring the total number of constructed border forts and annexes to 723¹⁰⁶⁵ and to increase the personnel requirement to 46,000.¹⁰⁶⁶

On 6 September, the Independent Commission on the Security Forces in Iraq reported to Congress its conclusion that:

“Iraq’s border security forces are generally ineffective and need more equipment, training, and infrastructure before they can play a significant role in securing Iraq’s borders. The Department of Border Enforcement suffers from poor support from the Ministry of Interior. Overall border security is undermined by the division of responsibilities between the Ministry of Interior and the Ministry of Transportation. Corruption and external infiltration of the border security forces are widespread, and the borders are porous.”¹⁰⁶⁷

On 18 December 2008, the JIC assessed that the DBE “suffer from departmental underinvestment and corruption” and “are unable to protect Iraq’s borders”.¹⁰⁶⁸

By August 2010, the DBE had 40,000 personnel and operated out of 657 forts and annexes.¹⁰⁶⁹ It was estimated that over 60,000 personnel would be required to staff the planned number of forts.

¹⁰⁶³ Public hearing, 4 December 2009, page 30.

¹⁰⁶⁴ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁶⁵ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

¹⁰⁶⁶ Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.

¹⁰⁶⁷ Report, 6 September 2007, ‘Independent Commission on the Security Forces in Iraq’.

¹⁰⁶⁸ JIC Assessment, 18 December 2008, ‘Iraqi Security Forces: Mixed Abilities’.

¹⁰⁶⁹ Report to Congress, 20 August 2010, *Measuring Stability and Security in Iraq*.

The justice sector

1129. The minutes of DOP(I) on 30 March 2006 recorded that in discussion it was stated:

“Work was needed to identify what was required to build Iraqi judicial capacity ... Building up the Iraqi judicial system would take significant commitment and resources. Was it currently assigned a high enough priority in HMG’s [Her Majesty’s Government’s] long term plans?”¹⁰⁷⁰

1130. On 23 May, a junior official in IPU emailed the British Embassy Baghdad to ask if there were any “gaps” that could be addressed in the justice sector through the 2007/08 GCPP bid.¹⁰⁷¹ The official wrote that the FCO, the MOD and DFID agreed it could become “the weak link in the Rule of Law chain” and undermine the SSR effort.

1131. A junior official in Baghdad replied on 25 May, agreeing that “the justice sector has been and continues to be ‘the missing link’”.¹⁰⁷² He wrote that the US was “looking to spending hundreds of millions of dollars in the justice sector”, covering judicial personal security, courthouse security and administration, expanding Central Criminal Court of Iraq capacity and forensic training for judges. The EU JustLex programme (see Box, ‘EU integrated police and Rule of Law mission for Iraq’, earlier in this Section) had been extended recently and the EU Commission had €40m for “Governance” programmes.

1132. Looking at what the UK could provide, the official wrote that a Rule of Law Sectoral Working Group, chaired by the Chief Justice, had produced a “unified” strategy. The Chief Justice had advised that the Iraqi system did not want:

- more “short training courses in generic human rights issues in foreign locations” – those took judges “away from their day jobs” for too long and further training for existing judges should be considered;
- “more Western advisers” – due to language and access barriers; or
- more “soft” assistance – the UK had “published at great expense a number of pamphlets, CDs, training packages and other materials. Often these have not been used effectively, if ... at all”.

1133. The official added:

“In essence, the Iraqis don’t want to be told what they should do, or what their rights are: they want concrete assistance to help them do what they know they should do, or help make those paper rights a reality.”

¹⁰⁷⁰ Minutes, 30 March 2006, DOP(I) meeting.

¹⁰⁷¹ Email IPU [junior official] to FCO [junior official], 23 May 2006, ‘Rule of Law – The Justice Sector’.

¹⁰⁷² Email FCO [junior official] to IPU [junior official], 25 May 2006, ‘Rule of Law – The Justice Sector’.

1134. The official's view was that nothing "meaningful" had been done since the 2004 International Legal Assistance Consortium (ILAC) project (described in Box, 'International Legal Assistance Consortium', earlier in this Section). The official recommended funding an expansion of the Judicial Training Institute to improve the capacity and quality of training for new judges. Current facilities were too small to accommodate enough students, textbooks were "insufficient", there were no computers and most lecturers did not receive payment.

1135. A junior official in DFID reported to Mr Benn on 30 June that the success of the Rule of Law Sectoral Working Group had been "limited":

"The Working Group struggles to function effectively under a weak chair (the Chief Justice). He lacks the resources to manage the administrative workload and has requested support from donors."¹⁰⁷³

1136. To help overcome that, the official wrote that DFID was providing £93,000 for an experienced Iraqi lawyer to support the Chief Justice, as recommended by the FCO in Baghdad, believing that that "modest investment" could "have a significant impact across the sector".

1137. On 8 January 2007, Mr Banner wrote to Mr Irfan Siddiq, Private Secretary to Mr David Miliband, the Foreign Secretary, to commission advice on the current state of the Iraqi justice system, including the degree of governmental interference and how that might realistically be addressed.¹⁰⁷⁴

1138. Mr Siddiq replied with a paper produced by the IPU and the British Embassy Baghdad on 16 February.¹⁰⁷⁵

1139. The paper reported that there were 850 judges in Iraq; 150 of those were in Baghdad. There was "widespread recognition" that that number needed to increase by between 500 and 600 to "alleviate the backlog of cases". There were 178 judges expected to graduate from the Judicial Training Institute in June 2007 and another 58 in June 2008.

1140. Governmental interference with the judiciary remained a concern. Citing recent examples of that, it was recommended that the UK and the US should "protest vigorously" in such circumstances. The UK had part-funded two upcoming conferences in Iraq that would promote the principles of the Rule of Law and the importance of judicial independence.

¹⁰⁷³ Note DFID [junior official] to PS/SofS [DFID], 30 June 2006, 'Iraq: Support to the Rule of Law Sector Working Group'.

¹⁰⁷⁴ Letter Banner to Siddiq, 8 January 2007, 'Iraq'.

¹⁰⁷⁵ Letter Siddiq to Banner, 16 February 2007 attaching Paper British Embassy Baghdad/Iraq Policy Unit, 'Iraqi Justice System'.

1141. Militia influence and intimidation remained “a grave threat”; 23 judges had been killed in the past three years and “many more” had been kidnapped or threatened. Security measures were being provided to the judiciary and other measures were being installed at courthouses. FPS had proved “ineffective”, having been infiltrated by militias.

1142. The FCO paper sent by Mr Siddiq was provided to members of DOP(I) for their meeting on 8 March.¹⁰⁷⁶ It stated that there were issues related to judicial capacity, security, a backlog of cases (with between 7,500 and 12,500 detainees being held pre-trial by the Iraqi authorities) and governmental interference. It made a series of recommendations, including those mentioned in the Better Basra Mark III plan (described later in this Section). Other recommendations included:

- making it clear that governmental interference was not acceptable (when there is evidence of it having occurred);
- a visit to Baghdad by Lord Goldsmith to emphasise the importance of the Rule of Law;
- EU and UN action to support the principles of the Rule of Law and judicial independence; and
- the provision of security to judicial officials and witnesses.

1143. In discussion at DOP(I) it was suggested that the UK should:

- find ways to address as a matter of urgency the large numbers of detainees;
- take advantage of being able to act under the UNSCR mandate while it was still in place;
- consider what assistance the UK could give to the Rule of Law Green Zone¹⁰⁷⁷ initiative; and
- increase efforts on the Rule of Law and police reform in Basra.¹⁰⁷⁸

1144. A Report to Congress on 2 March referred to the US-funded “criminal justice complexes” which comprised a courthouse, detention facilities, forensic labs and judicial housing within the same secure perimeter.¹⁰⁷⁹ The first complex was to be developed at Rusafa in Baghdad.

1145. The following day, Mr Asquith recorded a request from Gen Petraeus for a UK military/government lawyer and a criminal investigator to assist in the Rule of Law Green Zone.¹⁰⁸⁰

¹⁰⁷⁶ Paper British Embassy and IPU, 6 March 2007, ‘The Iraqi Judicial System’.

¹⁰⁷⁷ The Rule of Law Green Zone was a relatively safe area for justice actors (such as judges and prosecutors) to carry out their functions.

¹⁰⁷⁸ Minutes, 9 March 2007, DOP(I) meeting.

¹⁰⁷⁹ Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁸⁰ eGram 9559/07 Baghdad to FCO London, 8 March 2007, ‘Iraq: Weekly Assessment’.

1146. The establishment of the Rule of Law Green Zone was discussed at a meeting between Mr Miliband, Lord Goldsmith and Mr Browne on 7 March and was described as “promising”.¹⁰⁸¹

1147. Baroness Scotland, Lord Goldsmith’s successor, visited Iraq from 19 to 21 November.¹⁰⁸² The purpose of her visit was to “emphasise the importance of the Rule of Law and the independence of the judiciary”. She summarised that there was “a long way to go to establish the Rule of Law in Iraq” and although her message was well received there was a need to “ensure that those words are met with action”. She stated:

“I was very much struck that there was a genuine lack of leadership and understanding of where the responsibility for driving forward the Rule of Law agenda lies within the Government of Iraq. It seemed to be the responsibility of everyone and the responsibility of no-one!”

1148. A Report to Congress on 14 December 2007 stated that the previous September, Prime Minister Maliki had signed an executive order requiring humane treatment of detainees and more expeditious processing of their cases.¹⁰⁸³ The order directed a Ministerial Committee for Rule of Law and Detention, consisting of senior representatives from the relevant ministries, to meet weekly and address issues.

1149. On 20 December, a junior FCO official submitted advice to Mr Miliband about working more closely with the US to reduce the number of their Iraqi detainees.¹⁰⁸⁴ The official wrote that the Ministerial Committee had “been taking steps to improve Iraqi procedures for detainee handling, but progress [was] slow”.

1150. The official stated that detainees were “frequently subject to abuse”, mainly in MOI facilities, “often to obtain confessions”. The Ministry of Justice’s prisons suffered from “severe overcrowding”. The official wrote:

“Through a combination of negligence, incompetence, poor co-ordination and lack of adequate facilities it can take a long time to process detainees through the investigative, judicial and correctional systems.”

1151. The Stabilisation Fund was introduced in July 2007, effectively replacing the GCPP for the funding of SSR projects in Iraq (see Section 13.1).¹⁰⁸⁵ The Stabilisation Fund was owned by the MOD but was jointly managed with the FCO and DFID.

¹⁰⁸¹ Email PS/SoS [FCO] to Brind, 12 March 2007, ‘Foreign Secretary’s Meeting with Attorney General and Defence Secretary, 7 March’.

¹⁰⁸² Letter Scotland to Miliband, 3 December 2007, ‘Iraq’.

¹⁰⁸³ Report to Congress, 14 December 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁸⁴ Minute FCO [junior official] to PS/SofS [FCO], 20 December 2007, ‘Iraq: Detention and Reconciliation: UK Approach for 2008’.

¹⁰⁸⁵ Minute Treasury [junior official] to Chief Secretary, 23 July 2007, ‘CSR2007 – Conflict Prevention and Post-Conflict Stabilisation’.

1152. In a bid prepared for the Iraq Stabilisation Programme Board in February 2008, £3.18m was proposed for the justice sector:

- £1.65m assisting the US-led Rule of Law complex – a senior political adviser, a court administrator and a defence counsel;
- £1.04m supporting the Ministerial Committee – one senior adviser and a support officer; and
- £0.49m for a Basra justice adviser.¹⁰⁸⁶

Mid-2007 assessments of the Iraqi Security Forces

1153. On 27 June 2007, the JIC provided an update on the ISF.¹⁰⁸⁷ It recorded little change from the January paper described earlier in this Section. Development of the Iraqi Army was still described as “slow” and the IPS remained “ineffective”. The security Ministries were also judged to be “underperforming”. The assessment recorded:

“Work is under way by Prime Minister Maliki’s government to develop a national security strategy, but it is unlikely to make a difference to Iraq’s security as long as the government remains factionalised and fails to make progress on national reconciliation [...]”

1154. On 4 July, a DIS paper looked at future Iraqi security structures.¹⁰⁸⁸ It said:

- The plethora of security groupings with unique command and control mechanisms will continue to expand, and could destabilise the complex national security environment. This expansion provides an opportunity for furthering sectarian agendas and potential higher levels of intra-ISF conflict.
- Duplication of responsibilities and expanding remits of strategic authorities will continue as incumbent Prime Ministers seek practical solutions to national security threats. Sectarian bias will shape these bodies and they will circumvent the chain of command.
- The amalgamation of Shia militias into national security structures ensures that future Iraqi security strategy will be overwhelmingly Shia-based. This will lead to continued Sunni marginalisation, a justification for Sunni nationalist insurgents and a spur for AQ-I intent.”

¹⁰⁸⁶ Report Iraq Stabilisation Programme Board, February 2008, ‘Iraq Stabilisation Aid Fund 2008-11: Strategy Summary’ attaching Paper ‘Strategic Context for the Iraq Stabilisation Aid Fund Bid: 2008-11’.

¹⁰⁸⁷ JIC Assessment, 27 June 2007, ‘Iraqi Security Forces and Structures: Quantity not Quality’.

¹⁰⁸⁸ Paper DIS, [undated, stamped 4 July 2007], ‘Future Iraqi Security Structures and Environment’.

1155. The JIC Assessment of 6 September included an update on ISF performance.¹⁰⁸⁹ It reported that:

“We judge Iraqi confidence, both among Ministers and more generally, has been damaged by the popular perception that security has not significantly improved.

“... The government has taken some steps to address human rights abuses: sacking 23 senior National Police Commanders and disbanding an entire battalion accused of complicity in sectarian acts. But other individuals accused of sectarian abuses remain in positions of responsibility.”

Counting the police

With the passage of time it was becoming increasingly difficult to know how many police officers trained by CPATT were still employed by the MOI, or what percentage of police on the MOI payroll were trained and equipped by CPATT.¹⁰⁹⁰ That was caused by a number of factors:

- the lack of an effective personnel management system in the MOI;
- a high attrition rate (about 20 percent per year, with the MOI reporting paying death benefits for more than 6,000 police officers since May 2003); and
- burgeoning local recruitment.

Provincial Governors had authority to hire more IPS officers than MNSTC-I had agreed to train and equip. In those areas, the MOI and the Provincial Governors were responsible for the extra training and equipment requirements. As police were generally unwilling to move areas, it was not possible for extra officers to be moved to areas where there was a deficit.¹⁰⁹¹

Many of the additional police had received little or no training.¹⁰⁹²

US views on the progress of Iraqi Security Forces

1156. In May 2007, the Independent Commission on the Security Forces in Iraq was established in the US. It was led by General James L. Jones, a retired US Marine, who had previously served as the Supreme Allied Commander Europe and subsequently held the post of US National Security Advisor from 2009 to 2010. Included in the team of 20 was ACC Duncan McCausland, a serving PSNI officer.¹⁰⁹³ The Commission was tasked with assessing the capability of the ISF; their ability to maintain Iraq’s territorial integrity, deny international terrorists safe haven, reduce sectarianism and bring greater security in the next 12 to 18 months.

¹⁰⁸⁹ JIC Assessment, 6 September 2007, ‘Baghdad Security Plan: Impact and Prognosis’.

¹⁰⁹⁰ Report to Congress, 29 August 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁹¹ Report to Congress, 30 November 2006, *Measuring Stability and Security in Iraq*.

¹⁰⁹² Report to Congress, 2 March 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁹³ Report, 6 September 2007, ‘The Report of the Independent Commission on the Security Forces of Iraq’.

1157. On 6 September, the Commission reported that the ISF's progress was "uneven" but "that there should be increasing improvement in both their readiness and their capability for the internal security of Iraq". The ISF "would not be able to secure Iraqi borders against conventional military threats in the near term". Whilst assessed as "severely deficient" in combat support, there was "clear evidence of developing the baseline infrastructure that leads to the successful formation of a national defense capability".

1158. The Commission judged that the Iraqi Army was capable of taking over an increasing amount of combat responsibilities from coalition forces, but the ISF would be "unable to fulfil their essential security responsibilities independently over the next 12-18 months".

1159. The Commission's conclusions on the MOI and its forces were less positive:

"The Ministry of Interior is a ministry in name only. It is widely regarded as being dysfunctional and sectarian, and suffers from ineffective leadership. Such fundamental flaws present a serious obstacle to achieving the levels of readiness, capability, and effectiveness in police and border security forces that are essential for internal security and stability in Iraq."

1160. The Report went on describe the IPS as "fragile", "underequipped" and "compromised by militia and insurgent infiltration", although it assessed that the IPS could improve rapidly should the MOI become more functional. Of the National Police, the Report stated that it was "not viable in its current form".

1161. On 10 and 11 September, Gen Petraeus testified to Congress, warning of the dangers of handing over to ISF too early.¹⁰⁹⁴ He did note that "despite their shortages, many Iraqi [Army] units across Iraq now operate with minimal coalition assistance".¹⁰⁹⁵

1162. A Report to Congress on 14 September stated that, by July 2007, Iraqi Army divisions had been at about 103 percent of authorised strength, but that masked the extremely low proportion that were present for duty.¹⁰⁹⁶ Officer ranks were a particular concern, with manning levels of only 69 percent.

1163. A Report to Congress on 14 December 2007 stated that authorised ISF personnel numbers were increasing as a result of three factors:

- successful offensive operations and local awakenings providing a new pool of recruits in a wider range of communities;
- the incorporation of around 100,000 FPS personnel; and

¹⁰⁹⁴ Testimony to Congress Petraeus, 10-11 September 2007, 'Report to Congress on the Situation in Iraq'.

¹⁰⁹⁵ Congressional Hearing, S. HRG. 110-490, 11 September 2007, 'Iraq: The Crocker/Petraeus Report'

¹⁰⁹⁶ Report to Congress, 14 September 2007, *Measuring Stability and Security in Iraq*.

- the number of required forces assessed to match Iraq's security problems increasing.¹⁰⁹⁷

1164. The Report said that nearly 500 officers and 2,000 non-commissioned officers from the former regime had been vetted successfully and had rejoined the Iraqi Army. Those personnel had to undergo a three-week "rejoining" course. Up to 1,500 former officers and 13,000 former non-commissioned officers were expected to re-enter the force.

1165. Those additions brought the total ISF planned strength to over 550,000.

1166. The DoD stated that analysis of future force structure requirement projects at the end of 2007 suggested the following force sizes in 2010:

- Iraqi Army – 261,000 to 268,000;
- Iraqi Air Force – 5,000;
- Iraqi Navy – 1,500;
- Iraqi Special Forces – 4,000;
- MOI Forces – 307,000 to 347,000;
- Total: 601,000 to 646,000.

Multi-National Security Transition Command – Iraq reorganisation

On 1 January 2008, MNSTC-I reorganised into the following directorates and teams:

- Directorate of Defence Affairs, led by a US Air Force Brigadier. It incorporated the IMOD and JHQ Transition Teams, CMATT (renamed as CArmyATT), the Coalition Air Force Transition Team (CAFTT), and the Maritime Strategic Transition Team (MaSTT).
- Directorate of Internal Affairs, led by a US Army Major General.
- Intelligence Transition Team, led by a DoD civilian intelligence professional.
- Iraqi National Counter-Terrorism Transition Team, led by a US Navy Rear Admiral.
- Functional Capabilities Directorate focusing on developing Iraqi capacity and providing subject matter experts on force management, personnel acquisition and management, material acquisition, resource management, sustainment, training and development.¹⁰⁹⁸

The UK continued to provide two one-star military officers to MNSTC-I, in addition to the civilian team in the IMOD and the contractors in the MOI.

¹⁰⁹⁷ Report to Congress, 14 December 2007, *Measuring Stability and Security in Iraq*.

¹⁰⁹⁸ Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.

Improvements in Iraqi Security Force capability during 2007 and 2008

1167. From late 2007 onwards the security situation across Iraq improved, as detailed in Section 9.6. Alongside that reduction in threat, ISF capability began to grow, as judged by the JIC in its 20 December Assessment.¹⁰⁹⁹ Although it reiterated previous concerns about the MOI and the ISF, it judged:

“... the Iraqi Security Forces (ISF) are in a much better position than six months ago, partly because of an overall improvement in capability and partly because of a reduction in threat. The prospects for them being able to successfully manage security outside Baghdad, without MNF ground support, by the end of 2008 will continue to be patchy across Iraq and depend heavily on progress being made on national reconciliation and the maintenance of MNF-led security gains. Neither is guaranteed.”

1168. On 5 June 2008, the JIC judged that the ISF were “much better placed to manage security through 2008”.¹¹⁰⁰ On Prime Minister Maliki’s influence on the ISF, the JIC wrote:

“In the last year he has been increasingly dictating where, when and how Iraqi Security Forces (ISF) are deployed. Security policy decisions more widely are increasingly being taken without reference to the coalition ...

“We assess that Maliki maintains a firm grip on decision making within Iraq’s security Ministries. He has further increased his personal control of ISF ...

“We judge that in most cases this greater autocracy has increased overall ISF cohesiveness and responsiveness.”

1169. On 10 September, the JIC assessed the future of JAM:

“... military pressure and Sadr’s order for his followers to avoid further conflict with Iraqi Security Forces (ISF) in March forced JAM to surrender its control of the streets in large parts of Basra, Baghdad and Al Amara. ISF now dominate the vast majority of these areas, in many cases for the first time in years.”¹¹⁰¹

1170. On 18 December, the JIC described the Iraqi Army as “an increasingly effective force at all levels”, with the National Police approaching a similar capability.¹¹⁰² However, despite general improvements, the JIC judged:

“... local police remain ineffective, due to a lack of resources, militia infiltration and corruption. Law enforcement is also undermined by an overstretched and under performing judiciary. These weaknesses will inhibit the normalisation of Iraqi society and real stability for years to come.”

¹⁰⁹⁹ JIC Assessment, 20 December 2007, ‘Iraqi Security Forces: Two Steps Forward’.

¹¹⁰⁰ JIC Assessment, 5 June 2008, ‘Iraqi Security Forces: More Able, Less Challenged’.

¹¹⁰¹ JIC Assessment, 10 September 2008, ‘Iraq: the Future of Jaysh al-Mahdi’.

¹¹⁰² JIC Assessment, 18 December 2008, ‘Iraqi Security Forces: Mixed Abilities’.

1171. On the balance of power between the police and the army, the JIC stated:

“The army cannot provide local security or enforce the law while it remains focused on COINOPS [counter-insurgency operations], and its method of operation – checkpoints, barriers, destruction of property – are unsuited to the task. Until the IPS and the justice system are improved and purged of militia influence and corruption, Iraq will need to choose between army methods and a police force that is incapable.”

The Sons of Iraq

1172. From 2006, a number of local militias and neighbourhood watches began co-operating with the MNF in Baghdad and Anbar province, acting as additional security forces in the fight against AQ-I. They were known originally as “Concerned Local Citizens” and subsequently as the “Sons of Iraq” (described in more detail in Section 9.6). In a report to Congress, the DoD stated:

“The Sons of Iraq are a key component of the counterinsurgency fight due to their knowledge of the local populace and their ability to report activity that might otherwise escape the attention of coalition and Iraqi forces.”¹¹⁰³

1173. On 25 April 2007, an eGram from Mr Asquith reported that AQ was “determined to prove that they can still operate (against Shia and Sunni targets) and to exacerbate sectarian violence” in Baghdad.¹¹⁰⁴ They were yet to feel the “full effect” of the Baghdad Security Plan;¹¹⁰⁵ that was expected by the end of June.

1174. Outside Baghdad, Mr Asquith said, the success of turning the Sunni resistance and tribal groups against AQ had been “more rapid than expected”. He reported that the groups were confronting AQ with increasing aggression, and “whereas previously the whole eastern aspect of [Ramadi, the capital of Anbar province] was AQ controlled, this is now reduced to a few blocks”.

1175. Mr Asquith wrote that Emergency Response Units had been established to help maintain security, with three units in Ramadi so far and a further 14 planned later in the year. There was also local appetite for the creation of similar resistance groups in other regions; the Baghdad district of Abu Ghraib had seen around 1,200 individuals reporting for recruitment in a single weekend.

1176. On 22 April, it was agreed at the MCNS that Prime Minister Maliki would chair a group (to include MNF-I) to determine what the Iraqi Government would be prepared to offer to opposition and resistance groups in exchange for renouncing violence.¹¹⁰⁶

¹¹⁰³ Report to Congress, 7 March 2008, *Measuring Stability and Security in Iraq*.

¹¹⁰⁴ eGram 16933/07 Baghdad to FCO, 25 April 2007, ‘Iraq: Scen setter for Visit by Secretary of State for Defence, 30 April’.

¹¹⁰⁵ The Baghdad Security Plan is also referred to as Operation Fardh al-Qanoon, Arabic for ‘Enforce the Rule of Law’. It is described in greater detail in Section 9.5.

¹¹⁰⁶ eGram 16933/07 Baghdad to FCO, 25 April 2007, ‘Iraq: Scen setter for Visit by Secretary of State for Defence, 30 April’.

1177. Acting Assistant Chief Constable Michael Colbourne became the Chief Police Adviser in autumn 2006. In his bi-weekly report on 31 May 2007, he wrote that Prime Minister Maliki had passed an order permitting the creation of Police Support Units, attempting to win the allegiance of “middle of the road militias”.¹¹⁰⁷ Members of a Police Support Unit were paid 75 percent of a policeman’s wage and were provided with uniforms. They were not armed as Mr Maliki reportedly believed that they had “enough weapons of their own”. The new units did not receive the full basic recruit training and were expected to be in place for a maximum of 18 months.

1178. In his bi-weekly report on 18 June, ACC Colbourne wrote that Police Support Units had been created “in the usual rushed and hurried way”.¹¹⁰⁸ He commented:

“The Iraqis are not on board with this and our MOI counterparts are opposed to it.

“The reputation of the police as a whole may be badly damaged by the arming of the militia and calling them policemen. The MOI are not equipped to undertake yet another ‘good idea’ that the coalition is trying to push through.”

1179. ACC Colbourne suggested that the Police Support Units could be moved under the IMOD’s control and trained as a “National Guard”: “There are many positives to separating this from the MOI and putting it under the [Iraqi] MOD.”

1180. On 14 June, Mr Banner reported to Mr Blair:

“The US are ... focused on the Anbar model, but this is creating real tension with Maliki. Violence continues to be down in Anbar, but the motivations of the tribes remain unclear, and they continue to express their opposition to the Government of Iraq. Nor do they tie in to any convincing, wider, Sunni leadership ... Maliki is ... coming under pressure from other Shia over the creation of a well-armed Sunni militia, particularly as the US now propose to extend the model to areas of Baghdad ...

“The Pentagon this week also released its now regular quarterly report on progress in Iraq. This noted that overall levels of violence in the country had not decreased since the start of the surge, noted that the GoI’s delivery had been ‘uneven’, and that it had made ‘little progress’ on the political front – reconciliation was described as a ‘serious unfulfilled objective’.”¹¹⁰⁹

1181. In an interview with *Newsweek* on 15 June, Prime Minister Maliki said:

“Now, some field commanders make mistakes since they do not know the facts about people they deal with. They make mistakes by arming tribes sometimes, and this is dangerous because this will create new militias ... I believe that the

¹¹⁰⁷ Minute Colbourne, 31 May 2007, ‘Bi-weekly Report of the UK Chief Police Adviser in Iraq’.

¹¹⁰⁸ Minute Colbourne, 18 June 2007, ‘Bi-weekly Report of the UK Chief Police Adviser in Iraq’.

¹¹⁰⁹ Minute Banner to Prime Minister, 14 June 2007, ‘Iraq Update, 14 June’.

coalition forces do not know the backgrounds of the tribes. It is a job of the [Iraqi] government.”¹¹¹⁰

1182. In his evidence to the Inquiry, Mr Asquith recalled:

“From the second half of 2006 and certainly through 2007, the American attitude moved ... to engage some Sunni Arab tribes in the Sunni Arab provinces to throw off the militias and Al Qaida groups that were positioned there, and to engage in local cease-fires, with the aim, in time, of those local cease-fires spreading more broadly across the country.”¹¹¹¹

1183. In an email to the FCO on 14 June 2007, Mr Asquith wrote that Mr Blair and ACM Stirrup had requested further advice from Baghdad on coalition support for the Anbar tribes.¹¹¹² He wrote:

“... I do not doubt the tactical benefit of engaging those in Anbar and other Sunni areas in which AQ operate with the purpose of persuading them to turn against AQ. Nor do I have any reason to doubt MNF-I assessments that this engagement has delivered significant results in terms of identifying AQ operatives and caches, restricting AQ operating capabilities and reducing attacks ... against coalition forces. Engaging with local armed, militant, insurgency or opposition groups was of course what I and others were engaged in throughout 2005. I am not opposed to the principle.”

1184. Nevertheless, Mr Asquith questioned whether those groups had turned against AQ for wholly ideological reasons. He thought the groups were more strongly motivated by a power struggle with AQ, which was encroaching on the tribes’ territory, by money or by a desire – under the protection of US forces – to rearm and prepare for a future campaign against Iran and/or the “Shia government”.

1185. Mr Asquith considered that that had had an adverse effect on the Coalition’s broader reconciliation strategy. It increased Prime Minister Maliki’s concerns and put him “under severe pressure from his Shia constituency who pose the question: why is he tolerating the creation of what effectively are Sunni militias who pose a threat (now or later) to Shia communities, while at the same time tolerating regular coalition attacks on Shia militias?”

1186. Mr Asquith acknowledged:

“Given the imperative for [Gen] Petraeus to deliver something by 13 September ... we can’t halt the engagement process. We should instead seek to shape it in a way that reduces the risk.”

¹¹¹⁰ *Newsweek*, 15 June 2007, *CFR: What are Iraq’s Benchmarks?*

¹¹¹¹ Public hearing, 4 December 2009, page 16.

¹¹¹² Email Asquith to Casey, 14 June 2007, ‘Anbar Engagement’.

1187. Mr Asquith suggested a number of approaches to reduce the risk of Anbar tribes derailing reconciliation efforts. They included support for an Executive Council (through which the integration of militia groups should be managed), establishing political tests for the militia to demonstrate support for the Iraqi Government, and enforcing clear time limits for their existence before being disbanded or incorporated into the IPS.

1188. On 16 June, Mr Asquith reported that he had discussed those proposals with Dr Mowaffak al-Rubaie, Iraqi National Security Adviser, at a meeting that day and that Dr al-Rubaie had agreed with the approach.¹¹¹³

1189. On 21 June, Mr Asquith reported that the concept of an Executive Committee was “beginning to take on substance with Maliki in receipt of a Presidency paper setting out how they propose it should work to which he will respond”.¹¹¹⁴

1190. In his weekly report on 24 June, Lieutenant General Graeme Lamb, SBMR-I from September 2006 to July 2007, wrote:

“An increasing number of tribes, neighbourhoods, Sunni insurgents and just local people are choosing to reject, occasionally terminally, AQ-I. This is seen particularly in the Southern Baghdad belts where, for example in one area there has been an 80 percent reduction in IEDs ... This ‘people power’ is extending to Salah ad Din, Diyala, Ninawa and of course is already in full effect in Al Anbar. In smaller, but notable cases, we are seeing the same effect in Baghdad itself, so the broader ‘awakening’ continues to make ground.”¹¹¹⁵

1191. On 4 July, a DIS report stated:

“Central government will remain extremely sceptical of Sunni tribal initiatives in provinces with mixed sectarian demographics. The Shia-dominated government fears these could lead to the return of Sunni rule, and will ensure there are mechanisms to minimise this risk.”¹¹¹⁶

1192. In his weekly report on 6 August, Lieutenant General William Rollo, SBMR-I from July 2007 to March 2009, wrote that the Government of Iraq had accepted 1,700 former Sunni fighters in Abu Ghraib into the IPS.¹¹¹⁷ That was the first time that the government had taken steps to incorporate the Sunni militia from areas outside the Sunni tribal regions into the MOI. Lt Gen Rollo described that as a “significant concession by the GOI [Government of Iraq] ... [and] potentially a major win that will reassure other Sunnis who have come into the fold that the GOI genuinely intends to ‘see them right’”.

¹¹¹³ eGram 25998/07 Baghdad to FCO, 16 June 2007, ‘Iraq: Call on National Security Adviser, 16 June’.

¹¹¹⁴ eGram 26684/07 Baghdad to FCO, 21 June 2007, ‘Iraq: Weekly Assessment’.

¹¹¹⁵ Minute Lamb to Stirrup, 24 June 2007, ‘SBMR-I Weekly Report (258) 24 June 07’.

¹¹¹⁶ Report DIS, [undated but stamped 4 July 2007], ‘Future Iraqi Security Structures and Environment’.

¹¹¹⁷ Minute Rollo to CDS, 6 August 2007, ‘SBMR-I’s Weekly Report (264) 6 Aug 07’.

1193. On 20 December, the JIC assessed:

“77,000 Concerned Local Citizens (CLCs) and other tribal ‘awakenings’, drawn from the Sunni insurgency and, to a much lesser extent, from Shia militias, are now acting as force multipliers for MNF and ISF in Baghdad and along the Euphrates and Tigris valleys north of Baghdad. The MOI continue to resist assuming formal responsibility for these volunteers (including paying them). If their payments stopped we judge that many would resume attacks on the MNF and ISF. Their loyalty to central government is likely to remain patchy in the absence of broader national reconciliation; we judge they are likely to become an increasingly attractive target for infiltration by both Sunni and Shia extremists.”¹¹¹⁸

1194. On 8 January 2008, Air Marshal Stuart Peach, Chief of Defence Intelligence, briefed the Chiefs of Staff that there were plans to integrate 20 percent of the Concerned Local Citizens into the ISF, with the remainder being available for hire by other ministries for public works programmes.¹¹¹⁹ US funding was due to expire in January 2008 and future funding arrangements were unclear. He noted that failure to address the issue could lead to resentment and a return to violence among former Sunni fighters but that provision for Concerned Local Citizen salaries would probably be opposed by a number of Shia groups.

1195. On 5 June, the JIC assessed that, of the approximately 106,000 (mainly Sunni) Sons of Iraq, around 16,300 had been recruited into the ISF, mainly in Anbar province.¹¹²⁰ Elsewhere, relations between ISF and the Sons of Iraq were described as “tense”. The creation of a Sons of Iraq programme in Basra in 2008 is described later in this Section. Considering the future, the JIC assessed:

“MNF reporting suggests that at least a quarter of Sol [Sons of Iraq] members expect jobs in the ISF: for others, some form of continued stipend or civil service job would probably suffice. The GoI is unlikely to be willing or able to meet either expectation; or assume responsibility for commanding and paying the Sol this year. So long as it does not, we judge that Sol rejection of AQ-I, tolerance of MNF and willingness to refrain from anti-government violence will be fragile. [...]”

1196. An eGram from Baghdad on 7 October reported that the Iraqi Government had taken responsibility for paying the Sons of Iraq located in Baghdad, (50 percent of the 103,000 total) from 1 October.¹¹²¹ Responsibility for the other half would follow later that month. The Iraqi Government and the Sons of Iraq did, however, remain suspicious of one another: the Iraqi Government believing that the number of the Sons of Iraq had been “inflated by the various leaders in order to line their own pockets”, and the Sons

¹¹¹⁸ JIC Assessment, 20 December 2007, ‘Iraqi Security Forces: Two Steps Forward’.

¹¹¹⁹ Minutes, 8 January 2008, Chiefs of Staff meeting.

¹¹²⁰ JIC Assessment, 5 June 2008, ‘Iraqi Security Forces: More Able, Less Challenged’.

¹¹²¹ eGram 39659/08 Baghdad to FCO, 7 October 2008, ‘Iraq: the Awakening Movement and the Sons of Iraq’.

of Iraq seeing the Iraqi Government “as a sectarian government determined to persecute them when the protective US hand [was] removed”.

1197. After “detailed examination of the lists”, the IMOD had accepted that “most of the SOI” existed and was putting procedures in place to enable payment to foot soldiers directly (reducing group leaders’ income). Standardising pay was still a problem and recruitment of the Sons of Iraq into the ISF was slow; only 12,000 members had been recruited so far.

1198. The British Embassy Baghdad reported that AQ had sought to “exploit the situation by increasing pressure in Baghdad and Anbar through violent activity”. There was “some evidence” that AQ was trying to lure back some Sons of Iraq by attempting to outbid the Iraqi Government. The US and the Iraqi Government recognised their continued financial support would be necessary to keep the Sons of Iraq “on side”.

1199. The JIC assessed that standardising and distributing pay was still an issue in their report on 18 December.¹¹²² The Iraqi Government had agreed to recruit 20 percent of the Sons of Iraq into the ISF, with the remainder to be employed in other ministries.

1200. The JIC stated that some Sons of Iraq groups had been infiltrated by extremists and media reporting indicated that some Sunni Sons of Iraq commanders saw “Shia militias as a target second only to Al Qaida”.

The UK’s future bilateral relationship with Iraq

1201. On 27 May 2008, Lieutenant General John Cooper, the then SBMR-I, raised the matter of the UK’s longer-term relationship with Iraq with AM Stirrup.¹¹²³ He stated:

“I am aware of current staffing on how a future training mission might be funded and manned (including the involvement of NATO) and the relative importance of this against other operational priorities. I would simply observe that we have a real opportunity here – both in terms of the UK long-term relationship with Iraq and how we ‘sell’ our post-TELIC posture to the US.”

1202. Commenting on that paragraph in Lt Gen Cooper’s report, Mr Edward Ferguson, Mr Browne’s Private Secretary, wrote:

“This is a bit of a concern. Although your intent on this is clear it seems that this hasn’t yet got out of the starting blocks ... I gather that the main issues are a view that the Army can’t afford the manpower (because of other priorities) and that Defence cannot afford it (since it may not be funded by the Reserve).”¹¹²⁴

¹¹²² JIC Assessment, 18 December 2008, ‘Iraqi Security Forces: Mixed Abilities’.

¹¹²³ Minute Cooper to CDS, 27 May 2008, ‘SBMR-I’s Weekly Report (302) 27 May 08’.

¹¹²⁴ Manuscript comment Ferguson on Minute Cooper to CDS, 27 May 2008, ‘SBMR-I’s Weekly Report (302) 27 May 08’.

1203. The details of negotiating the UK's continued presence in Iraq following the expiry of resolution 1790 on 31 December 2008 is dealt with in Section 9.7. Ahead of a visit to Iraq in late October, Mr John Hutton, the Defence Secretary from October 2008, was advised by the British Embassy Baghdad:

“The UK's wish to develop a broader based bilateral relationship, but with a continued defence element focused on training, fits with [Prime Minister] Maliki's own professed aims. But he remains deeply suspicious of us and feels politically besieged ... The US/coalition are still needed to support, train and mentor Iraqi Security Forces as they take on more responsibility. Failure to deliver a legal base for this to continue beyond the end of 2008 would be destabilising.”¹¹²⁵

1204. A key issue with respect to SSR was the provision of a combat role for UK forces; the MOD judged that to be essential to mentor 14th Division but Prime Minister Maliki was reported to be reluctant to authorise it.¹¹²⁶

1205. In his end of tour report, Lt Gen Cooper wrote about the UK's future strategic defence relationship with Iraq:

“As I depart I confess to a sense of frustration that we have yet to confirm the nature, scale and resource of our long-term military relationship with Iraq, particularly with the Iraqi Armed Forces. The Gledhill Report¹¹²⁷ on officer training reported a year ago, as I arrived, yet we have yet to confirm what we are offering. The Iraqi MOD is very keen, desperate almost, to establish links with its former mentoring nation. Thus far, we have promised something but not yet delivered it. I acknowledge the financial pressure which the UK Defence budget faces, but we have an opportunity to cement a strategic relationship with a major regional power which sits astride the second or third largest oil reserves in the world.”¹¹²⁸

The strategy for 2009

1206. The National Security, International Relations and Defence Committee (NSID(OD) – the creation of which is described in the Box, ‘Machinery of Government under Mr Brown’, earlier in this Section) met on 9 December 2008, and agreed that the FCO should seek agreement on a new long-term strategy for Iraq out-of-committee.¹¹²⁹ The strategy was circulated on 13 January 2009 and subsequently agreed. One of the key elements of the desired the bilateral relationship was “security”:

¹¹²⁵ eGram 41161/008 Baghdad to FCO London, 16 October 2008, ‘Iraq: Visit by the Defence Secretary to Baghdad: Scen setter’.

¹¹²⁶ Minute Cabinet Office [junior official] to Prime Minister, 14 November 2008, ‘Iraq: Update’.

¹¹²⁷ The MOD has been unable to provide the Inquiry with a copy of this report.

¹¹²⁸ Report Cooper, [undated], ‘End of Tour Report 4 Mar 08 to 3 Mar 09’.

¹¹²⁹ Letter Hickey to Catsaras, 13 January 2009, ‘Iraq: Strategy’ attaching Paper ‘Iraq: a Review of Strategy’.

“We should contribute to Iraq’s stability and security by helping it to develop professional, accountable, non-sectarian security forces which can deal effectively with both external and internal threats. This will involve MOD support to the Iraqi military through officer training and capacity-building support to IMOD and its JHQ, and a continuation of training, mentoring and capacity-building support to the Iraqi Police Service, Ministry of Interior and criminal justice system through SAF [Stabilisation Aid Fund]¹¹³⁰ projects and the civilian police mission.”

1207. During the financial year 2008/09, both the Stabilisation Aid Fund and the Peacekeeping Budget¹¹³¹ were used to fund the UK’s non-military contribution to SSR (including the UK police mission, support to the MOI and the UK contribution to EU JustLex). In the following financial year it was likely that the Peacekeeping Budget funding would be withdrawn so the MOD, the FCO and DFID were “agreeing a reprioritised programme” from the Stabilisation Aid Fund allocation of £15m focusing on:

- initiatives which would support key Prime Ministerial deliverables and provide conditions for a successful transition from Basra;
- Rule of Law initiatives which would form a central pillar of the UK’s strategy in Iraq; and
- international support to the United Nations Development Programme and EU JustLex as key partners in security and economic reforms in Iraq which would support a transition of the UK’s programme work in future.

1208. Overall SSR activities for 2009 would be:

- leading the Coalition Naval Training Team, to help develop the capacity of the Iraqi Navy until it became fully operational and able to ensure the security of its territorial waters and two oil platforms, expected to be around 2012 – that would comprise around 60 personnel;
- leading a NATO-badged Iraqi Army officer training and education programme with the intent to create a self-sustaining Iraqi training capacity by 2014 – that would require 50 NATO personnel of which around 30 would be from the UK;
- providing training places for around six Iraqi officers per year at UK training establishments;
- capacity-building in the IMOD and JHQ – precise numbers were unknown;
- training and mentoring for the IPS in targeted areas such as senior leadership and forensics (no figures were provided);
- capacity-building support for the MOI in planning and management; and
- training and advice to other elements of the Iraqi criminal justice system (no figures were provided).

¹¹³⁰ The Stabilisation Aid Fund was jointly owned by the MOD, the FCO and DFID.

¹¹³¹ The Peacekeeping Budget was formally part of the Global Conflict Prevention Pools, and was jointly owned by the MOD, the FCO and DFID. It was managed by the FCO.

1209. General Richard Dannatt, Chief of the General Staff, visited Iraq from 23 to 25 March 2009.¹¹³² In his visit report he said:

“... we must decide and then act with regard to our training support to the Iraqis ... I know that work is ongoing to determine the nature of this support but my short visit gave me the impression that both the Officer Academy and the Staff College appear to be standing still, caught in a mire of NATO indecision, and we may have become too focused on the narrow issue of force protection rather than the wider point of why we are there. We need to generate momentum and ensure that the manpower we commit is of appropriate quality, quantity and has a degree of coherence. If we get this right we will deliver strategic effect – I consider it important that we do so.”

1210. The UK remained in protracted negotiations with the Iraqi Government until early June over the size and role of the future UK military presence and the legal basis under which it would operate (see Section 9.7). On 6 June, a Government-to-Government agreement was signed and passed to the Iraqi Parliament for ratification.¹¹³³

1211. On 15 October, Mr Christopher Prentice, British Ambassador to Iraq, reported to the FCO in London that the UK/Iraq “training and maritime support agreement” had completed its third and final reading in the Council of Representatives.¹¹³⁴ It passed with 99 votes in favour and 40 votes against or abstaining. Mr Prentice wrote:

“All the elements of our broad-based relationship are now in place. Symbolically, the ratification by the Iraqi Parliament of this agreement confirms the will of a majority of Iraqi political groups to continue a special relationship with the UK, including in the security field.”

SSR AFTER THE WITHDRAWAL OF UK TROOPS

1212. In Lt Gen Cooper’s end of tour report dated March 2009, he commented on ISF progress:

“Boulani has transformed the Ministry of Interior, although much remains to be done. The MOD deserves credit for its growth of the IA [Iraqi Army], and the possibility exists that a generation of bright Iraqi two star commanders may yet replace the old nepotistic and biased leadership with some degree of professionalism.”¹¹³⁵

1213. On 31 March, the UK handed over division command of MND(SE) to the US.¹¹³⁶ Mr Hutton reported to Mr Brown that “excellent progress by UK and Iraq forces

¹¹³² Minute CGS to PS/SofS [MOD], 25 March 2009, ‘CGS Visit to Iraq – 23-25 Mar 09’.

¹¹³³ Letter Ferguson to Fletcher, 23 July 2009, ‘Iraq: UK Military Presence After 31 July 2009’.

¹¹³⁴ eGram 35899/09 Baghdad to FCO, 15 October 2009, ‘UK/Iraq: Training and Maritime Support Agreement Ratified by the CoR, 13 October’.

¹¹³⁵ Report Cooper, ‘End of Tour Report 4 Mar 08 to 3 Mar 09’.

¹¹³⁶ Minute Johnstone to PS/SofS [MOD], 1 April 2009, ‘CDS Visit to Iraq (Basra) to Attend the MND(SE) Transfer of Authority Ceremony – 31 Mar 09’.

means that 30 April will now ... see the completion of our current military mission".¹¹³⁷ That process is described in greater detail in Section 9.7.

1214. On 15 June, Mr Brown announced details of the UK's new bilateral relationship with Iraq, stating:

"On the day of the last combat patrol in April, I welcomed Prime Minister Maliki and most of his Cabinet to London. We signed together a declaration of friendship, partnership and co-operation defining the new relationship between our two countries for the future. At the request of the Iraqi Government, a small number of British Navy personnel – no more than 100 – will remain in Iraq for long-term training of the Iraqi Army. Royal Navy ships will continue to protect the oil platforms on which Iraq's exports depend, and we will continue to offer training to the Iraqi Army as part of a wider NATO mission. We will also offer training opportunities at Sandhurst and elsewhere in the United Kingdom for Iraqi officers of high potential."¹¹³⁸

1215. In April 2009, the MOI capacity-building programme was transferred to the US.¹¹³⁹ The UK continued work on policing under the Criminal Investigations and Policing project, funded by the Middle East and North Africa Conflict Fund. The programme in 2009 had a budget of £7.1m and comprised three elements:

- the civilian police mission in Baghdad with four officers, working with the Baghdad Police Academy to help the IPS develop investigative techniques;
- the civilian police mission in Basra with three officers; and
- the forensics element in Basra, Baghdad and Erbil with two officers.

SSR in the South: summer 2006 to summer 2009

State of emergency

1216. On 23 May 2006, Ms Aldred wrote to UK staff in Basra asking them for advice on how to improve the situation in Basra.¹¹⁴⁰ Attached to the letter was "a strategic agenda for action". The paper gave a series of policy objectives (see Section 9.5) and stated that to achieve them there would need to be continuing UK Government engagement on SSR to ensure that the ISF were capable of:

- tackling criminality;
- bearing down on militias;

¹¹³⁷ Letter Hutton to Brown, 20 April 2009, 'Iraq: End of Current Military Mission'.

¹¹³⁸ House of Commons, *Official Report*, 15 June 2009, columns 21-22.

¹¹³⁹ Paper Stabilisation Unit [junior official] and Howlett-Bolton, 27 November 2009, 'Review of the support to the Ministry of Interior and Iraqi Police Service Programme'.

¹¹⁴⁰ Letter Aldred to Lamb, Cooper & Kavanaugh, 23 May 2006, 'Basra: The Way Forward' attaching Note, [undated], 'Getting Basra Better: A Strategic Agenda for Action'.

- purging malign elements in the ISF (both those that are corrupt and those which are aligned to political groupings); and
- working with MNF-I on higher end military tasks relating to the insurgency, and gradually taking over these tasks.”

1217. The Iraqi Government would need to demonstrate its grip on Basra through:

- “• serious and visible engagement from Baghdad;
- if necessary, an appropriate show of strength by the ISF, reflecting their growing capabilities; and
- encouraging and co-operating in the process of security transition.”

1218. On 31 May, Prime Minister Maliki visited Basra and declared a state of emergency, after which he placed a five-man Emergency Committee in charge of delivering a plan to address security in the city.¹¹⁴¹ That Committee then appointed Governor Mohammed Waili as responsible for the security plan.

1219. On 18 June, the MCNS endorsed the Basra Security Plan and recommended:

- expanding the Basra Security Committee to include a number of Basrawis;
- appointing a new overall security co-ordinator for Basra; and
- that the Iraqi Ministries of the Interior and Defence should increase the forces available for Basra, even if this was to the detriment of policing and military operations elsewhere.¹¹⁴²

1220. The Committee had also considered whether the Basra Chief of Police and the Commander of 10th Division should be removed from post but had concluded they should remain for the time being.

1221. Major General Richard Shirreff took over as GOC MND(SE) from mid-July. At this time there had not yet been agreement on the implementation arrangements of the Basra Security Plan.¹¹⁴³ In particular, there was no overall Iraqi security co-ordinator. The Provincial Council, however, had voted to replace the Basra Chief of Police.

1222. Maj Gen Shirreff’s first weekly report as GOC MND(SE) set out his initial reflections on the situation facing him.¹¹⁴⁴ He wrote:

“The issue in Basra is the lack of security and until we establish this there can be no PIC [Provincial Iraqi Control]. We can only generate freedom of movement by mounting specific operations, often up to company level, and we are effectively fixed by the lack of concentrated force. The lack of security means that we cannot conduct the SSR needed to transform the police, nor apply the economic inducements

¹¹⁴¹ Minute Cooper, 8 June 2006, ‘GOC MND(SE) – Southern Iraq Update – 8 June 2006’.

¹¹⁴² Minute [junior officer] to MA/CJO, 22 June 2006, ‘MND(SE) – Southern Iraq Update – 22 June 2006’.

¹¹⁴³ Minute Cooper, 13 July 2006, ‘GOC MND(SE) – Southern Iraq Update – 13 July 2006’.

¹¹⁴⁴ Minute Shirreff, 21 July 2006, ‘GOC MND(SE) – Southern Iraq Update – 21 July 2006’.

needed to isolate the militants from the majority of militiamen who are only there because the militia can pay them. Thus the enemy, militant JAM and the death squads linked to the Basra police ... are able to operate with relative impunity ...

“In my view, the only way we will achieve mission success is by winning the battle for Basra and defeating militant JAM and the death squads (whether by capturing, or, if necessary, by killing them in accordance with our ROE (Rules of Engagement)). But we must be clever about it. A blunt, solely kinetic approach risks getting sucked into a series of running tactical battles against JAM that will get us nowhere. We must isolate militant JAM from mainstream JAM and build the intelligence picture in order to target them and the death squads connected to the police in Basra. The key to this is energetic and sustained effort along the governance and economic lines of operation, both of which remain inadequate ... (the comprehensive approach did not exist). Progress on these lines is essential to create and maintain tolerance for our operations in Basra. It will also underwrite success on the security line of operation. There has been plenty of planning but we need to make things happen.”

1223. In his evidence to the Inquiry, Lt Gen Sir Richard Shirreff described a “cycle of insecurity” as he further explained why achieving security was his first objective:

“No security meant no reconstruction and development, it meant a loss of consent, the militia filled the gap and, effectively, the militia controlled the city.”¹¹⁴⁵

Provincial Iraqi Control

Transferring responsibility from the coalition to the Iraqi Government of each of the 18 Iraqi provinces was referred to as reaching Provincial Iraqi Control (PIC). PIC was granted following an assessment by the coalition and the Iraqi Government.

Transitional Readiness Assessment

A Transitional Readiness Assessment (TRA) level was used to rank Iraqi units in terms of their capability, from TRA level 1 (fully capable) to TRA level 4 (incapable).

The Joint Committee to Transfer Security Responsibility (see Box ‘Assessing readiness for Provincial Iraqi Control’) judged that at TRA level 2, the IPS could maintain domestic order and prevent the resurgence of terrorism.¹¹⁴⁶

1224. In his weekly report, Maj Gen Shirreff said that he had had some encouraging discussions about his proposed approach with Major General Muhammed Latif, the Commander of 10th Division, based in Basra.¹¹⁴⁷ However, it would be fundamental to ensure that there was political will in Baghdad behind any operation. Maj Gen Shirreff

¹¹⁴⁵ Public hearing, 11 January 2010, page 4.

¹¹⁴⁶ Paper Republic of Iraq National Security Council, 10 October 2005, Joint Committee to Transfer Security Responsibility.

¹¹⁴⁷ Minute Shirreff, 21 July 2006, ‘GOC MND(SE) – Southern Iraq Update – 21 July 2006’.

undertook to work closely with Mr Patey and the MNF commanders in Baghdad “to ensure that we carry Maliki with us”.

1225. By 27 July, Major General Ali Hamadi, brother of Brigadier Mohammed Hamadi the Provincial Director of Police, had been appointed as President of the three-person Basra Security Committee by Prime Minister Maliki.¹¹⁴⁸

Delivering a Better Basra

1226. For the meeting of DOP(I) on 15 June, Ministers were given an update paper from the Cabinet Office entitled ‘Follow-up to the Prime Minister’s Visit, Including Delivering a Step-Change in Basra’ (see Section 9.5).¹¹⁴⁹ The paper drew on recent assessments from the MOD and the JIC of the ISF:

“The picture across Iraq is of growing, but variable, levels of capability ... According to the US-led ISF development plan, all divisions of the Iraqi Army and MOI forces should be trained and equipped by the end of 2006 ... The development of the police is significantly behind that of the Iraqi Army, with particular problems over militia-links, over-recruitment, corruption and criminality.

“In the South, the 10th Division is judged to be increasingly effective ... However, these forces are untested in undertaking counter-insurgency operations without MNF support. The police are a more significant cause for concern, with militia links and a lack of effective political control either locally or from the centre ...

“The overall MNF plan, which the MOD judge to be robust is predicated on the MNF retaining substantial forces in Iraq until 2007 to support the ISF ... but even that timeline will be tested if the scale and sophistication of the insurgency does not diminish. The MOD supports this assessment highlighting a number of risks with the plan that fall outside its focus on training, mentoring and equipping:

- the degree to which Iraqi leadership on security develops;
- the precise nature of the security and political environment the ISF will face at the point of transition ... In the South there is a particular concern over the level of violence between competing Shia factions;
- human factors such as the experience of the ISF; and
- the dangers of over-recruitment (often of militia-linked individuals into the police) resulting in an unmanageable, ineffective and extremely expensive ISF.

“The MOD is continuing to monitor implementation of the ISF development plan and is undertaking work to consider a limited number of specific gaps they have

¹¹⁴⁸ Minute Blake to Sheinwald, 27 July 2006, ‘Iraq Strategy Group, 27 July’.

¹¹⁴⁹ Paper Cabinet Office, 13 June 2006, ‘Follow-up to the Prime Minister’s Visit, Including Delivering a Step-Change in Basra’.

identified, including Iraqi naval protection for oil platforms and the sustainment funding for MND(SE).”

1227. The paper provided a work plan entitled ‘Activity to deliver a step-change in Basra’.

1228. In discussion, a member of DOP(I) suggested that the Cabinet Office paper risked being too optimistic on security prospects, in light of recent JIC Assessments.¹¹⁵⁰ DOP(I) agreed that Mr Browne should take the lead in pulling together a strategy for Basra, with the support of the Cabinet Office and assistance from other departments.

1229. On 4 July, Mr Browne wrote to Mr Blair updating him on additional projects, costing £30.7m (but unfunded) over the financial year, to deliver a Better Basra plan (see Sections 9.5 and 10.2).¹¹⁵¹ Those included:

- a “new unit [a Department of Internal Affairs] to clean up the Basra police from within”, costing around £4m and requiring eight UK police officers;
- on-the-spot mentoring of the Basra police and the regional prison managers, costing £10.3m and requiring an additional 20 police advisers;
- a new unit – the Prosecution Mentoring Unit – to fast-track corruption, organised and major crime cases through Basra’s courts;
- more training for judges; and
- witness protection arrangements.

1230. The overall aim of the projects was to increase the capacity of the Iraqis to deal with those they detained and so avoid the consequences of detaining large numbers of people for long periods.

1231. Mr Browne’s proposals were approved by DOP(I) on 6 July.¹¹⁵²

1232. Prime Minister Maliki met Mr Browne in London on 25 July.¹¹⁵³ The meeting was described as “a relatively robust exchange of views” with Prime Minister Maliki stating that there was little discipline in the ISF in Basra, a lack of co-ordination between MNF-I and the IPS and that problems with the IPS were attributable to coalition failures to deliver equipment.

1233. Prime Minister Maliki also stated that arrests by MNF-I in MND(SE) were harming national reconciliation and should be halted. Mr Browne countered that “the real lesson from Northern Ireland was that the terrorists only came to the table once they had realised they could not win. It was only then that the combination of early releases and reconciliation became viable tools in the reconciliation process.”

¹¹⁵⁰ Minutes, 15 June 2006, DOP(I) meeting.

¹¹⁵¹ Letter Browne to Blair, 4 July 2006.

¹¹⁵² Minutes, 6 July 2006, DOP(I) meeting.

¹¹⁵³ Minute Beadle to MA/DCDS(C), 25 July 2006, ‘Secretary of State for Defence Meeting with Prime Minister Maliki’.

1234. In August 2006, ACC Barton produced an assessment of the situation in MND(SE).¹¹⁵⁴ He highlighted that:

- Although the UK had “trained and trained the lower echelons of the IPS and ... equipped them to a reasonable standard”, they had not created a police force.
- Training should have been top down rather than bottom up.
- The equipment supplied by the UK “provided technological solutions way above the local need – smartboards and complex computer systems which get stolen (by the police) or can’t be used due to lack of power. What they need (and like) is desks, pens, ledgers and stationery”.
- A basic level of corruption was endemic to Iraqi society but the current level wasn’t “‘hand in the till’ activity”; the SCU was “synonymous with killings, torture and abuse”.

1235. ACC Barton advocated further UK pressure to encourage the MOI to purge employees, mentioning a recent purge of MOI employees (including IPS) in which there were “86 convicted murderers, 345 with bribery convictions, rapists, kidnapers, and even two IPS who were supposed to have been executed in the 90s but were alive and working in Baghdad!”

1236. ACC Barton described the Tactical Support Unit (TSU) and the confidential TIPS hotline as successes but added that there was a “woeful lack of command and control skills by senior Iraqi Police Officers” and “little public confidence in the IPS as an entity”.

Problems with the 10th Division – mutiny and looting

1237. Over the summer of 2006, problems began to surface with the largely untested 10th Division.

1238. On 10 August, Maj Gen Shirreff reported the murder of a colonel in 10th Division and suggested that the murder might have been motivated by his “resolute stand against militia influence in the IA”.¹¹⁵⁵ Maj Gen Shirreff described 10th Division as “not perfect but it is the best hope we have for now of an Iraqi solution to the security problems. Emerging signs of increasing politicisation and infiltration within the IA can only be bad news.”

1239. The JIC considered the security situation in the South on 27 September:

“We judge that the Iraq Army in the South can cope with the limited threat posed by Iraqi Sunni Arab nationalists and jihadists. But their willingness and ability to tackle Shia militias is doubtful. MNF describe the Iraqi Army’s 10th Division in MND(SE) as “fragile”. Its 10,000 personnel can perform basic tasks (patrols and static guard duties) independently, and it has provided limited support to MNF counter

¹¹⁵⁴ Report Barton, August 2006, ‘The window of opportunity’.

¹¹⁵⁵ Minute Shirreff, 10 August 2006, ‘GOC MND(SE) – Southern Iraq Update – 10 August 2006’.

insurgency operations, including during implementation of the state of emergency in Basra. But there have been recent instances of a breakdown of discipline. It failed to prevent the looting of MNF camps when they were handed over in Amarah and Samawah. And on 24 August over 100 men from the battalion based in Amarah refused an order to deploy to Baghdad. Intelligence shows that some army personnel retain loyalties to JAM and Badr militias. We do not know the scale of this problem, and we judge that it is less severe than in the police. But the loyalty of the army in the South has not been seriously tested.”¹¹⁵⁶

1240. On 31 August, Maj Gen Shirreff wrote that members of 10th Division had refused orders to deploy to Baghdad.¹¹⁵⁷ He viewed that event and the looting of MNF camps described by the JIC as indicating “that the IA is built on shakier foundations than we might wish and is a real concern”.

Operations SALAMANCA and SINBAD

1241. Operation SALAMANCA was a plan conceived in the summer of 2006 to address the security situation in the South and move Basra towards PIC. It is described in detail in Section 9.5.

1242. Lieutenant General Sir Richard Shirreff explained to the Inquiry that the Basra Security Plan announced by Prime Minister Maliki had “amounted really to nothing more than the establishment of a Basra security committee” and Op SALAMANCA was therefore “the operationalising of the Iraqi Basra security plan”.¹¹⁵⁸ He told the Inquiry that its concept was:

“... to achieve security, to excise the death squads, to defeat JAM, through the synchronised application of what we call kinetic, ie force, and non-kinetic, ie reconstruction and development.”

1243. In his weekly report on 31 August, Maj Gen Shirreff said that he aimed to prepare 10th Division for operations in Basra during Op SALAMANCA.¹¹⁵⁹ He remarked that that could provide “potentially more of an Iraqi face on Op SALAMANCA”.

1244. On 1 September, Mr Browne’s Private Secretary wrote to Mr Blair’s Private Secretary that Mr Browne had approved the additional troops requested for Op SALAMANCA because he had “judged that the likely impact of a short term extension of an increased troop presence is offset by the need for momentum for the projects that will make a visible impact in the city”.¹¹⁶⁰

¹¹⁵⁶ JIC Assessment, 27 September 2006, ‘Iraq: The Security Situation in the South’.

¹¹⁵⁷ Minute Shirreff, 31 August 2006, ‘GOC MND(SE) – Southern Iraq Update – 31 August 2006’.

¹¹⁵⁸ Public hearing, 11 January 2010, pages 14-19.

¹¹⁵⁹ Minute Shirreff, 31 August 2006, ‘GOC MND(SE) – Southern Iraq Update – 31 August’.

¹¹⁶⁰ Letter Beadle to Banner, 1 September 2006, ‘Iraq: troop levels in support of Op.SALAMANCA’.

1245. Mr Browne told the House of Commons on 11 September that 360 additional personnel would be deployed to reinforce the effort in Basra.¹¹⁶¹ That comprised an extended deployment of the Theatre Reserve Battalion and an uplift in Royal Engineers, Royal Marines (one boat troop) and Royal Military Police (one troop) to augment training of the IPS.

1246. At the DOP(I) meeting on 14 September, the objectives of Op SALAMANCA were described to Ministers as being to:

- increase Iraqi political grip on the issue, by having a visible Iraqi face on the plan and active involvement in the operation; and
- increase the confidence and competence of the ISF.¹¹⁶²

1247. On 15 September, Maj Gen Shirreff reported that the police were “still incapable of providing even the most basic level of security; rather they are a major cause of insecurity”.¹¹⁶³ He anticipated that during Op SALAMANCA there would be “a concerted and sustained effort by Police Training Teams” to “turn those police stations capable of improvement into police stations that are capable of providing basic security in their local areas”. His aim was “to cull the unredeemable and rehabilitate the ‘just about’ salvageable”.

1248. In a meeting with Gen Casey, Prime Minister Maliki was reported as saying that “the security situation in Basra was not bad enough to warrant an operation that would upset the political balance”.¹¹⁶⁴

1249. In his evidence to the Inquiry, Lt Gen Shirreff described gaining approval from the Iraqi Government as an “absolutely non-stop grind”:

“Maliki said he didn’t want this operation to proceed, despite ... declaring a state of emergency. So I then went up to Baghdad ... got to see Maliki and eventually briefed him and persuaded him that this operation should continue.”¹¹⁶⁵

1250. Lt Gen Shirreff told the Inquiry that even travelling to meet Prime Minister Maliki was difficult, with Gen Hamadi refusing to fly for two hours because he had received a call from a Sadrist Minister who said, “This operation isn’t to continue”.

1251. In response to the difficulties in securing approval, Op SALAMANCA was refined and repackaged as “a reconstruction and development operation enabled by MNF and MNF-led security”.

¹¹⁶¹ House of Commons, Official Report, 11 September 2006, column 111WS.

¹¹⁶² Minutes, 14 September 2006, DOP(I) meeting.

¹¹⁶³ Minute Shirreff, 15 September 2006, ‘GOC MND(SE) – Southern Iraq Update – 15 September 2006’.

¹¹⁶⁴ Minute Shirreff, 21 September 2006, ‘GOC MND(SE) – Southern Iraq Update – 21 September 2006’.

¹¹⁶⁵ Public hearing, 11 January 2010, pages 17-19.

1252. In his evidence to the Inquiry, Major General Jonathan Shaw, GOC MND(SE) from January to August 2007, said that Op SALAMANCA was altered “because of resistance within the Shia polity”.¹¹⁶⁶ In practice, that meant:

“... a lot of the kinetic element that had been intended in SALAMANCA was taken out. It continued under another guise, if you like, and that just showed an early sign that ... you had to work within the tolerances of the Shia polity, and that became particularly apparent where anyone in MNF tackled a Shia problem.”

1253. Following a meeting of the Security Committee in mid-September, the name of the operation was changed to Operation SINBAD.¹¹⁶⁷

1254. In his evidence to the Inquiry, Lt Gen Shirreff described how Op SINBAD was undertaken.¹¹⁶⁸ “Relatively soft areas” were selected, a surge of force was used to secure the area, and teams were then put into police stations. Those teams went “through the police stations with a fine-toothed comb” to establish their state. The UK had not visited many of the stations for six months, following the Jameat incident described earlier in this Section.

1255. Lt Gen Shirreff continued:

“We surged police training teams in, Royal Military Police and contract policemen from elsewhere.”

1256. ACM Stirrup visited Iraq from 24 to 26 September and wrote to Mr Browne on the day after his return to give him “an early feel” for some of his conclusions.¹¹⁶⁹ He considered that “the proposals for cleaning up individual police stations and culling/retraining the force are good” but would have no long-term impact unless the “killers” in the SCU were dealt with.

1257. Maj Gen Shirreff reported on 28 September that Op SINBAD had begun, and that initial operations had gone exceptionally well:

“What made a particular impact was the very evident Iraqi face on the operation, both in the form of Iraqi sappers¹¹⁷⁰ working alongside British sappers and Iraqi Army security patrols on the streets alongside MNF.”¹¹⁷¹

¹¹⁶⁶ Public hearing, 11 January 2010, page 6.

¹¹⁶⁷ Minute Shirreff, 21 September 2006, ‘GOC MND(SE) – Southern Iraq Update – 21 September 2006’.

¹¹⁶⁸ Public hearing, 11 January 2010, pages 19-20.

¹¹⁶⁹ Minute CDS to SofS [MOD], 27 September 2006, ‘CDS Visit to Iraq 24-26 Sep 06’.

¹¹⁷⁰ Sappers are soldiers who perform a variety of military engineering duties including bridge-building, clearing minefields and demolitions.

¹¹⁷¹ Minute Shirreff, 28 September 2006, ‘GOC MND(SE) – Southern Iraq Update – 28 September 2006’.

1258. General Sir Nicholas Houghton described Op SINBAD to the Inquiry as the “last best operation” to provide:

“... sort of exemplar modelling to the Iraqi Army but trying to put them in the lead of it. In the latter stages of SINBAD, it became important that they were seen to be in the lead ...”¹¹⁷²

1259. Gen Houghton described the “instantaneous” follow-up “of police reform, with police reform teams going into areas of Basra as they were cleared and made more stable by Iraqi Army back-filling”.

1260. On 27 October, Mr Banner wrote to Mr Siddiq, summarising a briefing that Mr Asquith had given Mr Blair the previous day.¹¹⁷³ Mr Blair had been told:

“The Iraqi Army had performed well in some areas (e.g. 10th Division in Basra). But it lacked maturity, had poor mechanism for civilian control and direction, and equipment was unevenly distributed and sometimes inadequate to task.”

1261. Mr Blair requested further advice on how to strengthen the Iraqi Army and Prime Minister Maliki’s control of it. A copy of the note was sent to the MOD for action.

1262. The MOD replied on 9 November.¹¹⁷⁴ With respect to MND(SE), the MOD stated that 10th Division’s planned development was “on track” but that it was:

“... consistently placed at the bottom of the prioritisation list by Baghdad due to the perceived low threat in Southern Iraq. As a result, they are potentially outgunned by insurgents and remain vulnerable when moving by vehicle.”

1263. The MOD wrote that it was “scoping the possibility of gifting 250 armoured protection vehicles” to “enhance” 10th Division’s capacity. It stated that Enhanced Military Training Teams (Super MiTTs) would “evolve” to “protect and enhance the progress already made” when units were transferred to Iraqi control. Those Super MiTTs were not described in any further detail.

1264. Reflecting on the Iraqi Army’s performance in his evidence to the Inquiry, Lt Gen Shirreff said:

“[The Iraqi Army] improved in terms of confidence, in terms of training, immeasurably, I think, during the period of SINBAD, but they were not up to holding in security terms, because, ultimately, however confident they got, you have to remember that the Iraqi Army in south-east Iraq were Shia-recruited, locally

¹¹⁷² Public hearing, 5 January 2010, page 20.

¹¹⁷³ Minute Banner to Siddiq, 27 October 2006, ‘Iraq’.

¹¹⁷⁴ Letter McNeil to Banner, 9 November 2006 attaching Minute DJC, 9 November 2006, ‘Strengthening the Iraqi Military Forces’.

recruited, they lived on the ground amongst the militia and they were not prepared to fight the militia, because they knew that, if they did, they would come off worse.”¹¹⁷⁵

1265. On 16 November at DOP(I), VAdm Style stated that ISF would be in the lead of Op SINBAD pulses from the end of the month and that they would be fully in charge of the operation, including planning, by the end of February.¹¹⁷⁶ He described Op SINBAD as a “considerable success” but stated that progress on reforming the police remained weak.

1266. In his evidence to the Inquiry, VAdm Style described some of the achievements of Op SINBAD:

“... a new level of co-operation between our own forces and the Iraqi Army, better Iraqi Army and police co-operation ... extra equipment was brought in ... By the end ... the Iraqis were in the lead to an extent they had not been before.”¹¹⁷⁷

1267. On 30 November, Maj Gen Shirreff reported that Op SINBAD was progressing well and considered future plans:

“Op SINBAD has led to improvements both in the general security situation (as evidenced by the declining murder rate) and the confidence and capability of the ISF. Mentoring of the Provincial Joint Coordination Centre by MND(SE) has led to noticeable improvements in its ability to plan and coordinate operations. Similarly the mentoring and training conducted by the police transition teams have led to an improvement in the average transition readiness assessment ... I assess that as SINBAD culminates we will be able to say, quite reasonably, that the security framework we have established in Basra will set the conditions for PIC.

“With regards to corrupt IPS, the DIA have already started tackling corrupt policemen but they are a small team and it will take time before they have a significant effect. In the meantime I have had my staff refine our plans to deal with the Serious Crimes Unit (SCU), the largest and most dangerous of the corrupt IPS units, with support from elements of the ISF. My intention is to replace the SCU with a new unit – the MCU (Major Crimes Unit). The first phase will be to secure the new location (the Warren) and to screen those already at the site. The Jameat police station (the present site of the SCU) will be cleared once the Warren is secure and those present will be assessed, the ineffective will be removed/transferred and the known criminal element will be arrested. Finally those selected for the MCU will be carefully screened and those that pass will be closely monitored, mentored and trained.”¹¹⁷⁸

¹¹⁷⁵ Public hearing, 11 January 2010, pages 23-24.

¹¹⁷⁶ Minutes, 16 November 2006, DOP(I) meeting.

¹¹⁷⁷ Public hearing, 5 January 2010, pages 39-40.

¹¹⁷⁸ Minute Shirreff, 30 November 2006, ‘GOC MND(SE) – Southern Iraq Update – 30 November 2006’.

The Warren

The Warren site in Basra City housed the Provincial Joint Co-ordination Centre (PJCC) command and control centre.¹¹⁷⁹ The PJCC was a provincial security committee to discuss “security issues in the broadest sense”.¹¹⁸⁰ The Warren also housed a number of IPS specialist units including the TIPS line (see Box earlier in this Section, ‘TIPS hotline’), the Major Crimes Unit (MCU), and the National Information and Investigation Agency (NIIA).

The PJCC building was located around 5km from Basra Palace and 15km from Basra Airport (see Map 6, Annex 4).

1268. The following week, on 7 December, Maj Gen Shirreff reported:

“I have come to the conclusion that the best we can achieve through SINBAD are those surface level improvements required to get police stations to TRA level 2, the critical level for PIC. Culling militia infiltrators from the police is a non-starter without a national anti-militia plan including DDR [Disarmament, Demobilisation and Reintegration].”¹¹⁸¹

1269. CC Kernaghan visited Iraq from 4 to 6 October 2006.¹¹⁸² His stay was hampered by problems with transport and he was unable to go to Baghdad. The main focus of his visit report was the lack of support coming from the MOI and he cited cases of corrupt officers being sacked in MND(SE) only to be reinstated “often in a higher rank” by the MOI.

1270. CC Kernaghan recommended:

“We should now be planning for a new era in which there is a reduced overt British military presence in southern Iraq. If we move to a security infrastructure delivered primarily by the Iraqis then we should remodel our support to reflect that new reality. In such an era I would suggest station visits and routine training delivery are irrelevant. We need to ask the MOI what support they would value over the medium term and then decide how best we could provide that support, assuming political support. I believe our focus should move from the tactical to the strategic ... Crucially it is hard to justify investing in tactical achievements and gains when it appears the wider strategic context is undermining our overall goals. The Iraqi MOI must set out their visions and we should seek to support it where we can and feel it is appropriate.”

¹¹⁷⁹ Statement Colbourne, 29 June 2010, page 6.

¹¹⁸⁰ Minute Naworynsky to Quarry, 11 May 2004, ‘Iraq: Security Structures after 30 June’.

¹¹⁸¹ Minute Shirreff to CJO, 7 December 2006, ‘GOC MND(SE) – Southern Iraq Update – 07 December 2006’.

¹¹⁸² Report, 6 October 2006, ‘5th Visit to Iraq by Chief Constable Kernaghan 4-6 October 2006’.

1271. CC Kernaghan was accompanied on the visit by the Police and Justice Team Leader from the FCO's Conflict Issues Group, who reported:

“The IPS is widely recognised as an integral part of the security problem, exhibiting a serious propensity to undermine, rather than enforce, law and order. It barely functions in Basra, suffering from a paralysing combination of deeply embedded corruption (including involvement in extra-judicial killings), militia infiltration, poor leadership (the recently confirmed Chief of Police, Al Hamadi, appears to inspire little loyalty), and weak command and control structures. The dearth of local IPS officers willing to staff the nascent Internal Affairs Department illustrates the depth of the problem; recruits have finally been found, following MOI intervention, in a nearby province.

“The early stages of SINBAD have confirmed the extremely poor state of the IPS. From an over-complex and over-staffed organisational structure lacking basic administrative capacity, to the decaying police stations with no mains electricity and inadequate sewerage, the conditions on the ground are grim.”¹¹⁸³

1272. The Police and Justice Team Leader recommended to Mr Pattison and Ms Joan Link, Head of the Conflict Issues Group, that the UK should:

- Extend the window of opportunity offered by Operation SINBAD by re-deploying a number of UK police officers more directly in support of efforts to tackle gross IPS corruption, the key obstacle to longer-term improvement of the IPS;
- Increase UK strategic policing input at the MOI in Baghdad, to support the development of national, and by extension provincial, capacity (including increased financial and logistical expertise) and thereby improve the chances of sustainability;
- Encourage greater Rule of Law co-ordination between ministries in Baghdad and between the capital and provinces, again to improve sustainability. Leverage EU financing and expert support as far as possible.”

1273. The British Embassy Baghdad produced a ‘Police Forward Look’ in November 2006 which assessed priorities in Basra (described in Box, ‘Enabling the police to tackle crime’, earlier in this Section).¹¹⁸⁴ It stated:

“Key target – getting to PIC. Assumption: policing work will be more difficult in Basra city post-PIC. Will not be possible to fully tackle police corruption pre-PIC. Police to concentrate on required level – not set sights higher.”

¹¹⁸³ Report, 17 October 2007 [sic], ‘UK’s Policing Contribution in Iraq: Visit to Basra, 4-7 October’.

¹¹⁸⁴ Paper BE Baghdad, November 2006, ‘Police Forward Look’.

CIVILIAN DRAWDOWN

1274. Mrs Beckett decided in October that the majority of civilian staff should be withdrawn from Basra Palace and relocated to Basra Air Station.¹¹⁸⁵

1275. In an IPU paper considering the impact of that drawdown it was assessed that:

- ACC Barton and a small number of police advisers already based at Basra Air Station would be unaffected.
- The key current task for the remaining police advisers in Basra was work to support Op SINBAD for which they needed to be based in Basra Palace or another MND(SE) site in the city. The TIPS programme, run out of the PJCC (co-located with the Basra Police Headquarters) would also be affected.
- Prisons work would be affected as Iraqi Corrections Service staff preferred to visit Basra Palace than from Basra Air Station, and unannounced prison visits were also more easily made from Basra Palace than Basra Air Station.
- There would be a negative impact on the Rule of Law work being carried out by the Provincial Reconstruction Team (PRT).¹¹⁸⁶

1276. The IPU recommended that the police team at Basra Palace should be reduced by 14 officers, three of whom would relocate to the Air Station. The remainder would leave Iraq. That would “retain just enough officers in the city to provide essential support to Op SINBAD”. The prisons team would leave theatre “pending progress on the Basra Central Prison project” and “we would need to think hard about whether the PRT could have enough real impact to justify the costs and risks of maintaining it at its current size.”

1277. Brigadier James Everard, Commander 20 Brigade, reporting in place of Maj Gen Shirreff, expressed concern that that move would have a negative effect on SSR work, making it impossible to train the specialist police teams that would take over from the corrupt SCU and hampering the planned move of Iraqi prisoners out of the Jameat facility into a new facility.¹¹⁸⁷

1278. Brig Everard also reported the murder of 17 Iraqi interpreters and locally employed contractors employed at the Basra Police Academy. He advised:

“How the ISF (particularly the police) deal with this incident should be an important test. Unsurprisingly, they may disappoint. There is a lack of IPS will to prosecute a JAM-linked case with much vigour, let alone conduct any arrests.”

1279. A paper drafted on 30 December by the Deputy Chief Police Adviser proposed that there would be 31 International Police Advisors, nine police officers (not including

¹¹⁸⁵ Minute Cabinet Office [junior official] to Sheinwald, 30 October 2006, ‘Iraq Strategy Group, 27 October’.

¹¹⁸⁶ Minute Casey to Sawers, 24 October 2006, ‘Iraq: DOP: Political Strategy and Basra Palace Site’.

¹¹⁸⁷ Minute Everard, 2 November 2006, ‘GOC MND(SE) – Southern Iraq Update – 2 November 2006’.

ACC Barton and his staff officer) and two military officers operating from Basra in 2007.¹¹⁸⁸ It was thought that the PTT numbers would reduce further in April and, depending on progress, might not be required at all.

1280. The MOD and the FCO produced separate papers on future plans for Basra for DOP(I) on 7 December.¹¹⁸⁹ Both papers envisaged military and civilian personnel relocating to Basra Air Station with an undefined “residual presence” possibly remaining at the PJCC. The MOD stated that there would be a number of post-handover tasks including:

- continued training and mentoring of the Iraqi Army, IPS and the Department of Border Enforcement (DBE);
- support to other government departments’ efforts on Iraqi police training, including co-ordinating the disbandment of the Serious Crimes Unit (SCU); and
- retaining the capacity to intervene if security were to deteriorate beyond the capabilities of the ISF.

1281. The FCO listed a number of police training tasks for 2007 including:

- clearing out the SCU (dealing with 300-400 staff and transferring detainees out of SCU custody);
- specialist support to Basra Police Headquarters at the Warren site, including the National Information and Investigation Agency (NIIA), the TIPS hotline and forensics training;
- mentoring the Chief of Police; and
- developing leadership training.

1282. DOP(I) discussed and “took note” of both papers.¹¹⁹⁰

TACKLING THE SERIOUS CRIMES UNIT: OPERATION THYME

1283. In his evidence to the Inquiry, Lt Gen Shirreff described the specialist police units, in particular the SCU, as “a serious problem that needed to be resolved”.¹¹⁹¹ He said that their activities included “intimidating, murdering, kidnapping ordinary Basrawis”. He added that for the people of Basra, the SCU was a “bastion of tyranny right in their midst”.

¹¹⁸⁸ Paper FCO [junior official], 30 December 2006, ‘Shaping the CivPol Mission – Iraq 2007’.

¹¹⁸⁹ Paper MOD officials, 5 December 2006, ‘UK Military Plans for Southern Iraq in 2007, A Briefing Paper for DOP-I by Officials’; Paper FCO officials, 1 December 2006, ‘Basra: Objectives and Presence in 2007’.

¹¹⁹⁰ Minutes, 7 December 2006, DOP(I) meeting.

¹¹⁹¹ Public hearing, 11 January 2010, pages 27-31.

1284. The November 2006 ‘Police Forward Look’ included the target of replacing “the corrupt and dangerous SCU”.¹¹⁹² The plan was:

“Two hundred people to be disciplined, removed or prosecuted, then seek PDoP’s [Provincial Director of Police’s] and Governor’s agreement to close down and establish MCU [a Major Crimes Unit] in new location. Close down the Jameat (present site of the SCU). Realistically, only aim to get the MCU the best possible start, then hand over to Iraqi control immediately at PIC.”

1285. That work would be undertaken by ArmorGroup contractors.

1286. On 15 December, a junior official at the PJHQ briefed Mr Browne on Op SINBAD and the plans to deal with the SCU based at Jameat Police Station.¹¹⁹³ The briefing did not suggest a real improvement in the overall capability of Basra’s IPS stations: while prior to Op SINBAD stations had an average of TRA level 3 or worse, the average was now assessed at between 2 and 3 with “some inconsistencies” between stations. It did, however, state that the PJCC’s “command ability to plan and co-ordinate operations throughout the city” was “much improved” due to the permanent presence of the MNF at the centre.

1287. The PJHQ official assessed the SCU as “so thoroughly tainted by corrupt officers that it is effectively beyond gradual reform” and that orders had now been given by the MOI and Prime Minister Maliki for it to be disbanded. The new Operation THYME was being planned by Maj Gen Shirreff to disband the SCU, clear its headquarters and remove all prisoners at the Jameat. The existing 200 SCU personnel would either:

- be detained (only if “sufficient targetable intelligence” existed);
- have their case handed to the Department of Internal Affairs (DIA) (where no “targetable” evidence existed but there was information suggesting the individual had been involved in criminal activity); or
- moved to other parts of the IPS and given further training (if not suspected of any criminal activity).

1288. The PJHQ official said that where individuals were dismissed from the IPS, continued biometric testing from the IPS should prevent them from being re-employed, although that was only possible if the Iraqis continued “to implement a stringent and routine testing regime”. The new MCU would be formed at the PJCC made up of 120 individuals selected by the PTT following “a rigorous screening process”.

1289. Op THYME was carried out on 25 December.¹¹⁹⁴ Briefing Mr Browne the following day, a PJHQ junior official reported that the operation had been successful but that MNF

¹¹⁹² Paper BE Baghdad, November 2006, ‘Police Forward Look’.

¹¹⁹³ Minute PJHQ [junior official] to PS/SofS [MOD], 15 December 2006, ‘Op TELIC: Iraq: Op SINBAD and its Enduring Effect on the IPS’.

¹¹⁹⁴ Minute PJHQ [junior official] to APS/SofS [MOD], 26 December 2006, ‘Outcome of Op THYME – MND(SE) Operations to Disband the Serious Crime Unit (SCU) in Basra’.

had been attacked a number of times, resulting in a “very minor” MNF casualty and “some vehicle damage”. Seven attackers had been killed.

1290. The PJHQ official stated that 127 prisoners were found and that the Iraqi Army had transferred them to the Warren facility. “Some 80 percent” of the prisoners “showed signs of torture”. A search of the Jameat site uncovered weapons, grenades, shells and bomb-making equipment. The MNF demolished part of the building to prevent it from being reoccupied.

1291. There had been a mixed reaction from the Iraqi Government to the operation. A spokesperson from the IMOD had reiterated that the Iraqi Army was involved; making clear that the MNF did not act alone. Governor Waili and tribal leaders had offered “very strong support” but some of those briefed on the operation beforehand had since said they were unaware of the MNF’s intent. That was believed to be due to militia pressure.

1292. Reflecting on the Iraqi reaction to Op THYME, Lt Gen Shirreff told the Inquiry:

“Maliki was generally supportive, Governor Waili was delighted, the tribal sheikhs within Basra were delighted, the principal cleric of the largest Shia mosque in Basra, with a congregation of 10,000 people on Friday prayers, thanked me for delivering the people of Basra from this nest of vipers.”¹¹⁹⁵

1293. On 28 December, Mr Dominic Meiklejohn, Deputy Consul General in Basra, described the ISF’s role in Op THYME as “significant”.¹¹⁹⁶ The performance of Brigadier Ibrahim, the only member of the Basra Security Committee in the country, had been “less encouraging”, getting “cold feet at the last moment” and ordering a Commander of 10th Division not to participate. Consequently, the brigade failed to provide the outer cordon as planned.

1294. Mr Meiklejohn reported that Prime Minister Maliki had claimed not to know about the operation, despite it being raised with him on three separate occasions. Some members of the Provincial Council had criticised the operation publicly but those were the “usual suspects”. At a local, tactical level reactions had been positive, and although local media had suggested the IPS would no longer be participating in Op SINBAD, the PTTs had been “welcomed warmly” at police stations. He wrote:

“... excising the SCU has demonstrated that MNF and ISF have the will and capacity to root out militia influence over the IPS. The SCU were not the only offenders but had become a signal of what was wrong with the IPS. The operation ... sent a powerful signal to Basra.

“There is still much to do. MNF operations against the Shia militias remain outside [Prime Minister] Maliki’s comfort zone. Local ISF commanders are scared of being

¹¹⁹⁵ Public hearing, 11 January 2010, page 31.

¹¹⁹⁶ eGram 57155/06 Basra to FCO, 28 December 2006, ‘Iraq: Basra: Action Against Serious Crime Unit’.

hung out to dry by Baghdad if they get too closely involved. We can avoid some of the pain by doing even more to keep Maliki ... in the loop (and paying the price in operational security – the fact that no members of the SCU were caught in the Jameat suggests they were warned off). But we can't make Maliki more determined or happier to confront the Shia militias. And we can't get to PIC unless we can show that the ISF are ready and able to confront the militias.”

1295. Maj Gen Shirreff, also reporting on Op THYME on 28 December, wrote that the operation “may mark a decisive moment, if not *the* decisive act in our efforts to reform the IPS in Basra”.¹¹⁹⁷ He thought it “brought to a head the hard choices that face the Provincial Council, the Basra Security Committee and the ISF: do they confront or continue to roll over in the face of the militia?”

1296. Maj Gen Shirreff criticised Maj Gen Latif for refusing to order a brigade to deploy into an area, because JAM was there with Rocket Propelled Grenades and small arms. Maj Gen Shirreff considered the Basra Security Committee “no longer fit for purpose” after two members deserted the Committee during the operation and Brig Ibrahim denied “any foreknowledge having previously been in full support”.

1297. On 4 January 2007, Maj Gen Shirreff reported that the relationship with the Council remained tense, with all members refusing to meet the MNF face to face.¹¹⁹⁸ He was concerned about the welfare of the prisoners after SCU members had arrived to work at the Warren facility. While prisoners had not been subject to further torture, they had not received access to medical care or legal advice. The Director of Police had assured he would keep SCU out of the Warren because it was not possible to be sure who had been involved in the torture of prisoners.

1298. The consequences of Op THYME continued as members of the Provincial Council refused to engage fully with the MNF.¹¹⁹⁹ They rejected evidence that the MNF had authority for the operation and denied being briefed about it beforehand. Maj Gen Shirreff believed it was “absolutely clear” that that was due to fear of reprisals from JAM and SCU.

1299. Lt Gen Shirreff told the Inquiry about how Op THYME affected Op SINBAD:

“... there was some delay ... but ... there was no significant impact on SINBAD at all. In fact, in a sense it allowed us to continue that process which had begun to develop, but putting the Iraqis more into the lead on SINBAD ...”¹²⁰⁰

¹¹⁹⁷ Minute Shirreff to CJO, 28 December 2006, ‘GOC MND(SE) – Southern Iraq Update – 28 December 2006’.

¹¹⁹⁸ Minute Shirreff to CJO, 4 January 2007, ‘GOC MND(SE) – Southern Iraq Update – 04 January 2007’.

¹¹⁹⁹ Minute Shirreff to CJO, 11 January 2007, ‘GOC MND(SE) – Southern Iraq Update – 17 January 2007’.

¹²⁰⁰ Public hearing, 11 January 2010, pages 32-33.

EARLY ASSESSMENTS OF IRAQI SECURITY FORCE PERFORMANCE IN OP SINBAD

1300. On 4 January 2007, Maj Gen Shirreff reported that the Iraqi Ground Forces Command had declared operational control of 10th Division from MNF-I.¹²⁰¹ Maj Gen Shirreff stated:

“I am content, but on the condition that Latif is replaced and the Army does not accept orders from the Basra Security Committee.”

1301. On the No.10 copy of Maj Gen Shirreff’s report, Sir Nigel Sheinwald commented that, while there was some positive news in it, “the worst ... is left to the end and is a big problem”.¹²⁰²

1302. Lt Gen Lamb produced an update on ISF capabilities on 5 January 2007.¹²⁰³ On equipment, he wrote that the Iraqi Government did not view 10th Division as “a relatively high priority for investment” because their ratings and manning levels were “significantly higher than other Divisions on a number of criteria”. If the UK was to lobby the IMOD and MNSTC-I for equipment, Lt Gen Lamb advised:

“... this needs to be done in the full knowledge that it distorts the prioritisation and investment system that we have encouraged the Iraqis to develop and meet their national needs as a whole; expect push back from US and ISF commanders.”

1303. The manuscript comment on Lt Gen Lamb’s assessment of the priorities for investment said: “We have to make this up then.” The MOD has been unable to identify the author of the manuscript comments.

1304. On 8 January, the IPU produced an engagement strategy for the future UK presence in southern Iraq.¹²⁰⁴ On ISF capability in Basra, the paper stated: “We should be frank about the problems, for the sake of our own credibility.” The IPU then suggested a series of positive messages:

- Both the Iraqi Army and the IPS are increasingly taking the lead following Op SINBAD.
- Cleaning up the police is “at the heart of our current work”.
- The SCU is being disbanded and replaced by a Basra Crimes Unit at the PJCC site.
- A DIA and a Prosecution Mentoring Unit have been created.

¹²⁰¹ Report Shirreff, 4 January 2007, ‘GOC MND(SE) – Southern Iraq Update – 04 January 2007’.

¹²⁰² Manuscript comment Sheinwald on Letter Beadle to Banner, 8 January 2007, ‘Iraq: Update’ attaching Report Shirreff, 4 January 2007, ‘GOC MND(SE) – Southern Iraq Update – 04 January 2007’.

¹²⁰³ Minute Lamb to DCDS(C), 5 January 2007, ‘Iraqi Security Force (ISF) Capability’.

¹²⁰⁴ Paper IPU, 8 January 2007, ‘Future UK Presence in Southern Iraq: Engagement Strategy’.

- “We are confident that this mix of activity will get the Basra police to the required standard for transition, even if problems will remain. But we intend to retain a significant police training, support and mentoring presence to sustain forward momentum after transition, including at the PJCC in Basra city.”

1305. On 10 January, the MOD produced an update on UK military plans for transition for DOP(I).¹²⁰⁵ An annex provided an interim assessment of Op SINBAD. It stated that a clearer review would be available in March but that there were a number of positive outcomes as well as some areas requiring more work.

1306. The annex noted that police effectiveness had increased; it was currently assessed as 69 percent capable and was on track for the 72 percent capability required for transition. But parts of the IPS remained “actively criminal” and harboured the “Death Squads responsible for a large proportion of the murder rate in Basra”.

1307. The Iraqi Army had taken the lead through the latter stages of Op SINBAD and was able to respond to requests for assistance through MND(SE). It still lacked the “capability, structurally and conceptually” to deploy nationwide.

1308. Op SINBAD had also “confirmed suspicions that some leaders in parts of the Iraqi security sector in MND(SE) are not fit for task, including members of the Iraqi Army and the Basra Security Committee”.

1309. DOP(I) considered the paper on 11 January.¹²⁰⁶

1310. The minutes recorded that, although arrest warrants had been issued for members of the SCU, they had not been actioned and there were signs that those members were “continuing to operate”. The UK would continue to press Mr Boulani, and the mentoring effort in the MOI should be increased.

1311. Cabinet discussed Op SINBAD and transition in Basra later that day.¹²⁰⁷ Mr Blair stated that during his visit at the end of 2006 “he had sensed, for the first time, that Iraqi generals felt that if they were given the right training and equipment they would be able to do the job”.

1312. Mr Browne said that ISF “would only improve if they were given more responsibility”. He reiterated the problems with the police, particularly the SCU, and stated that the UK was “determined” that rogue officers “would not be allowed to remain in the police”.

1313. On 17 January, the JIC assessed:

“In MND(SE) the predominantly Shia 10th Division is already operating independently in the provinces of Muthanna, Dhi Qar and much of Maysan ...

¹²⁰⁵ Paper MOD, 10 January 2007, ‘UK Military Transition Plans for Southern Iraq’.

¹²⁰⁶ Minutes, 11 January 2007, DOP(I) meeting.

¹²⁰⁷ Cabinet Conclusions, 11 January 2007.

despite reported comments by the former Commander of 4 Brigade that up to 50 percent of his unit was sympathetic to JAM, they successfully and impartially policed a cease-fire in Amara between JAM and Badr. In Operation SINBAD in Basra units conducted cordon and search operations independently and effectively and in one instance intervened in a public order disturbance. We judge 10th Division is slowly improving and gaining confidence, but it remains prone to interference from local government and militia pressure. It is likely to prove fragile if confronted by serious Shia militia violence.”¹²⁰⁸

1314. On 18 January, Dr Rosalind Marsden, Consul General in Basra, produced the first consolidated weekly report from MND(SE).¹²⁰⁹ She highlighted a number of difficulties including:

- the Provincial Council’s disengagement with MNF;
- a requirement to replace or dissolve the Emergency Security Committee;
- a requirement to appoint a new Chief of Police; and
- a continued need to tackle death squads and high-level corruption in the police.

1315. In contrast to the MOD’s assessment that 69 percent of police stations were at a level sufficient for transition, Dr Marsden assessed that 56 percent were ready and that police trainers had been able to operate normally in 80 percent of the stations visited – in others “they have been turned away politely”. Dr Marsden also stated that the transfer of land to allow construction of a new Central Prison for Basra had finally been agreed in December 2006.

1316. In his end of tour report, dated 19 January, Maj Gen Shirreff stated:

“Mission success for Britain depends on a capable, confident IA and the last six months has witnessed both highs and lows. The mutiny of 2/4/10 [2nd Battalion, 4th Brigade, 10th Division] and the failure of 4 (IA) Bde [4th Brigade] to control the looting of Camp Abu Naji in August were the obvious lows and demonstrated that the ‘hands off’ approach to training the IA adopted by the UK was inadequate. Arguably, no other army in the world has greater depth of experience in training indigenous armies than the British and yet we have not been true to ourselves. We have not lived, trained and fought alongside them, preferring a centralised MiTT and a far more hands off approach, in contrast to our US allies. Effectively the stabilisers were removed from the bike too early. The result has been a lacklustre, inadequately trained and supported Division that failed the test when it came.

“Subsequent to these failures, SINBAD has, for the most part, done much to improve IA capability and confidence ... We finish SINBAD with the IA in the lead. However, until the IA in Basra is prepared to fight JAM, the ISF will not be capable

¹²⁰⁸ JIC Assessment, 17 January 2007, ‘Iraqi Security Forces: Prospects in 2007’.

¹²⁰⁹ Letter Marsden to Aldred, 18 January 2007, ‘Basra: Weekly Report’.

of maintaining law and order ... as with any organisation, it depends on the man at the top and it is the best possible news that Latif, CG 10 (IA) Div [Commander General 10th Division], who has proved to be worse than useless, is to be shifted ... if we are to get the IA right, it means accepting the risk of much greater embedding within IA units. This, in turn, means not only living and training with them, but being prepared to fight with them too.”¹²¹⁰

1317. In his evidence to the Inquiry, Lt Gen Shirreff said that Op SINBAD:

“... failed to achieve the security which was the original genesis of the plan, but it achieved other things. I think it achieved an increased confidence among the Iraqi Army. It certainly achieved a better standard, generally speaking, of Iraqi police, in terms of the mechanistic boxes that needed to be ticked before Provincial Iraqi Control should be established ...”¹²¹¹

1318. On 25 January, Mr Browne briefed Cabinet that, in Basra:

“... the murder rate had reduced from over 100 to less than 30 a month, which compared favourably with a number of European States and American cities. The kidnap rate had been halved and polling suggested levels of confidence in security which would be welcome in the UK; 90 percent of those polled felt more secure than a year ago; only two percent had encountered intimidation in the last six months. The biggest challenge was improvement in policing, but the police forces were only a couple of percentage points below the benchmark set for transfer of security.”¹²¹²

1319. On 26 January, Lt Gen Lamb produced a report on ISF capability for Mr Blair.¹²¹³ He warned about the problems of gifting equipment in an attempt to fix capability gaps:

“This will only provide, perhaps, a marginal short term difference (usually offset by IMOD to compensate against other national priorities) and is, in general, just as likely to exacerbate the systemic issues already present in terms of logistic support e.g. through multiple vehicle fleets or weapon systems. There are also other additional factors ... such directed gifting is likely to received pushback from both the US and the Iraqis.”

1320. In her weekly report dated 1 February, Dr Marsden warned that the formation of the new Basra Crimes Unit (BCU) had stalled and that 400 members of the former SCU were still turning up to claim wages and entering buildings designated for the new BCU.¹²¹⁴ The MOI were yet to stop their wages and the Provincial Director of Police was not engaging on the matter. She stated that MNF protection for DIA officers travelling to

¹²¹⁰ Report Shirreff, 19 January 2007, ‘Post Operational Report – Operation TELIC, Part One: General Officer Commanding’s Overview’.

¹²¹¹ Public hearing, 11 January 2010, page 42.

¹²¹² Cabinet Conclusions, 25 January 2007.

¹²¹³ Report Lamb, 26 January 2007, ‘Iraqi Security Force (ISF) Capability – January 07 Report for the Prime Minister’.

¹²¹⁴ Letter Marsden to Aldred, 1 February 2007, ‘Basra: Weekly Report’.

the Warren was critical and that “DIA concerns ... were not allayed when they made the trip with Iraqi Army backup and were confronted by SCU officers”. She noted that the Basra Police Academy had gone into decline since it was transferred to Iraqi control in December 2006.

1321. On 9 February, Dr Marsden sought to explain the apparent difference between improving Transitional Readiness Assessments of the police and the more qualitative assessment by those on the ground that the police force had become less effective.¹²¹⁵ She stated:

“The measurement of transition readiness levels (defined by CPATT) is mainly based on quantitative indicators such as who has been given what training, whether or not police stations are producing the requisite reports, following the right procedures and performing basic police business and whether they are properly equipped. It does not include a moral component.

“On the positive side, we have trained and trained the lower echelons of the Basra police (11,500 in the Shaibah college alone). They have all been equipped with guns, cars and uniforms. There are some good units in the Basra police and a number of good, professional middle-ranking police officers, trying to do a good job. But the Basra police also includes an influential minority of seriously criminal and corrupt individuals and a large number of officers (probably the majority) who are more or less adequate but stifled by weak leadership and intimidated by the seriously corrupt elements and militant militias.

“The real problem is the high level of ... serious police related crime ... This is evidenced by the recent interviews carried out by the Department of Internal Affairs with tortured prisoners from the Jameat. There is evidence that some police officers are also directly involved in anti-MNF activity. These criminal elements are a big part of the problem on the streets, although the size of that problem is not massive compared to Baghdad.”

1322. Gen Dannatt visited Iraq from 14 to 15 February.¹²¹⁶ He reported:

“For MND(SE), 10 IA Div clearly represent the exit strategy not only from Basra City but elsewhere across the region ... the fear is that 10 IA Div may not be as good as we hoped it would be ... But as GOC MND(SE) rightly observed, we have regularly changed the role for which these troops were designed; they have gone from local militia (ICDC), to regional defence force and now onto an expeditionary footing ... over the past three and a half years. However, we are where we are; the trick now is to maintain sufficient SSR momentum to get 10 IA Div at the level of combat effectiveness appropriate to its future role against the predicted threat. And GOC MND(SE) is looking carefully at this. It is not simply a question of enhancing

¹²¹⁵ Letter Marsden to Aldred, 9 February 2007, ‘Basra: Weekly Report’.

¹²¹⁶ Minute CGS to CDS, 19 February 2007, ‘CGS Visit to Iraq: 14-15 Feb 07’.

our MiTTs – many Iraqi soldiers fear the MiTTs simply draw the enemy’s fire. ‘Partnership’ is key, as we saw on Op SINBAD ...”

1323. In his statement to the Inquiry, Former Chief Superintendent Barton said that, by early 2007, “the security situation had worsened so much that it was impossible to move around the city in anything other than a Warrior”.¹²¹⁷ He wrote that due to the security risk, inspection visits “would often be as short as twenty minutes”; in comparison, an inspection at a UK station would take “at least one full day”.

10th Division called to Baghdad

In his weekly report from 31 January, Major General Jonathan Shaw, GOC MND(SE) from January 2007 until August 2007, reported that elements of 10th Division were likely to be called to Baghdad in the near future for a combat role.¹²¹⁸ He assessed: “while the 10th Division has proven itself capable of basic tasks ... they are not yet combat proven. Asking them to deploy to Baghdad in this role at this stage risks asking too much of them.”

Two battalions of 10th Division were expected to move north in support of the Baghdad Security Plan in late February.¹²¹⁹ Each battalion was to be accompanied by a team of four “military observers”¹²²⁰ who would “co-locate with US forces”.

On 12 February, MOD officials recommended that two four-man UK teams should embed alongside US MiTTs with the two 10th Division battalions being deployed to Baghdad.¹²²¹ By 21 February, plans had expanded to include a UK team of 24 based at Besmaya (from where ISF were being forward deployed to Baghdad) to help the US prepare other ISF units for the Baghdad Security Plan.¹²²²

In his evidence to the Inquiry, Major General Graham Binns, GOC MND(SE) from August 2007 until February 2008, recalled:

“... when the unit that we had trained from 10 Division deployed to Baghdad, we mentored and we sent mentoring teams with them to Baghdad ... this was something that had evolved in Basra but not Baghdad.”¹²²³

Planning to leave Basra City

1324. On 8 January, No.10 wrote to departments requesting a number of additional reports (as described earlier in this Section), including a weekly report on developments in ISF capability, stating that Mr Blair wished to know of problems, and how and by whom they would be tackled.¹²²⁴

¹²¹⁷ Statement, 7 June 2010, pages 9-10.

¹²¹⁸ Minute Shaw to CJO, 31 January 2007, ‘GOC MND(SE) – Southern Iraq Updated – 24 [sic] January’.

¹²¹⁹ Minutes, 7 February 2007, Chiefs of Staff meeting.

¹²²⁰ These “military observers” were later described at MiTTs.

¹²²¹ Minute PJHQ [junior official] to PS/SofS [MOD], 12 February 2007, ‘Iraq: Op TELIC: Deployment of Two Iraqi Army Battalions to Baghdad with Embedded UK Military Training Team’.

¹²²² Minute MOD [junior official] to PS/SofS [MOD], 21 February 2007, ‘Iraq – Media Handling of the MiTT Deployments to Baghdad’.

¹²²³ Public hearing, 15 January 2010, page 17.

¹²²⁴ Letter Banner to Siddiq, 8 January 2007, ‘Iraq’.

1325. At the Iraq Senior Officials Group on 12 January, Mr Howard pointed out that weekly reporting would be difficult as information was produced by the US on a monthly basis so little would change from week to week.¹²²⁵ Monthly reports would therefore be more sensible.

1326. On 22 January, Mr Banner wrote to departments thanking them for a series of papers and asked that the next report on ISF capabilities include more detailed recommendations on addressing shortfalls and bottlenecks.¹²²⁶

1327. On 26 January, Mr Banner provided Mr Blair with a number of updates.¹²²⁷ He judged that the Basra update and the ISF capabilities update suggested that “all is not well with 10th Division, including on equipment (we need to work out how this squares with CDS’s assurance that all they were lacking is a water truck)”.

1328. On 24 January, Mr Browne wrote to Mr Blair to update him on the rationale behind a planned reduction in troops from 7,000 to 4,500-5,000 (this is also addressed in Section 9.5).¹²²⁸ He stated:

“There is no question of us leaving a vacuum in the city, as the IA and IPS are already doing patrols and we will remain present in the Provincial Joint Co-ordination Centre and military transition teams. Early evidence from the final stages of Op SINBAD, where the IA are in some areas not just in the lead but doing it by themselves, is that inevitably they enjoy a greater level of consent than we do – but also that they are doing a decent job. They are far from the finished article but after re-posturing our shift towards mentoring and support will ensure they continue to develop.

“The clear military advice ... is that re-posturing and the associated drawdown will not adversely affect our capacity to provide support to the Iraqi Security Forces, including underwriting it by providing a battlegroup size reserve force. We must recognise that after re-posturing re-intervention would not be straightforward but this is a nettle that must be grasped at some stage.

“We should explain what these 4,500-5,000 personnel will be doing ... The answer is that as well as holding a battlegroup in reserve ... Security Sector Reform will once again be the main focus – reflected in an increase in our commitment to military and police training teams. In relation to the Police in particular – an area where I know the Americans have concerns – we have ... done a considerable amount to clean up the police in Basra, but making it stick now depends mainly on the Iraqi MOI and Emergency Security Committee acting on outstanding arrest warrants ...

¹²²⁵ Letter Cabinet Office [junior official] to Sheinwald, 12 January 2007, ‘Iraq Senior Officials Group’.

¹²²⁶ Letter Banner to Siddiq, 22 January 2007, ‘Iraq’.

¹²²⁷ Minute Banner to Prime Minister, 26 January 2007, ‘Iraq Update, 26 January’.

¹²²⁸ Letter Browne to Blair, 24 January 2007, ‘Next Steps on Force Levels in Iraq’.

“Finally, given the importance right now of the Iraqis being able to assume the lead, we should take the opportunity to deal with the public demands which PM Maliki made last week on equipment – repeating in public what he has said to us in private. In fact, the position in IA 10 Div is relatively good, but the Iraqis continue to look for symbols of force to over-face the militia. We have managed to bring forward the deployment of some 240 Humvee vehicles – 140 are now in place – and we are expecting some heavy calibre arms over the next month. On my visit I will again press Defence Minister Qadir to spend his capital budget wisely and quickly including for 10 Div.”

1329. On 29 January, Mr Banner requested further details from the MOD on equipment issues and MiTTing (as support for police reform).¹²²⁹

1330. On 30 January, Mr Banner briefed the Prime Minister that one of the two “key issues” for the US was that the UK should have “an embedding/MiTT programme similar to their own”.¹²³⁰ The MOD was “working on this” but was, Mr Banner felt, “reluctant”.

1331. Mr Blair met Lieutenant General Nicholas Houghton, Chief of Joint Operations, and senior officials from FCO and SIS to discuss the situation in Basra on 31 January.¹²³¹ The issue of embedding mentors was raised. Lt Gen Houghton explained that the UK approach to mentoring in Basra was different to that being developed by the US, in part because of a differing context; the US were primarily embedding with Shia forces operating in hostile Sunni areas, whereas the UK was working with Shia forces in Shia areas. He stated: “We, not they, drew the fire of local militias”, hence most UK mentoring would take place at headquarters level and at bases.

1332. Mr Blair also expressed concern about the Iraqi ability to ensure security after re-posturing. Lt Gen Houghton noted that the UK would retain a re-intervention capability, and that it was “important to allow 10 Division to act independently”. He conceded that there was still considerable work to be done to improve leadership in 10th Division and fill equipment gaps “where it was difficult to take bilateral action specific to 10th Division, given the prioritisation system in place via MNSTC-I”. Mr Blair stated that it was “essential that our plans resulted in a 10 Division that was able to defeat JAM whenever it encountered them in an open fight. This would be the only way to instil wider confidence in the security situation.”

1333. The MOD responded to Mr Banner’s request on 2 February.¹²³² On equipment, the MOD denied that there were any shortages for 10th Division. It explained that relevant training must take place before equipping could be completed, and that that

¹²²⁹ Letter Banner to Siddiq, 29 January 2007, ‘Iraq’.

¹²³⁰ Minute Banner to Blair, 30 January 2007, ‘Iraq Meeting, 31 January’.

¹²³¹ Letter Banner to Siddiq, 31 January 2007, ‘Iraq: Meeting with Officials’.

¹²³² Letter Forber to Banner, 2 February 2007.

training had not yet happened. Set against IMOD critical equipment targets for each division, 10th Division were:

- 99 percent equipped in protected mobility;
- 100 percent equipped in light weapons;
- 86 percent equipped in body armour; and
- 84 percent equipped in helmets.

1334. The MOD did acknowledge that corruption led to issued equipment being lost but stated: “once equipment has been issued ... there is little MND(SE) can do to oversee the loss or relocation of such assets”.

1335. On MiTTing, the MOD stated that US MiTT plans elsewhere in Iraq saw US personnel directly embedded and serving alongside their Iraqi counterparts but the UK approach differed:

“UK practice, and one we have adopted in numerous Military Assistance Missions around the world, is focused on leadership and embedding UK personnel at brigade and divisional level rather than in fighting units. It is possible that our slightly different approach will attract criticism from the US and we will need to be ready to explain our reasoning, which is, in large part, due to the different circumstances on the ground in southern Iraq. 10 Division is more advanced than some Iraqi Army divisions elsewhere and is already responsible for security in much of MND(SE) outside Basra City. Embedded MiTTs may not, therefore be required or wanted much by the Iraqi Army in Southern Iraq.”

1336. In his evidence to the Inquiry, Lieutenant General Barney White-Spunner, GOC MND(SE) from February 2008, described the US approach to MiTTing:

“It is an embedded military training team. So what the Americans had done with the First Division, and indeed with most of their formations for which they were responsible in the Iraqi Army, was they had put dedicated teams into that formation who lived and worked with them. So when that formation deployed ... it brought those teams with it.”¹²³³

1337. On 31 January, the Cabinet Office circulated a paper entitled ‘Transition in Southern Iraq: Progress and Plans’.¹²³⁴ The paper set out assessments and plans on security transition for DOP on 1 February, and is described in more detail in Section 9.5. On the IPS, it stated:

“Basic police capability has improved and the Basra IPS is on target to achieve the 72 percent Transitional Readiness Assessment (TRA) level 2 required for transfer

¹²³³ Public hearing, 7 January 2010, page 15.

¹²³⁴ Paper Cabinet Office, 31 January 2007, ‘Transition in Southern Iraq: Progress and Plans’.

to Provincial Iraqi Control (PIC) by April. Over 70 percent of Police Stations in Basra province have already reached this level. This is up markedly from a starting average TRA level of 3.3 (out of 4) in September 2006.

“However, for all the efforts made, levels of trust in the police force remain low, and some assessments indicate that the IPS continue to do more to undermine rather than guarantee security.”

1338. On the Iraqi Army, the paper stated that the main issue was the “quality of its leadership, in addition to unwillingness to stand up to militia activity and a lack of equipment”. To address concerns about 10th Division’s capabilities and readiness, a “dedicated” SSR team of four MiTTs would be deployed, each comprising five or six people, to carry out training at divisional and brigade level.

1339. The paper noted that closing bases in the city would make any military re-intervention high-risk. In the event of re-intervention, all training of the ISF would have to cease until the operation was complete. Post-PIC plans for SSR depended on a degree of freedom of movement in and around Basra, including a military and civilian presence at the PJCC.

1340. Mr Browne visited Iraq from 28 to 31 January (described in Section 9.5).¹²³⁵ In a report of the visit, an Assistant Private Secretary reported that Mr Browne was told that:

- The leadership of Basra security structures was inadequate (a point which he in turn raised with Prime Minister Maliki and Mr Abdel Qadir, Iraqi Defence Minister).
- The US was not convinced about Basra being ready for transition or the capability of the 10th Division.
- The Police Adviser felt the police were less effective than six months before “principally because of intimidation rather than any lack of training or capability”.

1341. Mr Browne’s Assistant Private Secretary commented that those views seemed to contradict the messages that had previously been received on the success of Op SINBAD. There was “a lack of firm indicators to substantiate or refute” the different conclusions.

1342. In his update to DOP on 1 February, Mr Browne reported on his visit to Iraq.¹²³⁶ In Basra he had “seen first hand the positive effect that Operation SINBAD had had”; the reported murder rate had reduced and “sectarian violence had almost stopped”. Continued violence was mainly directed against coalition forces.

¹²³⁵ Minute McNeil to MA1/DCDS(C), 1 February 2006 [sic], ‘Defence Secretary’s Visit to Iraq – 28-31 January 2007’.

¹²³⁶ Minutes, 1 February 2007, DOP meeting.

Understanding the murder rate in Basra

On 1 February, Dr Marsden sought to provide context to the figures behind murder rates in Basra.¹²³⁷ She wrote:

“Anecdotal evidence from Basrawi contacts and some other sources of information suggest that levels of intimidation of Basrawis by JAM and other militias remain high. Yet crime figures quoted in the 31 January DOP paper suggests that the reported murder rate fell sharply in the second half of 2006.

“Confusingly there is no single collation point for recording crime in Basra. There are currently two sets of crime figures in use: those produced by the PJCC (jointly run by the IPS, IA and MNF) and those produced by the criminal statistics department of the IPS. The IPS figures are based on crimes reported weekly by police stations to the criminal statistics department in Police HQ. The PJCC figures are based on emergency calls received from members of the public and (sporadic) radio reports from individual police officers on the ground. They do not take account of police station reports. Both sets of figures are incomplete because they do not include tribal murders (in which the police do not get involved), many cases of family violence and crimes committed by police officers themselves (a significant omission as many of the murders in Basra are actually committed by the police themselves, notably the death squads in the Serious Crimes Unit and certain other units).

“The reported murder and kidnapping rates quoted in the DOP paper are based on PJCC figures. These show that the murder rate rose from around 50 a month in early 2006 to over 100 a month in the second quarter ... declining to 30 in December 2006. The IPS figures show a similar trend in the first half of the year, with the murder rate peaking at over 100 a month in April-June 2006, but with a much less marked decline in the second half of the year (to 80-90 murders a month in the last quarter of 2006).”

1343. On 13 February, MOD officials provided a paper to DOP on how best to balance military effort across Iraq and Afghanistan (see Section 9.5).¹²³⁸ The MOD said that current plans were that, following re-posturing up to six UK military sub units¹²³⁹ and three battlegroup headquarters would be available for ISF training. Specifically:

- one company devoted to training the Iraqi Army at the Divisional Training Centre;
- one company to provide a “flying” MiTT to monitor and mentor the 1st and 4th Brigades of 10th Division;
- one company to support FCO-led Police Training Teams, based at the PJCC;
- up to two companies to provide training and assistance to the DBE in border-related operations; and
- a company based at Basra Palace (until August) available to periodically conduct training of the Iraqi Army.

¹²³⁷ Letter Marsden to Aldred, 1 February 2007, ‘Basra: Weekly Report’.

¹²³⁸ Paper MOD, 13 February 2007, ‘Iraq and Afghanistan: Balancing Military Effort in 2007’.

¹²³⁹ The Inquiry estimates that those sub units would each contain around 100 people.

1344. In addition, smaller MiTTs would remain embedded with the Headquarters of 10th Division.

1345. The MOD said that central to their re-posturing plans would be the release of manpower to better focus on training for the IPS, Iraqi Army and DBE, concentrating on the weakest areas of leadership and collective training.

1346. To help Mr Blair draft a statement to Parliament on the latest military plans, the MOD provided an update on Op SINBAD on 16 February.¹²⁴⁰ The paper described a number of areas where progress had been achieved:

- Experience of operations for the PJCC had improved the ISF’s ability to plan and co-ordinate operations in the city. The paper did say that “given its central importance PJCC mentoring will continue beyond SINBAD and PIC”.
- A reduction in reported crime. There was no mention of concerns over the validity of those figures.
- An improvement in basic police capability, although problems with leadership and corruption were acknowledged and the paper later assessed that up to 75 percent of Basra IPS were members of a militia and “many” were linked to criminal activity.
- The Iraqi Army had reached the level required for PIC but “their ability to stand up to militias unaided by coalition remains questionable”.

1347. On 21 February, Mr Blair delivered his statement in Parliament:

“Since the outset, our plan, agreed by the United Nations, has been to build up Iraqi capability in order to let Iraqis take control of their own destiny, and that as they would step up, we would increasingly step back. For three years therefore, we have been working to create, train and equip Iraqi security forces capable of taking on the security of the country themselves.

“In normal circumstances, the progress would be considered remarkable. There are now 10 Divisions of the new Iraqi Army and more than 130,000 soldiers, able in significant parts of the country to provide order. There are 135,000 personnel in the Iraqi Police Service. There, the progress has been more constrained, and frequently hampered by corruption and sectarianism, but none the less, again, in normal circumstances, it would be considered a remarkable effort. The plan of General Petraeus ... which was conceived in 2004, has in its essential respects been put in place ...

“Over the past months, we have been conducting an operation in Basra with the 10th Division of the Iraqi Army, to reach the stage where Basra can be secured by the Iraqis themselves ...

¹²⁴⁰ Letter Beadle to Banner, 16 February 2007, ‘The Effects of Op SINBAD 20 September 2006 to 14 January 2007’ attaching Paper ‘The Effect of Operation SINBAD’.

“As a result of the operation in Basra, which is now complete, the Iraq forces now have the primary role for security in most parts of the city. It is still a difficult and sometimes dangerous place, but many extremists have been arrested or have left the city. The reported levels of murder and kidnapping are significantly down ...

“What all this means is not that Basra is how we want it to be but that the next chapter in Basra’s history can be written by the Iraqis ...

“The British forces that remain in Iraq will have the following tasks:

- training and support to Iraqi forces;
- securing the Iraq-Iran border;
- securing supply routes;
- and, above all, the ability to conduct operations against extremist groups and be there in support of the Iraqi Army when called upon.

“Over time, and depending naturally on progress and the capability of the Iraq security forces, we will be able to draw down further, possibly to below 5,000 once the Basra Palace site has been transferred to the Iraqis in late summer.”¹²⁴¹

CONTINUING CONCERNS WITH THE BASRA JUSTICE SYSTEM AND IRAQI POLICE SERVICE

1348. The paper produced by the IPU and British Embassy Baghdad on 16 February 2007 described problems with Basra’s judicial system.¹²⁴² There was “considerable evidence of the extra-legal influence of political/religious factions on the judicial process”. Those judges involved in combating corruption had expressed concern for their personal safety and there was a lack of judicial control.

1349. The paper included a recommendation that attempts to bring prosecutions in IPS corruption cases should continue. A new Basra courthouse would be completed by November 2007 and a 1,500-capacity prison would be created in Basra. Those conclusions were reflected in the Better Basra Mark III plan (described later in this Section).

1350. On 26 February, in response to the latest weekly report from Dr Marsden, No.10 wrote to departments:

“The Prime Minister is seized of the need to replace [Brigadier] Hamadi as Director of Basra Police. We need to take urgent action with Maliki to underline the case for this, and to ensure the effective functioning of the Serious Crimes Unit. The Prime Minister thinks this may require a high level visit, from the Foreign or

¹²⁴¹ House of Commons, *Official Report*, 21 February 2007, columns 261-280.

¹²⁴² Letter Siddiq to Banner, 16 February 2007 attaching Paper British Embassy Baghdad/Iraq Policy Unit, ‘Iraqi Justice System’.

Defence Secretary or a Special Envoy, in order to reinforce the point that this is of high importance to HMG [Her Majesty's Government] and the Prime Minister personally."¹²⁴³

1351. In her report dated 28 February (dealt with in more detail in Section 9.5), Dr Marsden wrote:

“While polling suggests that the IPS inspire confidence in about 65 percent of the population ... those questioned by British representatives said that the police could not be trusted. Many told stories of intimidation and claimed knowledge of kidnappings and death squads. Others said they would not call the police emergency hotline to report criminal or terrorist activity for fear that policemen taking the calls were in cahoots with the militias. Basrawis are willing to call the police to report general crime but if criminals threatened them or their families, they are more likely to turn to their tribe for help.”¹²⁴⁴

UPDATED BETTER BASRA PLAN

1352. The third iteration of the Better Basra Plan, ‘Better Basra Mark III’, was sent by Dr Marsden to Ms Aldred on 2 March.¹²⁴⁵ It is described more fully in Section 9.5.

1353. It set out the combined military and civilian strategic priorities for Basra for the coming six months. One of the indicators of success would be “Iraqi Government control sustained after PIC with no breakdown of law and order”. The plan had a number of subsections including “security” and “Rule of Law”.

1354. The “security” aim was to “reduce the threat from illegal armed groups and Iranian proxies and build the capacity of the Iraqi Army to take on militant JAM and conduct their own Strike Operations”. The plan noted that, although the Iraqi Army had grown in confidence during Op SINBAD, it would “certainly face stiffer tests in future”. To enhance capability over the next six months the UK would:

- deploy MiTTs with 10th Division Iraqi Army units;
- provide further leadership training;
- conduct more joint operations;
- establish Iraqi ownership and a relationship of trust with the Basra Emergency Security Committee (assuming the Iraqi Government wished to maintain it); and
- press the IMOD and the US to provide more equipment (particularly heavy weapons) so that 10th Division felt sufficiently equipped to engage effectively.

¹²⁴³ Letter Fletcher to Siddiq, 26 February 2007, ‘Iraq: Basra’.

¹²⁴⁴ Letter Marsden to McDonald, 28 February 2007, ‘Basra: Everyday Life for Ordinary Iraqis’.

¹²⁴⁵ Letter Marsden to Aldred, 2 March 2007, ‘Better Basra’ attaching Paper, 1 March 2007, ‘Better Basra Mark 3: The 2007 Plan’.

1355. The aim for “Rule of Law” was to:

“... bring the Basra police to a ‘good enough’ standard to transition to PIC. Basra’s population have the right to expect more of its police. The police should be able to carry out basic policing tasks; Basrawis should feel that if they report a crime, it will be acted on; the police should not be the home of organised death squads (although it is unrealistic to expect zero corruption); and militia influence should not be at levels where it is the dominant force in police stations.”

1356. To achieve those aims, the UK would:

- support the DIA, based in a protected compound at Basra Air Station;
- encourage the “pursuit” of the 62 death squad leaders from the SCU and NIIA (of which three had already been arrested);
- press Baghdad to replace the weak Provincial Director of Police (PDoP);
- improve co-operation between the Basra police and the MOI in Baghdad;
- continue intensive mentoring of the PDoP and other senior IPS officers;
- continue monitoring and mentoring police stations to achieve 80 percent of police stations at the level required for PIC;
- encourage the removal of unqualified and poor performers;
- establish a properly vetted, fully professional Criminal Investigation Department;
- mentor the Basra branch of the NIIA to try and ensure that criminal elements of the CIU do not migrate into the unit; and
- provide forensic capability at Basra Police Headquarters.

1357. The plan described the judiciary as “weak and unable to prosecute serious crime”. The aim was to “empower Basra’s judges and prosecutors to tackle serious crime (particularly police corruption) in a more secure, less intimidating environment”. Priorities for the next six months were to:

- build the capacity of judges and others involved in the judicial process through mentoring, specifically the Prosecution Mentoring Unit (staffed by two international prosecutors funded by the plan);
- establish regional training programmes;
- improve security measures at the main Basra courthouse;
- build an additional courthouse, using US Department of Justice funding, which would include witness protection facilities; and
- provide scene of crime and forensic training for investigative judges and judicial investigators.

1358. Basra’s prisons were described as “old, overcrowded” and said to “not meet minimum international human rights standards”. The aim was to “support the development of an Iraqi Corrections System that complies with Iraqi law and

international standards regarding capacity, conditions of confinement and humane treatment of prisoners” by:

- increasing prison capacity by building and commissioning a new US-funded Basra Central Prison for 1,500 prisoners;
- continuing to strengthen the capacity of correctional services staff by implementing a UK training programme and further mentoring; and
- continuing to monitor management of the two existing prisons.

NATIONAL INFORMATION AND INVESTIGATION AGENCY RAID

1359. On 3 March, Iraqi Special Operations Forces (ISOF), supported by MNF troops, carried out a raid on the National Information and Investigation Agency (NIIA) in Basra.¹²⁴⁶

1360. Mr Beadle wrote to No.10 about the raid in a letter dated 16 March.¹²⁴⁷ The pre-planned operation was to detain an NIIA officer associated with death squads who had been a “priority UK target for over two years”. The target was not present and the raid resulted in the escape of around 30 prisoners (who had been tortured according to some reports).

1361. On 5 March, Prime Minister Maliki’s office issued a statement condemning the raid as “illegal” and “irresponsible”. Mr Maliki ordered local security authorities, including the police, to cease all “joint activities” with MND(SE) until further notice.

1362. On the same day, Mr Maliki told Mr Asquith that he was disappointed at the “reprehensible” way in which the raid had been conducted and the violation of Iraqi sovereignty that it represented.¹²⁴⁸ He warned that the consequence of such operations might be severe restrictions on the ability to deploy ISOF.

1363. Three investigations resulted from the raid: one by the MOI, one led by Mr Safa al-Safi (Prime Minister Maliki’s Ministerial Security Adviser on Basra) and one by the MNF.¹²⁴⁹ The MNF was reviewing mechanisms for informing the Iraqi Government of sensitive operations.

1364. Maj Shaw wrote in his weekly report on 8 March:

“It is clear that the raid was both legal and, in tactical targeting terms, a good call ... Within the context of the wider politics of Iraq and with the benefit of hindsight,

¹²⁴⁶ eGram 9049/07 Baghdad to FCO London, 6 March 2007, ‘Iraq: Meeting with Prime Minister Maliki, 5 March’.

¹²⁴⁷ Letter Beadle to Fletcher, 16 March 2007, ‘Iraq: National Intelligence & Information Agency (NIIA) Operation’.

¹²⁴⁸ eGram 9049/07 Baghdad to FCO London, 6 March 2007, ‘Iraq: Meeting with Prime Minister Maliki, 5 March’.

¹²⁴⁹ Letter Beadle to Fletcher, 16 March 2007, ‘Iraq: National Intelligence & Information Agency (NIIA) Operation’.

however, the operation was ill-judged. Local political reaction has been relatively muted ... My sense though is that, locally, the desire for progress and transition remains and this should motivate them to treat this incident more as a speed bump than an obstacle ...”¹²⁵⁰

1365. Mr Bill Jeffrey, Permanent Under Secretary for the MOD from November 2005 to October 2010, met Maj Gen Shaw during a visit to Iraq from 12 to 13 March.¹²⁵¹ Maj Gen Shaw reported that the raid on the NIIA offices could “have been handled better”, with hindsight, but that “most reactions by local political figures were either somewhat synthetic or manageable”.

1366. Maj Gen Shaw reflected on the raid in his evidence to the Inquiry.¹²⁵² He said:

“[It] was the one operation where they [the Iraqi Government] did object to it ... that raid ... exposed the difficulties within the Shia polity again ... It was a raid carried out by the Iraqi special forces, so it was an Iraqi raid and it was trying very hard to abide by or comply with Iraqi sovereignty.”

1367. On 15 March, Maj Gen Shaw highlighted the importance of tackling violence not directed at MNF and the difficulties of doing that, saying:

“The fundamental assumption behind the NIIA raid was that it was consistent with, indeed in pursuit of, Iraqi sovereignty: that the nature of the target (known death squad leader against whom an Iraqi judge had issued an arrest warrant) and the method of arrest (ISOF, not MNF) would bring Gol buy-in, even though it was within a building owned by the IPS (which PM Maliki ... acknowledged to be corrupt).”¹²⁵³

1368. Maj Gen Shaw reflected on how the NIIA incident illustrated concerns about transition:

“It is in this context ... that the NIIA raid needs to be viewed. If we are to address the Iraqi end-state, our focus needs to be less on the 90 percent violence against us, more on the 10 percent reported inter-Shia/Iraqi violence which threatens stability when we are gone. Tackling death squad leaders ... who pose the major threat to the political stability of Basra, is the most useful application of military force to support the political end-state ...

“My short-term concern is that the issue blights transition ... A line needs to be drawn under this operation in the interest of achieving Iraqi self-reliance ... My long-term concerns centre around the defining impact these investigations will

¹²⁵⁰ Minute Shaw to CJO, 8 March 2007, ‘GOC MND(SE) – Southern Iraq Update – 8 March 2007’.

¹²⁵¹ Minute PS/PUS [MOD] to PS/SofS [MOD], 16 March 2007, ‘PUS Visit to Multinational Division South-East, 12 March 2007’.

¹²⁵² Public hearing, 11 January 2010, pages 17-18.

¹²⁵³ Minute Shaw to CJO, 15 March 2007, ‘GOC MND(SE) – Southern Iraq Update – 15 March 2007’.

have for our future operations and indeed rationale. Firstly, the ‘Untouchable’ status of ISOF is already being attacked by the sectional interest within the GOI that (quite rightly) feel threatened by such a body. The fear is that their freedom of movement and action is curtailed, their operations politically constrained; this would be most damaging to ISOF itself and PM Maliki’s ability to operate to the national interest. Secondly, the danger is that political constraints are so tightly drawn that MND(SE) cannot operate against the 10 percent threat to the Iraqi end state. If we ever reached the stage when MND(SE) were restricted to operations in pursuit of our own force protection, we would need seriously to question our rationale for being here.”

1369. Maj Gen Shaw said in his evidence to the Inquiry that “all kinds of mistreatment of prisoners” were found during the raid, including the rape of a woman in front of her two children.¹²⁵⁴ However, the mistreatment was not the political headline, “the political headline was that we had breached Iraqi sovereignty”. Maj Gen Shaw concluded:

“So yes, that was a mistake, it was an unfortunate raid, we learned lessons from it, we played even more gingerly with Shia political sensitivities thereafter.”

1370. On 20 March, ACM Stirrup told Mr Blair that “Petraeus had been helpful in handling the fallout from the raid on the NIIA headquarters, and that this was in any case having only a limited effect on operations in Basra itself.”¹²⁵⁵

1371. Maj Gen Shaw reported on 21 March: “The ripples of the raid on the NIIA are seemingly spreading the further we get from the operation itself.”¹²⁵⁶

1372. The IMOD had issued a letter stating that joint operations between the Iraqi Army in Basra and the MNF should cease temporarily. Although that had since been rescinded, Maj Gen Shaw commented that “this makes moving Basra forward towards PIC more difficult”.

1373. On the same day, Mr Blair’s Private Secretary updated Mr Blair on the continued fallout from the raid.¹²⁵⁷ The MNF-I investigation into the NIIA raid had concluded that the operation was conducted in good faith and in support of Iraqi law. But there had been no notification to either the Iraqi Government or Gen Petraeus because the operation had been deemed time sensitive. The raid was described as “aggressive but professional” and it was miscommunication that had led to the prisoners escaping.

1374. It took until late April for the police mission to regain access to the NIIA building.¹²⁵⁸

¹²⁵⁴ Public hearing, 11 January 2010, page 18.

¹²⁵⁵ Letter Banner to Hickey, 20 March 2007, ‘Iraq: Meeting with Officials’.

¹²⁵⁶ Minute Shaw to CJO, 21 March 2007, ‘GOC MND(SE) – Southern Iraq Update – 21 March 2007’.

¹²⁵⁷ Minute Banner to Blair, 21 March 2007, ‘Phonecall with Maliki’.

¹²⁵⁸ Letter Tinline to Aldred, 26 April 2007, ‘Basra: Weekly Report’.

ASSESSMENTS OF IRAQI SECURITY FORCE READINESS FOR PROVINCIAL IRAQI CONTROL

1375. In March and April, British forces withdrew from a number of bases in Basra City, handing them over to 10th Division:

- the Old State Building on 20 March;¹²⁵⁹
- the Shatt al-Arab Hotel on 8 April; and¹²⁶⁰
- Shaibah Logistics Base on 24 April.¹²⁶¹

1376. A JIC Assessment on 25 April considered the prospects for transition in the South.¹²⁶² It assessed:

“Increased security efforts in Basra between September 2006 and March 2007 (Operation SINBAD) had some local effect in disrupting militia activity and improving public confidence ... Sectarian and other murders have fallen from some 100 a month in mid-2006 to 30 in March 2007 ... Other forms of violence, criminality, and intimidation – much of which we judge goes unreported – remain widespread.

“MND(SE) assess that ISF in Basra now meet the minimum criteria for transitional readiness. Slow improvement in the army continues: 1 Brigade in Basra took the lead in the latter stages of Operation SINBAD and performed well, within the limitations of their capability. Much more serious problems persist in the local police [...] 61 arrest warrants against SCU officers remain outstanding, despite coalition pressure. A weight of reporting shows that police effectiveness in Basra is still severely compromised by corruption, poor leadership and the entrenched influence of Shia militias. Some policemen are actively assisting JAM attacks on MNF.

“We judge that as the scale of MNF presence reduces, violence between rival Shia political parties, backed by their militias, is likely to intensify. Most see PIC as an opportunity to extend their own power base in political and security structures, and increase control over economic resources ...

“The nature and scale of any conflict will be determined partly by events in Baghdad and Najaf, particularly the ability of the United Iraqi Alliance to stick together and assert authority over its provincial supporters ... In the absence of an effective political brake on serious intra-Shia fighting, we judge that the ISF would not be able to cope; the police would probably fragment and the army would try to avoid direct confrontation, while seeking to contain the situation.”

¹²⁵⁹ Minute Shaw to CJO, 21 March 2007, ‘GOC MND(SE) – Southern Iraq Update – 21 March 2007’.

¹²⁶⁰ Minute GOC MND(SE) to CJO, 12 April 2007, ‘COS HQ MND(SE) – Southern Iraq Update – 12 April 2007’.

¹²⁶¹ Minute Shaw to CJO, 24 April 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 24 April 2007’.

¹²⁶² JIC Assessment, 25 April 2007, ‘Iraq: Prospects for Transition in the South’.

1377. At Cabinet on 3 May, Mr Browne stated:

“In Basra and the South-East, there were encouraging signs of progress. The Iraqi Army division ... was becoming, by any measure, very effective. Its performance and training had impressed the Americans when it was operating in Baghdad ... In Basra we had now handed over to the Iraqis two bases in the City and one outside without incident, a significant contrast with the disorder that had taken place over earlier base handovers ... The Iraqi security infrastructure did not work well and its leadership, including the Provincial Chief of Police and Emergency Security Committee, was ineffective and incapable of providing the direction needed by those in the police forces capable of working effectively (estimated as some 80 percent) ...”¹²⁶³

1378. On 2 May, Sir Nigel Sheinwald met ACM Stirrup to discuss whether there was “continuing military utility” in the UK’s mission in Iraq.¹²⁶⁴ ACM Stirrup said that he saw that resting on the continuing need to train the Iraqi 10th Division, anti-JAM operations and a capacity to re-intervene. Sir Nigel reported the meeting to Mr Blair and highlighted that ACM Stirrup had not mentioned the IPS, making the observation: “I think the MOD now regard them as a busted flush.”

1379. On 25 May, a planned ISOF operation in Basra resulted in the death of the Basra JAM leader Mr Wissam Abu Qadir.¹²⁶⁵ Maj Gen Shaw described the operation as a success but reported:

“The performance of the ISF was less convincing. Not surprisingly that the IPS failed to stand and defend the PJCC, but more disappointing that the Iraqi Army was returned to barracks (following another JAM capture and humiliating release of two IA vehicles and crew) whilst JAM was on the streets. The order to remain in barracks was given by Gen Ali Hamadi (Chair of the Emergency Security Committee). His reasons are not clear, although Gen Habib [the new commander of 10th Division] claims that it was a direct order from PM Maliki. It may well be true that last Friday night was not the right time for 10th Division to stand and fight JAM toe to toe and that the call was a good one. It may equally be true that Gen Ali ordered them back into barracks as a face saving measure, fearing that 1 Bde (who are Basrawis) would refuse to soldier, or that JAM had pressurised him into withdrawing them, to give them a clear shot at us. Gen Habib is, however, acutely aware of the issues within his own Division and the need to address them. He needs to be given the opportunity to solve the problems ... in an Iraqi way ... But as hinted at above, this ‘Iraqi way’ may prove in time to be a ‘non-aggression’ pact between the IA and JAM.”

¹²⁶³ Cabinet Conclusions, 3 May 2007.

¹²⁶⁴ Minute Sheinwald to Prime Minister, 3 May 2007, ‘Iraq’.

¹²⁶⁵ Minute Shaw to CJO, 31 May 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 31 May 2007’.

1380. On 13 June, Maj Gen Shaw concluded his weekly report to Lt Gen Houghton:

“The thought I leave my staff to ponder is the credibility of our recommendation at month end if this remains, ‘Basra ready for transition to PIC in Aug/Sep’. The pragmatic UK PIC judgements have always been based in large part on judgements about ‘Iraqi good enough’ in agreement with Iraqi judgements on risk. The recent focus of GoI interest in Basra security has seemingly reversed what was hitherto Iraqi enthusiasm for PIC. PM Maliki is concerned about early PIC, the Governor is against it, as is MG Habib: the IPS are recognised as incapable hence the future of Basra’s security is being placed in a new ... army division (as yet unformed and unprogrammed); and a new security supremo is promised but as yet unappointed (although rumours abound). Lack of Iraqi enthusiasm for PIC, and the lengthy period required to enact the Iraqi solutions, play to State’s concerns about the PIC process and will make my and LTG Odierno’s [Lieutenant General Raymond Odierno, US Commander Multi-National Corp - Iraq] desire for Basra PIC harder to justify.”¹²⁶⁶

1381. On 27 June, the JIC reiterated their judgement on the likelihood of violence after PIC and the ability of the Basra ISF to cope:

“The desire for national Shia unity and the ability of local parties to broker deals may restrain but will not prevent political violence in the South. In the likely event of serious intra-Shia fighting the police would probably take sides according to their particular tribal and militia affiliations and the army would try to remain on the sidelines.”¹²⁶⁷

Iraqi appointments

Three key security personnel in Basra were replaced between March and June 2007:

- Major General Habib was appointed as the new Commander of 10th Division, replacing Maj Gen Latif.¹²⁶⁸
- General Mohan became the head of newly established Basra Provincial Operational Command, effectively taking overall control of security from Maj Gen Ali Hamadi, who became his deputy.¹²⁶⁹
- Major General Jalil was appointed as Provincial Director of Police, reporting to General Mohan. Maj Gen Jalil replaced Brig Mohammed Hamadi.

¹²⁶⁶ Minute Shaw to CJO, 13 June 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 13 June 2007’.

¹²⁶⁷ JIC Assessment, 27 June 2007, ‘Iraqi Security Forces and Structures: Quantity not Quality’.

¹²⁶⁸ Minute Shaw to CJO, 15 March 2007, ‘GOC MND(SE) – Southern Iraq Update – 15 March 2007’.

¹²⁶⁹ Minutes, 26 June 2007, Chiefs of Staff meeting.

TRANSITION IN BASRA

1382. In July 2007, the UK presence at the PJCC comprised 100 military personnel and seven police advisers.¹²⁷⁰

1383. On 7 June, Maj Gen Shaw reported:

“The increased attacks on the PJCC have exposed a known vulnerability, and disproved the hope that co-location with IPS would provide some protection ... [W]e are reinforcing its sustainment whilst we are there, and reviewing its viability in the longer term, particularly when Basra Palace is vacated.”¹²⁷¹

1384. The minutes of the Chiefs of Staff meeting on 12 June recorded that a DOP paper on the timing of leaving Basra Palace was being delayed until 12 July to allow time for further advice on whether UK personnel could remain in the PJCC after it was vacated.¹²⁷² The MOD assessment was that the advantages of remaining outweighed the disadvantages.

1385. On 13 June, Maj Gen Shaw reported that MND(SE) was keeping the PJCC issue under constant review: “The situation is fluid and I would wish to retain the freedom of decision for as long as possible. My intent remains to retain it for as long as practicable, and we are well aware of the message sent if/when we leave it.”¹²⁷³

1386. On 20 June, the PJCC was attacked by indirect fire (IDF), fatally wounding Major Paul Harding.¹²⁷⁴ The junior official briefing Mr Browne on the incident wrote that the PJCC had been subject to a number of attacks over the last month, including from Rocket Propelled Grenades and IDF. Although a number of personnel had been wounded in those attacks, this was the first UK fatality.

1387. The official wrote that, because of the attacks, the PJCC was subject to regular security reviews. A mortar locating radar had recently been installed as a result. The medical team in place (one Emergency Trauma Nurse and three combat medical technicians) was more than would ordinarily be allocated to a deployment of the PJCC’s size, but had been deemed necessary because of the increased threat to the site.

1388. AM Stirrup visited Iraq from 1 to 3 July.¹²⁷⁵ His visit report stated that he had been advised by Maj Gen Shaw that there was “little military advantage” in retaining a presence at either the PJCC or Basra Palace, other than for “retaining a base for strike operations and some situational awareness”. Maj Gen Shaw advocated relocating to Basra Air Station at the “earliest practicable point”. Maj Gen Shaw was “confident” that the conditions set for PIC had been met.

¹²⁷⁰ Paper FCO & MOD, 12 July 2007, ‘Iraq: Transition in Basra’.

¹²⁷¹ Minute Shaw to CJO, 7 June 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 07 June 2007’.

¹²⁷² Minutes, 12 June 2007, Chiefs of Staff meeting.

¹²⁷³ Minute, Shaw to CJO, 13 June 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 13 June 2007’.

¹²⁷⁴ Minute PJHQ [junior official] to APS/SofS [MOD], 20 June 2007, ‘Iraq: Op Telic: Death of a British Soldier’; GOV.UK, 21 June 2007, *Major Paul Harding 4th Battalion The Rifles killed in Iraq*.

¹²⁷⁵ Minute Kyd to PS/SofS [MOD], 5 July 2007, ‘CDS Visit to Iraq 1-3 Jul 07’.

1389. The minutes from the Chiefs of Staff meeting on 10 July stated that Lt Gen Odierno had disagreed with Maj Gen Shaw's assessment that Basra was ready for PIC.¹²⁷⁶ Lt Gen Odierno had said that the new ISF structures should be allowed time to "bed-in", with the possibility of PIC in October 2007.

1390. On 13 July, Maj Gen Shaw reported that Maj Gen Jalil was taking a "robust stance" towards the IPS in Basra, docking pay and sacking police officers.¹²⁷⁷ He had also begun his "purge" of militia elements within the IPS – removing vehicles and ending their employment. In response, he had been subject to an assassination attempt when he left the PJCC.

1391. In his evidence to the Inquiry, Maj Gen Shaw recalled that Maj Gen Jalil had come to "the very strong conclusion – very early" that "the issue here is not one of training, nor of equipment, it is one of loyalty", and that that was a statement that resonated very strongly with previously held views.¹²⁷⁸ Maj Gen Shaw said:

"... why is it that police forces in Muthanna and Dhi Qar ... operate so differently to the police in Basra when they both had the same equipment and the same training? The only difference was loyalty. It wasn't a question of whether they were members of militias or not, because ... the police forces in Dhi Qar and Muthanna were actually Badr dominated, but ... there was unity of command.

"... if you, as a militia, decided to work with the Government of Iraq, then that was fine."

1392. Maj Gen Shaw said that Maj Gen Jalil recognised that the problem with the Basra police force was that it "reflected all the divisions within the Basra society". Maj Gen Shaw added that "Unfortunately, the same was true of the army as well and that was the problem with 10 Division."

1393. Gen Mohan shared Maj Gen Shaw's analysis "that the problem was loyalty". MNF received political advice from Gen Mohan "as to what he thought the impact of military strikes would be and whether they would be good or bad". That process generated optimism "with a very positive way forward ... for a political resolution of the violence problem".

1394. On 15 July, Lt Gen Lamb reported that Gen Mohan and Maj Gen Jalil had given a "very stark" assessment of the situation in Basra to the Ministerial Committee for National Security (MCNS).¹²⁷⁹ He stated that Gen Mohan had "an 'outline' plan" to rectify "what he described as a city without law and order". He was already reviewing his initial assessment on the early move of British forces out of Basra City.

¹²⁷⁶ Minutes, 10 July 2007, Chiefs of Staff meeting.

¹²⁷⁷ Minute Shaw to CJO, 13 July 2007, 'GOC MQ MND(SE) – Southern Iraq Update – 13 July 2007'.

¹²⁷⁸ Public hearing, 11 January 2010, pages 24-27.

¹²⁷⁹ Minute Lamb to CDS, 15 July 2007, 'SBMR-I Weekly Report (261) 15 July 07'.

A new Iraqi Army division for Basra

On 12 June 2007, Maj Gen Wall briefed the Chiefs of Staff that the Iraqi Minister of Defence had recently called for MND(SE) to have two army divisions; one for Basra City and one for the rest of the South-East.¹²⁸⁰ Maj Gen Wall reported that there was no indication of how this new division would be raised, funded or equipped.

At the Chiefs of Staff meeting on 26 June, Lt Gen Houghton reported that “greater clarity” had been achieved.¹²⁸¹ The 10th Division would be given an additional brigade; a new 14th Division which would assume responsibility for the rest of the South-East, with nine brigades across Muthanna, Dhi Qar and Maysan provinces.

Lt Gen Houghton stated that work would continue on training 1,000 personnel, primarily pre-2003 Iraqi Army personnel, to form the Presidential Guard Force who would take control of Basra Palace. The force was due to be ready by 14 August.

On 17 July, Maj Gen Wall briefed the Chiefs of Staff that a Ministerial Order had been issued for the creation of 14th Division, which would now have responsibility for Basra.¹²⁸²

The 10th Division would “reposture” with its headquarters in either al-Amara or Nasiriyah.

1395. On 19 July, Major General Gerald Berragan, Deputy Commander (Operations) Multi-National Corps-Iraq, reported on a meeting of the Crisis Action Cell earlier that week.¹²⁸³ He wrote that Gen Mohan’s description of Basra at the meeting was that:

- The police were infiltrated by militia and unreliable.
- The 1st Brigade of 10th Division were “defeated”.
- The 5th Brigade was still in formation and lacking key capabilities.
- The ISF was set against a complex political environment with 24 militias all armed and competing for power.
- Iran was influencing and gathering intelligence.
- Organised crime was rife and weapons were being openly sold in the streets.

1396. In advance of a planned NSID(OD) meeting on 19 July, FCO and MOD officials produced a joint paper, setting out the latest assessment and plans for security transition and the associated re-posturing and drawdown of UK troops in Basra, to inform decisions by Ministers at that meeting (see Section 9.6).¹²⁸⁴ The paper described the strategic context across Iraq and then focused on what that meant for transition in Basra. The US, parts of the Iraqi Government and Gen Mohan, Maj Gen Jalil and Gen Habib had serious concerns over the ability of the ISF in Basra to cope with the security situation. On the other hand Gen Mohan’s and Maj Gen Shaw’s assessment

¹²⁸⁰ Minutes, 12 June 2007, Chiefs of Staff meeting.

¹²⁸¹ Minutes, 26 June 2007, Chiefs of Staff meeting.

¹²⁸² Minutes, 17 July 2007, Chiefs of Staff meeting.

¹²⁸³ Minute Berragan to CJO, 19 July 2007, ‘MNC-I Update – 19 Jul 07’.

¹²⁸⁴ Paper FCO and MOD, 12 July 2007, ‘Iraq: Transition in Basra’.

was that the MNF presence was a distorting factor which caused the ISF to be seen as collaborators rather than nationalists.

1397. The officials suggested withdrawing the UK's presence from the PJCC at the same time as Basra Palace, given the threat to UK personnel. The paper stated:

“When we leave the PJCC, our Security Sector Reform work there will cease ... But in our judgement, these downsides are outweighed by the risks in remaining at the site. And the PJCC is no longer as crucial a centre for the Iraqi Security Forces, since Mohan moved the Basra Operations Centre to the Shatt Al-Arab Hotel. We therefore recommend that we plan to remove all UK personnel from the site in parallel with leaving Basra Palace.”

1398. Recalling the looting that occurred when the UK vacated Camp Abu Naji in Maysan, the paper stated that it was “critical” that the UK did not leave until a “credible Iraqi Guard Force” was in place. That would be ready by the end of August.

1399. The paper described US concerns about transition:

“They [the US] are intensely nervous about transition in Basra. They believe the local Iraqi Security Forces are not robust enough to handle security without our direct support.”

1400. On the future for Basra, the paper stated that there might be “an initial period in which the Iraqi Security Forces faced challenges to their authority from militia groups” and that “There will be weaknesses at the leadership level in the Iraqi Security Forces.”

1401. In an annex to the paper, there was an assessment of Basra province against the conditions for PIC, one of which was “the Iraqi Security Forces’ capacity to maintain order and conduct counter insurgency operations”. The paper reiterated concerns about the “vulnerability [of 10th Division] to political pressure when operating in Basra” and stated that it was likely that that would continue leading to them refusing to confront JAM independently. The Basra IPS was “on target” to meet the PIC criteria with 93 percent of stations assessed at TRA level 2 or higher. It then reiterated concerns about public confidence, militia infiltration and the requirement for institutional reform.

1402. Another annex addressed future UK ambitions in Basra. The military plan was that 950 troops would be assigned to SSR and “rear area tasks such as border patrols”. The military would also assist in maintaining an acceptable security environment to enable SSR activities.

1403. On 6 August, the British Embassy Baghdad reported on the MCNS meeting held the previous day.¹²⁸⁵ Mr Qadar, the Minister of Defence, was impressed with the “positive impact” that Gen Mohan and Maj Gen Jalil had made on the security situation in Basra

¹²⁸⁵ eGram 33092/07 Baghdad to FCO London, 6 August 2007, ‘Iraq: Ministerial Committee on National Security, 5 August’.

and he was trying to identify further reinforcements for 10th Division. Mr Boulani, the Minister of Interior, was looking to reinforce Basra's police force with better leaders, possibly with commanders outside the province.

1404. On 30 August, Major General Graham Binns, GOC MND(SE) from August 2007 until February 2008, reported that UK forces had handed over the PJCC four days previously, ahead of schedule and without incident.¹²⁸⁶

1405. The same day, at the Iraq Strategy Group meeting, Lieutenant General Peter Wall, Deputy Chief of the Defence Staff (Commitments) from August 2007, reported that there had been some "limited militia infiltration and looting of the site" following the handover "with the possible collusion or acquiescence of the Iraqi Police Service".¹²⁸⁷

1406. In a letter from Mr Browne to Mr Gordon Brown (who had become Prime Minister on 27 June) on 31 August, the looting was described as "unauthorised movement of equipment".¹²⁸⁸ In response, Gen Mohan deployed his entire reserve battalion to the site.

1407. On 3 September, UK forces withdrew from Basra Palace and relocated at Basra Air Station (as described in Section 9.6).¹²⁸⁹ As well as the Presidential Guard Force, elements from the 10th Division were stationed in Basra Palace.

1408. Maj Gen Binns described the withdrawal in his evidence to the Inquiry:

"... we first had to fold in from the ... PJCC, the Permanent Joint Co-ordination Centre. So we had to remove our presence there and come into the Palace. We then had to recruit, train, equip and deploy an Iraqi security force which became known as the Palace Protection Force, to take over the Palace.

...

"Then we had to conduct a relief in place¹²⁹⁰ with the Iraqi Palace Protection Force, and then, the final act in all of that, was to remove ourselves in early September.

"... I reflect that it went remarkably well, considering all of the complexities."¹²⁹¹

1409. As a result of withdrawing UK police from the Warren site, support to the PJCC and the NIIA ceased, as did station visits by Police Transition Teams.¹²⁹²

¹²⁸⁶ Minute Binns to CJO, 30 August 2007, 'GOC HQ MND(SE) – Southern Iraq Update - 30 August 2007'.

¹²⁸⁷ Minute Cabinet Office [junior official] to McDonald, 30 August 2007, 'Iraq Strategy Group, 29 August'.

¹²⁸⁸ Letter Browne to Brown, 31 August 2007, 'Iraq: Handover of Basra Palace and Provincial Iraqi Control in Basra'.

¹²⁸⁹ eGram 37263/07 Baghdad to FCO London, 10 September 2007, 'Iraq: Ministerial Committee for National Security (MCNS) – 9 September'.

¹²⁹⁰ A "relief in place" is an operation in which one unit is replaced with another.

¹²⁹¹ Public hearing, 15 January 2010, pages 10-11.

¹²⁹² Minute Colbourne, 27 August 2007, 'Bi-Weekly Report of the UK Chief Police Adviser'.

The security situation after British withdrawal

1410. The Governor of Muthanna province was assassinated on 20 August, the second Shia governor to be killed that month.¹²⁹³

1411. On 20 September, Maj Gen Binns stated:

“Reporting from multiple sources indicates that the security situation is improving; IPS and IA units are conducting joint operations in the city ... and LOs [liaison officers] from the BOC [Basra Operations Command] are now working in the PJCC. Basrawis seem reassured by this new security profile but remain concerned that militias are using the ceasefire period to reorganise and resupply. Of course criminality and gangsterism remain endemic.”¹²⁹⁴

1412. On 1 October, ahead of a visit to Iraq, Mr Brown was briefed by a junior official that there had been “some worrying high profile assassinations of religious and police figures” and a car bomb which had killed three people in recent weeks.¹²⁹⁵ Support by local politicians for Gen Mohan and Maj Gen Jalil was described as “sporadic”.

1413. On 2 October, Mr Brown told journalists in Baghdad:

“What we have been trying over these last few months also to build up the Iraqi Security Forces ... we are now in a position where there are nearly 30,000 Iraqi Security Forces [in the South]. So what we propose to do over these next few months is to ... maintain a facility for re-intervention if necessary, but at the same time we play a greater role in training future security forces. I believe that within the next two months we can move to Provincial Iraqi Control, and that is the Iraqis taking responsibility for their own security in the whole of Basra. I believe that the 30,000 security forces that are being trained are capable of discharging these responsibilities for security ...”¹²⁹⁶

1414. On 7 November, Acting ACC Michael Colbourne, Chief Police Adviser from March 2007 to April 2008, wrote to the FCO in London to articulate Maj Gen Jalil’s expectations for UK support with police training.¹²⁹⁷ Maj Gen Jalil intended to reform the Basra IPS by:

- “restructuring the force to deliver five Emergency Battalions” (only one was currently formed);
- “rebuilding the NIIA (retaining 50 of the current staff and dismissing the rest)”;
- “rebuilding the CID (retaining 50 of the current staff and dismissing the rest)”;

¹²⁹³ *BBC News*, 20 August 2007, *Roadside bomb kills Iraq governor*.

¹²⁹⁴ Minute Binns to CJO, 20 September 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 20 September 2007’.

¹²⁹⁵ Minute Cabinet Office [junior official] to Brown, 1 October 2007, ‘Iraq Visit: 2 October 2007’.

¹²⁹⁶ Transcript *Sky News*, 2 October 2007, *Live at Five with Jeremy Thompson*; *BBC Radio 4*, 2 October 2007, *PM*.

¹²⁹⁷ Letter Colbourne to FCO [junior official], 7 November 2007, ‘The Policing Mission in Basra’.

- “re-organising the ‘local policing’ resources to deliver effective crime prevention, investigation and community policing”.

1415. ACC Colbourne wrote that developing the Emergency Battalions would be “the most demanding aspect of this support”. He had agreed with Maj Gen Jalil that his team would complete the current training of his officers at Shaibah in addition to generating an Iraqi training team. He planned for the six existing ArmorGroup IPAs to put that team in place, capable of delivering the Emergency Battalion syllabus, by early December. It had been agreed that all other Basra-based ArmorGroup contractors would end their missions by the end of November. ACC Colbourne stated that “the sheer scale of the training” required a “bigger and more permanent” solution.

1416. ACC Colbourne wrote that the Emergency Battalions would be “instrumental” in enabling Maj Gen Jalil to “engage the militias” and “hold ground”. Once achieved, he wrote that there would “be an urgent need to reposition the ‘militaristic’ policing style which will be dominant in Basra, to a more community focused local policing approach”.

1417. The House of Commons Defence Committee had published a report on 3 December 2007, following a visit to Iraq from 8 to 11 July.¹²⁹⁸

1418. Reporting on the Committee’s visit to Basra, Mr Asquith said that in response to being asked about the current security situation in the city and the likely consequences of a UK withdrawal within 12 months:

“The Basrawis were clear: services and reconstruction were improving but the main problem was that the ISF were under-funded, unqualified and security was deteriorating. The British Government had promised a lot when it liberated Iraq, but had not delivered. Militias were more of a concern than criminal gangs. The provincial authorities were not able to confront the militias because the security forces owed their loyalty to political parties rather than the State ... Pulling no punches, they said a British withdrawal would ‘be followed by chaos sweeping the province like a hurricane’.”¹²⁹⁹

1419. The Committee’s report concluded:

“Despite its increasing capability, the Iraqi Army in South Eastern Iraq still requires the support of UK Forces, particularly in logistics and intelligence ...

“... The Police would seem to have a long way to go in becoming truly effective and in gaining the trust of the population. Given the scale of the problems which still need to be tackled, there would seem to be a need for an ongoing commitment by the UK to training and mentoring the Iraqi Police.”¹³⁰⁰

¹²⁹⁸ First report from the House of Commons Defence Committee, Session 2007-08, *UK Land Operations in Iraq 2007*, HC 110.

¹²⁹⁹ eGram 30010/07 Baghdad to FCO London, 13 July 2007, ‘Iraq: Visit of House of Commons Defence Committee, 8-11 July’.

¹³⁰⁰ First report from the House of Commons Defence Committee, Session 2007-08, *UK Land Operations in Iraq 2007*, HC 110.

1420. Maj Gen Binns described the method of support at that time in his evidence to the Inquiry:

“... the concept was described as M2T, monitoring, mentoring and training. I would say it was a big T. It was a medium-sized M, monitoring, but we didn’t do a lot of mentoring ...

“So if I start with the T, training, I think we had a very successful training centre that we had built at Shaibah Log Base. We were able to take people from initial training, we were able to supervise Iraqis training themselves. We were able to equip them, to deploy them, to sustain them ... we didn’t then mentor them when they were deployed on operation, and that was the significant difference between the way that we approached support and the way that the Americans approached support in Basra.”¹³⁰¹

THE ABSENCE OF A CRIMINAL JUSTICE SYSTEM IN BASRA

1421. Mr Browne visited Iraq from 29 October to 2 November.¹³⁰² He described the visit, in a letter to Mr Brown, as “intense but stimulating and productive”, observing that it had been “markedly the most encouraging of my seven visits to Basra”. He commented:

“The primary deficiency in the security apparatus remains the judicial sector. I am sceptical about our ability to deliver an effective Iraqi Police Service when there is no functioning framework of enforceable law within which they can operate. This needs our urgent attention. It does not, in my view, need to mean the deployment of significant additional resources to Iraq; I am attracted by the idea of electronic mentoring of the Iraqi judiciary by international counterparts.”

1422. The FCO, DFID, the MOD and the Stabilisation Unit produced a UK Strategy for Security and Justice Sector Reform (SJSR) in December.¹³⁰³ Acknowledging that it was subject to any Ministerial decisions in 2008 on the UK’s overall strategy in Iraq, it listed four areas for development in 2008-2009:

- A presence in both cities could help the UK influence central policy initiatives by feeding intelligence from work on the ground.
- The UK could contribute strategic policing advice to the IPS and influence US thinking on the IPS’s development needs.
- The UK could utilise its “significant experience in pursuing civil service reform in weak states” to reform Iraq’s “weak” Government institutions, making them more effective.
- The UK could encourage the EU and UN to put greater resources into co-ordinating Rule of Law donor engagement.

¹³⁰¹ Public hearing, 15 January 2010, pages 16-17.

¹³⁰² Letter Browne to Brown, 2 November 2007, [untitled].

¹³⁰³ Report FCO, DFID, MOD and Stabilisation Unit, December 2007, ‘UK Strategy for Security and Justice Sector Reform (SJSR) in Iraq 2008-09’.

1423. The paper identified three “sub-programmes”:

- Supporting the MOI and IPS with training and development programmes. £12.98m was available from the Stabilisation Aid Fund (SAF) and £8m from the Peacekeeping budget.
- Supporting the Iraqi judiciary and wider justice system – the paper did not explain how that would be done other than stating it would “support” its various components and build Basra’s professional links in the Middle East. £3.18m was available from the SAF.
- Supporting the IMOD by building a professional cadre of IMOD civil servants through mentoring. Resources to be delivered from the MOD’s administrative budget.

Withdrawal and Provincial Iraqi Control for Basra

1424. On 8 October 2007, Mr Brown announced plans for a significant troop drawdown over the next 12 months (dealt with in Section 9.6).¹³⁰⁴ He described the need for two remaining phases:

“In the first, the British forces that remain in Iraq will have the following tasks: training and mentoring the Iraqi Army and police force; securing supply routes and policing the Iran-Iraq border; and the ability to come to the assistance of the Iraqi Security Forces when called upon. Then in the spring of next year – and guided as always by the advice of our military commanders – we plan to move to a second stage of overwatch where the coalition would maintain a more limited re-intervention capacity and where the main focus will be on training and mentoring.”

1425. On 9 October, Lt Gen Houghton briefed the Chiefs of Staff that the plan for 14th Division would see “initial operating capability” by December 2007 with their training being complete by June 2008. He also informed them of Gen Mohan’s intention to relocate the Basra Operations Centre to Basra Air Station, a move that would “benefit MND(SE) in terms of improved opportunities for key leader engagement, better situational awareness and senior officer mentoring”.¹³⁰⁵

1426. ACM Stirrup visited Iraq from 26 to 29 October.¹³⁰⁶ A note on his visit stated that Maj Gen Binns was generally positive about the ISF but doubted it would have the ability to counter JAM if the current cease-fire broke (see Section 9.6). The Deputy Brigade Commander of 1 Mechanised Brigade told ACM Stirrup that Basra was experiencing an increase in criminality in the wake of MNF withdrawal.

¹³⁰⁴ House of Commons, *Official Report*, 8 October 2007, column 23.

¹³⁰⁵ Minutes, 9 October 2007, Chiefs of Staff meeting.

¹³⁰⁶ Minute Kyd to PS/SofS [MOD], 29 October 2007, ‘CDS Visit to Iraq 26-29 Oct 07’.

1427. ACM Stirrup met the Commanding Officer of the Monitoring, Mentoring and Training Battlegroup who assured him that 14th Division were on track to be ready by June 2008. The Chief of Police Training Adviser told him that Maj Gen Jalil was “proving very dynamic, robust and effective, particularly in fighting the MOI’s reluctance to root out militia influences” but that only 48 percent of Basra police had been trained.

1428. On 8 October, Lt Gen Odierno had advised Gen Petraeus that he recommended Basra for PIC in December.¹³⁰⁷ He had been encouraged by the positive impact that Gen Mohan and Maj Gen Jalil were having but remained concerned by reports of militia influence within the Basra ISF. Maj Gen Binns commented: “Not a ringing endorsement, but a positive step and an endorsement we’ve been trying to achieve since April this year.”

1429. Basra transitioned to PIC on 16 December 2007 (described in Section 9.6).

1430. When asked about the capability of the ISF in December 2007 during his evidence to the Inquiry, Maj Gen Binns said:

“... they had weaknesses ... they were well trained, as individuals, but their leadership was not experienced, they were capable of conducting tactical, low-level operations, but their ability to conduct manoeuvre, to sustain themselves logistically, was a challenge to them.

“But I thought they wouldn’t get better until they were given responsibility ... it was a bit like taking the stabilisers off a child’s bike. They were going to wobble for a while and I was there to make sure they didn’t fall over.”¹³⁰⁸

1431. On the police’s capability at that time, Maj Gen Binns said:

“The police were a mixed bag. At their worst, they were trouble. They had been infiltrated and they were a constraint on progress.

“At their best, and there were some very good police units ... they were good, they were effective. The national police units, who came from Baghdad, were highly effective and something that the Iraqis were particularly proud of.”

1432. On 20 December, the JIC assessed:

“Prospects in Basra will depend on ISF willingness and ability to take on Shia militias or reach and maintain an accommodation with them and on the ability of local political leaders to broker deals which restrain political violence. All are uncertain at this stage. The loss of either General Mohan or Jalil would remove a stabilising influence.”¹³⁰⁹

¹³⁰⁷ Minute Binns to CJO, 11 October 2007, ‘GOC HQ MND(SE) – Southern Iraq Update – 11 October 2007’.

¹³⁰⁸ Public hearing, 15 January 2010, pages 25-26.

¹³⁰⁹ JIC Assessment, 20 December 2007, ‘Iraqi Security Forces: Two Steps Forward’.

1433. On the 14th Division, the JIC judged:

“The replacement of an Iraqi Army brigade in Basra with the new 14th Army Division (still 50 percent undermanned) and the deployment of an NP [National Police] battalion and a mechanised infantry unit have raised the ISF profile in Basra from 30,000 in June to 33,500 in December. MNF expect ISF to reach a full strength of 36,500 in June 2008. Largely manned from outside Basra, these forces are probably less influenced by local tribal and political ties or militia infiltration than those recruited locally. The vast majority of JAM continues to observe a cease-fire with MNF in Basra and have not challenged ISF for local control – although [...] they think they could successfully do so.”

1434. On 8 January 2008, AM Peach told the Chiefs of Staff that Gen Mohan had created a “security equilibrium” in Basra, using a “carrot and stick” approach, but that recent concessions and reassurances by him to JAM “demonstrated the precarious nature of the balance of power in Basra”.¹³¹⁰

1435. Gen Mohan visited the UK in January.¹³¹¹ He gave an “upbeat” description of security, stating that it was up to the British if they wanted to leave but that he needed to be left with “real military capability” to outface JAM and Iranian-backed militias. He asked for UK assistance in building intelligence capabilities.

1436. IDF attacks on UK forces at Basra Air Station began to rise again in 2008 (see Section 9.6). On 21 February, Major General Barney White-Spunner, who had just succeeded Maj Gen Binns as GOC MND(SE), commented:

“General Mohan is fully aware (as are we) that his ability to further strengthen his control of Basra City is limited as the ISF cannot match JAM in their urban heartlands, though he is deploying 14th Division into the city as soon as he can. Our efforts to develop the ISF capability to interdict smuggling of lethal aid as well as strenuous efforts to develop their urban warfare skills may enable Mohan to have the desired effect in the future, but for now there is not very much he can do.”¹³¹²

1437. In his evidence to the Inquiry, Lt Gen White-Spunner recalled that the first “increasingly obvious” point on his arrival was that:

“... we needed to redirect our training of the ISF and we needed to ... dedicate more of a mission to ... develop 14 Division.”¹³¹³

1438. Lt Gen White-Spunner said that Gen Mohan had asked for “offensive support”:

“By this we mean those weapons systems ... which support infantry rather than being infantry themselves, particularly the ability to target air and helicopters, intelligence and surveillance assistance, assistance with command and control and logistics.”

¹³¹⁰ Minutes, 8 January 2008, Chiefs of Staff meeting.

¹³¹¹ Minute Binns to CJO, 24 January 2008, ‘GOC MND(SE) Weekly Letter – 24 January 2008’.

¹³¹² Minute White-Spunner to CJO, 21 February 2008, ‘GOC MND(SE) Weekly Letter – 21 February 2008’.

¹³¹³ Public hearing, 7 January 2010, pages 5-6.

1439. On 23 February, Mr Prentice discussed the security situation in Basra with Dr Rubaie, who confirmed that an order replacing Gen Mohan had been signed by Prime Minister Maliki based on a report that a “non-interference pact” had been signed with JAM.¹³¹⁴ Mr Prentice commented that the UK had some understanding of the balance that Gen Mohan and Maj Gen Jalil had to strike in handling the militias and that “It was probably wise not to seek a confrontation with JAM, while the army and police were still building their strength.” Dr Rubaie observed that there was a difference between calming the situation and fearing to confront it.

1440. On 27 February, the JIC assessed security prospects in the South:

“The Iraqi security forces (ISF) ability and willingness to maintain security in the South remains patchy and dependent on MNF training, logistic and specialist air support. Radical improvements in police effectiveness are unlikely. The army will remain at the forefront in providing security, relying on assistance from units outside the South to cope with serious and sustained violence there. The Iraqis would only call for MNF troop re-intervention as a last resort.

“Violent criminality, murders, kidnappings, score-settling and intimidation will remain part of life in southern Iraq. Pressure from national Shia political and religious leaders, reinforced by some local political leaders and security officials, may limit the scope of unrest. But local ISF action, accommodations between the ISF and elements of JAM, and the perception of MNF willingness to intervene, will also remain crucial tools for managing instability.”¹³¹⁵

1441. The JIC reported that, although reliable data for attacks against non-MNF targets was lacking, in Basra City alone there had been about 80 murders and 40 kidnappings. Accounts in the media suggested that Shia militia were increasingly punishing and sometimes killing women for “contravening strict interpretations of Islamic mores”. Around 10 women were reportedly murdered each month in Basra City.

1442. Mr Brown and Mr Browne had breakfast with the Chiefs of Staff on 6 March.¹³¹⁶ The Chiefs told them that “there was quality in the ISF but it was not broadening as rapidly as hoped, so training and mentoring of 14Div remained a vital job”.

Charge of the Knights

1443. In late March, Prime Minister Maliki launched a security operation in Basra, code-named *Sawlat al-Fursan* (Arabic for “Charge of the Knights”). The operation had wide-ranging effects on the UK’s position and standing in Iraq and is described in detail in Section 9.6.

¹³¹⁴ Email Prentice to Betts, 24 February 2008, ‘Meeting with National Security Adviser Rubaie, 23 February’.

¹³¹⁵ JIC Assessment, 27 February 2008, ‘Iraq: Security Prospects in the South’.

¹³¹⁶ Letter Fletcher to Rimmer, 6 March 2008, ‘Prime Minister’s Breakfast with Chiefs of Staff, 6 March’.

1444. In his evidence to the Inquiry, Lt Gen White-Spunner described the lack of a strategy at the start of the Charge of the Knights:

“To start with, there wasn’t one, because, of course, the detailed planning hadn’t been done. That’s why the first few days were very anxious ... – particularly for General Mohan – because there was really no plan for his existing troops – 14 Div, and the police ... to work to.”¹³¹⁷

1445. Lt Gen White-Spunner described how Gen Mohan was given a planning team and a strategy was developed:

“... General Mohan and I drew up this plan which saw an Iraqi lead with us in support rather than the other way on, as in SINBAD ... the overall plan, which was actually very similar to SINBAD in concept, it was a clearance of Basra and the whole province by phases ...”¹³¹⁸

1446. Lt Gen White-Spunner told the Inquiry:

“One of those things we did in the first days of Charge of the Knights was bring forward what we had wanted to do, what we had realised we had to do in February, which was to put teams in with the MiTTs ... with the Iraqi formations to whom we were responsible ...”¹³¹⁹

1447. Lt Gen White-Spunner explained how that was a “major change” as the UK approach to MiTTs was brought closer to the US approach:

“Ultimately, we looked at what they [the US] were doing and certainly it was very influential. Our construct was slightly different ... the point was that we reversed what had been British policy up until then, which wasn’t to do this, and had very strong and immediate support – I put a submission in to the Ministry of Defence I think on 1 April and had authority the next day to do this. So I thought that showed great sort of flexibility and ability to adapt.”¹³²⁰

1448. Lt Gen White-Spunner later added:

“It became rapidly clear to us that the nature of support that the Iraqi Security Forces wanted had changed with Charge of the Knights ...

“Charge of the Knights meant we had to adjust very rapidly and untidily, but we did it ...”¹³²¹

¹³¹⁷ Public hearing, 7 January 2010, page 17.

¹³¹⁸ Public hearing, 7 January 2010, page 8.

¹³¹⁹ Public hearing, 7 January 2010, page 31.

¹³²⁰ Public hearing, 7 January 2010, pages 31-32.

¹³²¹ Public hearing, 7 January 2010, page 39.

1449. On 29 March, the Director of Joint Commitments reported to Mr Browne's Assistant Private Secretary that he considered "little tangible success has been achieved by either side, and sustained conflict looks set to continue".¹³²²

1450. An eGram on the same day stated that the Iraqi media were reporting that over a hundred police officers had been sacked in Basra, apparently for losing their weapons and/or abandoning their posts during the recent clashes.¹³²³

1451. On 31 March, it was reported that questions had been asked at the MCNS meeting that day about the reports of police desertions in Baghdad and allegations of poor co-operation between the police and army.¹³²⁴ The representative of the MOI told the Council that "only 10 percent of the national Police had proven ineffective" and that more than 400 police had been dismissed in Basra in recent days for "disloyalty".

1452. On 14 April, the CIG assessed ISF performance in MND(SE) during Charge of the Knights.¹³²⁵ It referred back to the JIC's Assessment on 27 February, reporting that the JIC had correctly predicted that:

- The ISF would rely on MNF support – "... on their own, the ISF underperformed against JAM in Basra, Maysan and Dhi Qar during recent operations. In Basra they relied heavily on MNF supplies (i.e. ammunition and rations), air strikes and eventually MNF mentoring. [...] Military reporting suggested little sign of a detailed operational plan or evidence of precision targeting of JAM Special Groups or other hard-line elements until the arrival of MNF training teams from 1 April."
- The influence of Shia militias would hinder radical improvement in the effectiveness of Basra's police – "Basra's Chief of Police reportedly believes that hundreds of local police melted away within the first 24 hours of fighting – others joined JAM's ranks. Reporting that several police stations and dozens of police vehicles were abandoned in the face of militia intimidation supports this. Many of the National Police units drafted in from Baghdad, with superior arms and armour, fared much better. The affiliation of many to ISCI [Islamic Supreme Council in Iraq]/Badr probably strengthened their resolve to try and weaken their chief rival [JAM]."
- The 10th and 14th Divisions of the IA would require assistance from outside the South to cope with serious and sustained violence – "... even with reinforcements from Baghdad's 1st Division, military reporting suggests that the Iraqi Army lost most tactical engagements against JAM and failed to take any ground prior to JAM's stand down on 31st March. However, neither did they cede ground and specific successes, such as taking charge of the strategically

¹³²² Minute DJC to SofS/APS4 [MOD], 29 March 2008, 'Basra: MOD Update'.

¹³²³ eGram 11975/08 Basra to FCO London, 29 March 2008, 'Basra – Update – 29 March'.

¹³²⁴ eGram 12023/08 Baghdad to FCO London, 31 March 2008, 'Iraq: Baghdad: Security and Political Update, Sunday 30 March'.

¹³²⁵ CIG Assessment, 14 April 2008, 'Iraqi Security Forces Performance in MND(SE)'.

important ports at Umm Qasr and Khor al-Zubayr and expelling the militia ridden Facilities Protection Service has emboldened them. Iraqi Special Forces were ineffective until their US mentors were re-inserted. In Dhi Qar's capital Nasiriyah, JAM reportedly made some territorial gains over the ISF before their stand down, while in Maysan, ISF opted not to confront JAM (recognising they would not be able to defeat them and leaving them in control of Al-Amara for the second time in two months)."

1453. Assessing the ISF's future, the CIG stated:

"Despite their underwhelming performance, we assess that JAM's stand down, leaving ISF holding the field, has increased the latter's credibility among most Basrawis and imbued them with greater confidence. Despite the continued likelihood that Generals Mohan and Jalil will be moved on, diplomatic reporting suggests that the MOI may at least continue some of their security reforms: it has already sacked 1,000 militia affiliated members of the police. However, many will almost certainly re-surface within the system. Others, unless directed towards viable alternative employment, may replenish JAM's ranks."

1454. On 14 May, the JIC stated in an Assessment that, as a result of the Charge of the Knights, "public confidence in the ISF has grown".¹³²⁶ However, "Strong JAM resistance in the initial phases of the Charge exposed enduring weaknesses in the largely untested local ISF: inadequate planning, confused command and control structures, feeble logistics and split loyalties ... Basra's police were particularly ineffective."

1455. The JIC continued:

"Though the ISF overall are improving, the Iraqi Government has recognised that radical changes are needed to upgrade Basra's security forces – particularly the police. The Ministry of Interior plans to fire 6,000 security personnel for deserting their positions ... implementing [changes] effectively will be tricky: militiamen dismissed from the army or police often find employment elsewhere in the ISF ..."

1456. In his evidence to the Inquiry, Lt Gen White-Spunner reflected on police performance during the Charge of the Knights, and the different approach taken afterwards:

"I don't think the police came out of Charge of the Knights very well, if I'm being honest ... we do need to look at how we trained the police prior to that. I think we may have erred on the side of training the police in what I would call sort of UK/Home Counties policing, whereas actually what was probably wanted was something slightly more robust ..."

¹³²⁶ JIC Assessment, 14 May 2008, 'Iraq: the Charge of the Knights'.

“What happened during the Charge of the Knights was actually a lot of the police collapsed effectively and it took a lot of time to rebuild them and we tried to rebuild them on a different model, on more what I would call ... a paramilitary basis, so that they could fire weapons, defend themselves and restore order as much as they could take fingerprints and gather evidence.”¹³²⁷

1457. Lt Gen White-Spunner commented on the joint working between the army and the police:

“It was because the police were felt to be less reliable than the Iraqi Army. The Iraqi Army has always been to the fore in Iraq ... and there was a feeling that the police would be morally and physically strengthened by having the Iraqi Army posted alongside them.”¹³²⁸

1458. When asked whether the police fought against the ISF during the Charge of the Knights, Lt Gen White-Spunner responded:

“A few, very few. Some units did very well. I certainly wouldn’t want to be overcritical of the force as a whole ... some of his [Maj Gen Jalil’s] units did very well, but a lot just put their weapons down and melted away. Some were infiltrated by JAM.”¹³²⁹

1459. On 8 July, an eGram from the British Embassy Office Basra reported that the operational phase of Charge of the Knights had ended.¹³³⁰ “Intelligence-led strike operations” continued around Basra, leading to the arrest of the second in command for the team that attacked the Contingency Operating Base on 8 May and 8 June. The ISF considered their operation in Maysan a success: the Chairman, two Council members, and the former Chief of Police were arrested for supporting militia and criminal activities. They tried to arrest the Governor of Maysan but he had already fled.

1460. In his evidence to the Inquiry, Lt Gen Shirreff described how 14th Division was able to tackle JAM in the South during the Charge of the Knights, unlike the locally recruited 10th Division:

“There was no way they were prepared to really get stuck in and fight against the Jaysh Al Mahdi, for understandable reasons, and I think it was only when Iraqi troops from outside the Shia south came in that you were able to really begin the process.”¹³³¹

¹³²⁷ Public hearing, 7 January 2010, pages 44-45.

¹³²⁸ Public hearing, 7 January 2010, page 45.

¹³²⁹ Public hearing, 7 January 2010, page 46.

¹³³⁰ eGram 26653/08 Basra to FCO, 8 July 2008, ‘Basra: Weekly Update’.

¹³³¹ Public hearing, 11 January 2010, page 44.

1461. Maj Gen Shaw also reflected on the Charge of the Knights in his evidence to the Inquiry:

“Charge of the Knights actually was a great success, in terms of the establishment of ... Iraqi self-rule, because, finally, it was a decisive blow by Maliki declaring some elements of the Shia polity out of bounds.”¹³³²

Iraqi Navy progress

In April 2008, the Iraqi Navy grew and took on additional responsibilities:

- Around 500 Iraqi Army personnel were transferred to the Iraqi Marines to form a second battalion.¹³³³ One battalion provided defence of the offshore oil platforms and the second protected the port of Umm Qasr.
- The Iraqi Navy took responsibility for the point defence of the Khwar al Amaya Oil terminal and perimeter security for the port and power station in az-Zubayr.

By that stage the Navy personnel total had increased to over 1,800.

As the UK had failed to negotiate an MOU covering the continued presence of Royal Navy trainers, the 80 Royal Navy personnel temporarily departed Iraq along with other UK forces in July 2009.¹³³⁴ A UK-Iraq Training and Maritime Support Agreement was signed in November 2009 and the trainers returned. They worked alongside around 50 US Navy, Marine and Coastguard personnel.

The Royal Navy team remained in Iraq until 22 May 2011 when the agreement expired.¹³³⁵ Between 2003 and 2011, the UK trained 1,800 Iraqi Navy personnel, providing between 50 and 90 Royal Navy personnel for the task. Dr Liam Fox, the Defence Secretary, stated:

“Royal Navy personnel have used their formidable skills and expertise to bring about a transformation in Iraq’s naval force. The Iraqi Navy has a key role to play in protecting Iraq’s territorial waters and the oil infrastructure that is so vital to Iraq’s economy, and I am proud of the role British forces have played in making it capable of doing that job.”

The Naval training mission continued until May 2011 when 81 Navy trainers and three UK personnel in Baghdad withdrew and Op TELIC formally ended.¹³³⁶

Basra ‘Sons of Iraq’ programme

1462. On 1 April 2008, Prime Minister Maliki announced that he was going to supplement the ISF with 10,000 Basra citizens as Sons of Iraq (as described earlier in this Section).¹³³⁷ Maj Gen White-Spunner reported:

¹³³² Public hearing, 11 January 2010, page 20.

¹³³³ Report to Congress, 13 June 2008, *Measuring Stability and Security in Iraq*.

¹³³⁴ Report to Congress, 29 January 2010, *Measuring Stability and Security in Iraq*.

¹³³⁵ Press Release MOD, 18 May 2011, ‘Operations in Iraq Finish with the Completion of Royal Navy Training Mission’.

¹³³⁶ GOV.UK, 18 May 2011, *Operations in Iraq Finish with Completion of Royal Navy Training Mission*.

¹³³⁷ Minute White-Spunner to CJO, 3 March [sic] 2008, ‘GOC MND(SE) Weekly letter – 3 April 2008’.

“In effect, he has engaged with the local tribes and established a ‘Sons of Iraq’ programme. The maturity of this programme seems similar to that for his overall Basra initiative; limited. A combined MNF-I and MNC-I team has begun to work on possible recommendations for implementation, but clearly this must be a Gol programme and they may not want any coalition support. A sufficiently robust governance structure will be required to prevent this group turning into another armed militia and a considered approach is needed to prevent them becoming a new target set for JAM. Whilst the establishment of such a programme in MND(SE) is something that the UK has sought to avoid and which we continue to oppose, our voice carries little weight and there is little that we can and ought to do other than support the MNC-I in developing recommendations.”

1463. On 14 April, the CIG reported:

“Intelligence shows that despite the Government of Iraq’s previously strong objections to tribal awakenings in the South, their proven ability to act as force multipliers for the ISF in Basra and a counter-balance to JAM is going to be one of the key products of the recent conflict. Intelligence suggests that 500 have already been recruited and that Maliki has tasked local tribal leaders to hand pick others. Diplomatic reports suggest that as many as 25,000 have been asked for. However, this additional dynamic to Basra’s security landscape is not without risk. Inter-tribal conflict may result in places: reporting suggests that JAM already has plans to eradicate them.”¹³³⁸

1464. On 8 July, an eGram from the British Embassy Office Basra suggested that the number recruited had risen to 7,000, when reporting that the Sons of Iraq might return to “the streets of Basra” because the MOI had not paid them.¹³³⁹ General Adel had asked for outstanding salaries to be paid immediately. He also requested “not to be sent any more police officers as he ha[d] enough”.

The UK starts embedding troops with the Iraqi Army

1465. On 2 April, a junior official in PJHQ wrote to Mr Browne, advising him that MND(SE) was intending to embed MiTTs within 14th Division to strengthen “some of the key vulnerabilities that ha[d] been demonstrated during recent operations”.¹³⁴⁰ It would be “in a manner akin to the Operational Mentoring Liaison Team (OMLT) concept successfully used in Afghanistan”. The US had “made it clear that they would welcome” the move. The official stated:

“It is true to say that most armies around the world would have struggled in the circumstances faced by 14 Div over the last two weeks. We should not therefore rush to criticise what we were already aware was still some way from a properly

¹³³⁸ CIG Assessment, 14 April 2008, ‘Iraqi Security Forces Performance in MND(SE)’.

¹³³⁹ eGram 26653/08 Basra to FCO, 8 July 2008, ‘Basra: Weekly Update’.

¹³⁴⁰ Minute PJHQ [junior official] to PS/SofS [MOD], 2 April 2008, ‘Op TELIC: Enhancing UK Operational Support to the Iraqi Army’.

trained Division. Our main focus will be to help resolve the following concerns: a lack of situational awareness; a lack of clear command and control; poor planning; and an inability to co-ordinate effectively with coalition assets and experience, in particular with regards to calling on coalition forces for fire support and in extremis extraction when these can only be delivered within coalition rules of engagement.”

1466. On presentation, the official wrote that there were “many potential positives” but it would be likely to raise questions about whether the UK handed Basra over to PIC too early “and whether we have acted too late and only under pressure”.

1467. The total number of military personnel involved was 150.

1468. In Mr Browne’s absence, Mr Adam Ingram, the Minister for Armed Forces, considered the advice on 3 April.¹³⁴¹ Mr Ingram noted the advice and “emphasised the need to ensure that personnel are clearly briefed on the red lines beyond which they must not operate and the action to be taken in the event such lines are crossed”. He “also asked that any evidence of behaviour by Iraqi forces with which UK personnel had concerns be reported rapidly to Ministers”.

1469. A note for Mr Browne was written on Mr Ingram’s response by Mr Browne’s Private Secretary the same day.¹³⁴² He reported that MiTTs were now deployed in Basra. He wrote:

“... It wasn’t so long ago that MiTTs/OMLTs [Operational Mentoring Liaison Teams] in Iraq were thought to be a bad idea, but then, the situation has definitely changed in the last week or so ...

“Everyone appears to be content that the legal position is robust, but there are clearly presentational risks in being seen to be drawn into town, while Warrior back in Basra will not go unnoticed. It means 58 additional people will be deployed but they’re temporary and will be invisible – we’re still at ‘around 4,000’ established posts.”

1470. Maj Gen White-Spunner reported on 3 April that US MiTTs and the “accompanying military resources they bring” were having a “significant supporting impact” to those Iraqi forces.¹³⁴³

1471. On 4 April, Mr Jon Day, MOD Director General Operational Policy, advised Ms Aldred that there were over 400 US troops embedded with the Iraqi reinforcements sent to Basra in support of Charge of the Knights.¹³⁴⁴

¹³⁴¹ Minute PS/Min(AF) to PJHQ [junior official], 3 April 2008, ‘Op TELIC: Enhancing UK Operational Support to the Iraqi Army’.

¹³⁴² Manuscript comment PS/SofS [MOD] on Minute PS/Min(AF) to PJHQ [junior official], 3 April 2008, ‘Op TELIC: Enhancing UK Operational Support to the Iraqi Army’.

¹³⁴³ Minute White-Spunner to CJO, 3 April 2008, ‘GOC MND(SE) Weekly Letter – 3 April 2008’.

¹³⁴⁴ Letter Day to Aldred, 4 April 2008, ‘Military Plans for Basra’.

1472. On 17 April, Maj Gen White-Spunner reported that the UK MiTT concept was continuing to evolve but was adding “real value to current operations”.¹³⁴⁵

Iraqi appointments

On 17 April 2008, Maj Gen White-Spunner wrote that the senior Iraqi personnel responsible for security in Basra were to be replaced:

- Gen Mohan, Basra Operations Commander, was replaced by General Mohammed (the former Commander 14th Division);
- Maj Gen Jalil, Provincial Director of Police, was replaced by General Adel (a former police commander in Baghdad); and
- General Abdul Aziz became Commander 14th Division.¹³⁴⁶

1473. In May, Maj Gen White-Spunner’s weekly reports highlighted a number of resource issues:

- There were no “suitable” armoured vehicles available for the UK MiTTs; the choice being either Mastiff which was too large or Bulldog which was tracked.¹³⁴⁷ US and Iraqi personnel used Humvees.
- “Substantial engineering work” was required to create “sustainable accommodation and force protection of their locations across the city”.¹³⁴⁸ As a consequence there was a requirement for reinforcements to free up engineering squadrons who were currently undertaking guarding tasks.
- By 2 May, only two of a planned four brigades for 14th Division were operational.¹³⁴⁹ There would be a further requirement for UK MiTTs when the final two brigades came online, and delivering that requirement would require “taking risk” against the Brigade Quick Reaction Force.

1474. On 20 June, Maj Gen White-Spunner reported that the full UK MiTT group was in place.¹³⁵⁰ The Engineer Group was addressing “the considerable force protection and environmental health risks that are currently being carried by MND(SE)”.

The future of the Iraqi police in Basra

1475. On 1 April 2008, Mr Crispin Blunt suggested to Parliament that a large number of the criminal forces against which the ISF was fighting were members of the Basra police, whom the UK were responsible for training.¹³⁵¹ Mr Browne responded:

¹³⁴⁵ Minute White-Spunner to CJO, 17 April 2008, ‘GOC MND(SE) Weekly Letter – 17 April 2008’.

¹³⁴⁶ Minute White-Spunner to CJO, 17 April 2008, ‘GOC MND(SE) Weekly Letter – 17 April 2008’.

¹³⁴⁷ Minute White-Spunner to CJO, 2 May 2008, ‘GOC MND(SE) Weekly Letter – 2 May 2008’.

¹³⁴⁸ Minute White-Spunner to CJO, 8 May 2008, ‘GOC MND(SE) Weekly Letter – 8 May 2008’.

¹³⁴⁹ Minute White-Spunner to CJO, 2 May 2008, ‘GOC MND(SE) Weekly Letter – 2 May 2008’.

¹³⁵⁰ Minute White-Spunner to CJO, 20 June 2008, ‘MND(SE) Weekly Letter – 20 June 2008’.

¹³⁵¹ House of Commons, *Official Report*, 1 April 2008, columns 628-642.

“The early attempts to create a police force in Iraq had exactly the results that the Hon. Gentleman describes, as criminal elements came out of the police forces and may, indeed, have deliberately gone into them in order to obtain training. Under the generalship of General Jalil ... we have dealt with that very problem during the past year or more: a significant number of police officers have been dismissed from the Iraqi police force, while others have been retrained to ensure that the situation does not occur again. We have learned significant lessons from those early days of police training, and we shall implement them in Afghanistan to ensure that we do not repeat the problem.”

1476. On 10 April, Maj Gen White-Spunner reported that the severe problems with police officers were:

“... seen here partly as an issue of training (maybe the training teams had focused, understandably, more on civilian policing skills than military tactics) but more as a result of deep rooted corruption and lack of loyalty to the GOI.”¹³⁵²

1477. Maj Gen White-Spunner warned that there were discussions in MNC-I and the Iraqi Government over whether to disband the Basra police entirely and start again. He also reported that MNC-I and CPATT were keen on the concept of Police Transition Teams stating: “we will need to know how much appetite there is in the UK to provide these.”

1478. The following week, on 17 April, Maj Gen White-Spunner wrote:

“... daily interaction with the IPS at the coalface (i.e. in their stations, of which there are over 40) would require numbers in the high 100s to be successful, plus the associated force protection. My feeling from the UK police team here is that the bill would be too big for the UK to source, and would involve accepting a degree of risk in their modus operandi which would be unwelcome. Our approach is therefore to encourage maximum CPATT involvement and consequent injection of resources, as the need to rebuild the police in Basra in the next six months remains urgent.”¹³⁵³

The US takes over SSR tasks in the South

1479. Lt Gen Houghton met Gen Petraeus on 25 April.¹³⁵⁴ They discussed force levels and tasks for UK and US forces in MND(SE) and agreed the following division of SSR tasks:

- The UK would provide:
 - MiTTs for the Basra Operations Centre;

¹³⁵² Minute White-Spunner to CJO, 10 April 2008, ‘GOC MND(SE) Weekly Letter – 10 April 2008’.

¹³⁵³ Minute White-Spunner to CJO, 17 April 2008, ‘GOC MND(SE) Weekly Letter – 17 April 2008’.

¹³⁵⁴ Minute Houghton to PSO/CDS, 26 April 2008, ‘CJO – Gen Petraeus Meeting 25 Apr 08’.

- MiTTs of 14th Division with supporting Quick Reaction Forces; and
- the Naval Transition Team.
- The US would provide:
 - MiTTs of 10th Division;
 - border security; and
 - IPS reform/retraining.

1480. On 1 May, Mr Brown met Gen Petraeus and agreed that the key remaining UK task on SSR would be the preparation of 14th Division to be operational by the end of the first quarter of 2009.¹³⁵⁵ Once that task was complete, the UK would consider its mission complete.

1481. On 2 May, Mr Simon McDonald, Mr Brown's Foreign and Defence Policy Adviser, warned Mr Brown:

"We'll need to think about how we assess 14th Division's readiness; we do not want to leave this solely to the US; they may be tempted to use that responsibility to delay us."¹³⁵⁶

1482. On 5 June, the JIC Assessment of the ISF judged:

"In Basra, even with coalition mentors, the ability of 14th Army Division to fully maintain security once Jaysh al-Mahdi (JAM) fighters return is uncertain, without the continued support of reinforcements from 1st and 7th Divisions (which are likely to be called on to support other operations in Sadr City and Maysan)."¹³⁵⁷

1483. On 13 June, Maj Gen White-Spunner reported that development of 14th Division was likely to take until April 2009.¹³⁵⁸ He stated that, in December, there would be a complete US military police battalion in Basra which, together with the Joint Security Stations, he believed would lead to a "slow improvement in police performance".

1484. NSID(OD) met on 15 July and discussed the future strategy for the UK in Iraq.¹³⁵⁹ It was suggested that beyond April 2009 the "remaining military tasks" that would "resemble normal defence co-operation" were:

- continuing the "small scale" mentoring for 14th Division's Headquarters;
- training the Iraqi Navy; and
- supporting officer training.

¹³⁵⁵ Minute White-Spunner to CJO, 2 May 2008, 'GOC MND(SE) Weekly Letter – 1 May 2008'.

¹³⁵⁶ Email Fletcher to Brown, 2 May 2008, 'Iraq Troop Numbers – Note from Simon'.

¹³⁵⁷ JIC Assessment, 5 June 2008, 'Iraqi Security Forces: More Able, Less Challenged'.

¹³⁵⁸ Minute White-Spunner to CJO, 13 June 2008, 'MND(SE) Weekly Letter – 13 June 08'.

¹³⁵⁹ Minutes, 15 July 2008, NSID(OD) meeting.

1485. On 22 July, Mr Brown made a statement to Parliament on the future strategy for Iraq, as described in Section 9.7.¹³⁶⁰ He stated that, in response to “changing needs”, the UK had now embedded more than 800 UK personnel within the Iraqi command structure. He continued:

“The focus of the 4,100 forces still in southern Iraq is now on completing the task of training and mentoring the 14th Division of the Iraqi Army in Basra ... Other remaining military tasks ... include ... continuing to develop the capacity of the Iraqi navy and marines ...”

1486. On 19 August, Mr Nigel Haywood, the British Consul General in Basra, wrote that the first US police training teams had deployed in Basra.¹³⁶¹ Their first impression of the IPS had been “positive”.

1487. On 26 August, Mr Haywood reported a “milestone”: “the first visit downtown in civilian vehicles (albeit armoured Land Cruisers with a Mastiff escort), and also the first visit to the Governor’s office, for nearly two years”.¹³⁶² Mr Haywood wrote that that showed the UK’s confidence in the ISF, although acknowledged “we will be able to demonstrate greater confidence, when we are able to travel in civilian vehicles without a UK military escort”.

1488. Mr Haywood reported that police training continued and had enabled the IPS to produce a “Policing Plan for 09/10”. Forensic training also continued and a two-week residential course had begun “introducing experienced IPS trainers to leadership development to help them run new courses” later in 2008.

1489. Mr Haywood also said that the contract to build the new Basra Central Prison had been signed “after weeks of delay”. It was due for completion in a year.

1490. In his evidence to the Inquiry, Mr Haywood described policing support at that time as “community policing, use of forensic evidence, building up forensic laboratories”.¹³⁶³ He said:

“Arguably, those weren’t what was immediately needed in the period post-Charge of the Knights, but it laid the groundwork for now what is becoming an increasingly good policing system. If that hadn’t happened, then there would have been nothing to build on.”

1491. In a video conference on 11 September, Mr Brown told President Bush that training of Iraqi forces in Basra was “going well” and that the UK would “finish the job”.¹³⁶⁴

¹³⁶⁰ House of Commons, *Official Report*, 22 July 2008, columns 660-679.

¹³⁶¹ eGram 32273/08 Basra to FCO, 19 August 2008, ‘Basra: Weekly Report – 19 August’.

¹³⁶² eGram 33105/08 Basra to FCO, 26 August 2008, ‘Basra: Weekly Report – 26 August’.

¹³⁶³ Public hearing, 7 January 2010, page 27.

¹³⁶⁴ Letter Catsaras to Gould, 11 September 2008, ‘Prime Minister’s VTC with US President, 11 September’.

1492. On 18 September, a JIC Assessment stated:

“Locally raised army units in the South will continue to need coalition mentors and to operate alongside more experienced Iraqi forces to manage security for the rest of this year. By early 2009, provided JAM remains quiescent, they will be able to cope with only limited MNF mentoring ... In the unlikely event of a widespread return to violence we would expect local units to call for reinforcement by more experienced Iraqi forces in the first instance. But they might ultimately still need to call on MNF for specialist assistance.”¹³⁶⁵

1493. On police effectiveness, the JIC Assessment stated:

“Interior Minister Boulani has taken steps to address police ineffectiveness. However, despite an increase in MNF mentors and better vetting of police recruits, we expect militia loyalty and corruption in the local police to remain serious problems [...] The Army will have to retain overall responsibility for security for at least the next few years.”

1494. Mr John Hutton, the Defence Secretary, visited Iraq in October.¹³⁶⁶ In a letter to Mr Brown, he wrote:

“The Iraqi Security Forces (ISF), the Army in particular, are looking confident and capable. Their show of force in the areas which I visited, where they took the lead in providing my security, was genuinely impressive. There is no doubt that Basra itself has been transformed and the ISF now have complete freedom of movement throughout the city. While they do not yet have all the capabilities that we would like to see in a fully-formed Division, and there is important work still to do, we will soon have reached the point where we can say with confidence that we have fulfilled our training mission for 14 Division ...”

1495. On 16 December, the British Embassy Office Basra reported that the US military police teams and IPAs had almost reached full deployment.¹³⁶⁷ That was followed by the deployment of US Border Transition Teams and Port of Entry Transition Teams in January.¹³⁶⁸

1496. The UK police mission continued to deliver training in community-based policing and forensics throughout 2009.¹³⁶⁹ A review of UK support to the IPS was undertaken in November 2009 and recommended that the programme be closed at the end of the financial year. The police mission in Basra was commended as a “politically useful” extension of the Consulate staff.

¹³⁶⁵ JIC Assessment, 18 September 2008, ‘Iraq: Security in the South’.

¹³⁶⁶ Letter Hutton to Brown, 23 October 2008, [untitled].

¹³⁶⁷ eGram 49767/08 Basra to FCO, 16 December 2008, ‘Iraq: Basra Weekly Update – 16 December’.

¹³⁶⁸ Report Salmon, 15 May 2009, ‘COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE) Post Operational Report (POR)’.

¹³⁶⁹ Paper Stabilisation Unit [junior official] and Howlett-Bolton, 27 November 2009, ‘Review of the support to the Ministry of Interior and Iraqi Police Service Programme’.

Training of 14th Division completed

1497. On 27 March 2009, a junior official informed Mr Brown that 14th Division was considered to be effective and that all UK mentors and trainers had been withdrawn.¹³⁷⁰

1498. In his post-operation tour report on 15 May, Major General Andrew Salmon, GOC MND(SE) from August 2008 until March 2009, assessed:

“There was considerable adaptation seen from our MiTTs who, given the circumstances, did a great job. But this is a specialist game where maturity, linguistic and teach, coach and mentor skills are required. A great MiTT made a huge difference and enabled civil capacity; poor ones made little progress. Much of this is down to training and selection, like the USMC [US Marine Corps] who provide the benchmark. Our soldiers and officers also tend to approach their tasks through the lens of the enemy as opposed to the lens of the people. We have much to learn from our American colleagues ... It was noticeable that US MiTTs were much better prepared than ours.”¹³⁷¹

1499. Maj Gen Salmon wrote that the decision to enable some UK MiTT elements to travel in Iraqi Army vehicles “was a defining decision – pivotal in establishing trust and building meaningful relationships at the tactical level”. There was “no doubt that the (accurate or otherwise) US tactical perception of UK casualty aversion ha[d] been a negative factor in coalition cohesion over the past 12 months”:

“Basra has arguably progressed from anarchy to democracy in 12 months. The militias have been defeated and residual insurgent activity is limited and cellular in nature. There is widespread recognition of the Rule of Law, with judicial processes being developed to meet the need of a democratic society. To all intents, 14th Division has met the MNSTC-I mandated requirement of ORA 2 [Operational Readiness Assessment level 2 – see Box, Provincial Iraqi Control], under British tutelage. In terms of wider Basrawi security, policing and border security have improved considerably. Collectively, the ISF conducts intelligence-led coordinated operations supported by an integral IO capability. The harmonisation of the ISF requires further work but has improved markedly ... UK Defence can withdraw from Iraq having delivered on its promises and with its professional reputation intact.”

SSR in Maysan province

1500. Mr Tansley provided some background about Maysan province in his 6 December 2005 eGram:

“Maysan has long had the reputation for being lawless and separate from the rest of Iraq. During Saddam Hussein’s time, more than 20,000 soldiers were permanently

¹³⁷⁰ Minute Cabinet Office [junior official] to Prime Minister, 27 March 2009, ‘Iraq: Update’.

¹³⁷¹ Report Salmon, 15 May 2009, ‘COMUKAMPHIBFOR OP TELIC 12/13 (HQ MND(SE)) Post Operational Report (POR)’.

deployed in the province in an attempt to subdue it. The locals claim that they, rather than coalition forces 'liberated' Maysan in 2003, and this helped explain the higher levels of hostility to MND(SE) than elsewhere in the region."¹³⁷²

1501. In his evidence to the Inquiry, Lt Gen Shirreff said:

"Maysan had always been a very difficult province. There was effectively no security at all where MNF were concerned."¹³⁷³

1502. On 9 July 2004, Commander Kevin Hurley, UK Senior Police Adviser Iraq (South), reported that the Governor of Maysan province, Governor Riyadh, had been "implicated" in the shooting of the local Chief of Police.¹³⁷⁴ Cdr Hurley wrote that the Governor's continued tenure was "a potential challenge to not only the development of a wholesome policing ethic but also that of the wider democratic process".

1503. On 24 July, Mr Collis reported that Maysan province was fragile and stuck in "political stagnation".¹³⁷⁵ Although Prime Minister Allawi had suspended Governor Riyadh, the Governor refused to acknowledge it and continued in his role. Mr Collis attributed the "bad" economic situation to "35 years of neglect and the overnight loss of its previous principal employer, the old Iraqi Army". The deployment of police mentors was "likely to be problematic on security grounds".

1504. By 28 July, Mr Collis wrote that the situation had "worsened".¹³⁷⁶ A suspension letter issued from Baghdad had been sent through low-level police channels, rather than from Prime Minister Allawi, meaning Governor Riyadh either had not seen the instructions, or was ignoring them. The Governor's behaviour was causing concern for some Council members and Mr Collis predicted that, without further action, he would "continue to undermine those he sees as rivals and the scope for violence w[ould] rise".

1505. On 3 September, Mr Collis wrote that a cease-fire was agreed between the local Office of the Martyr Sadr (OMS) leadership, the IPS and ING on 2 September and a declaration was signed.¹³⁷⁷ Key points included a commitment to resolution 1564 (2004) (allowing MNF freedom of movement whilst undertaking reconstruction work and IPS training), and the IPS being given "the responsibility of upholding security".

1506. Mr Collis wrote that Maysan was still without an effective Governor. The Governorate Council was incapable of electing a replacement as a result of intimidation from Governor Riyadh's brother, the tribal leader Mr Abu Hatim ("Prince of the Marshes").

¹³⁷² eGram 20021/05 Basra to FCO, 6 December 2005, 'Iraq: Visit to Maysan Province'.

¹³⁷³ Public hearing, 11 January 2010, page 3.

¹³⁷⁴ Report Hurley, 9 July 2004, 'Reporting to 5th July 04/Senior Police Advisor [sic] Iraq (South)'. In May 2004, the Police Chief of Majar al-Kabir was shot and killed (Fairweather J, *A War of Choice: The British in Iraq 2003-9*, Jonathan Cape, 2011).

¹³⁷⁵ Telegram 86 Basra to FCO, 24 July 2004, 'Iraq: Visit to Maysan'.

¹³⁷⁶ Telegram 90 Basra to FCO, 28 July 2004, 'Iraq: Position of the Governor of Maysan Province'.

¹³⁷⁷ Telegram 141 Basra to FCO, 3 September 2004, 'Maysan – Update'.

1507. On 21 September, Mr Collis reported that Governor Riyadh had been exonerated by a Baghdad court but the circumstances surrounding his exoneration were unclear.¹³⁷⁸ Mr Abu Maythem, Chief of Police, had taken “one look at the letter exonerating Riyadh, declared it a forgery and repeated his desire for justice to be served”. While Mr Maythem agreed “the current situation was calmer than for a while”, he “believed fighting would start up again soon”.

1508. Mr Hatim looked most “likely to come out on top of this struggle”, appearing to have “purged” the Council of anyone who opposed him and “worn down any opposition in Baghdad to acquitting his brother”. There was “no sign” of General Rashash, Prime Minister Allawi’s Security Co-ordinator, and Mr Maythem “appeared quite unaware” of his appointment.

1509. On 26 September, Mr Davies reported that as part of a deployment of 38 ArmorGroup contractors, three contractors were deployed to Maysan to develop criminal intelligence capability and mentor the TSU.¹³⁷⁹ Mr Davies also reported that the location of the police in Maysan had “received some rocket and mortar fire during the week”.

1510. On 15 October, Mr Collis stated that the security situation in Maysan remained “superficially quiet” following the cease-fire, with “no serious attacks against the MNF for several weeks”.¹³⁸⁰ The political struggle, however, continued. There had been a series of high-profile murders and the perpetrators were unknown. Governor Riyadh had used the opportunity to criticise Mr Maythem for failing to prevent the murders. The fall-out from Mr Hatim’s ‘purge’ of the Council rumbled on. Mr Collis concluded:

“Maysan remains a sorry mess and a standing indictment of the new Iraq’s (and our) failure to grip its linked problems of tribal warlordism, Iranian meddling, corruption and extremism.”

1511. On 24 October, the Chief of Police, who was being mentored by DCC White, was murdered in al-Amara as he exited a mosque.¹³⁸¹ Following that, a police committee was established, with UK and Danish support, to oversee policing, including the selection of a new Chief of Police.

1512. Following a visit to Maysan province on 10 February 2005, Mr Collis wrote:

“Real progress has been made in Maysan, although none of it is irreversible and we need to ensure adequate resources are in place to maintain SSR and reconstruction momentum. UK forces have turned round a difficult environment. Their security presence is robust, but welcomed by the local population ... The province looks to be an early candidate for a reduced MNF-I presence, with only a back-up role in security. Our planned increase in police mentoring is essential to maintaining

¹³⁷⁸ Telegram 153 Basra to FCO, 21 September 2004, ‘Southern Iraq: Maysan’.

¹³⁷⁹ Minute Davies, 26 September 2004, ‘Ministry of Interior – Weekly Report Number: 46’.

¹³⁸⁰ Telegram 171 Basra to FCO, 15 October 2004, ‘Southern Iraq: Peace and Politics in Maysan’.

¹³⁸¹ Public hearing, 21 July 2010, page 52.

momentum. There are currently very few attacks on local security forces; the small number of rejectionists continue to target MNF-I. The absence of pressure from the local population, or their leaders, for early withdrawal was striking.”¹³⁸²

1513. On 21 February, the FCO strategy for support to policing in Iraq in 2005 noted that the GCPP had approved additional funding to ArmorGroup to allow mentoring to be undertaken in Maysan.¹³⁸³

1514. By April, 20 ArmorGroup contractors were deployed under the co-ordination of a UK police Chief Inspector.¹³⁸⁴ They were supported by four CPATT mentors.

1515. The FCO produced an IPS Transition Plan on 7 September.¹³⁸⁵ It stated that 57 percent of the IPS in Maysan had completed basic training and 93 percent had undertaken other specialist training. The FCO judged that training was “largely on track” and “transition targets should be met if co-operation continues”.

1516. On 10 October, Mr Wheeler produced an update of policing in each of the four MND(SE) provinces.¹³⁸⁶ On Maysan, he said:

“The lack of co-operation by the Chief of Police has had a particularly detrimental effect on what we have been able to achieve eg many police stations have still not been visited by PAT. The security situation has constrained the work of PAT, and CPATT and the Royal Military Police have been trying to fill the gap. And IPS/militia affiliation is considerable eg there have been instances of IPS complicity in attacks on MNF forces. The Chief of Police has been unwilling to be mentored. Very recently he has withdrawn his students and instructors from the training programme, claiming that ArmorGroup are not up to the job ... Abuse of prisoners is still occurring ... The PJOC is fully equipped, but there is disagreement between the IPS, the Iraqi Army and the Governor on its role ...”

1517. Mr Tansley visited Maysan from 2 to 3 December.¹³⁸⁷ He reported that the area “belie[d] its reputation” for being “lawless”. It had been “relatively peaceful in recent months” with a lower number of attacks on MND(SE) than in Basra, and no attacks on the ISF since November. Despite that, Mr Tansley reported that the threat remained “relatively high”. He wrote:

“... beneath the surface there is an underlying tension. Unlike in neighbouring Dhi Qar, the (relative) stability depends on an uneasy balance of power between the Badrists and Sadrists, rather than co-operation. The potential for the situation to deteriorate quickly remains.”

¹³⁸² Telegram 24, Basra to FCO, 10 February 2005, ‘Iraq: Visit to Maysan Province’.

¹³⁸³ Note FCO, 21 February 2005, ‘Iraq – UK Support to Civil Policing in Iraq – 2005’.

¹³⁸⁴ Report Smith, 15 May 2005, ‘Next Steps on Policing – Review’.

¹³⁸⁵ Letter FCO [junior official] to Cabinet Office [junior official], 7 September 2005, ‘Iraqi Police Service Transition Plan for Southern Iraq’ attaching Paper Consulate Basra, 7 September 2005, ‘Southern Iraq: Iraqi Police service – Transitional Plan’.

¹³⁸⁶ Telegram 15268/05 Basra to FCO London, 10 October 2005, ‘Update on Reform of the Iraqi Police Service in Southern Iraq’.

¹³⁸⁷ eGram 20021/05 Basra to FCO, 6 December 2005, ‘Iraq: Visit to Maysan Province’.

1518. A 'Transitional Plan Update' issued from Maysan on 27 December stated that the proportion of recruits who had completed basic training had risen to 70.5 percent, in line with the 2005 training target.¹³⁸⁸

1519. On 20 January 2006, Mr Tansley provided an update on the readiness of Maysan for handover to Iraqi control.¹³⁸⁹ It stated that the Iraqi Army was of "adequate standard" though suffered from logistical issues; the DBE was "inadequate in size (7,000)" but was "judged to be acting effectively"; and reform of the police was "going well" despite a 100 percent growth in numbers (due to an MOI employment generation initiative) and militia (mainly Badr) affiliation.

1520. In his review of UK support to policing in Iraq on 31 January (described earlier in this Section), Sir Ronnie Flanagan concluded that Maysan province should "be capable of moving to Operational Overwatch at the earliest opportunity".¹³⁹⁰

1521. On 28 February, Captain Richard John Holmes and Private Lee Ellis were killed in an IED attack in a joint Snatch and Warrior vehicle convoy in al-Amara.¹³⁹¹

1522. At a meeting between MNF representatives and the Chief of Police on 2 March, it was agreed that such attacks should not be seen as a way of prising the relationship between the ISF and MNF apart.¹³⁹²

1523. The Chief of Police had also reported difficulties with the Head of the OMS in Maysan who "wanted to commit acts of terror, but the Governor was trying to keep a lid on the strife". It was thought that extremist elements were "attempting to gain kudos and standing in the community" by attacking the MNF.

1524. Dr Howells visited Iraq in March. An FCO briefing pack for his meeting with the Muthanna and Maysan Chiefs of Police stated that the proportion of trained police in Maysan had increased to 86 percent.¹³⁹³ Security conditions were "less favourable" than in Muthanna but a continued coalition presence could be "counter-productive". UK support for the province at this time comprised 17 ArmorGroup police advisers, one police officer and one prison adviser.

1525. The UK's overall support was 95 police advisers in MND(SE) and Baghdad, 57 trainers in Jordan, six prison advisers, one justice adviser and three EU JustLex courses. The US contribution was 247 police trainers Iraq-wide, 66 JIPTC trainers, 70 prison advisers, and, justice advisers (no number given).

¹³⁸⁸ Report, 27 December 2005, 'Iraqi Police Service – Transitional Plan Update'.

¹³⁸⁹ eGram 1266/06 Basra to FCO London, 20 January 2006, 'Iraq: Military Transition in Maysan and Muthanna'.

¹³⁹⁰ Report Flanagan, 31 January 2006, 'An Assessment of the UK's Contribution to Security Sector Reform (Policing) in Iraq'.

¹³⁹¹ GOV.UK, 1 March 2006, *Captain Richard Holmes and Private Lee Ellis killed in Iraq; BBC News*, 1 March 2006, *Troops in Iraq blast named*.

¹³⁹² Note MOD [junior officer], [undated], 'Meeting with Maysaan Chief of Police – Thursday 2nd March 2006'.

¹³⁹³ Minute Mortimer, March 2006, 'Briefing for the Visit of the Muthanna and Maysan Chiefs of Police to Dr Kim Howells, 6 March 2006, 17.00'.

1526. The FCO briefed Dr Howells on concerns about over-recruiting Iraqi police. In Muthanna, there was estimated to be three times as many officers as the sanctioned 1,960. In Maysan, staffing levels were twice the 4,000 agreed by MNF-I. Those units sat “almost entirely outside” existing training programmes for the IPS.

1527. On 24 August, the UK military vacated Camp Abu Naji on the outskirts of al-Amara in Maysan and handed it over to the Iraqi Army.¹³⁹⁴ Shortly afterwards the base was looted, with reports that the Iraqi Army at best allowed the looting but may have been directly involved.

1528. On 26 October, Maj Gen Shirreff reported that there was significant fighting in al-Amara:

“Al-Amara and the fighting between JAM and the IPS, has dominated events this week. Nevertheless, despite the media images of burning buildings, destroyed police vehicles and black-clad militiamen with slung RPGs [Rocket Propelled Grenades], the news is not all bad. Events were kicked off with the killing of the (Badr) Head of the Criminal Intelligence Unit by JAM, resulting in the arrest (and subsequent killing) of the brother of the leader of Amara JAM by the IPS. In response JAM attacked the Badr dominated IPS. In the ensuing street battles on 19-20 Oct around 20 people were killed, scores injured, dozens of police cars destroyed and several buildings damaged. Despite all this, the response by both the IA and the Iraqi Government gives ground for optimism.”¹³⁹⁵

1529. Maj Gen Shirreff reported that the 10th Division had responded by deploying large numbers of troops rapidly and the Government had sent a delegation from Baghdad to negotiate a cease-fire. MNF assets had been used to show force and provide situational awareness. Maj Gen Shirreff reported that the incident had “tempered” assessments of Maysan’s readiness for security transition.

1530. The cease-fire held into the following week but there were reports of police being murdered in their homes.¹³⁹⁶

1531. On 8 December 2006, a junior FCO official emailed Mr Asquith to say that the MND(SE) Strategy Group had agreed Maysan should be reinstated as a candidate for transition in January 2007.¹³⁹⁷ Mr Asquith was asked to encourage Dr Rubaie to “press hard” for this at MCNS.

1532. On 10 December, Mr Asquith responded:

“MND(SE) have just assessed Maysan as Amber (so even the most ardent transitioners aren’t pushing); the Chief of Police is refusing to step down;

¹³⁹⁴ Minute Shirreff, 31 August 2006, ‘GOC MND(SE) – Southern Iraq Update – 31 August 2006’.

¹³⁹⁵ Minute Shirreff, 26 October 2006, ‘GOC MND(SE) – Southern Iraq Update – 26 October 2006’.

¹³⁹⁶ Minute Everard, 2 November 2006, ‘GOC MND(SE) – Southern Iraq Update – 2 November 2006’.

¹³⁹⁷ Email FCO [junior official] to Asquith, 8 December 2006, ‘IPU Priorities’.

Badr/JAM (or tribes – that we don't really know which is symptomatic of the lack of clear knowledge on the ground) threaten to shape up for another bout; Iranian angle (I'll leave it at that) likely to become hot from early Jan with obvious risks for Maysan (and, indeed Basra); and there is an ESC [Emergency Security Committee] still in place ... To argue forcefully for Maysan to transition in these circumstances strikes me as a touch Nelsonian. Or did Strategy Group take all these factors into account when deciding we should get [Dr] Rubaie to 'press hard' at MCNS next week?"¹³⁹⁸

1533. On 25 January 2007, Mr Asquith reported that the MNF were unable to visit police stations in the centre of town, and relied on police to meet them on the city perimeter.¹³⁹⁹

1534. On 14 March, the British Embassy Office Basra reported that it was continuing to push that Maysan was ready for transition: "Our approach with the US – that Maysan is not perfect, but it is good enough – appears to be working."¹⁴⁰⁰ Prime Minister Maliki had disbanded the Emergency Security Committee on 7 January and "sacked" the Chief of Police Mr Maythem, replacing him with General Hassan.

1535. The Embassy stated that there was "a lot of anecdotal evidence of arms smuggling" across Maysan's border, and "regular press reports of arms smuggling and militants crossing", but no "concrete evidence". The local Chief of the DBE was "weak" and the MOI was "looking to replace him". While there had been attempts to close the border and improve infrastructure, the Iraqi Government was concerned about the potentially negative impact on the local economy. MND(SE) would continue patrolling the border after transition. The Embassy stated:

"The border issue will not be easily solved; it is a source of wealth as well as weapons."

1536. On 3 May, Mr Sheinwald reported to Mr Blair that ACM Stirrup saw no utility in the Maysan border-monitoring role.¹⁴⁰¹ It was not preventing incoming arms, nor acting as a deterrent. However, ACM Stirrup did not want to "make an early move", given US sensitivities in relation to Iran.

1537. On 4 April, the Iraqi Government announced that Maysan would transfer to PIC on 18 April.¹⁴⁰²

1538. In his evidence to the Inquiry, Maj Gen Shaw described the reason for the decision to transfer Maysan to PIC at that time:

"What happened in Maysan was not that there was any blinding flash of new security, but, rather, that the situation in Maysan had been stable for long enough, in

¹³⁹⁸ Email Asquith to Casey, 10 December 2006, 'IPU Priorities: Maysan/Basra Port'.

¹³⁹⁹ eGram 3125/07 Baghdad to FCO London, 25 January 2007, 'Iraq: Basra: Handling the US'.

¹⁴⁰⁰ eGram 10299/07 Basra to FCO, 14 March 2007, 'Maysan: Getting to Provincial Iraqi Control'.

¹⁴⁰¹ Minute Sheinwald to Prime Minister, 3 May 2007, 'Iraq'.

¹⁴⁰² eGram 14083/07 Baghdad to FCO London, 4 April 2007, 'Government of Iraq Announces Transition in Maysan'.

the sense that the rough coalition of JAM, or the accommodation that JAM and Badr seemed to have made there seemed to look reasonably steady and it was as good as it was ever going to get, and, therefore, the decision was made to give it PIC on the basis, not that that handed it over to the militia, but actually that it was as good as it was going to get ...”¹⁴⁰³

1539. On 19 April, Mr Richard Jones, the British Consul General in Basra, reported that, at the transfer ceremony for PIC, Dr Rubaie had described the transition as “another expression of Iraqi will”.¹⁴⁰⁴

1540. Mr Jones wrote that the handover was immediately overshadowed by an IED attack in the north-west of the province which had left two UK soldiers dead¹⁴⁰⁵ and one seriously injured. He concluded:

“As we have reported ... Maysan has always been a tough, lawless place. The question is whether the broad local balance can continue. It has held pretty well since the de facto withdrawal of coalition forces (apart largely from the border) and the violence last Ramadan.”

1541. Maj Gen Binns, in his evidence to the Inquiry, recalled ongoing concerns about post-PIC border infiltration:

“[Lt Gen Odierno] ordered me to conduct operations on the border with Iran in order to disrupt the flow of what he described as lethal aid ... He was concerned about the border crossing points and he was concerned about infiltration through the marsh area in Maysan province.

“So from September onwards, we started to conduct a series of operations which became known as Operation CERTAIN SHIELD into the border area.

“I think they may have been effective as a deterrence, but we didn’t find anything ...”¹⁴⁰⁶

1542. Maj Gen Binns went on to reflect that capacity-building was a useful area on which to focus:

“... a good way of achieving what we needed to achieve was to develop the capabilities of the Department of Border Enforcement ... So we improved our relationship with them.”

UK police officer numbers 2003 to 2009

1543. As with civilian personnel (described in Section 15.1), there was no single continuous record for the number of UK police officers deployed to Iraq. How numbers were recorded varied considerably in relation to:

¹⁴⁰³ Public hearing, 11 January 2010, page 22.

¹⁴⁰⁴ eGram 16055/07 Basra to FCO, 19 April 2007, ‘Maysan: Under Provincial Iraqi Control’.

¹⁴⁰⁵ Corporal Ben Leaning and Trooper Kristen Turton.

¹⁴⁰⁶ Public hearing, 15 January 2010, page 29.

- how a 'police officer' was defined – some definitions included retired officers and MOD police officers, others did not; and
- the way in which numbers were counted – some counted the posts in place regardless of whether an officer occupied it at the time, others did not.

1544. Table 6 contains a broad estimate of the number of UK police officers deployed to Iraq between 2003 and 2009. Because of the limitations of the source material and the variety of sources used, the numbers quoted are approximate and, in some cases, are inconsistent with other material. The explanatory notes provide the reader with helpful background information on how the numbers have been calculated. In some cases, the Inquiry has made assumptions in the figures about the continuation of posts based on preceding or subsequent evidence.

Table 7: Estimated number of police officers deployed to Iraq 2003 to 2009

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
July 2003	4 ¹⁴⁰⁷			DCC Brand in Baghdad and DCC White in Basra. DCC White was accompanied by two MOD police officers.
October 2003	10 ¹⁴⁰⁸			6 MOD police officers were deployed to Baghdad for various roles including helping to establish the Joint Co-ordination Cell and supporting the Baghdad Police Academy.
November 2003	10	46 ¹⁴⁰⁹		Including 36 police officers who were deployed to Jordan to conduct police training.
December 2003	34 ¹⁴¹⁰	70		Including 24 police officers who were deployed to az-Zubayr Academy in Basra to conduct police training.
January 2004	34	106 ¹⁴¹¹		An additional 36 officers were deployed to Jordan.

¹⁴⁰⁷ Statement Brand, 29 June 2010, page 1; Statement White, 30 June 2010, page 1.

¹⁴⁰⁸ Letter Lee to Clarke, 18 February 2004, 'Deployment of MDP Officers to Iraq'.

¹⁴⁰⁹ Letter Owen to Rycroft, 18 December 2003, 'UK Contribution to Iraqi Police Training'.

¹⁴¹⁰ Report ISSU [FCO], 2 March 2004, 'Security Sector Reform – UK Contribution'; Statement White, 30 June 2010, page 36.

¹⁴¹¹ Annotated Agenda, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting; Report ISSU [FCO], 2 March 2004, 'Security Sector Reform – UK Contribution'.

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
March 2004	43 ¹⁴¹²	116		Figures based on: 2 senior officers 73 officers in Jordan 24 officers at az-Zubayr 5 PSNI officers about to deploy to Basra 11 MOD officers 1 officer in Baghdad
September 2004	43 ¹⁴¹³	98	138	Figures based on: 2 senior officers 23 officers at az-Zubayr 6 officers – a combination of PSNI and MOD officers 40 IPAs ArmorGroup 12 officers in Baghdad 55 officers in Jordan
October 2004	46 ¹⁴¹⁴			Comprising: 11 officers helping in the MOI 6 mentoring senior police in Basra 21 at az-Zubayr 5 at Baghdad Police Academy The Inquiry has added 2 senior officers and a staff officer to the total. It appears from subsequent documents that those posts were consistently held during this time.
November-December 2004	44 ¹⁴¹⁵ (only 25 confirmed – see notes)			Comprising: 14 at az-Zubayr (down from 19 but with the desire to recruit more) 11 PSNI posts The Inquiry has added 2 senior officers, a staff officer, and 16 officers (that were based in Baghdad). It appears from subsequent documents that those posts were consistently held during this time.

¹⁴¹² Minute Owen to ISSU [junior official], 8 March 2004, 'Iraq: Contracting of Police Monitors' attaching Minute ISSU [junior official] to Buck and PS [FCO], 3 March 2004, 'Iraq: Contracting of Police Monitors'.

¹⁴¹³ Statement Asquith, 11 July 2010, 'The British Contribution to the Development of Iraqi Police Capabilities, 2004-6'.

¹⁴¹⁴ Minute Owen to Crompton, 12 October 2004, 'Iraq: Police Service' attaching email Davies to Owen, 6 October 2004, 'The Iraqi Police Service'.

¹⁴¹⁵ Teleletter Hayward to Dodds, 5 November 2004, 'Southern Iraq: Civilian Police'.

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
February 2005		104 ¹⁴¹⁶	144	There were 86 officers training the IPS but it is not clear where they were based. In addition there were: 6 officers mentoring senior police officers. 12 officers working on specialist capabilities. 40 IPAs ArmorGroup
May 2005	47 ¹⁴¹⁷	105	More than 187	Comprising: CPA-I DCC and staff officer 11 officers in Baghdad (UK funded) 8 officers in Basra with 10 ArmorGroup officers in support. 70+ ArmorGroup in provinces 21 in az-Zubayr plus 2 ArmorGroup officers 58 in Jordan The Inquiry has added 5 officers to reflect training posts in Baghdad that appeared consistent around that time.
November 2005 (although data from 18 Oct)	47 ¹⁴¹⁸			Comprising: CPA-I DCC and staff officer 13 officers in Baghdad (+4 ArmorGroup) 5 at Baghdad Training Academy 11 officers in Basra (+5 ArmorGroup and 1 military) 16 officers at Shaibah
December 2005	35 ¹⁴¹⁹			Comprising: CPA-I DCC and staff officer 10 officers in Baghdad (+13 ArmorGroup) 5 at Baghdad Training Academy 11 officers in Basra (+5 ArmorGroup and 1 military) 7 officers at Shaibah plus a civilian

¹⁴¹⁶ Note FCO, 21 February 2005, 'Iraq – UK Support to Civil Policing in Iraq – 2005'.

¹⁴¹⁷ Report Smith, 15 May 2005, 'Next Steps on Policing – Review'.

¹⁴¹⁸ Paper Smith, 20 November 2005, 'Next Steps on Policing – Review'.

¹⁴¹⁹ Minute Smith, 25 December 2005, 'Weekly Report'.

Period	Estimated total			Notes
	Iraq	Iraq and Jordan	Including known ArmorGroup posts	
February 2006	32 ¹⁴²⁰			Comprising: CPA-I DCC (staff officer post to be subsumed into another role from March) 7 officers in Baghdad (+14 ArmorGroup) 5 at Baghdad Training Academy 11 officers in Basra 7 at Shaibah
August 2006	23.5 ¹⁴²¹		169.5	
January 2007 (projected)	19 ¹⁴²²			Comprising: 1 ACC and Staff Officer 11 officers in Basra 6 officers in Baghdad ArmorGroup numbers said to reduce to '39/40' in February.
April 2007	12 ¹⁴²³		48	
July 2007	17 ¹⁴²⁴		49	
November 2007	11 ¹⁴²⁵		29	
February 2008	5 ¹⁴²⁶		11	
March 2008 – April 2009	14 ¹⁴²⁷			

¹⁴²⁰ Minute Smith, 19 February 2006, 'Weekly Report'.

¹⁴²¹ Report Barton, August 2006, 'The window of opportunity'.

¹⁴²² Paper Donnan, 30 December 2006, 'Shaping the CivPol Mission – Iraq 2007'.

¹⁴²³ Minute Colbourne, 15 April 2007, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.

¹⁴²⁴ Minute Colbourne, 16 July 2007, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.

¹⁴²⁵ Minute Colbourne, 20 November 2007, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.

¹⁴²⁶ Minute Colbourne, 24 February 2008, 'Bi-Weekly Report of the Chief Police Adviser in Iraq'.

¹⁴²⁷ Statement Cooper, 29 June 2010, page 1.

SECTION 12.2

CONCLUSIONS: SECURITY SECTOR REFORM

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Introduction and key findings

1. This Section addresses conclusions in relation to the evidence set out in Section 12.1.
2. This Section does not address conclusions in relation to:
 - broader planning and preparation for the conflict in Iraq and its aftermath, which are described in Section 6.5;
 - the decision to remove some members of the Ba'ath Party from public office, a process known as “de-Ba'athification”, which are described in Section 11.2;
 - the UK contribution to the reconstruction of Iraq, which are described in Section 10.4; or
 - the deployment of civilians to Iraq, which are described in Section 15.2.

Key findings

- Between 2003 and 2009, there was no coherent US/UK strategy for Security Sector Reform (SSR).
- The UK began work on SSR in Iraq without a proper understanding of what it entailed and hugely underestimated the magnitude of the task.
- The UK was unable to influence the US or engage it in a way that produced an Iraq-wide approach.
- There was no qualitative way for the UK to measure progress. The focus on the quantity of officers trained for the Iraqi Security Forces, rather than the quality of officers, was simplistic and gave a misleading sense of comfort.
- After 2006, the UK's determination to withdraw from Iraq meant that aspirations for the Iraqi Security Forces were lowered to what would be “good enough” for Iraq. It was never clear what that meant in practice.
- The development of the Iraqi Army was considerably more successful than that of the Iraqi Police Service. But the UK was still aware before it withdrew from Iraq that the Iraqi Army had not been sufficiently tested. The UK was not confident that the Iraqi Army could maintain security without support.

Pre-invasion planning and preparation

What is SSR?

The Organisation for Economic Co-operation and Development (OECD) defines SSR as development work that helps societies to “escape from a downward spiral wherein insecurity, crime and underdevelopment are mutually reinforcing”.¹

In considering the SSR effort in Iraq, the Inquiry’s task was complicated by a lack of clear terminology. That is indicative of the lack of clarity which hampered SSR activities from the start. The term Security Sector Reform was not used in a consistent way, and was sometimes used interchangeably with phrases such as “security system reform” and “Rule of Law”. It was sometimes used to refer solely to police reform or to work to reform the army. The term “Rule of Law” was often used to refer specifically to the justice sector.

The term “Security Sector Reform” (SSR) is used in this Report to refer to work to rebuild and reform Iraq’s security and justice institutions. The evidence available to the Inquiry reflects the UK’s overwhelming focus on the Iraqi Army (IA) and Iraqi Police Service (IPS). Low-budget projects were undertaken in relation to the Iraqi judiciary and prison system (see Box, ‘The justice sector’, later in this Section) but their scale was very small by comparison.

3. Before the invasion, UK Government departments recognised that Security Sector Reform (SSR) would be an important component in reconstructing Iraq.
4. The FCO acknowledged that SSR should be “at the centre of post-conflict work, rather than outside it as happened in Afghanistan”,² and understood that the issues raised by SSR would be complex and should be planned for as soon as possible.
5. Papers on SSR written by the FCO between October and December 2002 demonstrated the range of fundamental questions on SSR in Iraq for which the UK did not yet have answers. They included:
 - “What security structures would be appropriate for a post S[addam] H[ussein] Iraqi Government? How do we arrive at an answer? What are the threats, internal and external? Should we undertake a comprehensive review of the armed forces?”³
 - “How do we replace an excessively large security apparatus with something ‘right sized’? Reform or abolition? Which parts of the security apparatus might be loyal to a new government and which not?”

¹ OECD DAC, *Handbook on Security System Reform*, 2007.

² Paper FCO Middle East Department, 10 December 2002, ‘Iraq: Security Sector Reform’.

³ Letter Gray to Drummond, 18 October 2002, ‘Papers for the AHGI’ attaching Paper, [unattributed], 17 October 2002, ‘Iraq: Security Sector Reform’.

- How to reform the working culture of the security sector, “particularly the police and the courts, so that it operates on the basis of humanitarian values in support of a legitimate government”?⁴
- 6.** Between December 2002 and March 2003, very little progress was made in answering those questions. SSR was not always referred to in consideration of post-conflict operations. Specific plans were not developed for what would be done on the ground.
- 7.** The UK saw a need to understand the US strategy before developing its own. That was consistent with the broad UK approach to post-conflict planning, on which the UK assumed that the US would lead, as addressed in Section 6.5.
- 8.** The UK’s short and medium term objectives for SSR were articulated by the MOD in February 2003. They were defined in very broad terms, with the desired end state: “to include the restructuring of the intelligence agencies, armed forces, police and criminal justice system. All elements of the Security Sector to be affordable and accountable”.⁵
- 9.** From 7 February onwards, responsibility for the UK’s policy on SSR sat with the FCO under the leadership of Mr Jack Straw, the Foreign Secretary, and Sir Michael Jay, the Permanent Under Secretary. From 10 April, Mr Straw also chaired the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR).
- 10.** Two teams in the FCO had a key role in relation to SSR:
- the Iraq Planning Unit (IPU), established to improve Whitehall co-ordination on post-conflict issues and provide policy guidance on the practical questions that UK civilian officials and military commanders would face in Iraq; and
 - the United Nations Department (UND), which would help to identify, train and deploy civilian police to Iraq.
- 11.** The US-led Coalition Military Assistance and Training Team (CMATT) was responsible for the training of the New Iraqi Army. The UK provided nine military officers in June 2003 to assist with that task, one of which was to act as the Deputy Commander of CMATT. It appears from the evidence that, in practice, the MOD led on this aspect of SSR.
- 12.** On the eve of the invasion, there was no coherent SSR strategy in place between Coalition partners. That was described as a “high-level risk”⁶ by the MOD’s Defence Advisory Team.

⁴ Paper FCO Middle East Department, 10 December 2002, ‘Iraq: Security Sector Reform’.

⁵ Paper MOD [unattributed], 5 February 2003, ‘Iraq – Phase IV Subjects’.

⁶ Minute IPU [junior official] to IPU, 18 March 2003, ‘Security Sector Reform: Future Iraqi Armed Forces’ attaching Paper Defence Advisory Team, March 2003, ‘Security Sector Reform: Future Iraqi Armed Forces’.

13. Even though officials had warned that knowledge of conditions within Iraq was incomplete, it was assumed that Iraq would have a functioning criminal justice system and security forces which, after the removal of Ba’athist leadership, would have the capacity to play their part in its reconstruction.

14. It was unclear how the international SSR effort would be co-ordinated and therefore what contribution the UK would make.

Occupation

15. Immediately after the fall of Saddam Hussein’s regime there was widespread looting by the Iraqi population, including in Baghdad and Basra. As described in Section 9.8, UK forces in Basra were not given instructions by their commanders in the UK on how to deal with it.

16. Brigadier Graham Binns, commanding the 7 Armoured Brigade which had taken Basra City, concluded that “the best way to stop looting was just to get to a point where there was nothing left to loot”.⁷

17. As the need for a functioning police force to control lawless behaviour became increasingly apparent, there remained no strategy for SSR.

18. Officials from the Department for International Development (DFID) reported that the Office of Reconstruction and Humanitarian Assistance (ORHA) had drawn up extensive plans for SSR but that those had been disregarded by the US and Coalition military.

19. The UK recognised that an SSR strategy was needed. On 24 April, the AHMGIR agreed that the UK should lobby the US to create a “comprehensive strategy”, and to involve UK personnel in ORHA scoping studies.

20. A paper produced for the AHMGIR on 8 May indicated that the UK’s approach continued to be based on the assumption that “the UK will neither be required nor able to develop an independent policy on SSR in Iraq”.⁸ The UK’s immediate priorities were therefore to influence the development of US policy, recognising that:

“Reform across the full range of security activities (armed forces, intelligence agencies, justice and law enforcement institutions) is an essential element of the overall Coalition strategy to establish a united and representative Iraqi Government and to create the conditions under which the Coalition can eventually disengage.”

⁷ Private hearing, 2 June 2010, page 11.

⁸ Paper IPU, May 2003, ‘Iraq – Security Sector Reform’.

CPA Order No.2: 'Dissolution of Entities'

In May 2003, Coalition Provisional Authority (CPA) Order No.2 "dissolved" a number of military and other security entities that had operated as part of Saddam Hussein's regime, including the Armed Forces. Neither the Iraqi Police Service (IPS) nor the Ministry of Interior (MOI) was dissolved. The UK's role in the development of this Order is addressed in Section 9.8.

There was nothing in CPA Order No.2 that prevented former employees of the military from applying to join the New Iraqi Army (NIA), although the provisions of Order No.1 (removing "full" members of the Ba'ath Party – see Section 11.1) would apply.

Sir David Manning, the Prime Minister's Foreign Policy Adviser and Head of the Overseas and Defence Secretariat, told the Inquiry:

"... these were policies that added to the difficulties, because we might have addressed the security vacuum by trying to encourage Iraqi police, Iraqi military, to co-operate with us, instead of which, they are disbanded and then become natural dissidents and potential insurgents."⁹

Disbanding the Iraqi Army automatically increased unemployment in Iraq.

In November 2003, Mr David Richmond, the Prime Minister's Special Representative on Iraq,¹⁰ reported that issue had dominated discussions during his recent visit to Ar Ramadi, the capital of Anbar Province. He stated that "unemployment had forced many to do illegal acts, including attacks on the Coalition".¹¹ De-Ba'athification had "made it impossible for most of them to be employed by the State. The governor said that 50 percent had joined the Ba'ath Party not out of conviction but because it was a condition of employment; 40 percent for material gain; and only some 10 percent because they supported Ba'athist ideology".

Although a monthly stipend for those with at least 15 years' service (who were not senior Ba'athists) had been introduced at the end of June, many struggled to gain access to the payments. Ms Ann Clwyd, the Prime Minister's Special Envoy to Iraq on Human Rights from 2003 to 2009, told the Inquiry about a meeting with a senior army officer who had queued for his stipend for two weeks without reaching the front of the queue. He had told her: "if they want to humiliate us, this is the way of doing it".¹²

Issuing Order No.2 was a key CPA decision which should have been considered between Washington and London. It was to have a long-term impact on the development of the insurgency in Iraq.

21. A more proactive UK strategy for policing in Iraq – produced by UND and sent to No.10 by Mr Straw – was endorsed by Mr Blair in early June. Its immediate objective was "to stabilise the security situation by creating an effective interim police force with international civilian police working alongside Iraqi police and Coalition military

⁹ Public hearing, 30 November 2009, page 91.

¹⁰ Mr David Richmond was temporarily the Prime Minister's Special Representative on Iraq. In September 2003 (on the arrival of Sir Jeremy Greenstock) Mr Richmond became the Deputy.

¹¹ Teleletter Richmond to FCO London, 23 November 2003, 'Iraq: Sunni Outreach: Visit to Ar Ramadi'.

¹² Public hearing, 3 February 2010, pages 26-27.

forces”.¹³ The strategy’s longer-term objective was “to establish an effective, viable and sustainable police force within a fully functioning security sector”.

22. The initial action would be deployment of “an armed International Police Monitoring Force ... to Baghdad and Basra, to conduct joint patrols with the current Iraqi police force and Coalition military”, requiring 3,000 armed police officers. Once the Iraqi police were considered to have received sufficient initial training, the international presence would shift to a longer-term training focus, eventually taking on a mentoring role. UND suggested agreeing a strategy on how to reform the Iraqi Police Service (IPS) by 14 June and that the international force should be in place by 31 August.

23. The AHMGIR, under Mr Straw’s chairmanship, did not discuss how the strategy would be implemented, or consider inconsistencies with the Coalition Provisional Authority (CPA) plans for police reform, as highlighted by the MOD. The MOD had been in touch with Mr Bernard Kerik, a former New York City Police Commissioner and the CPA Director of Interior Affairs. As a result, the MOD considered that the FCO’s policing strategy was “about three weeks behind the curve”¹⁴ because Mr Kerik did not want an international force – instead he wanted 7,000 trainers. UND suggested maintaining its approach until the US produced a policing strategy.

24. As set out in Section 9.8, the UK struggled to have a decisive impact on CPA policies.

25. In July, responsibilities for SSR within the CPA were divided. Mr Kerik took on responsibility for the Iraqi Ministry of Interior (MOI), including policing, fire, customs, border control, immigration, passports, citizenship and disaster relief. Mr Walt Slocombe, CPA Senior Advisor for National Security and Defense, focused on the development of the Iraqi armed forces. That split was seen by the UK as a set-back to agreeing a coherent national SSR strategy.

26. By mid-July, there were just four senior UK personnel in Iraq working across SSR as a whole (including reform of the police and army). The FCO had deployed Acting Deputy Chief Constable Douglas Brand to lead the UK’s attempt to influence the CPA police reform programme and Acting Deputy Chief Constable Stephen White to lead on policing in Basra. DCC White was accompanied by two MOD police officers.

27. SSR strategies began to develop on a regional basis, largely in isolation from each other.

28. On 17 July, the AHMGIR discussed a paper by the IPU which stated that there “was still no cohesive strategy”¹⁵ but that this was “not necessarily a cause for current alarm”

¹³ Minute Straw to Blair, 5 June 2003, ‘Iraq: Winning the Peace’ attaching Paper UND, 3 June 2003, ‘Iraq: Security Sector Reform: Policing Strategy’.

¹⁴ Email UND [junior official] to Lowe [MOD], 9 June 2003, ‘Policing Meeting – Tuesday 10 June’.

¹⁵ Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper IPU, 16 July 2003, ‘Security Sector Reform the Next Steps’.

because it reflected the rapidly moving situation in Iraq. The Inquiry does not agree with that analysis. A shared understanding of what sort of police force was required in Iraq and how it could be delivered was essential to ensuring that SSR resources were used effectively and coherently.

29. The AHMGIR identified the requirement for approximately 7,000 international police officers – of which it was intended that the UK would provide 100 – as “ambitious” but did not commission further work to understand the impact on CPA plans if the total could not be reached.

30. In August, UND asked DCC Brand to lobby the US for the creation of a policing strategy for Iraq. There was no established UK policy position at that point on what sort of police force was appropriate for Iraq, the role of an Iraqi police officer, the ideal force structure, or how police reform should be delivered. That hampered DCC Brand’s ability to influence US strategy.

31. Mr Kerik estimated in early August that Iraq would need 65,000-75,000 police officers and that it would take six years to develop a force of that size. There was no Coalition plan to deliver that number of officers.

32. By the end of August, the CPA’s plans for a 7,000-strong international training force were recognised to be unachievable. The aspiration was now “1,500 to 2,000” officers.¹⁶

33. A policing strategy for Iraq was also essential to ensure that the international effort was coherent across the country. The lack of co-ordination between police reform in Baghdad and Basra could be seen in a report produced by DCC White on 26 August. He assessed that 91 international officers would be required to support the policing mission in Multi-National Division (South-East) (MND(SE)) and an additional 48 would be required to provide force protection. DCC White told the Inquiry that that caused some controversy when the numbers were communicated to the CPA staff in Baghdad as they were considered to be inconsistent with the new ‘MOI 60/90 day Strategic Plan’ which DCC White had not seen.

34. In the absence of a clear strategy for what type of force was needed, and a realistic assessment of how it could be delivered, priority was given to pushing Iraqi police officers through basic training in large numbers.

Initial problems deploying UK police officers

Mr Stephen Pattison, Head of UND until June 2003, told the Inquiry that the process of recruiting officers to deploy overseas was “always a struggle”¹⁷ and “not straightforward”. The requirement was often for armed police which ruled out the majority of UK officers.

¹⁶ Minute Brand, 10 August 2003, ‘Report from Iraq – Douglas Brand’.

¹⁷ Statement, 6 January 2011, pages 12-13.

The focus was therefore on getting UK officers into niche roles in which they could use their experience without being operational. As any officers deployed would have to be volunteers, certain security conditions also had to be met and funding identified. Government officials do not appear to have appreciated the scope of that task before they started recruiting officers for Iraq.

The UK's target was to have deployed 100 UK officers to conduct basic training by the end of September 2003.

On 18 July, Mr Straw wrote to Mr David Blunkett, the Home Secretary, asking him to seek nominations of up to 200 officers for firearms training. By September, 260 had applied but none had been deployed.

It is unclear whether that was because of a reluctance on the part of the Association of Chief Police Officers (ACPO) and Chief Constables (concerned about breaching their duty of care given the security situation in Iraq) to release officers or whether it was because the officers who had applied were not suitably qualified.

In addition to the officers required to run basic training, DCC Brand had also requested support staff and officers to address more specific training needs such as intelligence and operational planning. He told the Inquiry how, after lobbying for a Special Branch system, he was unable to find someone to make the concept a reality and consequently lost the opportunity.

An email from DCC Brand on 21 September expressed frustration that officers had still not been deployed to a Joint Command Centre in Baghdad designed to prevent friendly fire incidents:

“ ... I don't mind where they come from as long as they get here ASAP ... I made my original request ... **6 weeks ago** ... If we are only just thinking about approaching PSNI [Police Service of Northern Ireland] it may be weeks or months before the officers are able to travel and we would lose all credibility with the American military ... To remind you, **this was our idea** ... I urge you to act swiftly and not delay any longer.”¹⁸

The FCO, and in particular UND, had prior experience of deploying officers overseas but was unable to meet the large-scale requirements of Iraq. Sir Michael Jay should have ensured that his department provided the resources that the senior UK officers needed.

In November, after meeting DCC White, Mr Bill Rammell, FCO Parliamentary Under-Secretary of State, reported that DCC White's assessment of progress was at odds with the way the situation was being described in public.

The Home Office record of the Iraq Senior Officials Group of 4 November recorded that Mr Straw's initial reaction to DCC White's complaints was to call a “special meeting of Ministers to discuss what more could be done”¹⁹ but that FCO officials had advised that that was not necessary.

Following a visit in November, Mr Straw directed Mr John Sawers, FCO Director General Political, to resolve the matter: “A combination of the Byzantine bureaucracy of ACPO and a lack of understanding in the FCO about police issues and practice ... threaten further

¹⁸ Email Brand to FCO [junior official], 21 September 2003, 'Re: Police Training plan'.

¹⁹ Minute Storr to Acton, 5 November 2003, 'Iraq: Senior Officials Meeting on 4 November'.

delays and a sub-optimal delivery in an area where the UK has a serious contribution to make.”²⁰

After a slow start, the UK reached its target of 100 trainers in January 2004. The first tranche deployed to the training centre in Jordan²¹ in November 2003 and the first tranche of 24 officers for az-Zubayr Academy in Basra deployed in December. DCC Brand did not receive his additional officers for non-training roles until March 2004.

Iraqisation

35. From early June 2003, and throughout the summer, there had been signs that security in both Baghdad and MND(SE) was deteriorating. As the summer wore on, authoritative sources in the UK system, such as the Joint Intelligence Committee (JIC), began to identify issues with the potential to escalate into conflict and to recognise the likelihood that extremist groups would become more co-ordinated (see Section 14.1).

36. In September Mr Donald Rumsfeld, the US Defense Secretary, applied pressure on the CPA to increase the number of Iraqi Army officers by ordering an acceleration of the training programme, halving the training time to one year, and increasing its budget from US\$173m to US\$2.2bn.

The Iraqi Civil Defence Corps (ICDC)

The Iraqi Civil Defence Corps (ICDC) was created in July 2003 to:

- give Coalition operations an Iraqi face;
- keep unemployed young men out of the insurgency; and
- increase the number of security forces available.

Established by CPA Order No.28, the ICDC was described as “a security and emergency agency for Iraq”²² and was authorised to perform a wide range of constabulary duties. It operated under the authority of the Administrator of the CPA but was subject to the supervision of Coalition Forces.

The ICDC’s performance received mixed reviews but it became an important component of SSR while other elements, such as the Iraqi Police Service and Iraqi Army, were being developed.

37. As security worsened, Ministers sought to expedite “Iraqisation”, the term used to refer to the ability of the Iraqi Security Forces (ISF) to take the lead responsibility for security.

²⁰ Minute Straw to Sawers, 27 November 2003, ‘UK Police Assistance to Iraq’.

²¹ The majority of police training took place at the Jordan International Police Training College (JIPTC).

²² Coalition Provisional Authority Order Number 28 – Establishment of the Iraqi Civil Defense Corps, 3 September 2003.

38. On 2 September 2003, in a meeting of Ministers and senior personnel, Mr Blair said that he believed that the key to the security situation in Iraq was “the rapid mobilisation of an effective Iraqi police force”.²³ That included increasing Iraqi police manpower to 70,000 within three months. That ambitious new target brought forward the timescale set by the CPA for reaching that size of force by more than six months.

39. The Inquiry has seen no evidence pre-dating 2 September of the origins of the proposal to accelerate training so dramatically, or of analysis of whether it was achievable.

40. The IPU advised that existing policy was to provide 70,000 police officers by mid-2004 and train 40,000 for the New Iraqi Army within one year. It listed some ideas for how SSR could be accelerated and improved but did not suggest any further resources beyond those which were already in train. The advice did not assess how those suggestions would be resourced and implemented and did not provide an analysis of whether Mr Blair’s target of 70,000 officers was achievable.

41. A briefing paper for Mr Blair by Mr Richmond stated that Ambassador Bremer did not think that Mr Blair’s target was achievable.

42. The IPU paper and Mr Richmond’s advice suggested that, at the very least, detailed work was needed to assess whether it was possible to accelerate the training timetable in the way Mr Blair proposed, and what resources that would require, before the idea was pursued further.

43. Sir Michael Jay, as the senior official accountable for the resourcing of the UK’s police reform effort, should have ensured that such an assessment was made. The AHMGIR, chaired by Mr Straw, failed to assess whether Mr Blair’s target and the IPU’s suggestions could be achieved.

44. Mr Blair pressed the idea of acceleration, including with President Bush, without having requested or considered such detailed advice. Ahead of a video conference with President Bush on 5 September, Mr Blair sent the President a Note which stated:

“Iraq has 37,000 police. We need to double that. Given the number of trainers and their facilities, that will take a year. We cannot wait that long. So: if we need to treble or quadruple the trainers and expand the numbers of Iraqi police even beyond that contemplated, we should do it ...”²⁴

45. The record of the video conference between Mr Blair and President Bush stated that Mr Blair had said a “big push” was required to boost numbers and speed up training of Iraqi Security Forces.²⁵

²³ Letter Cannon to Adams, 2 September 2003, ‘Iraq: Briefing for the Prime Minister’.

²⁴ Letter Sheinwald to Rice, 5 September 2003 attaching ‘Note on Iraq’.

²⁵ Letter Canon to Adams, 5 September 2003, ‘Iraq: Prime Minister’s Video-Conference with Bush, 5 September’.

46. For the first meeting of the Iraq Senior Officials Group on 9 September, an IPU paper maintained that the focus should be on the Iraqi Civil Defence Corps (ICDC) and the police “as the most likely to produce quick results, while continuing to support the longer-term development of the New Iraqi Army”.²⁶ It did not address Mr Blair’s target of doubling police officer numbers. It assessed that “the main problem in developing the Iraqi Police is the slowness with which CPA is developing its strategy, concept and timelines for reform” and that “in the absence of a central strategy, we are pursuing regional options”.

47. The Annotated Agenda for the meeting of the AHMGIR on 18 September re-affirmed the requirement for a “coherent overall policing strategy”.²⁷ Cabinet Office officials reported that the UK was lobbying Ambassador Bremer, and Washington, to expedite creation of a strategy and operational plan, and was offering the services of DCC Brand to write them. The Annotated Agenda did not reflect Mr Blair’s desire to double the number of police officers.

48. Despite the IPU’s analysis that lack of strategic direction for police reform was the “main problem”, it was not mentioned in a report to Mr Blair from Mr Straw’s office on 17 October. That risked giving an unrealistic impression of both what had been achieved and what might be achieved in the future. The report stated: “We judge that the Coalition now has a credible and deliverable strategy to train 30,000 Iraqi police over the next year.”²⁸ By that stage, around 40,000 police officers were considered to have been trained.

49. Mr Straw told the Inquiry that he considered that judgement to be “reasonable”²⁹ at the time but that with hindsight he could see that it was not.

50. Following the FCO Police Contributors conference in early October, it was clear that sufficient additional international support to make plans for accelerated training deliverable was unlikely to be forthcoming.

51. In October, a public order incident in Basra demonstrated the continued deficiencies of the local police.

52. Shortly afterwards, DCC White publicly expressed concerns about the SSR programme in Iraq, and the UK’s resourcing of it, in a documentary broadcast by BBC Northern Ireland. DCC White told the Inquiry that his remarks had caused controversy in the UK and he was left “feeling unsupported and isolated”³⁰ but for the support of Sir Hilary Synnott, Head of CPA(South), and Ms Jane Kennedy, Minister of State for Northern Ireland.

²⁶ Paper IPU, 8 September 2003, ‘Iraq: Security Action Plan’.

²⁷ Annotated Agenda, 18 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁸ Letter Sinclair to Sheinwald, 17 October 2003, ‘Iraq: Security and Policing’.

²⁹ Public hearing, 2 February 2011, page 140.

³⁰ Statement, 20 June 2010, pages 30-31.

53. Following a review, Combined Joint Taskforce-7 (CJTF-7)³¹ issued an Order on 27 October entitled ‘Acceleration of the Iraqi Police Services’ which envisaged enhanced support from CJTF-7 for enlarged and accelerated police training programmes. It had been developed without consultation with the UK.

54. Sir Hilary Synnott reported that the Order had:

“... considerable implications for military resources to be devoted to police training; for our current plans, including the recently inaugurated Basra Regional Police Academy; and for the significant Danish effort at present and in future. We had no warning of this from CPA Baghdad (beyond a slight reference to such a possibility), no subsequent information from them and no consultation.”³²

55. On 6 November, the AHMGIR was told that the new approach included “accelerating recruitment, training and deployment of Iraqi security forces”.³³ The ICDC was set to increase by April 2004 and the target for 70,000 police should be reached by August 2004 rather than March 2005. The training of the Iraqi Army would be slowed, but the Army would “now be allowed to undertake internal as well as external security tasks”.

56. Although the US military had produced plans for accelerating training, they had not addressed DCC White’s concerns about the quality of that training.

57. Former DCC Brand told the Inquiry:

“Trying to persuade my military colleagues at two-star and three-star level that this was a long-term investment of restructuring the police seemed to work against their sort of short-term mission goals, and I very vividly remember the presentation that was done to the Commanding General which was entitled ‘30,000 in 30 Days’ ... I had to say ‘Okay, in that case then, why don’t you give me the military to train? I have read a few war books, I have seen a few war films, it can’t be as difficult as that, or is that as ridiculous as what you are suggesting, which is we recruit 30,000 in 30 days, call them police, label them police, give them weapons and say ‘You are now in the police’ but actually have no capability to do the things that policemen should do at all?”³⁴

58. In November, Chief Constable Paul Kernaghan, the lead on international affairs for the Association of Chief Police Officers (ACPO), told Mr Straw that police reform in Iraq still lacked vision and that the UK contribution was insufficient.

59. At about the same time, Mr Jim Daniel, a senior ex-Home Office adviser sent to Iraq to help the CPA generate a policing strategy, decided to resign. The combination of

³¹ CJTF-7, the Coalition HQ in Iraq, was a small command. It was led by Lieutenant General Ricardo Sanchez.

³² Telegram 110 FCO London [on behalf of CPA Basra] to UKRep Iraq, 31 October 2003, ‘Police Training in South Iraq’.

³³ Annotated Agenda Cabinet Office, 6 November 2003, Ad Hoc Group on Iraq Rehabilitation.

³⁴ Public hearing, 29 June 2010, pages 24-25.

CC Kernaghan's advice, DCC White's views and Mr Daniel's resignation were sufficient to highlight that police reform – an essential part of the UK's exit strategy – was in serious difficulties.

60. By the end of November 2003, Mr Straw had clear evidence that police reform in Iraq lacked strategic direction. He should have instigated consideration of the UK's options for resolving the problem, including work to define a UK position on the right strategy for Iraqi policing.

61. The response of the AHMGIR, chaired by Mr Straw, was instead that the UK should lobby the US to make improvements in police training. Mr Straw should have recognised that lobbying alone would be insufficient to address the critical lack of a strategy/vision for policing in Iraq. Mr Straw's direction to Mr Sawers (see Box, 'Initial problems deploying UK police officers', earlier in this Section) focused too narrowly on the deployment of UK police officers rather than on the wider issues in police reform.

THE US MILITARY TAKE THE LEAD ON POLICE REFORM

62. In mid-November, a new political timetable for Iraq was announced, which brought forward the handover of power from the CPA to the Iraqi Transitional Government (ITG) to June 2004.³⁵ Former DCC Brand told the Inquiry that the change of timetable critically changed everyone's outlook: "all the focus was on 'Let's get this over to the Iraqis', and so our longer-term intentions were almost squashed from there on".³⁶

63. Towards the end of 2003, within the UK there was awareness that assessments given by US commanders were "exaggerated"³⁷ and there were doubts about Iraqi capacity. A significant gap in figures was highlighted by the FCO, which assessed that there were around 45,000 operational police officers throughout Iraq, all requiring some level of re-training. The US assessment was that there were 63,000 operational police officers.

64. In the absence of a coherent strategy, Coalition partners continued to work independently of one another. An example of this occurred in February 2004, when the UK started recruiting 40 retired UK officers to act as mentors. At the same time, the US was developing plans to recruit around 500 police advisers from Dyncorps to act as mentors, of which 50 were planned for deployment to the South. That was met with some consternation by Mr Steve Casteel, who replaced Mr Kerik as CPA Director of Internal Affairs in September 2003. He reportedly said: "This isn't two countries, you know."³⁸

65. Secretary Rumsfeld transferred the responsibility for training and mentoring police officers to the US military in March 2004 following a report by Major General

³⁵ Minute Cannon to Prime Minister, 18 November 2003, 'Iraq: Political Timetable'.

³⁶ Public hearing, 29 June 2010, page 67.

³⁷ Minute Dodd to Sheinwald, 10 December 2003, 'Iraq: Strategy Group'.

³⁸ Minute FCO [junior official], to Buck, 4 February 2004, 'Visit to Iraq 26-30 Jan'.

Karl Eikenberry, former US Security Co-ordinator and Chief of the Office of Military Co-operation in Afghanistan. It was thought that the change would provide the unity of command across the security sector that was needed. The report reiterated that the Army's focus should remain on external threats but its training rate be reduced to allow the development of other security forces.

66. The change in responsibilities led to the creation of a new umbrella structure, the Office of Security Co-operation (OSC), commanded by Major General Paul Eaton, the former commander of CMATT. CMATT and the newly named policing equivalent – the Coalition Police Assistance Training Team (CPATT) – would report to the OSC and the OSC would report to the CJTF-7.

67. It appears that DCC Brand and Mr Casteel had not been consulted about that significant change in approach. Former DCC Brand told the Inquiry that the creation of the OSC was a shock to both him and Mr Casteel. He said that, while the military could do “the volume stuff”,³⁹ they did not have the skill set to conduct basic training or the policy advice on policing. That meant “they were making it up ... from theatre, rather than back at the policy headquarters”.

68. On 25 March 2004, the FCO's Weekly Update on Iraq for No.10 stated that a CENTCOM review had concluded that transition to local control across Iraq was “likely to be delayed by up to eight months from their original over optimistic target of May 2004”.⁴⁰ The paper stated that was “not a surprise”:

“The Iraqi Security Forces do not just have to be hired; they must be vetted, trained, equipped, mentored and certified ie capability, not numbers, is the key ... Bremer has been pushing for quality for months, without the support in Washington, where the emphasis has been on numbers. On the positive side, a lesson has now been learned.”

69. The Cabinet Office sent an update for Ministers on 2 April, stating that police training was to be accelerated under the new structures with a target of completing in-service training of 43,000 officers by January 2005.

70. Although advice and information sent to Ministers consistently emphasised the importance of training competent police officers, the focus of effort continued to be on training officers in high numbers.

SECURITY DECLINES

71. There was a significant worsening of security in the spring of 2004. Coupled with revelations of abuse by members of the US military of Iraqi detainees in Abu Ghraib

³⁹ Public hearing, 29 June 2010, pages 94-95.

⁴⁰ Minute Owen to Cannon, 25 March 2004, ‘Iraq: Weekly Update’ attaching paper FCO ‘Iraq: No 10 Weekly Update’.

prison, this led many of the Inquiry's witnesses to conclude that the spring of 2004 was a turning point, as described in Section 9.8.

72. In April, weaknesses in the ICDC and IPS were exposed as a result of uprisings in Fallujah and Najaf. Some officers abandoned their posts and aided the insurgency. Others mutinied when they came under fire.

73. The ICDC was affected worst of all. 12,000 members deserted within two weeks. Consideration was given to re-engaging military officers dismissed under the policy of de-Ba'athification (see Section 11.1). Ambassador Paul Bremer, Presidential Envoy to Iraq and Head of the CPA, maintained that the de-Ba'athification policy was correct, but had been poorly implemented. Mr Blair told President Bush that the Coalition needed to do "whatever it takes"⁴¹ to get the ICDC and police into shape. He added: "I'm not sure we really have our entire system focused on this; and it needs to be".

74. Mr Blair held a meeting with Ministers and senior officials on 13 May to discuss security in Iraq. He expressed a clear view that there were two key issues in Iraq: the political process and security, of which security was "fundamental".⁴² After the transfer of sovereignty, Mr Blair felt that the Iraqis would be reluctant to ask the Coalition to manage security for them and this "put a real premium on building capacity urgently".

75. At Mr Blair's request, a team led by Major General Nicholas Houghton, Assistant Chief of the Defence Staff (Operations), visited Iraq from 20 to 23 May to see what could be done to speed up Iraqisation of the security sector.

76. Maj Gen Houghton's frank assessment identified issues that should already have been clear to Ministers and officials. He noted the lack of strategy, "bureaucratic complexity"⁴³ hindering access to funds and resources, "initiative overload" and a short-term focus. He stated that the concept of acceleration was "misplaced". It was "Sustained Effort", with some change in emphasis, that would produce the desired capability. He highlighted the need for "honest acceptance" of the likely timescales.

77. Maj Gen Houghton assessed that:

"The biggest single thing that will move the creation of capability forward is the increased use of military and police assets in mentoring roles. This should involve, for example, widening the concept of embedding troops within ICDC Units. Given available assets this will mean taking risk on maintaining security."

78. Maj Gen Houghton judged that an SSR strategy must be "authored, owned and executed" in Iraq, not in London.

⁴¹ Letter Sheinwald to Rice, 26 April 2004 attaching Note from PM for President Bush.

⁴² Letter Bowen to Baker, 13 May 2004, 'Iraq: security'.

⁴³ Minute ACDS(Ops) to Rycroft, 25 May 2004, 'How Best to Progress the Iraqisation of the Security Sector'.

79. Maj Gen Houghton stated that over 80,000 police officers were operational with approximately 20,000 having received training. An accelerated training programme was being put in place by CPATT.

80. Mr Blair tried to inject a new sense of urgency into Iraqisation. In five meetings and conversations with President Bush in May and June, Mr Blair raised Iraqisation, emphasising its importance and his hope that Lieutenant General David Petraeus, Commanding General Multi-National Force – Iraq,⁴⁴ and Prime Minister Designate Dr Ayad Allawi could agree a joint plan on Iraqisation for publication.

81. On 3 June, Mr Blair asked to be informed of “any obstacles or log jams”⁴⁵ which he might need to raise with President Bush. He commissioned a round-up on Iraqisation every two weeks.

82. Mr Geoff Hoon, the Defence Secretary, and General Sir Mike Walker, Chief of the Defence Staff, provided Mr Blair with an update on Iraqisation two weeks later. Mr Blair again asked to be informed of any issues automatically rather than having to ask.

83. On 16 June, Mr Blair wrote to President Bush that the problem with Iraqisation was “obvious”: “The numbers in the police are there. But not the quality or equipment ...”⁴⁶

84. By the end of the Coalition’s Occupation in June 2004, Ministers were aware that Iraqisation was critical to the UK’s withdrawal and that it was the quality, not quantity, of officers in the ISF that was critical. But the US and UK were no closer to achieving a coherent SSR strategy for Iraq. As the CPA was disbanded and responsibility for day-to-day interaction with the Iraqi Interim Government on civil affairs passed to the newly appointed British and US Ambassadors, there was no plan to develop one.

The justice sector

For SSR, the UK’s overwhelming focus was on the army and police. The need for a robust judicial system had been recognised but was poorly supported.

Prisons were listed as a “priority one area”⁴⁷ in April 2003 but by December it was reported that “not much work had been done in this area”.

In June 2003, Lord Goldsmith, the Attorney General, told the AHMGIR that corruption and intimidation had left the Iraqi judicial system in a worse state than expected and that it would require a long-term commitment from the international community to rebuild it.

In March 2004, a report from Mr Robert Davies, Chief Police Adviser to the Ministry of Interior, stated that only one out of five Iraqi Correctional Service facilities was functioning in the UK’s Area of Responsibility. Even that facility was in poor condition and overcrowded. In January, the prison held 478 prisoners against a capacity of 230.

⁴⁴ The MNF-I subsumed OSC in June 2004.

⁴⁵ Letter Rycroft to Baker, 3 June 2004, ‘Iraq: Prime Minister’s Meeting, 3 June’.

⁴⁶ Letter Sheinwald to Rice, 16 June 2004, [untitled] attaching Note Blair [to Bush], [undated], ‘Note’.

⁴⁷ Minutes, 4 December 2003, Security Sector Reform meeting.

Part of the reason identified for this rise had been a weakness in the due process where prisoners were kept on remand without judicial review.

SSR projects in the justice sector were small in comparison with efforts being made to reform the Iraqi Army and Iraqi Police Service:

- In January 2004, DFID approved a contribution of £2.2m over two years towards the International Legal Assistance Consortium (ILAC). A review of the programme in June 2006 stated “that the project was put together under pressure rapidly to get programme activities started with some quick-win activities ... The pressure to move fast, however, may well have sown the seeds for the eventual, limited impact”.⁴⁸
- A support programme for prisons in southern Iraq was approved during the summer of 2004. The UK awarded £1.7m to the programme (after a bid of £5.53m) to train and mentor staff. All prisons within the CPA(South) boundary run by the Iraqi Prison Service were overseen and maintained by the UK.
- The UK contributed some staff towards the EU JustLex programme that began in February 2005. The programme was an integrated police and Rule of Law mission for Iraq by Member States arranging senior management training for the police, judiciary and prison service. Over four years, it comprised 40 staff from across the EU and spent roughly €30m.

As with the majority of SSR programmes, success seemed to be measured by the number of Iraqi staff trained. The programmes were not effective in solving the underlying problems of corruption and intimidation that thwarted significant improvement.

Officials were still reporting in May 2006 that justice continued to be “the missing link”.⁴⁹

In March 2007, the Better Basra plan described Iraq’s judiciary as “weak and unable to prosecute serious crime”.⁵⁰ Prisons were described as “old, overcrowded” and said to “not meet minimum international human rights standards”. That assessment suggested that little progress had been made from the UK’s early assessments of Iraq’s justice sector.

Severe overcrowding was still an issue in December 2007 when an FCO official reported that:

“Through a combination of negligence, incompetence, poor co-ordination and lack of adequate facilities it can take a long time to process detainees through the investigative, judicial and correctional systems.”⁵¹

Transition

85. After the UK and US ceased to be Occupying Powers in Iraq in June 2004, SSR was conducted under the authority of resolution 1546 (2004) and the annexed letters from Dr Ayad Allawi, the Iraqi Prime Minister, and US Secretary of State Mr Colin Powell.

⁴⁸ Report DFID, 30 June 2006, ‘Iraq International Legal Consortium Justice Sector’.

⁴⁹ Email FCO [junior official] to IPU [junior official], 25 May 2006, ‘Rule of Law – The Justice Sector’.

⁵⁰ Letter Marsden to Aldred, 2 March 2007, ‘Better Basra’ attaching Paper, 1 March 2007, ‘Better Basra Mark 3: The 2007 Plan’.

⁵¹ Minute FCO [junior official] to PS/SofS [FCO], 20 December 2007, ‘Iraq: Detention and Reconciliation: UK Approach for 2008’.

The role of the Multi-National Force (MNF) was to continue building the capability of the ISF and its institutions through a programme of recruitment, training, equipping, mentoring and monitoring.

86. During the CPA era, the metric used to measure progress in relation to the ISF had been the number of personnel on duty. Immediately after the transition, that metric was replaced by “trained and equipped”⁵² personnel. The net result was a 75 percent drop in the totals of force personnel attributed to the MOI from 181,297 “on duty” personnel on 15 June to 47,255 “trained and equipped” personnel on 25 August.

87. Shortly after transition, Mr Straw advised the Ministerial Committee on Defence and Overseas Policy (DOP) that the SSR objective for the following six months should be for the ISF to be in control across much of the country. That was the basis on which UK troop reductions would be feasible. DOP agreed. It is not clear how Mr Straw reached the conclusion that that was a viable objective.

88. By early October, there was clear evidence that the SSR objective agreed by DOP was unlikely to be achievable because:

- The Basra police chief was working with militants who were causing disruption in the area.
- There remained significant capacity issues within key ministries.
- There was a need for more focused IPS training in areas of operational planning and intelligence.
- Warnings from theatre continued to stress that the focus on numbers was misplaced – the morale and integrity of officers who had joined the ISF was questionable and those issues needed to be addressed to deliver the capabilities required.

89. In November, FCO officials informed Mr Straw that they were factoring such concerns into their planning. They assessed that the two most serious problems were the dysfunctional MOI and the lack of equipment, both of which were being addressed by UK-funded initiatives.

90. It should have been clear to Mr Straw and FCO officials, for whose advice Sir Michael Jay was accountable, that the ISF were unlikely to be able to provide security and that troop reductions based on the assumption that Iraqiisation would be successful needed to be reconsidered.

91. On 9 December, despite evidence to the contrary, the FCO continued to advise that, by the summer of 2005, the ISF could take the lead on security. It was overly optimistic of the FCO, under Mr Straw’s leadership, to believe that would be the case. That over-optimism distorted consideration of when UK forces should be withdrawn from Iraq.

⁵² Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

- 92.** A JIC Assessment of 15 December assessed that a credible ISF, capable of managing the insurgency unaided, would not emerge until 2006 at the earliest.
- 93.** The JIC Assessment was discussed at the Ad Hoc Ministerial Group on Iraq the following day. Ministers agreed that a number of papers should be prepared, including practical suggestions to adjust the Petraeus Plan⁵³ for SSR, ways of improving the Iraqi Ministry of Defence and MOI, a list of security and funding issues for Mr Blair to raise with President Bush and a list of useful activities that other countries could be asked to undertake. The lack of a policing strategy for Iraq, which had been identified by the IPU as early as July 2003, had still not been addressed.
- 94.** In February 2005, the FCO produced a paper for the AHMGIR that contained proposals for a greater focus at the national level where there was “an urgent need for an Iraqi national policing strategy, supported by an appropriate training syllabus to address established weaknesses”.⁵⁴ The proposals were for the development of a National Police Plan and in the areas of forensics and intelligence. The FCO paper also pointed to potential funding pressures if those new proposals were to be adopted and if current projects were extended.
- 95.** The FCO told the AHMGIR that the key message from the paper was that funding beyond September was extremely tight and tough decisions would need to be made.
- 96.** In the absence of an SSR strategy against which the merits and contribution of any particular project or programme could be judged, the basis on which such decisions could be made was unclear.
- 97.** Just three months after the JIC had raised concerns about the development of the ISF, the MOD advised No.10 in March that the Petraeus Plan was “largely on track, meeting the demands of a well-entrenched counter insurgency”.⁵⁵ The ISF was expected to achieve full strength by January 2006 and the transfer of regional control would be under way. The view from No.10 was that the MOD’s advice was “rather insubstantial, and almost certainly too optimistic in its assessment of the quality of much of the ISF”.⁵⁶
- 98.** The MOD’s assessment was also contrary to other reports coming from Iraq around that time and it became difficult for Ministers to know which evidence was most accurate. In his Hauldown Report, Lieutenant General John Kiszely, Senior British Military Representative, Iraq (SBMR-I) from October 2004 to April 2005, described the MOI as dysfunctional and stated that any expectation that the IPS would be able to perform well against the insurgency was unrealistic.

⁵³ The Petraeus Plan followed a ‘Troops to Task’ assessment carried out by Lt Gen Petraeus in the summer of 2004. The resulting plan was to increase the Iraqi Police Service and Iraqi National Guard by roughly 50 percent.

⁵⁴ Note FCO, 21 February 2005, ‘Iraq – UK Support to Civil Policing in Iraq – 2005’.

⁵⁵ Letter Naworynsky to Quarrey, 17 March 2005, ‘Petraeus Plan Update’.

⁵⁶ Minute Quarrey to Prime Minister, 18 March 2005, ‘Iraq Update’.

99. During the summer of 2005, there is evidence that UK officials were not clear about their departments' role within the SSR effort and felt disconnected from what was happening on the ground. That was exemplified in June when DFID commissioned a consultant to assist the FCO in drawing together a cross-Whitehall strategy for UK support to the development of Iraqi policing capacity. The FCO, the MOD and DFID struggled to reach an agreement on what the strategy should say and acknowledged they simply did not know whether policing was on track or not.

100. Lieutenant General Robin Brims, SBMR-I, reported in July that, although the Iraqi Army was steadily increasing in confidence, it did not yet have the ability to conduct complex operations. The police were lagging behind the army and were of doubtful quality but plans were in place to address that.

101. Mr Blair saw Lt Gen Brims' report and sought an honest assessment of the progress of Iraqiisation, which suggests a lack of confidence in the MOD's reporting. Dr John Reid, the Defence Secretary, admitted that there was still a focus on quantity rather than quality in stating "numerically, generation of ISF remains on track, but significant development in key capability areas is still needed".⁵⁷

102. The information on ISF numbers also masked other issues. In September, an FCO transition plan for the IPS showed, when compared with earlier MOD papers, that the overall figure of 55 percent of police trained masked considerable variations across MND(SE) – although 90 percent of personnel in Dhi Qar province had received training, the figures for Muthanna and Basra were considerably lower (40 percent and 42 percent respectively).

103. Mr Blair expressed his concerns about ISF capability, following reports of police involvement in attacks on the Multi-National Forces in Basra. But despite concerns that had been expressed about the capacity of the ISF, Dr Reid recommended a reduction in UK forces should take place in October or November of 2005.

104. A few days after Dr Reid made his recommendation the Jameat incident in Basra on 19 September raised questions about the ISF in MND(SE). Officials from the FCO, the MOD and DFID judged that the incident had highlighted the risks to achieving UK objectives in MND(SE), and that those risks had implications for military resources. Nevertheless, assumptions about ISF readiness were not re-examined by Ministers. Reluctance to consider the potential implications of the Jameat incident obscured what it had revealed about the security situation in MND(SE).

105. Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, wrote: "It is clear that we need to review whether our police training strategy in the South-East is working, and whether the national policing strategy knits together."⁵⁸ Sir Nigel reported that Mr Blair had agreed that Sir Ronnie Flanagan, Her Majesty's Chief Inspector of Constabulary,

⁵⁷ Minute Reid to Blair, 28 August 2005, 'Update on progress of the Iraqi security forces (ISF)'.

⁵⁸ Letter Sheinwald to Hayes, 4 October 2005, 'Iraq Strategy'.

should be asked to visit Iraq and that he wanted a UK Minister to take ownership of the overall policing strategy, including liaison with the US over national strategy, supported by a dedicated team in London.

The MOD takes the lead for policing

106. The critical importance of ISF capability in assessing readiness for transfer to Provincial Iraqi Control, on which UK plans to draw down were based, was emphasised by the 'Conditions for Provincial Transfer' published by the Joint Iraqi/MNF Committee to Transfer Security Responsibility, and by Dr Reid, who told the Defence and Overseas Policy Committee on Iraq (DOP(I)) on 12 October that "successful Iraqiisation remains the key".⁵⁹ DOP(I) decided that Dr Reid should have lead responsibility for building the capacity of the IPS in Basra in addition to his responsibility for the Iraqi Army.

107. DOP(I) discussed the need "to do more to speed up the development of police" but considered that "the plan for ISF development that was in place was largely sound".⁶⁰

108. Mr Blair asked for a major and sustained push to make progress on the ability of the ISF to take the lead on security.

109. General Sir Mike Jackson, Chief of the General Staff, raised concerns about ISF effectiveness in a minute to Gen Walker and concluded: "it is not to our credit that we have known about the inadequacies of the IPS for so long and yet failed to address them".⁶¹

110. At the same time, the JIC stated that the Iraqi armed forces stood at 91,000 personnel and MOI forces at 106,000 personnel, but that those figures did not take account of absenteeism or provide an indication of true capability. The IPS suffered from divided loyalties and a significant number were involved in criminality for financial gain.

111. In MND(SE), there was a lack of confidence that plans to tackle corruption within the IPS were working. There were questions about whether the IPS should be disbanded and started from scratch. Major General James Dutton, General Officer Commanding MND(SE) (GOC MND(SE)) from June 2005 to December 2005, told the Inquiry that was why he had proposed a three-point plan on 24 October. It was more focused on reform than re-design and reflected the new approach that "we should be aiming for a police force that is relevant and 'good enough' for this region".⁶²

112. The need for a single SSR strategy was raised again by Sir Ronnie Flanagan when he visited Iraq in November to conduct another review of the effectiveness of the UK's policing strategy. In his final report of 31 January 2006, Sir Ronnie reported that a

⁵⁹ Paper Reid, 11 October 2005, 'Iraq: Security update'.

⁶⁰ Minutes, 12 October 2005, DOP(I) meeting.

⁶¹ Minute CGS to CDS, October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.

⁶² Letter Dutton to Wall, 24 October 2005, 'Policing SE Iraq'.

broad strategic plan was being developed and the disconnected ways of working were becoming a thing of the past. While that work may have been under way at that time, the Inquiry has not seen any evidence of a national strategy being produced as a result.

113. By the end of 2005, Whitehall remained overly optimistic about ISF development. In papers prepared for DOP(I) on 20 December, the MOD stated that the development of the Iraqi Army remained on track for the fully funded and trained figure of 130,000 by December 2006 and the IPS was making an increasingly significant contribution although it was behind the Iraqi Army in development terms. There remained a significant issue about whether the Iraqi Government and ministries had the capacity to direct and sustain the civil and military security forces. That was alongside the risk of increasing sectarianism and militia infiltration.

114. Mr Blair told President Bush on 23 December: “The two clear messages were: the vital nature of leadership of the MOI and MOD; and 2006 being the year of the police.”⁶³

Preparation for withdrawal

“Good enough”

115. In late 2005, General George Casey, who became Commander of the CJTF-7 in June 2004, designated 2006 as the “Year of the Police”, recognising that a national police force was vital to any exit strategy.

116. From 2006, the UK appears to have stopped lobbying for the creation of a national SSR strategy and instead focused on what was necessary to enable the withdrawal of troops. Without a means to measure progress objectively, success continued to mean the number of officers trained.

117. Acting Deputy Chief Constable Colin Smith, Chief Police Adviser Iraq, wrote about the Year of the Police in January 2006 that “the strap line that ‘just enough is good enough’ is, whilst probably realistic, not particularly encouraging”.⁶⁴ He wrote that it could be “a defining factor in the development of an effective Iraqi Police Service”.

118. In March 2006, Dr Reid continued to press ahead with drawdown and announced that troop levels would reduce in May 2006 from approximately 8,000 to around 7,200 based on “completion of various security sector reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre”.⁶⁵ That rationale did not include an assessment of the effect of those tasks on the capability of the ISF.

⁶³ Letter Quarrey to O’Sullivan, 23 December 2005, ‘Iraq’ attaching ‘Note Prime Minister to President Bush’.

⁶⁴ Minute Smith, 1 January 2006, ‘UK Chief Police Advisor – Iraq: Weekly Report: Week Ending Sunday 1st Jan 2006’.

⁶⁵ Letter Reid to Blair, 9 March 2006, ‘Iraq: Force Level Review and Announcement’.

119. The assessment of ISF capability from other sources was still discouraging:

- Operation CORRODE, an operation aimed at removing corrupt police, proved difficult to implement with limited political engagement in Basra. The JIC afterwards reported that it suspected that officers had been reassigned rather than removed.
- The JIC reported that the ISF could cope with low-level threats but its readiness to handle Shia extremists or intra-Shia violence was uncertain. Army command, control and logistics capabilities were all still developing, making major operations without MNF support difficult.
- Mr Robin Lamb, British Consul General in Basra, reported that local staff regarded the IPS “as at best ineffective, and at worst complicit in the assassinations. We would support that assessment”.

120. The security situation in MND(SE) continued to decline in 2006, and the UK continued to plan for drawdown. That is addressed in Section 9.8.

121. The MOD’s assessment in June was that the ISF programme was “on target to complete by December 2006 with 80 percent of the ISF trained and equipped (less the forces in Anbar province and the Air Force and Navy capability)”.⁶⁶ The police were “some way behind” but “significant progress” was expected by the end of the year. Their effectiveness rested on their credibility with the Iraqi people, which was “increasing but remain[ed] an issue”. The ISF should “be capable of managing the threat that they will face but could be quickly undermined by poor leadership”.

122. On 1 September, an eGram from the British Embassy Baghdad reported an “important step psychologically”⁶⁷ for the Iraqi military: the Iraqi Ground Forces Command and Iraqi Ministry of Defence would commence “a staggered handover” of command and control functions from MNF-I on 3 September. The Embassy stated that “while the assumption of responsibility looks gradual and sensibly phased, in reality the pace will be demanding to both MNF-I and the IGFC [Iraqi Ground Forces Command]”. As “life support and logistics capabilities” were “developing at their own, much slower, pace”, the Embassy predicted that “IA Divisions will remain dependent on MNF-I for some time to come”.

BETTER BASRA

123. In summer 2006, in recognition of the need to stabilise Basra and prepare it for transition to Iraqi control, the UK developed the Basra Security Plan and Better Basra Plan. The former was “a plan to improve Basra through operations, high impact

⁶⁶ Minute DJC/Iraq to CO [junior official], 7 June 2006, ‘Iraq: Strategy Group Workstrands’ attaching Paper ‘Update on Progress of the Iraqi Security Forces (ISF)’.

⁶⁷ eGram 38264/06 Baghdad to FCO, 1 September 2006, ‘Iraq: Iraqis to Take Over Command and Control of its First Army Division’.

reconstruction and SSR ... lasting for up to six months”,⁶⁸ the military element of which became known as Operation SALAMANCA and included operations against militia groups.

124. Major General Richard Shirreff, GOC MND(SE) from July 2006 until January 2007, anticipated that during Op SALAMANCA there would be “a concerted and sustained effort by Police Training Teams”⁶⁹ to “turn those police stations capable of improvement into police stations that are capable of providing basic security in their local areas”. His aim was “to cull the unredeemable and rehabilitate the ‘just about’ salvageable”.

125. In September, as set out in Section 9.8, the scope of Op SALAMANCA was constrained. It later became known as Operation SINBAD.

126. While most reports from theatre indicated that Op SINBAD had progressed well, it does not appear to have created the significant development in the Iraqi Army’s capability that had been desired. On 27 October, Mr Blair was informed that the Iraqi Army had performed well in some areas but it still lacked maturity.

127. Operations designed to weed out corrupt officers were only able to achieve limited success because a proper governance structure within the ministries and judicial system was lacking. Operation THYME in December 2006 sought to purge the Serious Crime Unit of corrupt officers, but the DOP(I) was told in January 2007 that, although arrest warrants had been issued for members of the Serious Crime Unit, they had not been actioned. There were signs that those members of the Serious Crime Unit were “continuing to operate”.⁷⁰

128. Mr Blair stated that, during his visit to Iraq at the end of 2006, “he had sensed, for the first time, that Iraqi Generals felt that if they were given the right training and equipment they would be able to do the job”.⁷¹

129. On 24 January 2007, Mr Des Browne, the Defence Secretary from May 2006 to October 2008, wrote to Mr Blair to update him on the rationale behind a planned reduction in troops from 7,000 to 4,500-5,000:

“There is no question of us leaving a vacuum in the city [Basra], as the IA and IPS are already doing patrols and we will remain present in the Provincial Joint Co-ordination Centre and military transition teams. Early evidence from the final stages of Op SINBAD, where the IA are in some areas not just in the lead but doing it by themselves, is that inevitably they enjoy a greater level of consent than we do – but also that they are doing a decent job. They are far from the finished

⁶⁸ Minute Burke-Davies to APS/Secretary of State [MOD], 24 August 2006, ‘Iraq: Op SALAMANCA’.

⁶⁹ Minute Shirreff, 15 September 2006, ‘GOC MND(SE) – Southern Iraq Update – 15 September 2006’.

⁷⁰ Minutes, 11 January 2007, DOP(I) meeting.

⁷¹ Cabinet Conclusions, 11 January 2007.

article but after re-posturing our shift towards mentoring and support will ensure they continue to develop.”⁷²

130. The third iteration of the Better Basra Plan was produced on 2 March 2007. It looked to develop capacity and capability across wider SSR components, such as the judiciary and prison service. It repeated the benchmark that the police would be brought to a “good enough” standard to transition to Provincial Iraqi Control (PIC). It also announced that over the next six months, the UK would be deploying military transition teams (MiTTs) within the 10th Division of the Iraqi Army (see Box, ‘MiTTs’, below).

131. In June, Major General Jonathan Shaw, GOC MND(SE) from January 2007 to August 2007, stated that he was not convinced that the ISF was ready for transition. That was in the light of the continuing decline in security. The US and parts of the Iraqi Government had serious concerns over the ability of the ISF in Basra to cope with the security situation.

132. Concerns continued to be raised about the security situation in MND(SE) and that the ISF would not be able to maintain security alone. Mr Dominic Asquith, British Ambassador to Iraq, reported in July that Basrawis had expressed the view to the visiting House of Commons Defence Committee that “a British withdrawal would ‘be followed by chaos sweeping the province like a hurricane’”.⁷³

133. On 8 October 2007, Mr Gordon Brown, who had become Prime Minister in June, announced plans for a significant troop drawdown over the next 12 months. He described the need for two remaining phases:

“In the first, the British forces that remain in Iraq will have the following tasks: training and mentoring the Iraqi Army and police force; securing supply routes and policing the Iran-Iraq border; and the ability to come to the assistance of the Iraqi Security Forces when called upon. Then in the spring of next year – and guided as always by the advice of our military commanders – we plan to move to a second stage of overwatch where the coalition would maintain a more limited re-intervention capacity and where the main focus will be on training and mentoring.”⁷⁴

134. On 9 October, Lieutenant General Sir Nicholas Houghton, Chief of Joint Operations, briefed the Chiefs of Staff that the plan for the Iraqi 14th Division⁷⁵ would see initial operating capability by December 2007, with training complete by June 2008.

⁷² Letter Browne to Blair, 24 January 2007, ‘Next Steps on Force Levels in Iraq’.

⁷³ eGram 30010/07 Baghdad to FCO London, 13 July 2007, ‘Iraq: Visit of House of Commons Defence Committee, 8-11 July’.

⁷⁴ House of Commons, *Official Report*, 8 October 2007, column 23.

⁷⁵ The 10th Division was the Iraqi Army division in MND(SE) which had been trained by UK personnel. It was given an additional brigade in June 2007 to create a new Division: 14th Division, which would assume responsibility for Basra while 10th Division would be responsible for the rest of the South-East, across Muthanna, Dhi Qar and Maysan provinces.

135. Basra transitioned to Provincial Iraqi Control on 16 December 2007. Maj Gen Binns told the Inquiry that the ISF “were well trained, as individuals, but their leadership was not experienced, they were capable of conducting tactical, low-level operations, but their ability to conduct manoeuvre, to sustain themselves logistically, was a challenge to them”.⁷⁶ The police were “a mixed bag”.

136. Reports on the ISF’s capability did not change materially in the period leading up to the UK’s withdrawal. There remained concern over their ability and willingness to maintain security in the South. When Mr Brown and Mr Browne had breakfast with the Chiefs of Staff on 6 March 2008, the Chiefs told them that “there was quality in the ISF but it was not broadening as rapidly as hoped, so training and mentoring of 14Div remained a vital job”.⁷⁷

137. On 2 April, a junior official in PJHQ wrote to Mr Browne, advising him that MND(SE) was intending to embed MiTTs within 14th Division to strengthen some of the key vulnerabilities that had been demonstrated during the recent operation, Operation Charge of the Knights. That decision is addressed in the Box below. The operation and its impact are described in Section 9.8.

MiTTs

The concept of military transition teams (MiTTs), in which US military personnel were embedded within Iraqi fighting units, was first put forward by the US in early 2005. It was seen as a successful tactic, and had been used by the UK in Afghanistan.

Although the UK deployed MiTTs to work with 10th Division during the summer of 2007, it did not adopt the same approach for 14th Division until April 2008, choosing instead to focus on leadership and embedding UK personnel at brigade and divisional level.

The different approaches taken by the UK and the US between 2005 and 2007 again demonstrated the lack of coherence across the SSR effort. It also created tensions with the US who believed that the UK had not adopted the same approach because of an aversion to casualties.

138. By mid-April, confidence in the IPS was so low that Major General Barney White-Spunner, GOC MND(SE) from February 2008 to May 2008, warned that there were discussions in Multi-National Corps-Iraq (MNC-I) and the Iraqi Government over whether to disband the Basra police entirely and start again.

139. On 14 May, the JIC stated that public confidence in the ISF had grown but the same concerns remained about how it would fare against Jaysh al-Mahdi (JAM) resistance.

⁷⁶ Public hearing, 15 January 2010, page 25-26.

⁷⁷ Letter Fletcher to Rimmer, 6 March 2008, ‘Prime Minister’s Breakfast with Chiefs of Staff, 6 March’.

140. Mr John Hutton, the Defence Secretary, wrote to Mr Brown after he visited Iraq in October:

“The Iraqi Security Forces (ISF), the Army in particular, are looking confident and capable. Their show of force in the areas which I visited, where they took the lead in providing my security, was genuinely impressive. There is no doubt that Basra itself has been transformed and the ISF now have complete freedom of movement throughout the city. While they do not yet have all the capabilities that we would like to see in a fully-formed Division, and there is important work still to do, we will soon have reached the point where we can say with confidence that we have fulfilled our training mission for 14 Division ...”⁷⁸

141. On 27 March 2009, a junior official informed Mr Brown that 14th Division was considered to be effective and that all UK mentors and trainers had been withdrawn.

Security Sector Reform strategy

142. Between 2003 and 2009, there was no coherent US/UK strategy for SSR in Iraq.

143. In 2003, the UK expected the production of an SSR strategy to be led by the US and, when it was clear that one did not exist, was unable to exert the necessary influence on the CPA in Baghdad to ensure that one was developed.

144. As a consequence, instead of working within an SSR framework that was understood and agreed between international partners, the UK developed its own SSR policies and plans for MND(SE) without a clear understanding of how they contributed to – or whether they were fully consistent with – the SSR approach across Iraq.

145. Without a coherent US/UK strategy for SSR, the UK was unable to fully understand its role and how or whether its plans contributed to the overall rebuilding of Iraq’s security sector. It was unclear what success looked like and therefore how to measure it.

146. The development of effective Iraqi Security Forces, which could take the lead on security very rapidly, became a key element of the UK’s “exit strategy” for Iraq. In the absence of a clearly defined end state, and driven by the desire to reduce UK troop levels, the focus of SSR work became the quantity of officers trained, not their quality. There were numerous warning signs that that was a flawed approach, including reports directly from those on the ground and JIC Assessments. But there was a reluctance to pause and consider what was required to deliver the quality needed.

147. After June 2004, it became even more challenging to reach consensus on a strategy for SSR with the establishment of the Interim Iraqi Government, another party that was expected to take the lead on developing a national SSR strategy. That did not happen.

⁷⁸ Letter Hutton to Brown, 23 October 2008, [untitled].

148. Underlying problems with SSR started to be more clearly visible: the simple metrics used to gauge success during the CPA era had obscured the actual number of trained police officers; the integrity of many police officers was in doubt; and the Iraqi ministries responsible for the ISF were dysfunctional. These issues had not been gripped because the Coalition had focused too simply on the number of officers.

149. Sir Ronnie Flanagan’s review in November 2005 appears to be the last serious attempt to argue that there should be a single, coherent policy on SSR in Iraq. Although Sir Ronnie’s final report in January 2006 stated that a broad strategic plan was being prepared in conjunction with the Interim Iraqi Government, subsequent SSR strategy remained largely incoherent.

150. Sir Ronnie’s final report came at a crucial time. The December 2005 Parliamentary election signalled a shift to greater Iraqi political independence. In January 2006 the UK Cabinet approved the deployment of UK troops to Helmand province in Afghanistan. The UK’s SSR objective in Iraq became almost exclusively to demonstrate that the conditions for withdrawal were met. The requirement for a coherent SSR strategy which would establish viable long-term Iraqi Security Forces was set aside.

Measuring success

151. After six years in Iraq, it was difficult to judge what the UK had achieved in the field of SSR. While the number of police appeared to have increased and the Iraqi Army’s confidence had undoubtedly grown, without a clearly defined end state for either there was not an appropriate benchmark by which the UK could measure whether it had achieved what it set out to do.

152. The UK knew that the capability of the ISF was critical to withdrawal but did not design an effective way by which it could measure that capability. Judgements were based mainly on reports from theatre – the authors of which were also without a formal means of measuring the ISF’s capability.

153. Focusing on the number of trained officers was a problem in Iraq because it was too simplistic. It hid many of the complexities that sat behind and skewed the numbers. The UK was unable to adjust that approach in Iraq because, up to 2006 (after which point its ambitions for SSR changed), it never truly understood what measurements would indicate whether the ISF was capable of maintaining security in Iraq.

154. After 2006, “good enough” for Iraq informally became the benchmark. It was never clear exactly what that meant. This loose benchmark was used as a justification for continuing to plan for withdrawal in the face of contradictory evidence.

155. In 2009, the fragility of the situation in Basra, which had been the focus of UK effort in MND(SE), was clear. Threats to its security remained. The ISF continued to be reliant on support from Multi-National Forces to address weaknesses in leadership and tactical support. If the capabilities of the ISF had been good enough, it seems unlikely that the

US would have embarked on the action that it did – to deploy its own forces to Basra when the UK withdrew, so as to secure the border and protect supply lines. The US and the UK appear to have had different definitions of what “good enough” meant.

Lessons

156. In Section 6.5, the Inquiry states that better planning and preparation for a post-Saddam Hussein Iraq would not necessarily have prevented the events that unfolded in Iraq between 2003 and 2009. It would not have been possible for the UK to prepare for every eventuality. However, better plans and preparation could have mitigated some of the risks to which the UK and Iraq were exposed between 2003 and 2009 and increased the likelihood of achieving the outcomes desired by the UK and the Iraqi people.

157. The lessons identified by the Inquiry with regards to planning and preparation for post-conflict operations are described in Section 10.4. Those lessons, which focus on the essential tasks that should be undertaken, also apply to SSR planning.

158. An SSR strategy should define the functions of different elements of the relevant security sector and the structures needed to perform those functions. Considering those questions should drive a robust debate about how security requirements might change over time.

159. An understanding of the many different models that exist internationally for internal security, policing and criminal justice is essential. But those models cannot be considered in isolation because what works in one country will not necessarily work in another which may have very different traditions. It is therefore critical for the SSR strategy to take full account of the history, culture and inherited practices of the country or region in question. The strategy also needs to be informed by the views and aspirations of the local population.

160. A strategy should set out the desired operating standard for each function and state how that differs, if at all, from what exists. In doing so, the strategy should specify where capacity needs to be developed and inform a serious assessment of how the material resources available could best be deployed.

161. It is essential that the UK has an appropriate way to measure the success of any SSR plan. If a clear strategy is in place and has taken account of the views of the local population, the indicators of that success should be obvious. It should rarely concentrate on a one-dimensional set of numbers but instead be a more qualitative and rounded assessment.

SECTION 13.1

RESOURCES

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Introduction

1. This Section addresses:

- the cost of the UK's involvement in Iraq;
- the main sources of funding for the UK's involvement, the different arrangements for funding military operations and civilian activities, and how those arrangements changed;
- the estimates of the cost of military operations and civilian activities that were made before the invasion, and the extent to which those estimates influenced key decisions;
- the imposition of controls over the MOD's management of its resources by the Treasury in September 2003;
- the allocations for civilian activities that were made before, during and after the conflict; and
- how expenditure was scrutinised.

2. This Section does not address how departments used the resources available to them. Specifically:

- The provision of military equipment is considered in Sections 6.3 and 14.
- The UK's support for reconstruction is considered in Section 10.
- The UK's support for Security Sector Reform is considered in Section 12.

The cost of the UK's intervention in Iraq

3. The direct cost to the UK Government of its intervention in Iraq between the UK financial years 2002/03 and 2009/10 was at least £9.2bn in cash terms¹ (£11.83bn in 2016 prices).² That comprised:

Category	£bn	Percentage
Military operations	8.20	89
Humanitarian and development assistance ³	0.58	6
Diplomatic representation ⁴	0.30	3
Inter-departmental Pools and peacekeeping	0.16	2
Total	9.24	100

¹ The Government has confirmed that the expenditure figures for DFID and the FCO that were provided by Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, in his statement to the Inquiry of 15 January 2010, were inaccurate. That statement was published by the Inquiry on 22 January 2010.

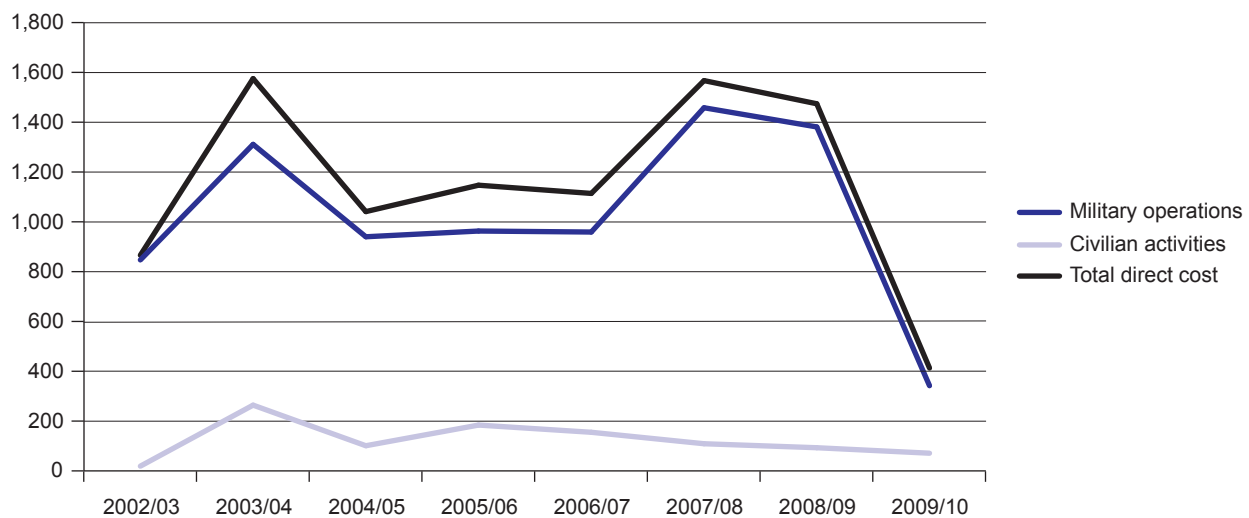
² 2016 price equivalent calculated using Consumer Price Inflation Time Series Dataset December 2015, Office for National Statistics.

³ Includes the imputed share of UK contributions to multilateral organisations.

⁴ Includes support provided by the FCO to UK secondees to the Coalition Provisional Authority (CPA).

4. In addition, the UK provided £0.95bn in debt relief to Iraq.
5. The figures above do not include expenditure by departments other than the MOD, the FCO and DFID. Although other departments made important contributions to the UK effort, in particular in the post-conflict period, their expenditure was relatively small. The Inquiry has made no estimate of the opportunity cost of the UK's involvement in Iraq.
6. The chart below shows the direct cost of military operations and civilian activities by financial year. A more detailed breakdown of direct costs is provided at the end of this Section.

Figure 1: Direct cost of military operations and civilian activities by financial year (£m)



7. The Inquiry asked Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, about additional, or indirect, costs such as continuing disability and medical costs for veterans.⁵ Sir Nicholas confirmed that such costs were not captured in the information provided to the Inquiry by the Government.

8. In October 2002, the Treasury estimated that the indirect cost of a conflict could more than double the direct cost.⁶

9. Several estimates have been made of the total (direct and indirect) cost of the Iraq War. In their 2007 book, *The Three Trillion Dollar War*, Professor Joseph Stiglitz and Ms Linda Bilmes estimated that the total cost of US involvement in Iraq could be double the direct cost to the US Government.⁷ The total cost included: veterans' future costs

⁵ Public hearing, 22 January 2010, pages 6-7.

⁶ Minute Cunliffe to Chancellor, 22 October 2002, 'Iraqi War: Risks to Treasury Objectives' attaching Paper Treasury, [undated], 'Impact of a War on Treasury Business'.

⁷ Stiglitz J and Bilmes L, *The Three Trillion Dollar War*, Allen Lane, 2008. The Inquiry is not able to comment on the methodology used by Professor Stiglitz and Ms Bilmes.

(medical, disability and social security); other social costs; military cost adjustments; interest on debt incurred; and other macroeconomic costs.

10. Indirect costs include the costs of the inquiries that have been established to investigate aspects of the UK's intervention in Iraq. Those include:

- The Al-Sweady Public Inquiry, which reported in December 2014, cost £25m.⁸
- The Baha Mousa Public Inquiry, which reported in September 2011, cost £13m.⁹
- The cost of the Iraq Inquiry, which is published on the Inquiry's website.
- The Iraq Historic Allegations Team (IHAT), which was established in 2010, has a budget of £57.2m up to the end of 2019.¹⁰

11. The US Congress appropriated US\$686bn for operations in Iraq between the US fiscal years 2002¹¹ and 2009.¹² That comprised:

- US\$646bn (94 percent) for the US Department of Defense;
- US\$36bn (five percent) for the US Department of State and the US Agency for International Development (USAID); and
- US\$4bn (one percent) for the Department of Veterans Administration (DVA).

12. US Department of Defense figures included costs associated with the Commanders Emergency Response Program (CERPs) and the Iraq Security Forces Fund (ISFF). US Department of State and USAID figures included the cost of reconstruction, foreign aid programmes, and embassy operation and construction. DVA costs included medical programmes for Operation Iraqi Freedom veterans.

How the UK's intervention in Iraq was funded

13. There were three main sources of UK funding for the UK's operations in Iraq:

- departments' baseline spending settlements;
- the Reserve (including the Special Reserve); and
- inter-departmental funds (the Global Conflict Prevention Pool, the Conflict Pool and the Stabilisation Aid Fund).¹³

⁸ Al-Sweady Public Inquiry website, *Inquiry Expenditure and Costs*. The costs of some Core Participants and witnesses were met directly by the MOD; those costs are not included in this figure.

⁹ Baha Mousa Public Inquiry website, *Inquiry Expenditure*. The costs of some Core Participants were met directly by the MOD; those costs are not included in this figure.

¹⁰ House of Commons Library, Briefing Paper Number 7478, 22 January 2016, *Iraq Historic Allegations Team*.

¹¹ The US fiscal year runs from 1 October to 30 September. US fiscal year 2002 began on 1 October 2001 and ended on 30 September 2002.

¹² Congressional Research Service Report, 29 March 2011, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations since 9/11*.

¹³ Statement Macpherson, 15 January 2010, pages 1-2.

14. A department's budget comprises Departmental Expenditure Limits (DEL) and Annually Managed Expenditure (AME).

15. In general, DEL covers running costs and all programmed expenditure. It is split into Resource DEL (RDEL) (operating costs) and Capital DEL (CDEL) (new investment). From 2002/03, when full Resource Accounting and Budgeting was introduced, RDEL included 'non-cash' costs. The introduction of Resource Accounting and Budgeting is considered later in this Section.

16. Non-cash costs are costs which are not reflected by cash transactions, for example depreciation and provisions for bad debts.¹⁴ They are included in budgets to ensure that the budgets reflect the full economic cost of activities.

17. AME relates to expenditure that is demand-led (for example, for the MOD, the payment of War Pensions) and therefore cannot be controlled by departments and accommodated within a structured budget process.

18. In the period covered by the Inquiry, the Treasury allowed departments to carry forward unspent funds from one financial year to the next under the End-Year Flexibility (EYF) system. Unspent funds would otherwise have to be returned to the Treasury.

19. The EYF system was replaced in 2011/12 by the Budget Exchange system.¹⁵

The roles of the Treasury and the Chancellor, and the Ministerial Code

The Chancellor of the Exchequer has overall responsibility for the work of the Treasury and is the Government's Finance Minister.¹⁶

The Treasury is the UK's economic and finance ministry, setting the direction of the UK's economic and fiscal policy. The finance ministry side of the department is responsible for overall fiscal policy, including control of public expenditure and strategic oversight of the UK tax system. The Treasury's economic ministry role includes responsibility for growth, infrastructure, productivity and oversight of the financial services sector. The Treasury is also responsible for the UK's overall macroeconomic strategy, including the setting of the monetary policy framework.

In his statement to the Inquiry, Sir Nicholas Macpherson, Permanent Secretary at the Treasury from 2005, stated that the Treasury had two principal roles in relation to Iraq:

- as an economics ministry, to help ensure the potential economic impacts of war in Iraq were taken into account in economic forecasting and policy-making, help plan the economic reconstruction of Iraq, and provide economic expertise to support the UK's post-conflict reconstruction efforts; and

¹⁴ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.

¹⁵ Treasury, *2011 Budget*, 23 March 2011.

¹⁶ The Inquiry has drawn on a number of official sources to develop a statement of the responsibilities of the Chancellor of the Exchequer.

- as a finance ministry, to ensure an appropriate level of funding was provided to achieve the UK's objectives in Iraq and that it was used cost-effectively.¹⁷

This Section describes the Treasury's involvement on Iraq in relation to both those roles. The Treasury's involvement in planning for and supporting Iraq's post-conflict economic reconstruction is described in Sections 6.4, 6.5 and 10.

The version of the *Ministerial Code* that was current in 2003 stated that the cost of a proposal should be calculated and discussed with the Treasury before that proposal was submitted for discussion at Cabinet level:

"It is the responsibility of the initiating department to ensure that proposals have been discussed with other departments and the results of these discussions reflected in the memorandum submitted to Cabinet or a Ministerial Committee. Proposals involving expenditure or affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or a Ministerial Committee. The result of the discussion together with an estimate of the cost to the Exchequer (or estimates, including the Treasury's estimate, if the department and the Treasury disagree) should be included, along with an indication of how the cost would be met (e.g. by offsetting savings). The estimate of the cost should identify any impact on other departments."¹⁸

20. Sir Nicholas Macpherson told the Inquiry that departmental settlements were the main source of funding for FCO activity in Iraq, including the UK's diplomatic presence in Baghdad and Basra, and for DFID's contribution to the humanitarian and reconstruction effort.¹⁹ Before the invasion, the Treasury worked with departments to produce estimates of the potential cost of intervention and to ensure that, where appropriate, sufficient funding had been set aside within their existing budgets.

21. If departments were unable to fund activities from their departmental settlements, they could bid to the Treasury for additional funding from the Reserve.

22. The table below shows the departmental settlements for the MOD, the FCO and DFID from 2002/03 to 2009/10 (under the 2002, 2004 and 2007 Comprehensive Spending Reviews).²⁰

¹⁷ Statement, 15 January 2010, page 1.

¹⁸ Cabinet Office, *Ministerial Code*, 2001.

¹⁹ Statement, 15 January 2010, page 1.

²⁰ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'. Figures are near cash settlements, in real terms (2008/09 prices). Figures may differ from Comprehensive Spending Review settlement letters due to budget exchange, inter-departmental transfers and other factors.

Table 1: Departmental settlements, 2002/03 to 2009/10 (£bn)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
MOD	28.0	29.0	29.2	29.9	30.2	30.2	30.8	31.1
FCO	1.5	1.5	1.6	1.7	1.7	1.6	1.6	1.6
DFID	3.9	4.0	4.0	4.9	5.3	5.5	5.7	6.6

23. The Reserve is a fund held by the Treasury intended for genuinely unforeseen contingencies which departments cannot manage from their own resources.²¹

24. Sir Nicholas Macpherson told the Inquiry that the MOD was funded through its departmental settlement to be ready for war, but not to go to war.²² The costs of going to war – the net additional costs of military operations, or NACMO – were reclaimed by the MOD from the Reserve.

25. Sir Nicholas also told the Inquiry that the main call on the Reserve in relation to Iraq had been from the MOD, to pay for NACMO.²³ The Treasury had also accepted “small claims” against the Reserve from DFID and the FCO in relation to expenditure on Iraq that could not be met from their own resources or interdepartmental budgets.

26. NACMO included expenditure on Urgent Operational Requirements (UORs). UORs are urgent requirements for military equipment that arise due to the particular demands of a specific operational threat and may need to be delivered within a shorter period of time than is normal for defence procurement.²⁴

27. The table below shows the size of the Reserve from 2002/03 to 2008/09, the percentage spent on the UK’s intervention in Iraq, and the size of the Special Reserve.²⁵ The creation of the Special Reserve in November 2002 is described later in this Section.

Table 2: Size of the Reserve, 2002/03 to 2008/09 (£m)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Total Reserve	2,600	4,100	3,300	3,600	3,000	3,600	4,200
Of which spent on Iraq	847	1,456	910	958	962.5	1,458	1,381
% of Reserve spent on Iraq	33	35.5	28	27	32	41	33
Special Reserve (included in Total Reserve)	1,000	2,500	1,200	1,000	1,100	800	–

²¹ Statement Macpherson, 15 January 2010, page 2.

²² Public hearing, 22 January 2010, page 2.

²³ Statement, 15 January 2010, page 2.

²⁴ Minute Treasury [junior official] to Chief Secretary, 9 January 2007, ‘Increase in the Urgent Operational Requirements Envelope’.

²⁵ Statement Macpherson, 15 January 2010, page 5.

28. The Global Conflict Prevention Pool (GCPP) and the Africa Conflict Prevention Pool (ACPP) were established in the 2001 Spending Review to fund peacekeeping and peace enforcement operations and conflict prevention programmes.²⁶

29. The two Pools were financed by transfers of existing budgets (and activities) from the MOD, the FCO and DFID and the provision of additional funds by the Treasury.²⁷ The three departments took decisions collectively on allocations from the Pools.

30. The GCPP and ACPP budgets had two elements: programme spending and peacekeeping costs.²⁸ The peacekeeping budget was used to pay UK contributions to peace support operations mandated by multi-national or inter-governmental organisations. It also covered the costs of deploying UK personnel in both UN and non-UN peace support operations and the UK contribution to international criminal courts. The budget covered both assessed and non-assessed (or voluntary) contributions.

31. Sir Nicholas Macpherson told the Inquiry that the Government had intended that the Pools should promote a more co-ordinated approach across departments.²⁹

32. The budget for the GCPP for 2003/04 was £483m, of which £378m was allocated to fund the UK's contributions to peacekeeping and peace enforcement operations and £105m was allocated for conflict prevention programmes.³⁰

33. The ACPP and the GCPP were merged in April 2008 to form the Conflict Prevention Pool. A separate funding mechanism, the Stabilisation Aid Fund (SAF), was established in the same year to support stabilisation activity in Iraq and Afghanistan. The SAF was merged into the Conflict Prevention Pool in 2009.

34. The UK military also had access to significant amounts of US funding from CERPs, to spend on urgent relief and reconstruction needs.

35. The US Congress appropriated US\$3.6bn for CERPs between 2004 and 30 June 2009, to be used by military commanders to address urgent relief and reconstruction needs in their areas of responsibility.³¹ Of that, almost US\$3.2bn was spent.

36. The US Special Inspector General for Iraq Reconstruction (SIGIR) reported in July 2009 that, by April 2009, the US had spent or allocated to ongoing projects

²⁶ Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review*, March 2004.

²⁷ Statement Macpherson, 15 January 2010, page 2.

²⁸ Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review*, March 2004.

²⁹ Public hearing, 22 January 2010, pages 46-47.

³⁰ Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review*, March 2004.

³¹ Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

US\$351m from CERPs in the four Iraqi provinces comprising Multi-National Division (South-East) (MND(SE)).³²

37. In comparison, between the UK financial years 2003/04 and 2008/09, DFID spent at least £100m in MND(SE)³³ and UK forces spent £38m from UK funds on Quick Impact Projects (QIPs).³⁴

38. The UK Government has not been able to provide the Inquiry with information on the total amount of CERPs funding available to and used by UK military commanders, but has provided documents that show available CERPs funding in some financial years.³⁵

39. MOD briefing provided for an October 2005 Parliamentary Question advised that US\$74m of CERPs funding had been “received and expended” by MND(SE) in the financial years 2004/05 and 2005/06.³⁶

40. MOD briefing for an October 2006 Parliamentary Question advised that US\$66.2m of CERPs funding had been allocated to MND(SE) in the US fiscal year 2005/06.³⁷

41. In comparison, in the UK financial year 2005/06, DFID spent some £35m on infrastructure and job creation in MND(SE)³⁸ and UK forces spent £3m from UK funds on QIPs.³⁹

Estimates and arrangements for funding military operations

42. Mr Geoff Hoon, the Defence Secretary, wrote to Mr Blair on 31 May 2002 setting out the “preliminary conclusions” from the MOD’s contingency planning for Iraq.⁴⁰ A copy of his minute was sent to Mr Gordon Brown, the Chancellor of the Exchequer.

43. Mr Hoon described three options for UK military deployment:

- With three months’ notice, the UK could deploy a medium-scale force comprising air and naval assets and a land force of 15,000 personnel. The cost of preparing

³² Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

³³ Paper DFID, January 2010, ‘DFID Non-Humanitarian Spend by Region’. Calculation excludes DFID funding for humanitarian assistance, the World Bank and UN Trust Funds, and programme support costs such as security, accommodation and communications. It is not possible to produce a reliable estimate of the proportion of the funding provided for those purposes that related to the South.

³⁴ Statement Macpherson, 15 January 2010, page 7.

³⁵ Email MOD [junior official] to Iraq Inquiry [junior official], 9 June 2014, ‘Iraq Inquiry – Queries Relating to Resources’.

³⁶ Note, October 2005, ‘PQ1282S: Background Note’.

³⁷ Note, October 2006, ‘PQ06267S: CERP Funds FY06 (1 Oct 05 – 30 Sep 06)’.

³⁸ Paper DFID, January 2010, ‘DFID Non-Humanitarian Spend by Region’.

³⁹ Statement Macpherson, 15 January 2010, page 7.

⁴⁰ Minute Hoon to Blair, 31 May 2002, ‘Iraq’, attaching Paper MOD, [undated], ‘Annex B: Iraq Contingency Planning Interim Conclusions’.

that force to the required standard of readiness, including essential work to meet equipment shortfalls, would be between £500m and £800m.

- With six months' notice, the UK could deploy a large-scale force comprising air and naval assets and a land force of 35,000 personnel. The cost of preparing that force would be between £800m and £1.1bn.
- With nine months' notice, the UK could deploy the large-scale force at less risk. The cost of preparing that force would be between £900m and £1.2bn.

44. The costs of deployment and campaigning were additional to the cost of preparing those forces.

45. Mr William Nye, Head of the Treasury Defence, Diplomacy and Intelligence Team, provided Mr Brown with “some wider context” on 7 June.⁴¹ Mr Nye advised that there would be four elements in the cost of military operations against Iraq:

- preparing for the operation;
- deployment;
- the campaign; and
- any follow-up operation, “e.g. a sustained peacekeeping deployment if part of Iraq was occupied”.

46. Mr Nye advised that Mr Hoon’s minute covered only the first of those elements. The MOD estimated the cost of deploying a large-scale force at £100m, plus a similar amount for bringing it back. Estimating the cost of a campaign was “impossible” in the absence of any concept of operations, but would be “several £100 millions”. The MOD had “understandably” given no thought to costs “after the war”, but:

“... there must at least be the possibility of some medium-term deployment for peacekeeping or occupation. If on the scale of the Balkans, it would cost several £100 millions a year.”

47. Mr Nye advised that, while a smaller military contribution would reduce costs, the MOD was “strongly in favour of the more expensive large-scale land contribution ... Ostensibly this is for reasons of strategic influence.” Another way to reduce costs would be to provide a more specialised contribution; for example, a land component, or an air component, but not both. The MOD argued that it was premature to close off any option until the US had a clear concept of operations.

48. Mr Nye stated that he assumed Mr Brown would not want to comment on Mr Hoon’s minute on paper, but that he might want to factor those points into his discussions with Mr Blair.

⁴¹ Minute Nye to Chancellor, 7 June 2002, ‘Iraq: Potential Costs’.

49. Mr Brown told the Inquiry:

“I think Mr Hoon wrote [to] me in June – I think the Treasury did a paper in June about these very issues. I was then advised ... to talk to Mr Blair. I told him [Mr Blair] that I would not ... try to rule out any military option on the grounds of cost. Quite the opposite ... we understood that some options were more expensive than others, but we should accept the option that was right for our country.”⁴²

50. Sir David Manning, Mr Blair’s Foreign Policy Adviser, replied to Mr Hoon’s minute of 31 May on 25 June, stating:

“The Prime Minister has asked for further advice on precisely what steps would have to be taken now, including financial commitments, in order to keep open the possibility of deploying a large-scale force by the end of this year ...”⁴³

51. Mr Peter Watkins, Mr Hoon’s Private Secretary, replied to Sir David on 26 June, providing an update on the MOD’s understanding of US plans.⁴⁴ Mr Watkins stated that Mr Hoon believed that, before committing UK forces, Ministers would want to be clear on four issues including “whether the prospective outcome looks worth the risk, costs and losses”. A key issue, which would determine the need to commit resources, would be whether the UK could “secure adequate influence for a large-scale contribution”.

52. On 5 July, prompted by updates on US planning circulated by the MOD, Mr Nye advised Mr Mark Bowman, Mr Brown’s Private Secretary, that Mr Brown should write to the MOD to propose that all options for UK participation in military operations (including smaller and more specialised options) should be costed, so that the Government could assess how much it wished to devote – in terms of risk to UK troops, the opportunity cost of withdrawing from other operations, and the financial cost – to securing a degree of influence over US policy and operations.⁴⁵ Mr Nye concluded:

“No.10, MOD, and FCO officials are likely to take as read that the UK should participate if the US decides to go ahead, and on a large scale. Actually, we have some choices ...”

53. The Treasury informed the Inquiry that Mr Brown decided not to write to the MOD.⁴⁶

54. Mr Blair discussed Iraq with Mr Jack Straw (the Foreign Secretary), Mr Hoon, Lord Goldsmith (the Attorney General), Mr Alastair Campbell (Mr Blair’s Director of Communications and Strategy), Admiral Sir Michael Boyce (Chief of the Defence Staff) and other senior military officers and officials on 23 July.⁴⁷ Mr Brown was not present.

⁴² Public hearing, 5 March 2010, page 14.

⁴³ Letter Manning to Watkins, 25 June 2002, ‘Iraq’.

⁴⁴ Letter Watkins to Manning, 26 June 2002, ‘Iraq’.

⁴⁵ Minute Nye to Bowman, 5 July 2002, ‘Iraq’.

⁴⁶ Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].

⁴⁷ Minute Rycroft to Manning, 23 July 2002, ‘Iraq: Prime Minister’s Meeting, 23 July’.

55. In a paper prepared for the meeting, the Cabinet Office invited Ministers to “note the potentially long lead times involved in equipping UK Armed Forces to undertake operations in the Iraqi theatre and agree that MOD should bring forward proposals for the procurement of Urgent Operational Requirements”.⁴⁸

56. The record of the meeting produced by Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, included the conclusions that:

- “• We should work on the assumption that the UK would take part in any military action. But we needed a fuller picture of US planning before we could take any firm decisions ...
- The Prime Minister would revert on the question of whether funds could be spent in preparation for this operation.”⁴⁹

57. Mr Rycroft’s record of the meeting was sent to the participants only.

58. Mr Campbell described the meeting in his diaries.⁵⁰ He recalled that Mr Blair had said that “he did not want any discussions with any other departments at this stage ... He meant the Treasury.”

59. Mr Rycroft told the Inquiry that Mr Blair followed up the question of funding for preparing for an operation through “separate contacts” with Mr Brown.⁵¹ Mr Rycroft agreed with the Inquiry that, due to the nature of the relationship between Mr Blair and Mr Brown, matters involving Mr Brown were usually handled personally by Mr Blair, rather than through a letter or note to the Treasury. Mr Rycroft told the Inquiry that the use of that personal channel did not imply that Mr Brown was not aligned with UK policy.

60. The MOD provided No.10 with advice on options for a UK contribution to US-led military operations in Iraq on 26 July (see Section 6.1).⁵²

61. The advice defined three options:

- Package 1 – an “in-place support package” using forces already in the region;
- Package 2 – an “enhanced support package” comprising Package 1 with additional air and maritime forces; and
- Package 3 – a “discrete UK package” based on deployment of an armoured division, in addition to the forces in Package 2.

62. Those three options provided the broad framework for discussions within the UK Government until the end of 2002.

⁴⁸ Paper Cabinet Office, 19 July 2002, ‘Iraq: Conditions for Military Action’.

⁴⁹ Minute Rycroft to Manning, 23 July 2002, ‘Iraq: Prime Minister’s Meeting, 23 July’.

⁵⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁵¹ Private hearing, 10 September 2010, pages 31-32.

⁵² Letter Watkins to Rycroft, 26 July 2002, ‘Iraq’.

63. An MOD official advised Mr Watkins on 30 July that in order to respond to a Ministerial decision on operations in Iraq, the MOD would need to submit a “strategic estimate” of additional costs to the Treasury “as soon as practicably possible”.⁵³

64. Mr Watkins forwarded that advice to Mr Hoon with the comment:

“In principle, it would be sensible to do more staff work to refine costs ... but, pending the PM/Chancellor discussion, it cannot involve financial commitments.”⁵⁴

65. Mr Watkins replied to the MOD official the following day, confirming that Mr Hoon had seen the advice and reporting:

“The question of whether funds could be expended in preparation for an operation in Iraq is being considered separately elsewhere. In the meantime, no costs should be incurred ... No estimates should be submitted to Treasury officials. I will minute further once the funding position is clearer.”⁵⁵

66. The MOD told the Inquiry that neither Mr Watkins nor any other official wrote to provide further advice on the funding position.⁵⁶

67. On 4 September, in advance of a planned meeting between Mr Hoon and Mr Brown, Mr Nye briefed Mr Brown that the MOD officials had done little work to refine their cost estimates for preparing a medium and large-scale force, as they were under no pressure from Ministers to do so.⁵⁷ Neither had the MOD done any work to assess the cost of campaign itself. Mr Nye said that it would be useful for Mr Brown to emphasise that the Treasury needed to be involved in some of the discussions on military planning, to enable it “to be kept informed of the context of financial and strategic decisions”.

68. The Treasury informed the Inquiry that the meeting between Mr Brown and Mr Hoon was one-to-one and no record was taken.⁵⁸

69. Mr Watkins recorded the following day that Mr Hoon had, again, explained to Mr Brown the three options being considered by the UK and alerted him to the likely broad order costs of Package 2.⁵⁹

⁵³ Minute MOD [junior official] to PS/Secretary of State [MOD], 30 July 2002, ‘Iraq – Enhancements Required for Potential UK Contribution’.

⁵⁴ Manuscript comment Watkins to Hoon, 30 July 2002, on Minute MOD [junior official] to PS/Secretary of State [MOD], 30 July 2002, ‘Iraq – Enhancements Required for Potential UK Contribution’.

⁵⁵ Minute Watkins to MOD [junior official], 31 July 2002, ‘Iraq – Enhancements Required for Possible UK Contribution’.

⁵⁶ Email MOD [junior official] to Iraq Inquiry [junior official], 25 September 2013, ‘Iraq Inquiry: Queries Relating to Resourcing – MOD response’.

⁵⁷ Minute Nye to Bowman, 4 September 2002, ‘Meeting with Geoff Hoon: Iraq’.

⁵⁸ Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].

⁵⁹ Minute Watkins to DG Op Pol, 5 September 2002, ‘Iraq’.

70. A further minute from Mr Watkins stated that, at their 5 September meeting, Mr Hoon and Mr Brown had agreed to “meet periodically ... so that Mr Hoon could keep Mr Brown in touch with our emerging thinking on the options for UK involvement in any military action and the implications for UORs”.⁶⁰

71. On 6 September, a Treasury official sent Mr Brown a paper on the global, regional and local (Iraqi) economic impact of war in Iraq.⁶¹ The paper advised that, globally, a conflict could lead to a rise in the oil price of US\$10 a barrel and a consequent reduction in global growth by 0.5 percentage points and a rise in inflation of between 0.4 and 0.8 percentage points. The paper did not consider the impact of a war on the UK economy.

72. The paper also considered Iraq’s post-war needs. That analysis is described later in this Section.

73. The Inquiry has seen no indication that Mr Brown responded to the paper.

74. On 16 September, a Treasury official produced an analysis for Mr Ed Balls (Special Adviser to Mr Brown), at Mr Balls’ request, on the implications of military action in Iraq for UK public spending.⁶² The official suggested that a “central estimate” of the cost of “military action” might be £2.5bn, although that could rise considerably if the campaign was protracted or a large-scale occupation was required. The official also suggested that the cost of reconstruction was likely to be in the order of US\$9bn, in addition to International Monetary Fund (IMF) and peacekeeping costs.

75. The official continued:

“... **the wider economic impact of conflict could be very significant** ... [R] educed economic growth would hit ... revenues ... and would feed through to higher AME forecasts.

“... this year’s Reserve is already heavily overcommitted. There is a very real risk that we will breach the DEL limit ...

“In summary ... military action is very likely to constrain our TME [Total Managed Expenditure] and fiscal flexibility over this and possibly the next financial year.”

76. The analysis was also sent to the Private Offices of Mr Brown and Mr Paul Boateng, the Chief Secretary to the Treasury.

⁶⁰ Minute Watkins to DG RP, 18 September 2002, ‘Iraq: Meeting with the Chancellor: 23 September’.

⁶¹ Email Treasury [junior official] to Bowman, 6 September 2002, ‘What Would be the Economic Impact of a War in Iraq?’ attaching Paper Treasury, September 2002, ‘What Would be the Economic Impact of War in Iraq?’.

⁶² Minute Treasury [junior official] to Balls, 16 September 2002, [untitled].

77. Sir Nicholas Macpherson told the Inquiry:

“I don’t think at a macro level this intervention [Iraq] has had a significant effect on spending elsewhere ... I think the peak year of spending was 2003/04, which was about £1.6bn. When you [the Government] are spending £500bn, £1.6bn is significant and it bears a lot of attention and focus, but it is not going to divert fiscal policy in a massive sense.”⁶³

78. Mr Brown told the Inquiry:

“I think we managed to meet the requirements of Iraq and Afghanistan without having to cut other services ...

“... it did make my life more difficult, because we had to find £17bn over a period of time, but we thought and believed that these [costs] were manageable, given the priority that we attached to doing the things that we did.”⁶⁴

79. The £17bn referred to by Mr Brown represented the NACMO in Iraq and Afghanistan.

80. Mr Boateng told the Inquiry that the Treasury’s analyses of the impact of war on the UK’s public finances were not conducted with the intention of “second-guessing” Ministers, but to enable the Treasury to contribute to planning and policy discussions.⁶⁵

81. The Treasury provided a more detailed analysis on the potential impact of intervention in Iraq on UK public finances for Mr Brown on 22 October.

Agreement on arrangements for funding Urgent Operational Requirements

82. Section 6.3 describes the increasing concern within the MOD over possible delays in procuring and delivering UORs for operations against Iraq arising from the decision in July not to engage the Treasury in military contingency planning.

83. On 19 September, in the context of discussions within the MOD on how to secure funding for a number of critical UORs relating to potential UK Special Forces operations in Iraq, the Private Office of Sir Kevin Tebbit, MOD Permanent Under Secretary, advised that Sir Kevin believed that Mr Hoon should discuss the issue of funding for UORs with Mr Brown “as soon as possible”, which would be at their meeting scheduled for 23 September.⁶⁶

⁶³ Public hearing, 22 January 2010, page 9.

⁶⁴ Public hearing, 5 March 2010, pages 103–105.

⁶⁵ Public hearing, 14 July 2010, page 22.

⁶⁶ Minute APS/PUS [MOD] to Sec(HSF)2, 19 September 2002, ‘Op ROW: SF Urgent Operational Requirements (UORs)’.

84. Mr Watkins wrote to Sir David Manning on 20 September, advising that two issues needed to be addressed quickly:

- what potential UK force contribution should be presented to the forthcoming US Central Command (CENTCOM) planning conference the following week; and
- whether to replace army units already allocated to Operation FRESCO⁶⁷ so that they would be available if a land force contribution was approved.⁶⁸

85. Mr Watkins advised that Mr Hoon believed that Package 2 (the air and maritime package, plus Special Forces) should be presented to the conference as a potential UK contribution.

86. Providing a land contribution in addition to Package 2 was “more complicated”. The option required further development.

87. Mr Watkins wrote that Mr Hoon felt it would be “premature” to offer a land contribution on the same basis as Package 2:

“... we should indicate to CENTCOM that we are still considering this option and that they should model two plans in parallel, one including the UK land force contribution and one without it.”

88. Mr Blair discussed the contribution that might be offered to the US with Mr Hoon on 23 September (see Section 6.1). Mr Blair agreed with Mr Hoon that Package 2 could be offered as a potential UK contribution but there was a misunderstanding over whether the US should be informed that the UK was still considering a land option (Package 3).

89. Following the meeting, Mr Watkins informed officials in the MOD that:

“The Prime Minister is content for us to proceed broadly as set out in my letter of 20 September. The Prime Minister remains very cautious about the viability of Package 3, not least because of its implications for our ability to meet other contingencies and the significant cost premium entailed.”⁶⁹

90. In his diaries, Mr Campbell described a meeting between Mr Brown and Mr Blair on 23 September.⁷⁰ Mr Campbell wrote that Mr Blair had reported that Mr Brown “was basically just saying we could not afford a military conflict and making clear he had to be consulted on every piece of spending”. Mr Campbell also described the very difficult relationship between Mr Blair and Mr Brown at this time.

⁶⁷ Op FRESCO was the provision of emergency cover by the Armed Forces in the event of industrial action by civilian firefighters.

⁶⁸ Letter Watkins to Manning, 20 September 2002, ‘Iraq: Potential UK Contribution to any Military Action’.

⁶⁹ Minute Watkins to DG Op Pol, 23 September 2002, ‘Iraq: Meeting with the Prime Minister: 23 September’.

⁷⁰ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

91. There is no official note of the meeting and none of the witnesses referred to it in their evidence to the Inquiry.

92. Mr Brown and Mr Hoon met separately on 23 September to agree the process for funding UORs for Iraq.⁷¹

93. Before the meeting, Mr Hoon was advised by Mr Guy Lester, MOD Director Defence Resources and Plans, that it would make sense to use the arrangements in place for Afghanistan: Ministers would agree a “ceiling” on UOR expenditure, within which Treasury officials could authorise expenditure on individual requests without seeking approval from Treasury Ministers.⁷² The MOD expected the first and most urgent tranche of UORs to cost £150m.

94. Mr Watkins commented on that advice:

“We are told that Treasury officials are happy [to use the Afghanistan model], but Mr Brown may want to clear them [UOR requests] individually himself. This would create a major bureaucratic bottleneck.”⁷³

95. Mr Watkins’ record of the 23 September meeting stated that Mr Brown’s “initial line” was that he should approve each UOR individually, but “Mr Hoon persuaded him that this would not be practical or sensible”.⁷⁴

96. Mr Hoon wrote to Mr Brown on 25 September, to confirm their agreement that the MOD would adopt a similar approach to managing Iraq UORs to that already in place for Afghanistan UORs, with an initial ceiling of £150m.⁷⁵ MOD and Treasury officials were tasked to work out the detailed arrangements.

97. In response to a request from Mr Brown on “how to handle future requests for Iraq UOR funding”, a Treasury official wrote to Mr Bowman on 8 October 2002, describing how a UOR arrangement might operate and how the Treasury might “reduce the UOR bill” by arguing that UORs were in fact generic enhancements of military capability, and by ensuring that the MOD had not already planned to procure items presented as UORs.⁷⁶

98. The Inquiry has seen no evidence that Mr Brown had asked for advice on the specific question of how to reduce the UOR bill.

⁷¹ Letter Hoon to Brown, 25 September 2002, ‘Iraq: Urgent Operational Requirements’.

⁷² Minute Lester to PS/Secretary of State [MOD], 20 September 2002, ‘Iraq: Meeting with the Chancellor: 23 September 2002’.

⁷³ Manuscript comment Watkins to SoS [MOD], 20 September 2002, on Minute Lester to PS/Secretary of State [MOD], 20 September 2002, ‘Iraq: Meeting with the Chancellor: 23 September 2002’.

⁷⁴ Minute Watkins to D Def RP, 23 September 2003, ‘Iraq: Meeting with the Chancellor: 23 September’.

⁷⁵ Letter Hoon to Brown, 25 September 2002, ‘Iraq: Urgent Operational Requirements’.

⁷⁶ Minute Treasury [junior official] to Bowman, 8 October 2002, ‘Iraq – Urgent Operational Requirements – Next Steps’.

99. Mr Brown told the Inquiry that all the MOD's claims for UORs had been met.⁷⁷ He also explained that the "ceiling" was not a limit on UOR expenditure, but an estimate of likely expenditure:

"At all times we said, 'Here is the money ... Once you have spent that, then we are prepared – and always were ready to and actually did – deliver more.'"

100. Mr Tom McKane, MOD Director General Resources and Plans from September 2002 to January 2006, who was responsible for establishing the arrangements for securing funding for UORs in the period leading up to the invasion, told the Inquiry that he was satisfied with the Treasury's response to the MOD's requests for UORs:

"Inevitably ... there is an anxiety and a concern on the part of the Ministry of Defence to get on with things ... and it did take a month or so after my first engagement in this for the agreements [on UORs] to be reached ... But thereafter, the process operated smoothly.

"There were some, I think, who were probably frustrated at the fact ... that we were given tranches of money ... we would get quite quickly to the point where we had exhausted the first tranche and were then involved in the preparation of ministerial correspondence to secure the release of the next tranche ...

"... but I don't remember it [the use of tranches] being a major obstacle to the preparations."⁷⁸

101. The provision of military equipment, including UORs, is described in Sections 6.3 and 14.

102. Mr Nye advised Mr Brown on 11 October that Mr Hoon was expected to write to Mr Blair shortly, setting out the military forces required for a campaign.⁷⁹ The Treasury had now established good communications with the MOD, and MOD officials had assured the Treasury that Mr Blair would be presented with "cost information".

103. While there were still huge uncertainties involved in forecasting costs, the MOD had provided the Treasury with "some indicative breakdowns" which the Treasury was scrutinising. The MOD estimated that Package 2 (predominantly air and maritime forces) was likely to cost up to £1bn, and Package 3 (Package 2 plus ground forces) between £1.5bn and £2bn.

104. Mr Nye invited Mr Brown to "consider whether the extra political impact for the UK of Package 3 merits the additional £0.5bn to £1bn cost (and of course the additional risk to British troops)".

⁷⁷ Public hearing, 5 March 2010, page 94.

⁷⁸ Public hearing, 2 July 2010, pages 35-36.

⁷⁹ Minute Nye to Chancellor, 11 October 2002, 'Iraq: Decisions Nearing'.

105. Mr Nye also identified the need to consider long-term, post-conflict military costs. The US appeared to envisage a “quite lengthy occupation/reconstruction effort”. Mr Nye commented:

“Although some in the MOD hope that British participation in the original conflict would exempt us from having to play a large role in the subsequent peacekeeping ... this is not realistic ... the UK may well face a situation like Kosovo, having to be involved in policing an occupied country post conflict: possibly £0.5 billion a year ... for several years.”

106. Mr Nye concluded: “If you want to influence the Prime Minister [Mr Blair] in considering the scale of the UK commitment, you should talk to him next week.”

107. Mr Hoon wrote to Mr Blair on 15 October, seeking a decision that week on whether the US should be offered Package 3 on the same basis as Package 2, as a possible UK contribution to a conflict.⁸⁰ Mr Hoon stated that Package 2 was likely to cost up to £1bn and Package 3 between £1.5bn and £2bn.

108. An MOD paper attached to Mr Hoon’s minute stated that the larger the UK’s contribution to military action in the war-fighting phase, the “more plausibly we will be able to argue that we have done our bit”. It also stated that the MOD could not yet estimate the cost of all the components of a campaign: the cost estimates provided in the paper were therefore “ball-park figures”.

109. Copies of the letter and attached paper were sent to Mr Brown, Mr Straw and Sir Andrew Turnbull, the Cabinet Secretary.

110. The following day, Sir David Manning sent Mr Blair his comments on Mr Hoon’s minute.⁸¹ Sir David described some of the arguments in the minute as “pretty dubious”, including:

“... if we help with the war fighting, we shall be spared the post-conflict washing up. It didn’t work like that in Afghanistan. Experience shows that once you’re in, you’re in deep, without queues of grateful countries waiting to take over when the shooting stops.”

111. Sir David suggested that Mr Blair might explore a number of questions with Mr Hoon, including: “Can we afford Package 3?”

⁸⁰ Minute Hoon to Prime Minister, 15 October 2002, ‘Iraq: UK Military Options’, attaching Paper MOD, 14 October 2002, ‘Iraq: UK Contingency Planning’.

⁸¹ Minute Manning to Blair, 16 October 2002, ‘Iraq: UK Military Options’.

112. Mr Blair, Mr Straw, Mr Hoon and Adm Boyce met on 17 October to discuss military options.⁸² Mr Rycroft recorded that Mr Blair acknowledged the arguments in favour of Package 3, but:

“... remained concerned about costs. He concluded that he wanted to keep open the option of Package 3. But we must not commit to it at this stage.”

113. Mr Campbell wrote in his diaries that at that meeting, Mr Blair said “it was not no, but it was not yet yes, and he wanted more work done analysing the cost”.⁸³

114. On 22 October Mr Jon Cunliffe, Treasury Managing Director for Macroeconomic Policy and International Finance, sent Mr Brown a paper on the risks to the Treasury’s objectives arising from a war in Iraq.⁸⁴ Mr Cunliffe identified nine main risks and assessed the likelihood and impact of each in four scenarios: no war; a short war; a protracted war; and a war involving weapons of mass destruction (WMD).

115. The nine main risks were:

- a substantial rise in public spending;
- lower growth, higher inflation and unemployment;
- negative productivity shock;
- public finances less sound;
- inflation deviates from target;
- loss of insurance capacity/risk of insurance failures;
- more IMF lending leading to higher UK gross debt;
- revival of popular pressure for lower fuel taxes; and
- developing countries knocked by oil prices, leading to lower growth.

116. On public spending, Mr Cunliffe assessed that indirect costs could more than double the direct costs. In the protracted war and WMD scenarios, the impact of a worsening economy on AME could match the military costs.

117. In his covering minute, Mr Cunliffe advised that the Treasury’s main concern related to its “ability to maintain sound public finances, especially in the more pessimistic cases”. There would be some risk to the “Golden Rule” in all three war scenarios; the risk would be much greater if a war involved WMD. Mr Cunliffe concluded by suggesting that Mr Brown might want to warn colleagues about the risk to public finances.

118. Section 6.1 describes the growing pressure from the MOD to offer Package 3 to the US for planning purposes.

⁸² Letter Rycroft to Watkins, 17 October 2002, ‘Iraq: UK Military Options’.

⁸³ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

⁸⁴ Minute Cunliffe to Chancellor, 22 October 2002, ‘Iraqi War: Risks to Treasury Objectives’ attaching Paper Treasury, [undated], ‘Impact of a War on Treasury Business’.

119. On 31 October, Mr Blair, Mr Straw, Mr Hoon and Adm Boyce discussed the MOD's wish to offer Package 3 to the US for planning purposes.⁸⁵ Mr Blair asked about the additional costs associated with Package 3 and whether they had been discussed with the Treasury. Adm Boyce said that he believed that:

“... if we [the UK] made a major financial contribution to the campaign through Package 3, we would be under less pressure to finance a big share of the post-conflict reconstruction effort.”

120. The record of the meeting does not indicate whether Mr Blair's question about the costs of Package 3, and whether they had been discussed with the Treasury, was answered.

121. Mr Blair concluded that the MOD should tell the US that the UK was prepared to “put Package 3 on the same basis as Package 2 for planning purposes”.

122. A copy of the record of the meeting was sent to Mr Bowman.

123. Mr John Dodds, who had replaced Mr Nye as Head of the Treasury Defence, Diplomacy and Intelligence Team, advised Mr Brown on 8 November 2002 that the Treasury's “instinct” was that Package 3 would cost £2.5bn, rather than the £1.5bn to £2bn estimated by the MOD.⁸⁶ That did not include any “follow-on” cost, such as peacekeeping or reconstruction.

124. Mr Brown received advice from a Treasury official on 17 November on whether to create an allocation in the Pre-Budget Report (PBR) to cover the cost of military action in Iraq.⁸⁷ The main advantage would be to enable the Treasury to set out, in a transparent way, the exceptional additional costs of military action, above the underlying state of public finances.

125. The allocation would cover the cost of military action in Iraq and the further costs of military occupation and/or a contribution to a stabilisation force. The official added that if Mr Brown was attracted to the idea of making such an allocation, it might be expanded to cover some of the existing costs relating to the war against terror.

126. The official also advised that, based on informal discussions with MOD officials, the military costs relating to “occupation and/or a stabilisation force” could be up to £1bn in the first year and up to £500m a year thereafter. The official commented:

“From this it's clear that any future decision on a UK role in post-conflict Iraq should properly factor in the potential costs.”

⁸⁵ Letter Wechsberg to Watkins, 31 October 2002, ‘Iraq: Military Options’.

⁸⁶ Minute Dodds to Brown, 8 November 2002, ‘Iraq: Diplomatic and Military Update’.

⁸⁷ Minute Treasury [junior official] to Chancellor, 17 November 2002, ‘A PBR Allocation for Iraq?’

127. Mr Brown telephoned Mr Hoon on 27 November, to inform him that he would be making an allocation of £1bn in his PBR for “Defence issues”.⁸⁸ Mr Brown reassured Mr Hoon that this was not an upper limit on expenditure, but rather a “purely nominal figure: it was neither an upper or lower limit”. The usual process for securing funding from the Reserve would stand.

128. Mr Brown announced to Parliament later that day that the Government had “set aside to meet our international defence responsibilities a provision of £1 billion to be drawn on if necessary”.⁸⁹

129. Sir Nicholas Macpherson told the Inquiry that the decision to create a Special Reserve was driven by a Treasury assessment that the existing Reserve would not be sufficient to cover other Government contingencies while paying for the costs of Iraq.⁹⁰

130. In late November, in the context of a submission to Mr Hoon on UORs, Mr McKane reported that the Treasury had asked the MOD for an estimate of the cost of post-conflict deployments.⁹¹ Mr McKane advised Mr Hoon that, based on experience in the Balkans, the cost might be in the region of £1bn for the first year, and £400m for the following 18 months.

Agreement on arrangements for reclaiming NACMO

131. Mr Hoon wrote to Mr Brown on 28 November to request an increase in the UOR ceiling from £150m to £300m and to secure agreement that the MOD should begin to capture all non-UOR additional costs (the net additional costs of military operations – NACMO), with a view to repayment from the Reserve in due course.⁹²

132. Mr Brown replied on 9 December, agreeing to increase the ceiling for UORs to £300m and that the MOD should begin to capture NACMO, but adding that those costs should be contained within the UOR ceiling “until any [military] operation is initiated”.⁹³

133. Mr Blair agreed on 9 December that the MOD should plan on the basis of a possible decision to commit land forces, as early as 15 February 2003.⁹⁴ A copy of the letter recording Mr Blair’s decision was sent to Mr Bowman.

134. Mr Hoon wrote to Mr Brown on 13 December, warning him that Mr Blair’s decision of 9 December would increase the rate at which the MOD incurred additional costs.⁹⁵ Mr Hoon requested an additional £200m for UORs, and also asked that Mr Brown

⁸⁸ Letter Davies to Finance Director, 28 November 2002, ‘Pre-Budget Report’.

⁸⁹ House of Commons, *Official Report*, 27 November 2002, columns 318-46.

⁹⁰ Statement, 15 January 2010, pages 2-3.

⁹¹ Minute McKane to APS/Secretary of State [MOD], 27 November 2002, ‘Iraq Costs’.

⁹² Letter Hoon to Brown, 28 November 2002, ‘Iraq: Urgent Operational Requirements’.

⁹³ Letter Brown to Hoon, 9 December 2002, ‘Iraq: Urgent Operational Requirements’.

⁹⁴ Letter Rycroft to Watkins, 9 December 2002, ‘Iraq: Military Planning’.

⁹⁵ Letter Hoon to Brown, 13 December 2002, ‘Iraq: Costs’.

reconsider his position that non-UOR NACMO should be contained within the UOR ceiling.

135. Mr Hoon attached a spreadsheet showing the MOD's actual and estimated costs (to April 2003) for "Iraq contingency planning", which totalled £1.65bn.

136. Copies of Mr Hoon's letter were sent to Mr Blair and Mr Straw.

137. A Treasury official advised Mr Brown on 17 December that he should agree both of Mr Hoon's requests.⁹⁶ On UOR costs, the official advised:

"Some of this [UOR] spending is arguably for equipment that would have been bought anyway later ... We should stress that in such cases we will claim back by either docking MOD's EYF, or reducing their Estimates accordingly next year."

138. On non-UOR NACMO, the official advised that if preparations were to move forward on the track agreed by Mr Hoon and Mr Blair, access to the Reserve was necessary. Preparing a force would cost about £650m and maintaining it at a state of readiness about £200m a month, whether the UK went to war or not. The official advised Mr Brown that the Treasury should put in place arrangements "that keep the costs clearly on the agenda", and that Mr Brown should ask Mr Hoon for monthly reports on current and planned activities. Those reports would provide the basis for "ongoing joint consideration of the costs of the strategy".

139. The official also advised that the £1.65bn figure represented the cost if the military operation was "cancelled end of March, clear up and go home in April". The costs of war-fighting, missiles and ammunition, and "post-conflict stabilisation" would be additional.

140. Mr Hoon telephoned Mr Boateng on 23 December to discuss access to the Reserve.⁹⁷ Mr Hoon's Private Secretary reported to MOD officials that Mr Boateng had said that any system needed to meet the MOD's needs, take account of "broader financial implications", and enable the Treasury to identify clearly that costs were genuinely additional.

141. Mr Boateng wrote to Mr Hoon later that day.⁹⁸ Mr Boateng agreed to increase the ceiling for UORs by £200m, to £500m. With regard to non-UOR NACMO, Mr Boateng stated that access to the Reserve was usually only granted once an operation had been "declared". In the current "preparatory phase", he offered to create a "distinct envelope for build-up costs", with four specific Heads of Expenditure (operation-specific training; air/sea charter; spares, maintenance and logistics; and other infrastructure elements), with an initial allocation of £500m. The Treasury would authorise and monitor expenditure within those Heads of Expenditure, rather than as a single block.

⁹⁶ Minute Treasury [junior official] to Chancellor, 17 December 2002, [untitled].

⁹⁷ Minute Watkins to MOD DG RP, 23 December 2002, 'Iraq: Briefing the Chief Secretary to the Treasury'.

⁹⁸ Letter Boateng to Hoon, 23 December 2002, 'Iraq Costs'.

142. Mr Boateng asked that Mr Hoon provide fortnightly forecasts of UOR and non-UOR NACMO. The MOD would provide the first forecast on 16 January 2003.

143. Mr Boateng concluded: “Where further decisions are taken – for example over the call up of reserves or the deployment of significant numbers of troops to theatre – Gordon and I will of course stand ready to discuss funding issues.”

144. Mr Watkins described that arrangement to MOD officials as “generally acceptable”, and passed on Mr Hoon’s thanks for negotiating it.⁹⁹

145. Mr Boateng’s Private Secretary wrote to Mr Watkins on 13 January, to “record the circumstances in which we have agreed that decisions should be cleared with Treasury Ministers”.¹⁰⁰ Expenditure outside the four specific Heads of Expenditure within the non-UOR NACMO envelope, and “any policy decisions that will lead to future costs”, would require Treasury approval.

146. Mr Watkins wrote against the proposal that the Treasury should be consulted on any policy decision with cost implications:

“This is a try-on which we will correct in the reply.”

147. Mr Boateng agreed an MOD request for “some flexibility” to transfer resources between the four Heads of Expenditure on 15 January.¹⁰¹

148. Mr Hoon’s Private Secretary replied to the Treasury’s letters of 23 December and 13 January on 16 January.¹⁰² He stated that Mr Hoon “would, of course, continue to include the Chancellor in correspondence on major policy decisions which have expenditure implications”.

149. The letter also provided the MOD’s first detailed forecasts of expenditure on UOR and non-UOR NACMO, covering the period up to April 2003.

150. The MOD provided its first report on actual expenditure on UORs and non-UOR NACMO to the Treasury on 5 March.¹⁰³

151. Section 6.5 describes discussions within the UK Government on whether the UK should take responsibility, in the post-conflict period, for a geographical sector in Iraq.

152. On 13 February, Mr McKane wrote to Mr Dodds setting out the MOD’s assessments of the costs of military operations and the aftermath.¹⁰⁴

⁹⁹ Minute Watkins to MOD DG RP, 23 December 2002, ‘Iraq: Briefing the Chief Secretary to the Treasury’.

¹⁰⁰ Letter Treasury [junior official] to Watkins, 13 January 2003, ‘Iraq: Funding’.

¹⁰¹ Email Treasury [junior official] to Treasury [junior official], 15 January 2003, ‘Iraq Resource Costs’.

¹⁰² Letter MOD [junior official] to Treasury [junior official], 16 January 2003, ‘Op Telic: Iraq Costs’.

¹⁰³ Letter PS/Hoon to PS/Boateng, 5 March 2003, ‘Operation Telic: Iraq Costs Update’.

¹⁰⁴ Letter McKane to Dodds, 13 February 2003, Op Telic: Iraq Costs – Active Operations and the Aftermath’.

153. Mr McKane advised that the cost of military combat operations, including “repairs, replenishment and reconfiguration”, could be between £2.5bn and £3bn.

154. Mr McKane also provided the MOD’s “outline ‘first thoughts’ projection” of the cost of maintaining a military presence in post-conflict Iraq. Mr McKane advised that the MOD had not yet been assigned “firm tasks” for the post-conflict period and that the size and type of forces required would depend on US plans. With that caveat, the MOD estimated that UK forces might be required for 30 months at a cost of £2.3bn (including a six-month deployment of HQ Allied Rapid Reaction Corps (ARRC), but excluding UORs related to military post-conflict tasks).

155. On 19 February, in advance of meetings with Mr John Snow, the US Secretary of the Treasury, and other G7 finance Ministers, Mr Brown received a number of papers on Iraq.¹⁰⁵

156. A paper by Mr Dodds and a junior Treasury official provided the first comprehensive estimate of the cost of the UK’s intervention in Iraq (including military and non-military, conflict and post-conflict costs).¹⁰⁶ The advice on non-military costs is described later in this Section.

157. The officials advised that the Treasury’s best estimate of the cost of UK military combat operations was now £3bn over the three financial years from 2002/03, with an associated £400m in RAB costs over the three financial years from 2003/04. The MOD’s estimate remained lower: the Treasury doubted that the MOD had shared with it the full cost of replacing and restocking armaments and equipment used in a conflict.

158. The officials advised that the Treasury was “now starting to get some sense” from the MOD on the cost of post-conflict peacekeeping/stabilisation. While no decision had yet been taken on whether to contribute UK forces after a conflict:

“In practice once we are on the ground, unless contributions from other nations are available the political pressure to stay will be intense.”

159. There were a number of ways that an “occupation ... force” might be organised. The “biggest commitment, and hence the most expensive” would be if the UK became responsible for a particular geographical sector. The Treasury’s estimate reflected that commitment.

160. The MOD had not yet provided firm estimates for how much such an occupation force (including responsibility for a geographical sector) might cost. Internal Treasury work suggested £500m in 2003/04 and £1bn in 2004/05 (in addition to the cost of military combat operations).

¹⁰⁵ Minute Treasury [junior official] to Chancellor, 19 February 2003, ‘Update on Iraq’.

¹⁰⁶ Minute Treasury [junior official] to Chancellor, 19 February 2003, ‘Update on Iraq’ attaching Paper Treasury, 19 February 2003, ‘Iraq Conflict – Public Expenditure Impact’.

161. Mr Brown also received a minute from Mr Dodds which highlighted the potential implications of the UK taking overall responsibility for a geographical sector in Iraq:

“This is a decision that will have substantial public expenditure implications. If there were a UK sector we would find ourselves locked into the management of the aftermath for a substantial period (perhaps as long as five years) rather than allowing other countries – who will not have borne any costs of the conflict itself – to make their contribution. The net additional cost to the UK is difficult to quantify but would certainly be hundreds of millions of pounds a year.”¹⁰⁷

162. Mr Dodds added that there were other reasons why a UK sector would be unattractive. The need to bring in expertise from the widest possible range of sources and to avoid the perception that the UK was occupying “part of the Arab world” argued for a more internationalist approach.

163. Mr Dodds advised that Treasury officials were taking every opportunity to stress to FCO and MOD colleagues that Mr Brown would want to have an input to any decision on sectorisation, and recommended that Mr Brown underline that point himself with Mr Blair, Mr Straw and Mr Hoon.

164. Mr Brown and Mr Boateng received a further update on military costs from a Treasury official the following day.¹⁰⁸ The official reported that the Treasury now had the MOD’s first estimates of the likely total cost of conflict in Iraq “if a decision is made to stay ... and provide a medium term stabilisation/peace keeping force”. The upper limit, based on what was feasible in military terms, was a two-year commitment at a total cost of £1.6bn. The official commented:

“The extent to which any of this is optional is unclear. We think that, because of our Geneva convention obligations, it will be impossible to resist keeping a substantial force in theatre for at least six months post the end of fighting ... In practice the emerging politics of a post-conflict Iraq point to a much more substantial commitment both in terms of size and length of stay.”

165. On 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Clare Short (the International Development Secretary), Baroness Symons (joint FCO/DTI Minister of State for International Trade and Investment, representing Mr Straw), Sir Michael Jay (FCO Permanent Under Secretary) and “other officials”.¹⁰⁹

166. In an annotated agenda for the meeting, the Iraq Planning Unit (IPU) invited Ministers to take a view on a number of key post-conflict issues, including whether to

¹⁰⁷ Minute Dodds to Chancellor, 19 February 2003, ‘Iraq – “Aftermath” – UK Role’.

¹⁰⁸ Minute Treasury [junior official] to Chancellor, 20 February 2003, ‘Iraq: Update on Potential Cost and How Should We Present Them?’.

¹⁰⁹ Letter Cannon to Owen, 7 March 2003, ‘Iraq: Post-Conflict Issues’.

seek “general UK responsibility for the administration of any geographic area of Iraq in the medium term”.¹¹⁰

167. Mr Dominick Chilcott, the Head of the IPU from February 2003 to June 2004, told the Inquiry that there was:

“... a great deal of hesitancy within Whitehall about the concept of a British sector mainly because of the resources that would be involved in making a success of it ... the Treasury and DFID both expressing, for slightly different reasons, hesitancy about the assumption that there would be a British sector.”¹¹¹

168. Mr Brown received a number of papers from Treasury officials before the meeting.

169. A paper produced by Mr Dodds highlighted the financial implications of the assumption in “US/UK military planning” that UK forces would take responsibility for an area of Iraq after the conflict.¹¹²

170. Mr Dodds advised that the Chiefs of Staff had estimated that the UK could sustain a brigade and headquarters (around 10,000 troops) in Iraq indefinitely, and that this force would be sufficient to fulfil the UK responsibilities for Basra Province.

171. Mr Dodds advised that the cost of such an ongoing operation was likely to be about £1bn a year. It was a reasonable assumption that the UK’s commitment would last “at least two years and possibly significantly longer”. He continued:

“We have pressed MOD on how these costs might be reduced. The options are:

- a. to tell the US that we feel we have played our part after Phase IVA [immediate post-conflict stabilisation] and that other coalition partners must be found to take on our role ...;
- b. to give up the leadership role and to contribute a small component to the leadership of others;
- c. to lead a sector ... with a range of forces drawn from other countries.

To keep cost to a minimum, we should scale down our commitments as rapidly as possible.”

172. Mr Dodds summarised his arguments:

- On public finance grounds there is a strong case for stepping back from military leadership in the aftermath and allowing other countries to take on this role.
- If Ministers want Britain to continue to be in a leadership position there will be significant costs ...

¹¹⁰ Paper IPU, 5 March 2003, ‘Planning for the UK’s Role in Iraq after Saddam’.

¹¹¹ Public hearing, 8 December 2009, page 28.

¹¹² Paper Treasury, 4 March 2003, ‘Iraq – the Aftermath – Military Options’.

- ...
- There are risks that our taking on military leadership will result in our being sucked into wider responsibilities for reconstruction with even higher costs.”

173. Mr Dodds told the Inquiry why he had written that paper:

“... I think we had a specific request ... from the Chancellor’s Office for a piece of advice on the aftermath and I think what had happened was that it had become clear, quite suddenly really, to the Chancellor ... to the Treasury, that there was a set of options being considered for the role that the UK [military] might play ... in Phase IV ...”¹¹³

174. Mr Dodds told the Inquiry that the Treasury’s earlier work had focused on the major conflict phase of operations, using a three-year planning framework. However:

“... it suddenly became clear to us ... if we had been wiser, we might have kind of anticipated this, but it was a bit of a surprise ... that there were discussions going on between parts of the UK Government and others around the role that the UK might play, which had the potential to see us in Iraq for significantly longer than we had been initially supposing.

“... the Treasury wasn’t in the loop before early ... March, around this thinking, and ... when this thinking emerged, there ... appeared to have been an assumption on behalf of some other parts of government that this was another thing where ... the Treasury would just sign the cheques ... without being involved in the strategic decision.”

175. Mr Brown also received a paper from a Treasury official on the potential impact of all military and non-military expenditure in Iraq on public expenditure.¹¹⁴ The best estimate of the cost of UK military combat operations was £3.1bn. Maintaining a “medium-term stabilisation/peace-keeping force” might cost up to £1bn a year for two years. The official advised that:

“... whilst the costs of the actual fighting are now pretty inescapable ***we still have a window of opportunity to exert some influence over the scale of this post-conflict commitment.***”

176. The 6 March meeting is described in detail later in this Section.

177. The 14 March meeting of the Ad Hoc Group on Iraq (AHGI)¹¹⁵ was advised that the IPU was considering how best to approach other donors for support on reconstruction,

¹¹³ Public hearing, 14 July 2010, pages 13-16.

¹¹⁴ Minute Treasury [junior official] to Chancellor, 4 March 2003, ‘Iraq - Potential Public Spending Impact’.

¹¹⁵ From 20 September 2002, the Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues.

and that the FCO was considering whether there was scope to approach other countries to contribute to UK military campaign costs (though the prospects were not good).¹¹⁶

Cash contributions to Operation GRANBY

There was precedent for approaching other governments to contribute to UK military costs. Other governments pledged over £2bn to the UK to cover the costs incurred on Operation GRANBY, the UK contribution to the international response to Iraq's invasion of Kuwait in 1990.¹¹⁷ The cost of Op GRANBY was some £2.5bn.

178. Treasury officials advised Mr Boateng on 14 March that the MOD's estimate for infrastructure costs within the NACMO envelope included £10m for:

"CIMIC – Civilian-Military co-operation. This spend is for force protection with the goal of pacifying local, potentially aggressive populations ... This is an integral part of military operations and is still within agreed control totals – due to over-forecasting in other areas ..."¹¹⁸

179. The MOD subsequently referred to that allocation as being for QIPs.¹¹⁹

180. On 17 March, Cabinet took collective responsibility for the conclusion that:

"... the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary."¹²⁰

181. Mr Brown told the Inquiry how he had responded to advice from Treasury officials that he should raise the issue of the cost of the military options being considered by the Government:

"I ... made it clear that the military option had to be one that was best for the military, and that the Treasury would not in any way interfere and suggest that there were cost grounds for choosing one option against another. That was not our job. The Treasury was there to advise on how we could deal with the financial issues that arose from the military decisions and the political decisions that were made.

"So there was no time from June [2002] when the Treasury said, 'This is a better military option because it is cheaper or less costly'. At every point, I made it clear that we would support whatever option the military decided upon with the Prime

¹¹⁶ Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'.

¹¹⁷ Ministry of Defence, *Statement of the Defence Estimates*, 1991, Cm 1559-I.

¹¹⁸ Minute Treasury [junior officials] to Chief Secretary, 14 March 2003, 'Iraq Funding'.

¹¹⁹ Minute Dodd to Manning, 17 March 2003, 'Ad Hoc Group on Iraq'; Minute Straw and Hoon to Blair, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

¹²⁰ Cabinet Conclusions, 17 March 2003.

Minister and the Cabinet and that there would be no financial barrier to us doing what was necessary to be done.¹²¹

182. Mr Blair described the Government’s planning for a post-Saddam Iraq in his 14 January 2011 statement to the Inquiry. He wrote that, on funding:

“... the Chancellor [Mr Brown] had throughout made it clear resources would not be an obstacle. The Treasury had made certain calculations of the cost both of the initial action and the aftermath. The Chancellor was present at Cabinet meetings in the run-up to the conflict. Throughout he made it clear resource was not a constraint. Subsequently he was part of the War Cabinet. Of course the Treasury queried and questioned costings. They always did. But at no point did anyone say to me: the Treasury are stopping us doing what need. So I see in evidence to the Inquiry that resource issues were being raised with some frustration by officials. I can only say that had such frustrations been raised with me, I would have acted on them and I believe the Chancellor would have been fully supportive.”¹²²

Estimates and allocations for non-military activities

Humanitarian assistance and reconstruction

183. A Treasury official sent Mr Brown a paper on the global, regional and local (Iraqi) economic impact of “war” in Iraq on 6 September 2002.¹²³ The official’s analysis of the global economic impact of war is described earlier in this Section.

184. As part of his analysis of the local (Iraqi) economic impact, the official assessed the contribution that the IMF, the World Bank, bilateral donors, the UN and the Paris Club (through debt relief) had made to meeting the “post-war challenge” in the Federal Republic of Yugoslavia (FRY), East Timor and Afghanistan, under five headings: reconstruction; institution-building; economic stabilisation; economic transition; and peacekeeping.

185. The official concluded that the cost of “putting a country back on its feet” could be high. The FRY had already received US\$10bn in support (excluding IMF support). Iraq could be “even more expensive”, given:

- the possibility that a conflict could cause significant damage, and the existing poor state of Iraq’s infrastructure;
- the need to stabilise the economy, including by addressing Iraq’s huge external debt;

¹²¹ Public hearing, 5 March 2010, pages 25-26.

¹²² Statement, 14 January 2011, pages 15-16.

¹²³ Email Treasury [junior official] to Bowman, 6 September 2002, ‘What Would be the Economic Impact of a War in Iraq?’ attaching Paper Treasury, September 2002, ‘What Would be the Economic Impact of War in Iraq?’.

- the need for a large peace-keeping force “to keep a lid on the ethnic and religious tensions that Saddam’s dictatorship has hidden for so long”; and
- the pressure for a “generous [reconstruction] package, given the perception in the region that invading Iraq is of dubious legality and worth”.

186. On who would pay for that generous package, the official assessed that:

“... the US might expect Iraq to pick up the bill after a short ‘bridging’ period, especially as – with investment – oil revenues could quickly exceed US\$20 billion per year.

“But it is more likely that strong pressure will come to bear on the US and its allies to pay the lion’s share, given their role in the war ...”

187. The official did not consider what the UK’s contribution to meeting post-war costs might be.

188. The Inquiry has seen no evidence that Mr Brown responded to this analysis, or that it was circulated outside the Treasury.

189. Mr Brown told the Inquiry that the Treasury was among the first to consider the challenges involved in reconstruction.¹²⁴

190. From 20 September 2002, the Ad Hoc Group on Iraq (AHGI) co-ordinated all non-military cross-government work on post-conflict issues (see Section 6.4). The AHGI was chaired by the Cabinet Office.

191. Mr Alistair Fernie, Head of DFID’s Middle East and North Africa Department, circulated a draft paper on the potential humanitarian implications of conflict in Iraq to members of the AHGI on 11 October, with the caveat that the paper had not yet been seen by Ms Short or other departments.¹²⁵

192. The draft paper stated that:

“Any large-scale UK humanitarian response would require additional funding from the Central Reserve. DFID’s existing small (£6m) humanitarian programme in Iraq is fully committed; available humanitarian funds within CHAD [DFID’s Conflict and Humanitarian Affairs Department] are likely to be grossly insufficient and most of DFID’s Contingency Reserve has already been allocated.”

193. On 4 November, Mr Fernie invited Ms Short to agree that a revised version of the paper should be shared with the US as a work in progress.¹²⁶ He advised that the

¹²⁴ Public hearing, 5 March 2010, page 19.

¹²⁵ Letter Fernie to Dodd, 11 October 2002, ‘Iraq: Humanitarian Contingency Planning’ attaching Paper [draft] DFID, 11 October 2002, ‘Iraq: Potential Humanitarian Implications’.

¹²⁶ Minute Fernie to Private Secretary/Secretary of State [DFID], 4 November 2002, ‘Iraq: Contingency Planning: Humanitarian Paper’ attaching Paper DFID, 5 November 2002 [sic], ‘Iraq: Potential Humanitarian Implications’.

revised paper incorporated her comments on an earlier draft. On funding, in place of the statement above, the paper stated:

“A large-scale regional response ... would certainly test the already stretched human resource and monetary capacity of many agencies and donors.”

194. Mr Fernie’s minute was copied to the Private Office of Mr Suma Chakrabarti, DFID Permanent Secretary.

195. Ms Short agreed that the paper could be shared with the US, subject to the inclusion of an explicit reference to DFID’s lack of financial resources to cover the humanitarian contingencies considered in the paper.¹²⁷

196. Ms Short held a meeting with DFID officials on 18 November to discuss Iraq.¹²⁸ Ms Anna Bewes, Ms Short’s Private Secretary, recorded that the meeting had agreed that it would be important to cost each military option, including both military and “realistic humanitarian” costs. Ms Short was concerned that not only was no money set aside for humanitarian activity, but the issue was not even being considered.

197. Mr Fernie set out his understanding of Ms Short’s concern in an email to DFID colleagues the following week:

“... HMT [the Treasury] have been talking to MOD only about the military costs without taking into account the costs to the international community of any humanitarian response, post-Saddam transitional administration and/or reconstruction ... The SoS [Ms Short] is particularly keen to make clear that DFID cannot find substantial funds for any such work from our existing budgets.”

“We [DFID] are trying to cobble together some figures of possible costs – all a bit speculative ... but the point at this stage is to get others in Whitehall thinking about it.”¹²⁹

198. On 3 December, Mr Fernie reported to Dr Nicola Brewer, DFID Director General Regional Programmes, that there had been no progress in interesting the Cabinet Office or the Treasury in costing “various scenarios”.¹³⁰ Mr Jim Drummond, Assistant Head (Foreign Affairs) of the Cabinet Office Overseas and Defence Secretariat (OD Sec), and the AHGI had both given a “clearly negative response”. The “Cabinet Office line” was that if DFID thought it would incur unaffordable extra costs, it should bid to the Treasury. Mr Dodds had expressed some concern over international burden-sharing, but had shown “little interest” in Ms Short’s concerns and had thought that there would be “no appetite” in the Treasury for producing “Whitehall-wide” costings. DFID’s Conflict and

¹²⁷ Manuscript comment Short, 4 November 2002, on Minute Fernie to Private Secretary/Secretary of State [DFID], 4 November 2002, ‘Iraq: Contingency Planning: Humanitarian Paper’.

¹²⁸ Minute Bewes to Miller, 19 November 2002, ‘Iraq’.

¹²⁹ Email Fernie to Sparkhall, 26 November 2002, ‘Iraq – Expenditure Implications across Whitehall’.

¹³⁰ Minute Fernie to Brewer, 3 December 2002, ‘Iraq: Contingency Planning’.

Humanitarian Affairs Department (CHAD) was working up preliminary costings, but had “no consumer for this product”.

199. Mr Fernie asked Dr Brewer for her advice on how to proceed:

“Do we need to take this up at a higher level in CO [the Cabinet Office] or HMT [the Treasury]? Or do as CO says and start circulating some large-ish figures around Whitehall?”

200. Dr Brewer replied on 5 December.¹³¹ She advised that she had spoken to Mr Peter Ricketts, the FCO Political Director, who had been:

“... slightly more willing to acknowledge that the likely costs ... should be factored into the decision-making process. But I got no sense at all that the FCO would either push for this or support us in doing so. Their sense is that the Prime Minister’s mind will be made up by other factors.”

201. Dr Brewer suggested that the issue could be raised by Mr Chakrabarti with Sir David Manning and Permanent Secretaries, or by Ms Short at Cabinet.

202. DFID officials reported the lack of progress to Ms Short on 10 December.¹³² Ms Short agreed that officials should raise US and DFID cost estimates at the next AHGI, and directed that DFID officials should intensify discussions with the Treasury on costings.

203. There is no reference to a discussion on this issue in the records of the 13 December 2002 and 10 January 2003 meetings of the AHGI.¹³³

204. The Inquiry has seen no indications that DFID raised this issue again.

205. In mid-December 2002, a DFID official advised Ms Short that the MOD did not seem to have recognised that, for a period after any conflict, the UK military would “find themselves in the frontline in caring for injured and vulnerable civilian populations”.¹³⁴ The military would need to be resourced to fulfil this responsibility. Dr Brewer said that she would speak to the MOD.

206. At the end of December 2002, the focus of the Chiefs of Staff and UK military planners switched from northern to southern Iraq, creating a contingent liability that the UK would be responsible for the post-conflict occupation and administration of a UK Area of Responsibility (AOR) in the region around Basra.

207. The Cabinet discussed Iraq on 16 January 2003.¹³⁵

¹³¹ Minute Brewer to Fernie, 5 December 2002, ‘Iraq: Contingency Planning’.

¹³² Minute Bewes to Fernie, 13 December 2002, ‘Iraq’.

¹³³ Minute Dodd to Manning, 19 December 2002, ‘Ad Hoc Group on Iraq’; Minute Dodd to Manning, 13 January 2003, ‘Ad Hoc Group on Iraq’.

¹³⁴ Minute DFID [junior official] to Fernie, 13 December 2002, ‘Iraq’.

¹³⁵ Cabinet Conclusions, 16 January 2003.

208. Ms Short said that work on post-conflict issues needed to be taken forward urgently and emphasised the need for extra resources, the potential effect of chemical and biological weapons on civilians and the importance of involving the UN.

209. Summarising the discussion, Mr Blair said that the “priorities for the immediate future” included preparatory work on planning the aftermath of any military action.

210. On 21 January, at Ms Short’s request, Mr Fernie provided advice on “how to maximise the chances of securing additional funding from the Treasury to cover the costs of [a] DFID humanitarian response”.¹³⁶

211. Mr Fernie recommended that Ms Short should speak, rather than write, to Mr Brown. A letter would invite a formal response, and Treasury officials were likely to caution Mr Brown against providing any broad assurance on funding and might recommend that DFID “unpick” its 2003/04 spending plan, to be agreed shortly, in order to provide more funding for Iraq.

212. Mr Fernie continued:

“Mr [Mark] Lowcock’s [DFID Director Finance and Corporate Performance] advice is that the best time to extract maximum funds from the central Reserve is when the political pressure is at its height. We might guess that such a time will come in a month or so – by which time budgets for our existing programmes would be more secure, with our 2003/04 framework finalised and on its way to publication.”

213. Ms Short commented: No – I don’t want to ring Ch X [the Chancellor of the Exchequer] ... I wanted to put humanitarian considerations into Gov[ernment] mind not just to squeeze some money.”¹³⁷ Rather than write or speak to Mr Brown, she would write to Mr Blair. That letter was sent on 5 February.

214. Ms Short described DFID’s preparations to respond to a humanitarian crisis in Iraq in the House of Commons on 30 January.

215. Ms Short’s briefing for the debate included, at her request, a figure for the UK’s “responsibility within the international system” for contributing to humanitarian relief efforts.¹³⁸ The briefing stated that the UK’s Gross National Income (GNI) was 5.5 percent of the total GNI of members of the Organisation for Economic Co-operation and Development (OECD) in 2000. The UK would not expect to contribute much more than that percentage to any international humanitarian relief effort.

¹³⁶ Minute Fernie to PS/Secretary of State [DFID], 21 January 2003, ‘Iraq Contingency Planning: Financial Provision’.

¹³⁷ Manuscript comment Short, 22 January 2003, on Minute Fernie to PS/Secretary of State [DFID], 21 January 2003, ‘Iraq Contingency Planning: Financial Provision’.

¹³⁸ Minute Fernie to PS/Secretary of State [DFID], 28 January 2003, ‘Iraq: Contingency Planning – Commons Debate on Thursday’ attaching Briefing, [undated], ‘House of Commons Opposition Debate, Thursday 30 January 2003: Humanitarian Contingency Planning in Iraq’.

216. During the debate, Ms Short reported that the US had committed to fund in full the recent UN appeal for US\$137m to enable UN agencies to prepare their responses to a humanitarian crisis.¹³⁹

217. In response to a question from Mr Crispin Blunt about the resources available to DFID, Ms Short stated that:

“... the UK’s contribution to any humanitarian crisis throughout the world, as determined by the Organisation for Economic Co-operation and Development, is just over 5 percent – that is all.”

Ms Short continued:

“... my department’s budget has virtually doubled since 1997, but is under strain ... We have a Contingency Reserve and Iraq would be prioritised. However, I have just been in Africa, where there is a real fear about resources being taken away from southern Africa, the horn of Africa, the Afghan people, the West Bank and Gaza – that would be wrong and we would not contemplate it. We will play our part in the international system, but the department is not flush with resources – I must frankly warn the House that they are short.”

218. On 31 January, a DFID official provided advice to Ms Short, at her request, on how much the UK might be expected to contribute to “humanitarian relief/reconstruction” in Iraq in the event of military action.¹⁴⁰

219. The official provided a draft DFID paper which considered in detail Iraq’s possible post-war needs under a number of scenarios. The paper used current Oil-for-Food (OFF) programme expenditure plans as a “benchmark” for a future humanitarian and reconstruction programme, and then considered how those plans would be affected by a number of factors including the nature of any conflict, the availability of Iraqi oil revenues, and how Iraq’s external debt and reparation claims would be resolved.

220. The official advised that FCO and Treasury officials had seen an earlier draft of the paper, and that the Treasury was using roughly similar figures in assessing the total cost to the UK of military engagement in Iraq (an issue in which there was increased Ministerial interest).

221. In her covering minute, the official summarised the main conclusions of the paper:

- Total humanitarian costs could reach US\$12bn in the first year after any conflict, if the OFF programme collapsed.

¹³⁹ House of Commons, *Official Report*, 30 January 2003, columns 1057-1058.

¹⁴⁰ Minute DFID [junior official] to PS/Secretary of State [DFID], 31 January 2003, ‘Iraq: Cost of Humanitarian Relief/Reconstruction and Potential UK Contribution’ attaching Paper DFID [draft], [undated], ‘Draft: Iraq: Relief and Reconstruction: Implications for UK Government’.

- Reconstruction could cost between US\$2bn and US\$10bn a year over a two to three-year period, depending on the impact of the military conflict, the level of forgiveness secured on debt and other claims, and oil revenues.
- If the UK provided 5.6 percent¹⁴¹ of the total humanitarian/reconstruction costs (in line with the UK's share of OECD GNI), the UK's contribution to "total humanitarian/reconstruction costs" could reach US\$640m (£400m) a year for the next three years, under a "high case military/low case oil revenue scenario".

222. The draft paper stated that DFID had, "traditionally' (Balkans/Afghanistan)", contributed between eight and 10 percent of total relief/reconstruction costs. On that basis, under a high case military/low oil revenue scenario, the UK contribution could be in excess of US\$1bn a year.

223. The official also provided advice on how to raise awareness across the UK Government about the potential costs of a major humanitarian operation, "without committing DFID's budget at this stage or jeopardising other programmes".

224. The official recommended that DFID should continue to discuss funding with other departments at official level, but seek to postpone discussions on the detailed financial implications for DFID until its 2003/04 spending plans had been agreed. DFID's Iraq team and DFID's Finance Department would continue to work closely together "on tactics to avoid early discussion about the implications [of a UK contribution] for DFID's budget, bearing in mind Mr Lowcock's earlier advice". The Treasury would be keen to share the burden across the international community, to minimise the UK contribution.

225. Ms Short commented on that advice:

"Let us be clear ... we have [a] Contingency Reserve of £100 mill[ion] and all our systems strained [we] cannot take money from other poor countries. We are not asking for or promising money. DFID prob[ably] has no more than £50 mill[ion]. If HMG wants to provide more – so be it but DFID limited."¹⁴²

226. Ms Short wrote to Mr Blair on 5 February to provide an update on humanitarian planning.¹⁴³ In that context, she advised that a "fair share" for the UK of a major humanitarian/reconstruction operation would be around 5.6 percent, equal to the UK's share of OECD GNI. Under one scenario, that could equate to £440m a year for three years.

227. The letter did not describe that scenario or provide a cost for any others.

228. Ms Short also advised that DFID's resources and those of the international system were already under severe strain.

¹⁴¹ Rather than the 5.5 percent used in Mr Fernie's minute of 28 January 2003 to Ms Short.

¹⁴² Manuscript comment Short on Minute DFID [junior official] to PS/Secretary of State [DFID], 31 January 2003, 'Iraq: Cost of Humanitarian Relief/Reconstruction and Potential UK Contribution'.

¹⁴³ Letter Short to Blair, 5 February 2003, 'Iraq: Humanitarian Planning'.

229. Ms Short concluded:

“The immediate question is how big a part the UK should play in humanitarian preparations. It would be helpful to know whether you think the UK should remain modest or aim higher in terms of our humanitarian contribution to resolving the Iraq crisis. If you want the UK to take more of a lead ... then I would be willing to do that. But it would need to be an effort on behalf of the whole Government, not just my department.

“I think the way in which you could best help is to make clear across the system that you want humanitarian considerations to be given more weight. In addition it would help if we could settle the financial questions.”

230. Ms Short announced in Parliament on 10 February that she had provided £3.5m to support UN humanitarian contingency planning.¹⁴⁴

231. On 11 February, a Treasury official invited Mr Brown’s comments on officials’ “first thoughts” on Treasury policies in a post-Saddam Hussein Iraq.¹⁴⁵ The official identified the Treasury’s “two main finance ministry interests” in Iraq as ensuring its prosperity and stability while fairly sharing the costs of achieving this. The costs of ensuring Iraq’s prosperity and stability were “potentially massive”, and comprised peacekeeping costs (the UK contribution to peacekeeping in the FRY had peaked at £325m in 1999/2000), humanitarian assistance, environmental costs, reconstruction and economic stabilisation (including IMF lending). An “emerging policy position” would be to:

- maximise the Iraqi contribution, initially by maintaining the OFF programme;
- push for debt rescheduling, to ensure that Iraqi contributions were not knocked off course by having to resume crippling debt service. The cost would “conveniently fall to probable non-combatant countries”;
- maximise contributions from development banks;
- push for bilateral contributions “to take into account military contributions”, assuming that the UK military contribution was significant; and
- ensure a finance ministry/international financial institution (IFI) lead on financing issues, with a clear understanding that no money was committed until needs were properly understood.

232. The Treasury told the Inquiry that Mr Brown did not comment.¹⁴⁶

233. Mr Blair convened the first Ministerial meeting on humanitarian issues with Mr Straw, Mr Hoon, Ms Short, Adm Boyce and No.10 officials in the margins of Cabinet

¹⁴⁴ House of Commons, *Official Report*, 10 February 2003, column 526W.

¹⁴⁵ Minute Treasury [junior official] to Chancellor, 11 February 2003, ‘HMT Policy on Post-Saddam Iraq’ attaching Paper Treasury, 11 February 2003, ‘Post-War Iraq: International Financing Policy’.

¹⁴⁶ Email Treasury [junior official] to Iraq Inquiry [junior official], 26 February 2010, [untitled].

on 13 February.¹⁴⁷ Sir Michael Jay, Sir Kevin Tebbit and Mr Chakrabarti were not present.

234. In advance of the meeting, Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat, advised Sir David Manning that:

“The Prime Minister will ... want to seek Clare [Short]’s engagement in the potential humanitarian relief operation and reconstruction – which will need funding and the commitment of human resources as a priority.”¹⁴⁸

235. IPU briefing for Mr Straw set out three objectives for the meeting, including:

- encourage Ms Short to engage fully in planning;
- persuade Ms Short that she should allow DFID money to finance small scale [reconstruction] projects in the area administered by a UK commander.”¹⁴⁹

236. At the meeting, in response to a question from Mr Blair about whether the UK should “take the lead on humanitarian action in the southern zone”, Ms Short said that she was in favour.¹⁵⁰ The UK could do an “exemplary job” in the zone on both the military and humanitarian fronts.

237. Mr Blair concluded that the UK should seek to take the lead on humanitarian issues in the southern zone of Iraq.

238. Ms Short wrote to Mr Blair the following day, 14 February, to provide an update on humanitarian preparations and the role of the UN.¹⁵¹ Ms Short confirmed that, within an agreed international framework set out in a second resolution, there was a “great opportunity” for the UK to play an exemplary humanitarian role in the South:

“But as I made clear in my letter of 5 February, my department has tight budgetary constraints ... Without some understanding on finance, I cannot responsibly commit DFID to the exemplary partnership with MOD which we discussed.”

239. Mr Blair wrote on his copy of the letter: “We must get the US to accept the UN role.”¹⁵²

240. On 17 February, a DFID official sought Ms Short’s views on the implications of the decision that “the UK should take the lead on humanitarian issues in the southern zone of Iraq, and do an exemplary job on both the military and humanitarian front”, and in particular how it should balance its limited human and financial resources between

¹⁴⁷ Letter Cannon to Bewes, 13 February 2003, ‘Iraq: Humanitarian Issues’.

¹⁴⁸ Minute Bowen to Manning, 13 February 2003, ‘Meeting on Iraq: Humanitarian Follow-up’.

¹⁴⁹ Minute Iraq Planning Unit to Private Secretary [FCO], 12 February 2003, ‘Meeting on Iraq Day After Issues Before Cabinet 13 February’.

¹⁵⁰ Letter Cannon to Bewes, 13 February 2003, ‘Iraq: Humanitarian Issues’.

¹⁵¹ Letter Short to Blair, 14 February 2003, ‘Iraq: Humanitarian Planning and the Role of the UN’.

¹⁵² Manuscript comment Blair on Letter Short to Blair, 14 February 2003, ‘Iraq: Humanitarian Planning and the Role of the UN’.

playing an exemplary role in the South and supporting the UN and wider international effort across the country and the region.¹⁵³

241. The official recommended that DFID prepare for four roles:

- Support humanitarian needs nationally and in the region, primarily through the UN and Red Cross/Red Crescent movement;
- Work alongside and influence humanitarian action by US DART [Disaster Assistance Relief Teams];
- Work alongside the UK military;
- Undertake DFID bilateral humanitarian action.”

242. The official identified a number of “further pre-deployment steps which we need to initiate now to be adequately prepared to play these roles effectively”:

- Establish a forward base in Kuwait to allow DFID to build its capacity for deployment into Iraq as humanitarian needs arose and security allowed. A forward base would give DFID an “immediate response capability”.
- Deploy a Humanitarian Adviser to Jordan to liaise and work with humanitarian partners.
- Undertake regional assessment missions, including to Cyprus, Egypt, Turkey and Iran.
- Deploy a civil-military Humanitarian Adviser to 1 (UK) Div in Kuwait, and undertake regular visits to CENTCOM in Qatar.
- Second consultants and provide equipment to support humanitarian co-ordination, initially to the UN Humanitarian Information Centre (HIC) in Cyprus.

243. The official warned:

“If we do not have people and assets in place and ready in time, we will not be able to respond quickly and as may be needed. Once conflict has begun logistical constraints will make it extremely difficult to respond unless we have put the preparations in place.”

244. The official concluded by considering resource constraints. Until DFID received any indication from the Treasury or No.10 that further funds would be forthcoming in the event of conflict, it was planning on the basis that it could access a substantial share of DFID’s Contingency Reserve to supplement its CHAD emergency funds and its Iraq programme funds.

¹⁵³ Minute DFID [junior official] to PS/Secretary of State [DFID], 17 February 2003, ‘Iraq – Contingency Planning: Deployment Plan’.

245. If a total of £60m was available from those sources in 2003/04, DFID planned initially to commit £35m to meet immediate relief needs. Exactly how that amount should be allocated would depend on the nature of the conflict and other factors, but an indicative allocation might be:

- £20m to support the work of UN agencies, the Red Cross and NGOs across Iraq;
- £5m to fund QIPs delivered by the UK military, to help generate stability within communities; and
- £10m for DFID's own rapid response capacity.

246. The official commented:

“Under many scenarios, £35 million is unlikely to be perceived as an adequate UK contribution to any immediate relief effort, particularly if OFF collapses. Leaving £25 million for further humanitarian need, medium-term rehabilitation and reconstruction could also look very sparse. Action in response to the Secretary of State's previous two letters [Ms Short's letters of 5 and 14 February] to the Prime Minister on this rests with No.10.”

247. The official also advised:

“If the military is involved in the direct delivery of humanitarian assistance, there will be an issue about who pays. MOD claim to be financially stretched and are keen for DFID to pay.”

248. Ms Short held a meeting the following day to discuss that advice, attended by Dr Brewer, Mr Fernie and other DFID officials.¹⁵⁴ Mr Chakrabarti did not attend, but a copy of the record of the meeting was sent to his Private Office.

249. Ms Short said that she was concerned that much of what was proposed in the submission “pre-supposed the financial comfort we had so far failed to receive from the Treasury”. She was “unwilling, without a clear financial package, to plan to do more than support the UN, key international agencies, and perhaps provide some funding to the UK military for QIPs”. She had repeatedly made it clear (to Mr Blair in person and in writing, and in the House of Commons) that DFID did not have the financial resources to play a major role.

250. Within those constraints, Ms Short was content for officials:

- to start discussions about possible support to non-governmental organisations (NGOs) not yet involved in Iraq that had specific technical expertise in areas such as water and sanitation;

¹⁵⁴ Minute Bewes to DFID [junior official], 19 February 2003, 'Iraq Contingency Planning: Update'.

- to work closely with the US on a humanitarian response, but only if there was an overarching UN mandate and financial cover; and
- “in principle”, to make money available to the UK military for QIPs, to be re-examined if there was no UN mandate and the UK military was “working under a US lead”.

251. Ms Short did not agree to establish a forward base in Kuwait on the grounds that it would imply that military action was a certainty. DFID could make scoping visits to the region and arrange for vehicles to be ready for transportation, but the equipment should not be pre-positioned in the region. Ms Short “accepted that this would mean that DFID would not be prepared for an immediate response in the event of military action or a humanitarian crisis on the ground”. She suggested that DFID consider providing more funds to the International Committee of the Red Cross (ICRC), which was undertaking similar preparations to those recommended by DFID officials.

252. Ms Short also rejected the deployment of DFID staff to Jordan and the HIC in Cyprus, on the grounds that it pre-supposed a significant role for DFID, which it was as yet unable to promise.

253. The meeting agreed that DFID:

“... should work through the range of different scenarios within which we might have to act and in each case consider how we would respond in terms of financial support and the channels through which it could be provided.”

254. In the context of discussion on those scenarios, Ms Short stated that without additional resources, DFID “would not be able to take up the exemplary role, working with the UK military, that the PM had asked us to”.

255. Dr Brewer told the 19 February Chiefs of Staff meeting that Ms Short, while working towards full commitment through the UN, would not be seeking additional resources beyond DFID’s £100m Contingency Reserve.¹⁵⁵

THE FIRST COMPREHENSIVE ESTIMATE OF COSTS, 19 FEBRUARY 2003

256. On 19 February, in advance of meetings with Mr Snow and other G7 finance Ministers, Mr Brown received a number of papers on Iraq.¹⁵⁶

257. In a covering minute to those papers, a Treasury official warned that on reconstruction:

“Our sense is that momentum ... is developing very fast, and there is a risk that the financing agenda could be set by policy decisions taken in Foreign and Defence Ministries. Sharing ideas with Mr Snow may be a useful way to begin to redress

¹⁵⁵ Minutes, 19 February 2003, Chiefs of Staff meeting.

¹⁵⁶ Minute Treasury [junior official] to Chancellor, 19 February 2003, ‘Update on Iraq’.

this balance. An additional approach would be to write round Whitehall colleagues sharing your concerns (for instance, about the economic and financing implications of foreign and defence policy decisions).”

258. A paper by Treasury officials identified three “pitfalls” to putting Iraq “on a path to stability and prosperity whilst fairly sharing the financing burden for this”.¹⁵⁷ Those pitfalls were:

- UN cover. Without this, the UK would have to contribute more to the reconstruction effort, IFIs would find it hard to engage, and the international community would be unable to resolve crucial financing issues such as debt rescheduling.
- Being realistic about the decisions a transitional Iraqi Government could take. It could be illegitimate and destabilising for the transitional Government to take decisions on Iraqi economic policy.
- The implications of establishing administrative sectors in Iraq: “If the UK takes on one, the cost – in terms of money and administrative burden – could rocket, and our stay lengthen.”

259. A paper by Mr Dodds and a junior Treasury official provided the first comprehensive estimate of the cost of the UK’s intervention in Iraq (including military and non-military, conflict and post-conflict costs).¹⁵⁸ The advice on military costs is described earlier in this Section.

260. The officials advised that the best estimate of the cost of military (combat and post-conflict) operations was now more than £5bn. In addition:

- The UK might spend between £100m and £250m on humanitarian aid in the first year after any conflict (based on a “typical” UK contribution of 10 percent of total international aid).
- The UK might spend between £100m and £500m on reconstruction in the first year after any conflict (again, based on 10 percent of total international aid).
- It was impossible to estimate costs falling to the Export Credit Guarantee Department (ECGD), including through claims or losses arising from political and economic instability, and from any decisions to write off debt for political reasons.
- Mr Boateng had already agreed to provide an additional £5m to the FCO from the Reserve for a “flat-pack” Embassy. There might be other costs, though the Treasury was pressing the FCO to absorb those within its budget.

¹⁵⁷ Minute Treasury [junior official] to Chancellor, 19 February 2003, ‘Update on Iraq’ attaching Paper Treasury, 19 February 2003, ‘Iraqi reconstruction: pitfalls and process’.

¹⁵⁸ Minute Treasury [junior official] to Chancellor, 19 February 2003, ‘Update on Iraq’ attaching Paper Treasury, 19 February 2003, ‘Iraq Conflict – Public Expenditure Impact’.

- There might be further indirect costs, including in relation to an increase in people seeking asylum.

261. The officials summarised the “big numbers” in a table which is reproduced in full below.

Table 3: The Treasury’s estimate of the direct cost of conflict, February 2003 (£bn)

	2002/03	2003/04	2004/05	2005/06
Military costs – war and immediate aftermath	1.0	1.5	0.5	–
Military – RAB costs	–	0.1	0.15	0.15
Military – aftermath	–	0.5	1.0	?
Humanitarian aid	–	0.1-0.25	?	?
Reconstruction aid	–	0.1-0.5	?	?
ECGD	–	?	?	?
Total	1.0	2.3-c3.0	1.7+	?

262. The officials advised that any DFID contribution to humanitarian and reconstruction costs would be constrained by DFID’s commitment to spend 90 percent of its bilateral resources in low-income countries. Ms Short had already written to Mr Blair (on 5 February) asking for advice on the approach that DFID should take and the potential for extra resources. It was “quite credible to imagine DFID putting [in] a bid for several hundred million pounds”.

263. Mr Brown and Mr Boateng received a further update on military post-conflict costs from a Treasury official the following day.¹⁵⁹ In that context, the official commented that the Treasury would also need to take account of the costs of humanitarian assistance and reconstruction:

“Our line to date has been that departments (mainly DFID) should meet these [costs] through budget reprioritisation. We would welcome your steer on this but, based on past conflicts, we suspect it is unlikely to be a sustainable line in the long term.”

264. The US inter-agency Rock Drill from 21 to 22 February confirmed the scale of the shortcomings in US post-conflict planning, including the deficiencies of the US Office of Reconstruction and Humanitarian Assistance (ORHA) and the continuing gap between UK and US positions on the role of the UN (see Section 6.5).

265. Ms Short held a meeting on Iraq with DFID officials, including Dr Brewer and Mr Fernie, on 24 February.¹⁶⁰ The meeting identified the “increased recognition across

¹⁵⁹ Minute Treasury [junior official] to Chancellor, 20 February 2003, ‘Iraq: Update on Potential Cost and How Should We Present Them?’.

¹⁶⁰ Minute Bewes to Miller, 25 February 2003, ‘Iraq Contingency Planning: Update’.

Whitehall of the likely scale of post-conflict activity, and the essential nature of UN involvement and authority if this was to be effectively addressed”.

266. The meeting also reviewed ORHA’s state of preparedness in the light of the Rock Drill:

- Humanitarian plans were the most advanced, but ORHA did not yet have sufficient funds, staff or capacity to deliver them.
- Reconstruction plans were “not nearly as well advanced as they should have been at this point”.
- Civil administration plans were the least advanced, and “would not be ready by the six week deadline they had been set”.

267. The meeting concluded that ORHA’s state of preparedness was “extremely worrying”.

268. The meeting also considered financial issues. The MOD and FCO appeared to be more aware of DFID’s financial constraints, but DFID had not yet received a “clear response to the issue of the limitation of DFID’s engagement imposed on it by our financial situation”. Ms Short told the meeting that Mr Brown “had indicated to her, in a private conversation, that he ‘would do what he could to help’”.

269. Dr Brewer wrote to Mr Bowen on the same day to summarise Ms Short’s position; copies of the letter were sent to the MOD, FCO and Treasury.¹⁶¹ The letter reflected the conclusions of Ms Short’s meeting with DFID officials on 18 February and Dr Brewer’s presentation to the Chiefs of Staff on 19 February. Dr Brewer stated that:

“Although [Ms Short] would be keen for DFID to support an exemplary humanitarian effort in any UK-controlled sector, our [DFID’s] role will be constrained by the extent of the UN mandate and the financial resources available to us. We have a strong commitment to the UN agencies, and would want to allocate significant funding to them under most scenarios. Drawing heavily on our Contingency Reserve and existing humanitarian aid and Iraq budget lines is unlikely to release more than £60-70m for humanitarian assistance to Iraq in 2003/04. Given our predictions of the humanitarian needs, with this level of funding we would not be able to play the exemplary role [in the South] the Prime Minister has asked for, and it would be irresponsible of us to plan to do so.”

270. Mr Jeremy Heywood, Mr Blair’s Principal Private Secretary, sent Mr Bowman a paper on financing Iraqi reconstruction on 24 February.¹⁶² Mr Heywood said that Mr Blair wanted to share the paper, prepared by the No.10 Policy Directorate, with the

¹⁶¹ Letter Brewer to Bowen, 24 February 2003, [untitled].

¹⁶² Letter Heywood to Bowman, 24 February 2003, ‘Iraq: Reconstruction’ attaching Paper, [undated], ‘Financing the Reconstruction of Iraq’.

US as soon as possible. The letter was copied to the FCO, DFID, the DTI and the Cabinet Office.

271. The No.10 paper stated that the cost of “reconstruction and nation building” in Iraq would be between US\$30bn and US\$105bn, excluding the direct cost of conflict and post-conflict peacekeeping. Only an administration enjoying the legitimacy provided by the UN would be free to engage with the financial markets to secure funding for Iraq’s long-term future.

272. Mr Bowman replied on 25 February, stating that the Treasury “fully supports the main message of the paper, that, in the absence of a UN mandate, the financing costs of reconstructing Iraq will be significantly higher”.¹⁶³ Mr Bowman offered detailed comments on the text and advised that the Treasury was already involved in complementary work alongside the IPU and in liaison with the US and Australia.

273. A revised draft was prepared, but not shared with the US.¹⁶⁴

274. Mr David Johnson, Head of the MOD Iraq Secretariat, wrote to Mr Hoon’s Private Office on 26 February about humanitarian assistance during the early stages of a military conflict.¹⁶⁵ The MOD and DFID believed US plans for humanitarian assistance were inadequate, in particular because they relied on delivery by NGOs, who would not be on the ground in Iraq in numbers early on. The UK military would therefore need:

“... immediate access to sufficient expertise and resources to ... make good the deficiencies in the US plans. In particular ... DFID experts deployed in theatre, who can advise what is actually required ... (as opposed to soldiers making it up as they go along) ... There are lead-times associated with this ... Waiting till after a second SCR [resolution] is leaving it too late. We know DFID haven’t got any money. That is why they need to ask for some, now.”

275. Mr Blair told Cabinet on 27 February that he would continue to push for a second Security Council resolution.¹⁶⁶

276. Ms Short said that a UN legal mandate was “essential” for the humanitarian and reconstruction tasks that lay ahead; without that, “proper preparation was impossible”. She also advised that it would be “difficult” to accommodate action in Iraq within DFID’s Contingency Reserve: “Greater resources were likely to be needed.”

277. After that meeting, Mr Boateng asked Treasury officials for a note on progress towards financing Iraq’s reconstruction.¹⁶⁷ Mr Boateng commented:

¹⁶³ Letter Bowman to Heywood, 25 February 2003, [untitled].

¹⁶⁴ Manuscript comments Manning and Drummond on Email Heywood to Manning, 3 March 2003, ‘Financing the Reconstruction of Iraq’.

¹⁶⁵ Email Sec(O)-Iraq to SofS-PS [MOD], 26 February 2003, ‘Humanitarian Assistance’.

¹⁶⁶ Cabinet Conclusions, 27 February 2003.

¹⁶⁷ Manuscript comment Boateng on Letter Bewes to Heywood, 25 February 2003, ‘Iraq: Reconstruction – Letter to Mark Bowman (HM Treasury), 24 February 2003’.

“Clare [Short] asked for more resources in Cabinet (‘I can’t take resources away from Ethiopia’) and the PM looked at me with one of his smiles – what does she want/need – and what might we offer?”

278. Mr Hoon’s Private Office sent Sir David Manning an update on military planning on 28 February.¹⁶⁸

279. The section on “Day After” planning identified five UK concerns, including funding for reconstruction. US planning assumed the rest of the world would pick up 75 percent of the bill for reconstruction. That was “possibly hopelessly optimistic”. As an Occupying Power, the UK would be at the front of the queue of countries the US would approach to make up any deficit.

280. Copies of the paper were sent to the FCO, Treasury and Cabinet Office, but not to DFID.

281. A Treasury official advised Mr Boateng on 5 March that, with little clarity on the scale of the humanitarian response that would be required and on the UK’s contribution to it and no actual bid for resources from DFID, it was difficult to respond substantively to the concerns expressed by Ms Short in her 5 February and 14 February letters to Mr Blair.¹⁶⁹

282. The official recommended that Mr Boateng write to Ms Short, setting out the Treasury’s two main concerns:

- that funding for reconstruction should be an international effort; and
- that Ministers should be aware that the Reserve was “not in a position to fund large amounts of new expenditure”.

283. The Treasury has informed the Inquiry that it has no record of Mr Boateng writing to Ms Short as a result of that advice.¹⁷⁰

284. Ms Short held a meeting with DFID officials on 5 March to discuss Iraq and in particular the legality of “reconstruction work” without a covering UN mandate.¹⁷¹ Ms Short concluded that without a clear mandate for reconstruction, DFID could only legally fund or undertake humanitarian work. DFID would not undertake reconstruction work, or fund others to do so. DFID “should move away” from any expectation that it would undertake an exemplary role, or that it would focus on any one area.

¹⁶⁸ Letter Williams to Manning, 28 February 2003, ‘Iraq: Military Planning and Preparation’ attaching Paper, 28 February 2003, ‘Iraq: Military Planning Update – 28 February 2003’.

¹⁶⁹ Minute Treasury [junior official] to Boateng, 5 March 2003, ‘Iraq: Letter from Clare Short on Humanitarian Planning’.

¹⁷⁰ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, ‘Further Queries relating to Resources’.

¹⁷¹ Minute Bewes to Fernie, 6 March 2003, ‘Iraq Update: 5 March’.

285. On funding, Ms Short agreed that if DFID was involved in humanitarian work only, it would draw on its Contingency Reserve. In the event that a “wider DFID role” was possible, “should we [DFID] be asked by No.10 or others how much funding DFID would need, we should mention an initial sum of £100 million”.

286. Ms Short wrote to Mr Blair on the same day:

“You must ... be aware that without resources larger than my whole Contingency Reserve – just under £100m ... it would be impossible for DFID to take a leading role in humanitarian delivery in the South–East about which we spoke.”¹⁷²

Copies of Ms Short’s letter were sent to Mr Brown, Mr Straw and Mr Hoon.

MR BLAIR’S 6 MARCH 2003 MEETING ON POST-CONFLICT ISSUES

287. On 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Short, Baroness Symons, Sir Michael Jay and “other officials”.¹⁷³ The meeting is described in detail in Section 6.5.

288. Mr Brown received a number of papers from Treasury officials before the meeting. Mr Dodds’ advice on military operations in the post-conflict period is described earlier in this Section.

289. A Treasury official provided Mr Brown with a draft “DFID paper rewritten by the Treasury” on humanitarian relief and reconstruction costs.¹⁷⁴ The draft paper stated that it was a “first attempt at charting the likely costs of the first three years of the Iraqi reconstruction”. It adopted a different methodology from the draft DFID paper submitted to Ms Short on 31 January, but reached broadly similar conclusions.

290. The draft paper stated that cost estimates would remain “very rough” until the IFIs had completed a full needs assessment. However, an analysis of international precedents indicated that:

- In the first year after a conflict, humanitarian costs could be between US\$2bn and US\$12bn, depending on the scale of the humanitarian crisis and the extent to which oil exports were disrupted (the estimates assumed that the OFF programme would continue).
- In the second and third years after a conflict, total reconstruction costs (before Iraq’s oil revenues were taken into account) could be between US\$2bn and US\$15bn per year. The upper limit was not based on an analysis of international precedents, but reflected the potential for “political pressure to spend as much as the OFF [programme] does now (if not more)”.

¹⁷² Letter Short to Blair, 5 March 2003, ‘Post Conflict Iraq: UN and US Roles’.

¹⁷³ Letter Cannon to Owen, 7 March 2003, ‘Iraq: Post-Conflict Issues’.

¹⁷⁴ Email Dodds to Private Office [Treasury], 4 March 2003, ‘Iraq: Ministerial Meeting on Thursday Morning’ attaching Paper DFID, March 2003, ‘Draft: Iraq Relief and Reconstruction Costs: an Overview’.

- Oil revenues could pay for most of Iraq’s reconstruction – but only if oil production levels and prices were favourable, Iraq did not have to repay its debts, and the rehabilitation of Iraq’s oil infrastructure was “cheap”.

291. The draft paper stated that sources of financing for relief and reconstruction remained uncertain. Significant assistance from the international community including the IFIs would be extremely unlikely without a UN mandate.

292. A slightly revised version of that paper was sent to Mr Boateng the following day.¹⁷⁵

293. Mr Brown also received advice from a Treasury official on the potential impact of all military and non-military expenditure in Iraq on public expenditure.¹⁷⁶ The official’s advice on military expenditure is described earlier in this Section.

294. The official advised that it remained difficult to assess the scale of the humanitarian and reconstruction response that would be needed. However, based on a “typical” UK contribution of 10 percent of total aid, the UK might spend up to £1.35bn on humanitarian assistance and reconstruction in the two years after a conflict.

295. The official concluded:

“DFID have yet to make any formal approach to us on these costs but, ***if you’re minded to, the [6 March Ministerial] meeting might be a good opportunity to dampen their expectations.***

“... we have said that departments should meet new costs through re-prioritisation. It is not clear though how long this position will hold.”

296. The IPU prepared an annotated agenda for the meeting, in consultation with other departments.¹⁷⁷

297. With the invasion possibly only weeks away, the IPU stated that US and UK planning assumed that, in the “medium term after the conflict”, Coalition Forces would be “re-deployed into six or seven geographical sectors in order to provide a secure environment for the civil transitional administration to conduct humanitarian assistance and reconstruction work”. The US expected the UK Division in Iraq to be responsible for a geographical sector. That would be “very expensive and could have wider resource implications”. The IPU concluded that: “Ministers need urgently to take a view on this before the military planning assumptions become a fait accompli.”

¹⁷⁵ Minute Treasury [junior official] to Chief Secretary, 5 March 2003, ‘Iraq: Letter from Clare Short on Humanitarian Planning’ attaching Paper DFID [draft], March 2003, ‘Iraq Relief and Reconstruction Costs: an Overview’.

¹⁷⁶ Minute Treasury [junior official] to Chancellor, 4 March 2003, ‘Iraq - Potential Public Spending Impact’.

¹⁷⁷ Paper IPU, 5 March 2003, ‘Planning for the UK’s Role in Iraq after Saddam’.

298. The IPU asked Ministers a number of specific questions, including:

- Whether they agreed “that the UK does not have the resources to make an ‘exemplary’ effort in providing for basic humanitarian needs in the area controlled by the UK Division”. The cost of making a “significant difference” in a UK Area of Operation (AO) was estimated at between US\$400m and US\$2.4bn for the first year.¹⁷⁸ That was well beyond the financial and implementing capacity of DFID and the MOD, and could become a significant medium-term commitment if the local population became dependent on UK assistance. The alternative to an exemplary effort was to give UK assistance to UN agencies and NGOs, supplemented by support for QIPs in the UK’s AO.
- To choose between options for a post-conflict military presence in the medium term. The cost of maintaining a military force to provide security in a geographic area (which might be based on Basra) would be in the order of £1bn a year.
- Whether to follow the US plan to administer Iraq as a whole and not seek general UK responsibility for the administration of any geographic area in the medium term. In any area where the UK took responsibility for security, it could, with a UN mandate, also take on wider responsibility for reconstruction (including humanitarian assistance and aspects of civil administration), but that would “very likely be beyond the resources of the UK alone and have implications for domestic departments”.

299. At the 6 March meeting:

- Ms Short said that the “DFID contingency fund” would prioritise Iraq. The funding available to DFID would not, however, provide for a humanitarian response on the scale of Kosovo. Ms Short also repeated her view that a UN mandate was essential for post-conflict humanitarian and reconstruction operations, both to provide legal cover for reconstruction and to encourage other countries and international organisations to participate.
- Mr Brown said that the military operation would be “very costly”. Estimates for a major humanitarian operation were running at US\$1.9bn to US\$4bn. The burden of reconstruction should not be borne by the US and UK alone; other countries and Iraqi oil revenues should be tapped. In the longer term, Iraqi oil should fund the country’s reconstruction. Mr Brown said that he was particularly concerned that UK funds should not be used to repay Iraq’s substantial debts to Germany, France and Russia.
- Mr Hoon referred to the importance of humanitarian action in the immediate wake of the arrival of UK forces. Ms Short said that DFID had £70m available “for rapid disbursement” on humanitarian activities.¹⁷⁹

¹⁷⁸ The paper assumed that the UK’s AO would comprise Basra province and that Basra province contained around 20 percent of Iraq’s population. The figures represented 20 percent of estimated total humanitarian costs in the first year after a conflict (US\$2bn to US\$12bn),

¹⁷⁹ Letter Cannon to Owen, 7 March 2003, ‘Iraq: Post-Conflict Issues’.

300. Mr Blair concluded that:

- “(a) DFID and MOD should draw up a plan for immediate humanitarian action in the area of operations of British forces.
- (b) Planning for medium-term post-conflict action should continue on the assumption that a UN mandate (the ‘third/fourth resolutions’) would be forthcoming ... The FCO should prepare a Phase IV plan with other departments, including the key decisions for Ministers to take.
- (c) The Chancellor should draw up a funding plan, including securing funding from wider international sources, in particular the IFIs.
- (d) The Prime Minister was prepared to pursue with President Bush our need for a UN mandate for a post-conflict administration.”¹⁸⁰

301. Mr Blair stated that the issue of “sectorisation” (whether to seek general responsibility for the administration of a geographic area of Iraq) would need to be addressed and should be covered in the Phase IV plan.

302. The record of the meeting did not report any discussion on whether the UK had the resource to make an exemplary effort in providing for basic humanitarian needs in the area controlled by the UK Division.

303. The ‘UK overall plan for Phase IV’ was shown to Mr Blair on 7 March.¹⁸¹ Much of the plan, prepared by the IPU, was drawn from the annotated agenda prepared for the meeting on 6 March.

304. The plan stated that, “very soon” after the start of hostilities, the UK needed “**to agree what our medium-term contribution to Iraq should be (say from the autumn onwards). For this will shape our conduct in the short term.**”

305. The Inquiry has seen no response to the Phase IV plan.

306. On 14 March, in response to Mr Blair’s request for a funding plan, Mr Bowman sent No.10 a Treasury paper on financing reconstruction.¹⁸² The paper was copied to the Cabinet Office, the Office of the Deputy Prime Minister, the MOD, the FCO and DFID.

307. The Treasury advised that the total cost of humanitarian relief and reconstruction in Iraq could be up to US\$45bn over the first three years. Iraqi oil might only pay for a fraction of that. The UK’s approach should be to spread the burden as widely as possible.

¹⁸⁰ Letter Cannon to Owen, 7 March 2003, ‘Iraq: Post-Conflict Issues’.

¹⁸¹ Minute Rycroft to Prime Minister, 7 March 2003, ‘Iraq: Weekend Papers’ attaching Paper IPU, 7 March 2003, ‘The UK overall plan for Phase IV’.

¹⁸² Letter Bowman to Cannon, 14 March 2003, attaching Paper Treasury, March 2003, ‘Financing Iraqi Reconstruction’.

308. An effective burden-sharing arrangement required the “political legitimacy” that would follow UN endorsement of the transitional arrangement for governing Iraq. If the UN was involved, the burden-sharing arrangement should comprise:

- other bilateral donors, with non-combatant nations showing “disproportionate generosity”;
- maximising contributions from the IMF, the World Bank, other IFIs and the EU;
- preventing Iraqi revenues being “side-tracked” into paying debt and compensation claims; and
- maximising Iraq’s own contribution from oil revenues.

309. If the UN did not endorse the transitional arrangements, many of those approaches would be more difficult, and there would be pressure on the UK to contribute more.

310. The Treasury advised:

“A substantial UK financial contribution to the reconstruction efforts is unlikely to be affordable within existing spending plans unless the [UK] Government chose to divert spending from other domestic programmes. In the first instance DFID’s unallocated departmental provision (£88m for 2003/04) should provide for immediate requirements. The UK will, however, come under considerable pressure to contribute much more as its share of immediate humanitarian and reconstruction costs, let alone what would be required as part of an ‘exceptional response’. Substantial further support from central funds though is unlikely to be affordable: the costs of military activity in Iraq and elsewhere have already fully committed the 2003/04 Reserve; and the overall deterioration in the fiscal position severely limits the Government’s discretion to make additional spending allocations.”

311. The 14 March meeting of the AHGI was informed that the IPU was considering how best to approach other donors for support on reconstruction, and that the FCO was considering whether there was scope to approach other countries to contribute to UK military campaign costs (though the prospects were not good).¹⁸³

HUMANITARIAN ASSISTANCE IN THE UK’S AREA OF OPERATIONS

312. A junior official in the Permanent Joint Headquarters (PJHQ) wrote to the MOD on 5 March to alert it to PJHQ’s concerns over the provision of humanitarian assistance in the UK AO in the immediate aftermath of any conflict.¹⁸⁴ PJHQ had planned to “piggy-back” on US arrangements for the provision of humanitarian relief. It was now apparent, however, that the US plan depended heavily on international organisations and NGOs, which were unlikely to be present in the first weeks after any conflict.

¹⁸³ Minute Dodd to Manning, 17 March 2003, ‘Ad Hoc Group on Iraq’.

¹⁸⁴ Minute PJHQ [junior official] to MOD Sec(O) 4, 5 March 2003, ‘Op TELIC: Resourcing of Humanitarian Assistance’.

313. PJHQ had also assumed that DFID would be responsible for providing “national humanitarian assistance”. It was now clear that the UK military would be unable to rely on “DFID support for UK troops”. Dr Brewer’s letter of 24 February to Mr Bowen had implied that DFID would not provide funding to the UK military for humanitarian operations without a second UN resolution. Even if there was a second resolution, DFID’s commitment to supporting UN agencies at a national level would constrain what DFID would do in the UK’s AO with the UK military and other partners. DFID’s view was that the most effective way to distribute humanitarian assistance was through international organisations and NGOs, and DFID intended to focus its resources on areas of greatest need (rather than necessarily on the UK’s AO).

314. PJHQ estimated that between £30m and £50m a month for two months would be required to cover the provision of humanitarian assistance in the UK’s AO in the immediate aftermath of any conflict.

315. An MOD official submitted advice on the issue to Mr Hoon on 7 March.¹⁸⁵ The official rehearsed the background set out in PJHQ’s note of 5 March, but suggested that only £10m a month would be required:

“... DFID have only just engaged on this issue in detail, [and] it has not been possible to get their expert advice on what might be required ... That said, the current working assumption is that there will be a particular requirement for supplies of drinkable water, medical supplies and fuel ... It has been suggested that the total requirement could amount to as much as £10m a month ...”

316. Two camps for internally displaced persons might also be required, at a “one-off” cost of £10m each.

317. The official provided a draft letter for Mr Hoon to send to Ms Short, seeking her agreement “to channel aid – funds – through our forces”. That agreement was needed urgently to ensure supplies could be procured and delivered on time.

318. Mr Hoon wrote to Ms Short on the same day, seeking her agreement that “an approach is made to the Chief Secretary” for funding as a matter of urgency.¹⁸⁶

319. Ms Short replied on 12 March, agreeing that Mr Hoon should urgently discuss funding with the Treasury.¹⁸⁷ She added that DFID would not be able to inherit the “indefinite obligation” to spend £10m a month from the military without adequate finance to cover it. Copies of Mr Hoon’s and Ms Short’s letters were sent to Mr Brown.

320. Ms Short wrote to Mr Blair on the same day, setting out her misgivings about the state of humanitarian planning; copies of her letter were sent to Mr Hoon, Mr Straw,

¹⁸⁵ Minute MOD D/Sec to PS/Secretary of State [MOD], 7 March 2003, ‘OP Telic: DFID Involvement and the Funding of Immediate Humanitarian Assistance’.

¹⁸⁶ Letter Hoon to Short, 7 March 2003, ‘Iraq: Immediate Humanitarian Assistance’.

¹⁸⁷ Letter Short to Hoon, 12 March 2003, [untitled].

Mr Brown and Sir Andrew Turnbull.¹⁸⁸ DFID preparations were well in hand; those of the UN humanitarian agencies and US and UK military were not. Ms Short stated that “UK Armed Forces are not configured or supplied to provide substantial humanitarian relief”.

321. Ms Short identified the three “critical steps” which would help joint DFID/MOD planning for humanitarian action. Those included “clarity over the scale of resources my department will have to support the provision of humanitarian and reconstruction assistance in Iraq”; DFID had earmarked £65m for humanitarian relief and reconstruction.

322. Treasury officials advised Mr Boateng on 14 March that DFID should cover any “early humanitarian” costs, given its responsibility for humanitarian issues and to incentivise it to become more engaged in planning and delivery of immediate post-conflict humanitarian assistance.¹⁸⁹ The Treasury’s “option B” was that the MOD claimed its expenditure on humanitarian relief from the Reserve, as part of NACMO.

323. Mr Boateng commented on the advice: “Option B is my strong preference in the current climate.”¹⁹⁰

324. Mr Boateng wrote to Mr Hoon on 17 March, two days before the invasion, agreeing that the MOD could spend up to £20m to assist displaced persons and up to £10m to provide humanitarian assistance for one month.¹⁹¹ The arrangement would be reviewed after that period.

325. The military’s preparedness to deliver humanitarian assistance in the UK’s AO is considered in Section 6.5.

DFID SECURES ADDITIONAL FUNDING FROM THE RESERVE

326. Ms Short told the House of Commons on 13 March that she had provided a further £6.5m to support humanitarian contingency planning by UN agencies and NGOs, in addition to the £3.5m for UN humanitarian contingency planning announced on 10 February.¹⁹²

327. £3.5m of the £6.5m was provided to UN agencies, bringing the total amount provided by DFID to UN agencies to £7m.¹⁹³ A DFID official advised Ms Short that £7m represented 8.5 percent of the UN’s updated funding requirements for humanitarian preparedness (as set out in their 14 February appeal for US\$123.5m).

¹⁸⁸ Letter Short to Blair, 12 March 2003, [untitled].

¹⁸⁹ Minute Treasury [junior officials] to Chief Secretary, 14 March 2003, ‘Iraq Funding’.

¹⁹⁰ Manuscript comment Boateng on Minute Treasury [junior officials] to Chief Secretary, 14 March 2003, ‘Iraq Funding’.

¹⁹¹ Letter Boateng to Hoon, 17 March 2003, ‘Op TELIC Funding – Humanitarian Aid and Additional UORs’.

¹⁹² House of Commons, *Official Report*, 13 March 2003, column 21WS.

¹⁹³ Minute DFID [junior official] to PS/Secretary of State [DFID], 4 March 2003, ‘Iraq: Humanitarian Agencies Preparedness Funding Needs’.

328. On 17 March, at Ms Short's request, DFID officials prepared a paper on shortcomings in humanitarian preparations and steps needed to address them.¹⁹⁴

329. Officials identified seven problems:

- “• UN funding needs insufficiently met. Preparedness incomplete ...
- Red Cross Movement preparing but requires substantial funding support ...
- NGOs beginning to establish presence but not fully prepared ...
- US preparedness for response lacks local experience and based on optimistic assumptions ...
- How to maintain the Oil-for-Food (OFF) programme ...
- How to support humanitarian agencies [to] gain early access to Iraq ...
- How Coalition Forces can provide effective humanitarian response ...”

330. The proposed solution for the first three problems was provision of “immediate additional funds to DFID”.

331. Ms Short sent the paper to Mr Blair on 17 March with the comment: “This summarises what needs to be done to improve humanitarian preparedness. Perhaps we could really focus on this next week.”¹⁹⁵

332. The military role in providing humanitarian assistance was summarised in a joint minute from Mr Straw and Mr Hoon to Mr Blair on 19 March.¹⁹⁶ Mr Straw and Mr Hoon advised:

“The military task will be to facilitate a secure environment ... to enable immediate humanitarian relief to be conducted. To help UK forces win hearts and minds, HMT [the Treasury] have allocated them £30m for humanitarian purposes in the first month as well as £10m for quick win projects. (Clare [Short] has allocated £20m for UN agencies' preparations and earmarked another £60m from DFID's Contingency Reserve for humanitarian operations. But this is a drop in the ocean; in the worse case, if the Oil-for-Food programme ground to a halt, Iraq could need as much as a billion dollars a month for humanitarian aid).”

333. The Coalition began military action against Iraq on the night of 19/20 March.

¹⁹⁴ Minute DFID [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance' attaching Paper, [undated], 'Iraq: What is lacking in terms of being prepared for an effective humanitarian response and what would it take to address that?'

¹⁹⁵ Manuscript comment Short on Minute DFID [junior official] to Private Secretary/Secretary of State [DFID], 17 March 2003, 'Iraq: Humanitarian Assistance'.

¹⁹⁶ Minute Straw and Hoon to Prime Minister, 19 March 2003, 'Iraq: UK Military Contribution to Post-Conflict Iraq'.

334. The International Committee of the Red Cross (ICRC) and International Federation of Red Cross and Red Crescent Societies (IFRC) launched humanitarian appeals on 20 March, each for approximately US\$80m.¹⁹⁷

335. Ms Short wrote to Mr Boateng the following day to request an additional £120m from the Reserve for humanitarian assistance for Iraq.¹⁹⁸

336. Ms Short advised that she could provide £80m for humanitarian assistance from DFID's core budget in 2003/04 (£75m from its Contingency Reserve of £90m and £5m from the existing Iraq programme). That was in addition to the £10m already provided from DFID's 2002/03 budget to UN agencies and NGOs. From the £80m available, she had:

- earmarked £65m for the UN's forthcoming initial Flash Appeal, which was expected to seek US\$1.9bn to cover the first six months of the crisis; and
- agreed to provide £10m to support further preparations by the World Food Programme, the Red Cross and NGOs.

337. Ms Short stated that with only £5m left, and with demand for funding expected to accelerate fast as humanitarian agencies moved from preparing to delivering, she now needed an extra £120m from the Reserve:

- £35m for the Red Cross appeals launched on 20 March;
- £20m for NGO programmes;
- £15m for DFID's bilateral effort, to deliver direct emergency support to fill gaps in the international response and to second UK relief professionals to UN agencies; and
- a further £50m for the UN initial Flash Appeal: "Given the UK's role in the Iraq crisis, we cannot conceivably avoid meeting less than a 10 percent share of the UN humanitarian appeal. My initial contribution of US\$100million [£65 million] will need quickly to be followed up to get us closer to a 10 percent share."

338. Ms Short added that her bid did not include any funds for reconstruction: that would need to be considered "in the longer term".

339. A Treasury official advised Mr Boateng on 25 March that Ms Short's letter "does not really make a case in terms of actual humanitarian impact ... DFID's argument is in essence about the need to be seen to commit funds".¹⁹⁹ There was little detail on how the money would be spent.

¹⁹⁷ United Nations, June 2003, *Humanitarian Appeal for Iraq: Revised Inter-Agency Appeal 1 April – 31 December 2003*.

¹⁹⁸ Letter Short to Boateng, 21 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.

¹⁹⁹ Minute Treasury [junior official] to Chief Secretary, 25 March 2003, 'Iraq Humanitarian Funding: Reserve Claim'.

340. The official recommended two options, depending on “political and presentational requirements”:

- agree the claim subject to further detail on how and when the money would be spent; or
- provide £55m to cover immediate needs. That figure comprised the amounts requested for NGOs and for DFID’s bilateral effort (both of which would be “politically difficult” to resist), and £20m for the UN Flash Appeal.

341. Mr Bowman advised the Treasury official on 26 March that Mr Brown’s view was that the Treasury should agree to provide £100m to DFID. He asked the official for a revised draft reply for Mr Boateng to send to Ms Short justifying that as a reasonable figure.²⁰⁰

342. Later that day, Mr Bowman advised the Treasury official that Mr Brown had, after further reflection, decided to provide the full amount requested by Ms Short (£120m).²⁰¹

343. Mr Boateng replied to Ms Short on 27 March, agreeing her bid in full, subject to further detail on how and when the money would be spent.²⁰²

344. By 27 March, the UK Government had earmarked £240m for humanitarian relief:

- £30m for the UK military to provide humanitarian relief in the UK’s AO, from the Reserve;
- £90m from DFID’s own resources; and
- £120m for DFID from the Reserve.

345. The Inquiry asked Ms Short and Sir Suma Chakrabarti whether DFID had had the resources to deliver, with the MOD, an exemplary humanitarian effort in the South.

346. Ms Short told the Inquiry:

“... I had written a number of letters saying, ‘All we [DFID] have got is our Contingency Reserve and I’m supposed to keep that for other emergencies in the world ... if we mean this [the exemplary approach in the South], there has got to be some money on the table’, and what we were getting from the Treasury was no answer, nothing and it was this period of stand-off. Gordon Brown was pushed out and marginalised at the time ...

“So after a lot of delay and a number of efforts, the Treasury ... came with a letter saying, ‘There is no money. Money is very tight, and, therefore, we have got to have a UN Resolution so we can get the World Bank and the IMF and all the others in’.

²⁰⁰ Email Bowman to Treasury [junior official], 26 March 2003, ‘Iraq Humanitarian Funding: DFID Reserve claim’.

²⁰¹ Email Bowman to Treasury [junior official], 26 March 2003, ‘Iraq Humanitarian Funding: DFID Reserve claim’.

²⁰² Letter Boateng to Short, 27 March 2003, ‘Iraq Humanitarian Funding: Reserve Claim’.

“That was a Treasury response, and we only got any extra money from the Treasury, I think, after the invasion had started. So how you can plan an exemplary role when it is that late ...”²⁰³

347. The Inquiry concludes that the Treasury letter referred to by Ms Short was Mr Bowman’s letter of 14 March to No.10.

348. Sir Suma told the Inquiry:

“We [DFID] were very concerned about the resource position. This was one of the biggest constraints on planning because we didn’t know what our financial envelope would be in the end. We first raised the resource issues with the Treasury at official level in December 2002 and then it was raised in various letters from Clare Short to the Prime Minister.”²⁰⁴

349. Mr Brown rejected those criticisms. He told the Inquiry that the Treasury’s concern had been to ensure that DFID used its Contingency Reserve before it secured additional funding from the Reserve.²⁰⁵

350. The UN launched a ‘Flash Appeal’ for Iraq on 28 March, seeking US\$2.22bn to provide six months of food and non-food aid for Iraq.²⁰⁶

351. DFID committed £65m to support the UN Flash Appeal on 1 April.²⁰⁷

352. The UN reported in June 2003, in the context of launching its revised humanitarian appeal for Iraq, that almost US\$2bn of the requested US\$2.22bn had been made available to UN agencies since the launch of the Flash Appeal.²⁰⁸ That comprised US\$1.1bn in resources available within the OFF programme and US\$870m in donor contributions and pledges. The major donors were:

- the US (who had provided US\$483m, some 56 percent of total donor contributions);
- the UK (US\$108m – 12 percent); and
- Japan (US\$87m – 10 percent).

²⁰³ Public hearing, 2 February 2010, page 70.

²⁰⁴ Public hearing, 8 December 2009, pages 27-28, 30.

²⁰⁵ Public hearing, 5 March 2010, pages 97-98.

²⁰⁶ United Nations, *Flash Appeal for the humanitarian requirements of the Iraq crisis: six-month response*, 28 March 2003.

²⁰⁷ Report DFID, 1 April 2003, ‘Iraq humanitarian situation update No.8 (Internal)’.

²⁰⁸ United Nations, *Humanitarian Appeal for Iraq: Revised Inter-Agency Appeal 1 April – 31 December 2003*, June 2003.

Funding for a British Embassy and security

353. Contingency planning in the FCO, including for the procurement of armoured vehicles, portable accommodation and equipment to support the re-opening of a UK Office in Baghdad, had begun by September 2002.²⁰⁹

354. Mr Straw wrote to Mr Boateng on 17 February 2003, seeking £6.3m from the Reserve to cover costs incurred in preparing for possible conflict or regime change in Iraq.²¹⁰ That comprised:

- £3m for a ‘container’ Embassy in Baghdad;
- £1.2m for Chemical Biological Warfare (CBW) suits and air monitors;
- £740,000 for armoured cars, and for additional guards and security across the region;
- £668,000 for communications equipment for Baghdad;
- £380,000 for additional staffing costs in London; and
- £316,000 for an increased public diplomacy and information campaign.

355. Mr Straw stated that, in the event of a conflict, the FCO would have to make a further claim.

356. Mr Boateng replied two days later, agreeing the bids for the Embassy, CBW suits and air monitors, armoured cars and additional security, and communications equipment (a total of £5.62 million).²¹¹ He rejected the bids for additional staffing in London and the public diplomacy and information campaign, arguing that “these were of a size and nature that we would expect the FCO to absorb”.

Accuracy of pre-conflict estimates of costs

357. Sir Nicholas Macpherson told the Inquiry:

“Forecasts for the overall net additional costs of military operations, as well as estimates for UOR expenditure, were produced by the Ministry of Defence in consultation with the Treasury. The estimates were based on historical data coupled with assumptions on the anticipated operational tempo, activity and conditions for the forthcoming 12 months.”²¹²

358. Addressing the accuracy of those estimates, Sir Nicholas Macpherson told the Inquiry:

“We [the Treasury] were making estimates through the autumn of 2002. The Treasury doesn’t always get forecasts right, and it didn’t get this forecast totally

²⁰⁹ Minute Collecott to Jay, 27 September 2002, ‘Iraq Contingency Measures’.

²¹⁰ Letter Straw to Boateng, 17 February 2003, ‘Iraq and Terrorism Costs’.

²¹¹ Letter Boateng to Straw, 19 February 2003, ‘Reserve Claim for Iraq and Terrorism Costs’.

²¹² Statement, 15 January 2010, page 3.

right, but it wasn't that far off. We started from looking at the previous Iraq war. My recollection of it was the British intervention was on a larger scale, but obviously there had been quite a lot of inflation since then and I think we always assumed that the actual conflict itself would cost around £2.5 billion, and that estimate proved pretty accurate."²¹³

359. Sir Nicholas explained:

"This wasn't some private Treasury estimate, we had an interest of working very closely with the Ministry of Defence, the Foreign Office, the International Development Department [DFID] ... at that time we could see a scenario where the war would cost something like 6 billion [pounds] and that was looking to the end of ... 2005/06, and, again, that's not hugely wide of the mark."²¹⁴

360. Mr Trevor Woolley, MOD Director General Resources and Plans from July 1998 to August 2002 and subsequently MOD Finance Director, told the Inquiry:

"What we tended to do was to look at what the expected force level in theatre was and to focus the forecast round the numbers of people who were going to be out there [in Iraq] ... But, of course, the reality was sometimes that the force levels were different from those at the time of forecast and, therefore, the costs would be different and, of course, there were some costs that were either greater or less than one might have expected with that level of force level anyway."²¹⁵

361. The estimates of military conflict and post-conflict and non-military costs which the Treasury provided to Mr Brown on 19 February were reasonably accurate, given the major uncertainties at that point.

362. Military costs relating to the conflict totalled some £2.2bn, against an estimate of £3.0bn (not including RAB costs).

363. Military post-conflict costs in 2004/05 were £0.9bn, against an estimate of £1.0bn.

364. The UK allocated £210m and spent £110m on humanitarian assistance in 2003/04, against the £100m to £250m range of likely expenditure identified by the Treasury.

365. The UK spent £99m on reconstruction in 2003/04, less than the £100m to £500m range identified by the Treasury. The £99m included a contribution of £70m to the UN and World Bank Trust Funds, which would only be disbursed by the UN and World Bank in subsequent years.

²¹³ Public hearing, 22 January 2010, page 5.

²¹⁴ Public hearing, 22 January 2010, page 3.

²¹⁵ Public hearing, 2 July 2010, pages 77-78.

Funding for military operations in the post-conflict period

Cost of the UK's post-conflict military presence

366. Most of the issues raised at Mr Blair's meeting on 6 March, including the role of the UN, sectorisation and the nature of the UK's post-conflict contribution in Iraq, remained unresolved as the invasion began (see Section 6.5).

367. Mr Hoon and Mr Straw sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.²¹⁶ The minute, copies of which were sent to Mr Brown, Ms Short and Sir David Manning, invited agreement to five propositions including:

“In broad terms the MOD will need to draw down its scale of effort to nearer a third of its commitment by the autumn.”

368. That reduced commitment would equate to “a maximum of around one brigade, a two star headquarters and possibly a contribution to higher level command and control, air and maritime components, and support enablers”.

369. The joint minute gave little detail of what UK forces would be required to do immediately after the invasion:

“The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the south east of Iraq ... This task is broadly proportionate to the size of the UK's contribution to overall Coalition land forces ...”

370. The joint minute stated that US planning remained “sensibly flexible” once the initial phase was over and “a major part of Iraq has been stabilised”. It would be premature to take a view on the merits of sectorisation for that stage.

371. Mr Rycroft informed the FCO and the MOD on 21 March that Mr Blair agreed to the Straw/Hoon recommendations, subject to further urgent advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.²¹⁷

372. Mr Dodds provided advice to Mr Brown on the joint minute on 24 March.²¹⁸ Mr Dodds reported that the picture looked “rather different to that presented in the correspondence”:

“The Defence Chiefs say that a ‘medium size’ deployment (ie 10,000-15,000) is the most we could sustain in the medium term without lasting damage to our forces. MOD officials tell us they had intended the submission [the joint minute] to pose the question ‘do you want us to do as much as we can (ie this medium size deployment)

²¹⁶ Minute Straw and Hoon to Prime Minister, 19 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

²¹⁷ Minute Rycroft to McDonald and Watkins, 21 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

²¹⁸ Minute Dodds to Chancellor, 24 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

or as little as we can get away with (ie less)?’ The question is not posed in that form and hence is not answered. **The choice is essentially political, but it is essential to note that the cost of a deployment on this medium scale is about £1bn a year.”**

373. Mr Dodds also reported that the MOD understood that the US now intended to create four, two-star (Divisional) commands in Iraq; the MOD’s “ambition” was to secure one of those commands. However:

“... we should not be too ready to take on a ‘two-star command’ without the necessary guarantees. The military will balk at this – a ‘2-Star command’ would provide a seat at the top table in the aftermath. But the risks that it brings of costs that we cannot afford both militarily and financially mean that it comes at potentially a high price.”

374. Mr Dodds advised that, given that this was an issue on which the Treasury and the MOD differed, Mr Brown’s input “could be invaluable”.

375. Mr Dodds also advised that Mr Brown might have a view on “whether to press for a smaller commitment than the £1bn ‘medium’ scale deployment that MOD/FCO have offered”.

376. Mr Dodds concluded by stating that it would be useful if Mr Brown could “urge caution at Cabinet in taking on post-conflict commitments without assurances from the US on a further UN resolution and about military support to any UK-led post-conflict command”.

377. Section 8 describes how the UK took responsibility for a sector of Iraq, which would become Multi-National Division (South-East) (MND(SE)).

378. At the 27 March meeting of Cabinet, Mr Brown reported that he was making available an additional £120m for humanitarian relief and raising the allocation of funds for the conflict from £1.75bn to £3bn.²¹⁹

379. In his 9 April Budget statement to the House of Commons, Mr Brown announced that he had set aside £3bn in a “Special Reserve” available to the MOD, so that UK troops could be properly equipped and resourced.²²⁰

380. Mr Brown told the Inquiry that represented £1bn a year for three years.²²¹

381. £1bn was the cost of a medium-scale military commitment in the post-conflict period, as estimated by Mr Dodds in his 24 March minute to Mr Brown.

²¹⁹ Cabinet Conclusions, 27 March 2003.

²²⁰ House of Commons, *Official Report*, 9 April 2003, columns 271-88.

²²¹ Public hearing, 5 March 2010, page 90.

382. Mr McKane directed MOD colleagues on 15 April to start turning their “broad estimates” of post-conflict and recuperation costs into a more detailed claim to the Treasury.²²²

383. Two weeks later, on 30 April, the MOD reported to the Treasury that:

- actual and forecast expenditure relating to Phase I (preparation of military forces) and Phase II (deployment) was £807m;
- actual and forecast expenditure to 30 April relating to Phase III (war-fighting) was £681m;
- forecast expenditure relating to Phase IV (post-conflict) for 2003/04 was £982m; and
- forecast expenditure for Phase V (recuperation) for 2003/04 was £400m.²²³

384. The MOD advised that the figures for Phases III, IV and V were their “first forecast” and “necessarily imprecise at this stage”. The MOD also confirmed that the overall cost of Op TELIC would remain within the £3bn announced by Mr Brown on 9 April.

Impact on operations of the MOD’s financial position, 2002 to 2004

385. In the light of the publicity surrounding the funding and management of the defence programme in 2003 and 2004, the Inquiry examined two related questions:

- the size of the MOD’s core budget and whether it imposed constraints on operations in Iraq; and
- whether the imposition of controls on the MOD’s management of its resources by the Treasury in September 2003 had an impact on operations in Iraq.

386. The 1998 Strategic Defence Review (SDR) signified a major shift towards expeditionary armed forces, involving the rapid deployment of sustainable military force often over long distances.²²⁴ The SDR recognised that while the collapse of the Warsaw Pact had removed a direct military threat to the UK, indirect threats still persisted. Countering those threats would require more mobile, responsive and flexible armed forces.

387. Section 6.3 describes progress in implementing the shift in military capability required by the 1998 SDR.

²²² Minute McKane to DG Resources, 15 April 2003, ‘OP TELIC: Recuperation Costs and the Cost of Lessons Learned’.

²²³ Letter PS/Hoon to PS/Boateng, 30 April 2003, ‘Operation Telic: Iraq Costs Update’.

²²⁴ Ministry of Defence, *Strategic Defence Review Command Paper 3999*, 8 July 1998.

388. Speaking to *The Independent on Sunday* in 2007, Lord Guthrie, Chief of the Defence Staff from 1997 to 2001, said that he came close to resigning during the negotiations over the 1998 SDR:

“We had taken the Treasury by the hand through it all and thought we were home and dry ... Then at the last moment [Mr] Brown tried to take a lot more money out of it. If he had, the whole thing would have unravelled.”²²⁵

389. Mr Hoon told the Inquiry that when he arrived at the MOD, in October 1999, there was “quite a strong feeling that it [the MOD programme implementing the 1998 SDR] was not fully funded”.²²⁶

390. Sir Kevin Tebbit, MOD Permanent Under Secretary from July 1998 to November 2005, told the Inquiry that when he arrived at the MOD he estimated that the department was “about half a billion short” of being able to implement the SDR, although his colleagues did not agree the shortfall was that large.²²⁷ The MOD had tried but failed to “recover the position” in the 2000 Spending Review.

391. Sir Kevin told the Inquiry that the MOD’s resource position in 2002 had not affected the decision to mount a large-scale operation in Iraq:

“While I think the core budget was insufficiently funded to deliver the SDR force structure, that doesn’t mean to say that I felt that the funding wasn’t there to conduct the [Iraq] operation, or indeed to sustain our objectives in Iraq, on the basis that we were planning to hand over, on the basis that we were not intending to stay ... beyond a certain period ...”²²⁸

392. Mr Woolley told the Inquiry that the SDR set out a high-level strategy, and it was a question of judgement whether a particular level of funding was sufficient to deliver that strategy.²²⁹

393. Mr Woolley identified three factors which, in his view, caused the “budgetary pressure” that the MOD faced in 2002:

- the year-on-year efficiency savings that the 2000 Spending Review had required;
- the cost of salaries, fuel and equipment rising faster than inflation; and
- exchange rate fluctuations.

394. The SDR New Chapter, published in July 2002, continued the shift towards expeditionary capability.²³⁰

²²⁵ *Independent on Sunday*, 11 November 2007, *Tony’s General turns defence into an attack*.

²²⁶ Public hearing, 19 January 2010, page 127.

²²⁷ Public hearing, 3 February 2010, page 3.

²²⁸ Private hearing, 5 May 2010, page 38.

²²⁹ Public hearing, 2 July 2010, pages 10-12.

²³⁰ Ministry of Defence, *The Strategic Defence Review: A New Chapter*, July 2002.

395. In early 2002, Mr Hoon wrote to Mr Brown to request an additional £500m for 2002/03 above the MOD's 2000 Spending Review settlement.²³¹ He argued that the inadequate size of the MOD's 2000 Spending Review settlement, and the cost of expeditionary warfare, had produced a £770m hole in the MOD's budget. The MOD was prepared to absorb £270m of that.

396. No.10 wrote to the Treasury on 19 March 2002 to record that the MOD and Treasury had reached agreement that the bid would be considered sympathetically within the context of the 2002 Spending Review (which was already under way).²³²

397. Mr Blair attended a meeting with the Chiefs of Staff, Mr Hoon and Sir Kevin Tebbit on 21 May, to discuss current operations and resources.²³³ Adm Boyce said that the Armed Forces had "been under-resourced since the SDR" and they "could not continue to make do".

398. Mr Boateng wrote to Mr Hoon on 10 July, confirming the MOD's settlement in the 2002 Spending Review.²³⁴ Mr Boateng stated that the settlement represented 1.2 percent annual average real growth in the MOD's total DEL, and 1.7 percent annual average real growth in the MOD's near-cash DEL (the previous budgeting basis), and that it would permit the phased implementation of the SDR New Chapter. The table below summarises the settlement.

Table 4: 2002 Spending Review: MOD settlement, £bn

	2002/03	2003/04	2004/05	2005/06
Total DEL ²³⁵	29.3	30.9	31.8	32.8

399. The settlement also provided an additional £500m in 2002/03 to "sustain activity levels and retention levels, and help offset the wider impact of the rate of military operations".

400. Annex A to the settlement letter confirmed that: "In general, the Ministry of Defence will have unlimited ability to move funds between separate resource and capital sub-programmes within its budget."²³⁶

401. Budgets allocated in the 2002 Spending Review reflected, for the first time, the implementation of full Resource Accounting and Budgeting (RAB).

²³¹ Letter Hoon to Brown, 31 January 2002, 'The Defence Budget in 2002/03'.

²³² Letter Heywood to Bowman, 19 March 2002, 'Defence Spending – 2002/03'.

²³³ Note Rycroft, 21 May 2002, 'Prime Minister's Meeting with Chiefs of Staff'.

²³⁴ Letter Boateng to Hoon, 10 July 2002, 'SR2002: Ministry of Defence'.

²³⁵ Defined in the settlement letter as RDEL plus CDEL minus depreciation.

²³⁶ Letter Boateng to Hoon, 10 July 2002, 'SR2002: Ministry of Defence: Annex A: Spending Plans'.

Resource Accounting and Budgeting

Resource Accounting and Budgeting (RAB) has two key elements. First, costs are recorded when resources are consumed rather than when the cash is spent. Second, to provide a more accurate and transparent measure of the full economic costs, RAB incorporates non-cash costs including:

- depreciation – the consumption of capital assets over their useful economic life;
- impairments, such as stock write-offs; and
- a cost of capital charge – the opportunity and financing costs of holding capital.

The introduction of RAB by the Government was intended to create an incentive for departments to reduce non-cash costs, for example by reducing the amount and value of assets and stocks held.

Under RAB, the total Departmental Expenditure Limit (DEL) comprised three elements: a resource budget (RDEL); a capital budget (CDEL); and adjustments to reflect non-cash costs.

402. While the 2002 settlement was presented in RAB terms, in order to allow reconciliation back to previous settlements and to aid public presentation, the letter also gave an estimate of the cash spending associated with the settlement. The table below presents that estimate.

403. The change from cash accounting to RAB presented an opportunity for the MOD significantly to increase its available cash by reducing its non-cash costs (depreciation and the cost of capital).

Table 5: 2002 Spending Review, MOD settlement, cash spending estimate, £bn

	2002/03 (Baseline)	2003/04 Plans	2004/05 Plans	2005/06 Plans
Resource DEL	31.4	33.0	33.8	34.7
Capital DEL	5.5	6.0	6.3	6.9
<i>Less depreciation</i>	7.6	8.1	8.3	8.8
<i>Less cost of capital</i>	5.1	5.2	5.3	5.4
<i>Less other changes</i>	–	0.1	–	–
Estimated cash spending	24.2	25.6	26.5	27.4

404. Mr Hoon replied to Mr Boateng’s letter of 10 July on the same day, welcoming the proposed increase in defence spending but pointing out that, in terms of what the UK was expecting its Armed Forces to do, it was a “taut” settlement.²³⁷

²³⁷ Letter Hoon to Boateng, 10 July 2002, ‘SR2002: Ministry of Defence’.

405. Sir Nicholas Macpherson told the Inquiry that negotiations on the MOD's 2002 settlement had not appeared to be acrimonious:

"... I didn't get the sense that the MOD was being starved of resource. Indeed, the 2002 settlement gave them small real increases ...

"... it is open to the Secretary of State, it is indeed open to the Chief of Defence Staff ... to approach the Prime Minister and raise concerns. The Secretary of State could have taken it to Cabinet and he could have held out. They didn't ..." ²³⁸

406. Sir Kevin Tebbit told the Inquiry that the MOD had welcomed the 2002 settlement because it had been done on a resource accounting basis, rather than on a cash basis:

"The problem ... for the Treasury was that, whereas in most departments the transition from cash to accruals [RAB] didn't make very much difference, in the case of defence it made a huge difference, because our asset base was something between 70 and 90 billion pounds, a massive amount of money.

"Now, the amount of ... depreciation, capital charging, write-off allowance that was in [the MOD's] settlement, was a prudent figure ...

"But it did mean, as it transpired, that we had the headroom to achieve what I felt we had always failed to achieve before in my previous three years there, to actually fund the defence programme properly ..." ²³⁹

407. Mr Woolley told the Inquiry that Mr Boateng's letter of 10 July 2002 had:

"... made no reference to there being a separate limit on the non-cash element of the overall resource budget ...

"So we made the assumption that there was no separate limit within our budget for non-cash, that we were to regard all resource budgets as available for whatever resource purpose it was required and ... we planned on a full resource basis without making any distinction between non-cash and near cash spend." ²⁴⁰

408. Mr Woolley agreed with the Inquiry that, in practice, the change to RAB meant that by bearing down on non-cash costs the MOD would be able to increase cash expenditure.

409. Mr Woolley also drew attention to the "volatility" of MOD non-cash costs, resulting from periodic revaluation of assets, the number of write-offs of assets and stocks in a particular year, and delays in bringing new equipment into service (which would reduce the charge for depreciation).

²³⁸ Public hearing, 22 January 2010, page 37.

²³⁹ Public hearing, 3 February 2010, pages 4-6.

²⁴⁰ Public hearing, 2 July 2010, pages 59-61.

410. Mr Bruce Mann, MOD Director General Financial Management from May 2001 to February 2004, told the Inquiry that the MOD and the Treasury had worked together for many years before 2002, better to understand that volatility.²⁴¹

411. By early April 2003, the Treasury had become concerned about the MOD's plans to transfer £1bn a year in 2003/04, 2004/05 and 2005/06 from non-cash to cash.²⁴² That would increase UK Public Sector Current Expenditure (PSCE) by the same amount, which the Treasury judged to be unaffordable.

412. The Treasury acknowledged that the MOD should be able to redeploy non-cash savings released through genuine efficiency gains to cash, but was concerned that:

- the size of the non-cash savings had come “as a bolt from the blue”;
- the MOD had over-estimated its non-cash costs (making it easier subsequently to identify and claim savings); and
- some elements of the savings were due to “windfall gains or creative accounting”, for example as the MOD changed the depreciation profiles on equipment and wrote down the value of equipment.

413. Sir Kevin Tebbit warned Mr Hoon on 14 April that Treasury officials had questioned the planned transfer of some £3bn from non-cash to cash over the next three years, which they regarded as undermining Mr Brown's fiscal projections.²⁴³ Treasury officials had said that they could give no assurances that the MOD's budget would not be reduced, and had indicated that they would take account of the MOD's increased cash spending in deciding how to deal with “other issues in-year”. Sir Kevin described that as “code for our claims on the Reserve” in respect of operations in Iraq.

414. Sir Kevin concluded that the MOD had acted in good faith within the terms of the 2002 settlement, which allowed “unlimited flexibility to move funds between separate resource and capital sub-programmes”.

415. Discussions between MOD and Treasury officials continued through the summer, leading to a reduction in the MOD's planned transfer from £3bn to £2bn (£490m in 2003/04, £631m in 2004/05 and £948m in 2005/06).²⁴⁴

416. A Treasury official advised Mr Boateng on 19 August that he should “rebut” the MOD's entire £2bn transfer as neither legitimate nor affordable and against the “whole ethos of RAB”:

“The big picture is that the MOD have acted in bad faith. RAB sets out guidelines and principles, but cannot cover every eventuality ... Treasury is ultimately

²⁴¹ Public hearing, 2 July 2010, page 63.

²⁴² Minute Dodds to Chief Secretary, 2 April 2003, ‘Draft: MOD Cash and Non-Cash Costs’.

²⁴³ Minute Tebbit to Hoon, 14 April 2003, ‘Defence Budget’.

²⁴⁴ Email Treasury [junior official] to Bowman, 4 July 2003, ‘MOD Budget – Submission – DDI/Treasury to CST’.

responsible for refining the guidelines over this transitional phase [of RAB implementation]. Equally, we need to be able to trust departments to work within the spirit of RAB and check with us wherever clarification is obviously required. If we cannot trust departments to behave in a co-operative manner, we will have to consider tighter controls – undoubtedly a backward step.”²⁴⁵

417. The official summarised the MOD’s position:

- It was working within the RAB framework, which rewarded lower non-cash costs.
- It claimed that the Treasury had focused it on DEL totals, and had told it that cash management was irrelevant.
- The MOD’s settlement letter in the 2002 Spending Review specified that it had unlimited flexibility to move funds between sub-programmes.

418. The official also set out the Treasury’s arguments against the MOD position:

- “• These switches [from non-cash to cash] are not affordable ...
- MOD have generated this improved cash flow from a mixture of accounting charges, exploitation of the transitional phase between RAB Stage I and II, and ineffective management of procurement contracts. Thus this cash windfall has nothing to do with the RAB principles of efficiency or improved asset utilisation ...
- MOD has consistently reassured us ... that non-cash forecasts in SR2002 were understated, not overstated. It would appear that they have misled us.
- ... it was always understood (although admittedly not put in writing) that significant movements in cash/non-cash would have to be agreed with HMT [the Treasury].
- The quality of MOD’s forecasting remains poor and does not instil confidence ...
- It is not credible that MOD can really have believed that cash was not relevant ...”

419. The Treasury’s analysis of the MOD’s planned £2bn transfer indicated that:

- 35 percent was the result of changes in accounting treatment which had been designed to produce non-cash savings.
- 23 percent was the result of delays in procurement.
- 33 percent was the result of exceptional write-offs.
- 10 percent could not be accounted for.²⁴⁶

420. The Treasury judged that only the second category (delays in procurement) represented legitimate non-cash savings.

²⁴⁵ Minute Treasury [junior official] to Chief Secretary, 19 August 2003, ‘c£2bn MOD Cash Increase over SR2002’.

²⁴⁶ Figures sum to 101 percent due to rounding.

421. Mr Boateng wrote to Mr Hoon the following day, saying that he was unable to agree any transfer from non-cash to cash within the MOD's budget. Mr Boateng stated that, given the very tight fiscal position, the Government could not afford an unplanned increase to public sector net expenditure of the magnitude proposed by the MOD.²⁴⁷ Copies of the letter were sent to Mr Blair and Mr Brown.

422. Mr Hoon replied to Mr Boateng on 3 September.²⁴⁸ Mr Hoon argued that he had agreed the MOD's 2002 Spending Review settlement on a RAB basis, including that the MOD had unlimited flexibility to move funds between separate resource sub-programmes within its budget. The Treasury was now proposing "to move the goalposts". Mr Hoon challenged Mr Boateng's description of the transfers as resulting from "windfalls" and "transitional effects".

423. Mr Hoon stated that while it was not possible to say precisely where cuts would fall, cuts in training:

"... would soon cut into long-term military capacity and our ability to continue to sustain our operations in Iraq ..."

424. Mr Boateng and Mr Hoon met on 15 September to discuss the non-cash to cash transfers.²⁴⁹ Mr Hoon told Mr Boateng that the MOD needed to transfer £870m from non-cash to cash in 2003/04 (rather than the £490m the MOD had previously estimated).

425. The following week, MOD officials told Treasury officials that their total additional cash requirement for 2003/04 had grown from £870m to £1,152m.

426. On 26 September, in advance of a meeting with Mr Brown, Mr Dodds produced a note summarising the exchanges between the Treasury and the MOD and reflecting on "how MOD had got into this position". On that question, he concluded:

"MOD say they believed that under ... RAB, cash was not a control. It is an open question whether this is stupidity or cunning."

427. Mr Brown wrote to Mr Blair later that day, reporting the exchanges between the MOD and the Treasury on the MOD's "legitimate questions" and highlighting his particular concern over the MOD's most recent requests:

"Until a fortnight ago, Paul Boateng was discussing with Geoff Hoon whether it was acceptable for up to £490 million of non-cash ... to be redeployed as cash spending ..."

"However, it has now become clear that we are dealing with an issue of a completely different scale, which is being driven by a complete lack of

²⁴⁷ Letter Boateng to Hoon, 20 August 2003, 'Implementation of the SR2002 Settlement'.

²⁴⁸ Letter Hoon to Boateng, 3 September 2003, 'Implementation of the SR2002 Settlement'.

²⁴⁹ Paper Treasury, 26 September 2003, 'Summary of Issues for Meeting with Chancellor – 3pm Friday 26 September'.

budgetary control within the MOD. MOD's unforeseen requirement for £1,152 million of extra cash represents a very serious failure. This is not a RAB problem, it is a basic control problem.

“Given the gross loss of control by MOD, I must disallow immediately any flexibility for MOD to move resources between non-cash and cash ... I must ... also impose on MOD a fixed cash control total to ensure that it remains within the SR2002 settlement.

“... I require an urgent externally led review of MOD's financial control arrangements, and assurance that the MOD will immediately focus on cost control ...”²⁵⁰

428. Mr Brown wrote that he was “anxious” that these changes would not affect the special arrangements that the Treasury had agreed with the MOD to fund operations in Iraq, and committed himself to ensuring that that funding continued.

429. Mr Boateng wrote to Mr Hoon the same day, reiterating Mr Brown's argument.²⁵¹

430. Mr Brown told the Inquiry that he acted to impose additional controls on the MOD because:

“The purpose of resource accounting was to make sure that the assets of different departments were used more efficiently. So there had to be proof that the assets were being used more efficiently for that to be able to release cash ...

“If we had allowed every department to do what the Ministry of Defence were doing, then we would have an extra cost of £12 billion ...”

“I wrote to the Prime Minister about this because it was obviously an issue about the cash expenditure of the Government.”²⁵²

431. Mr Hoon replied to Mr Boateng on 29 September.²⁵³ He rejected the charge that the MOD had lost control of its budget and argued that the emergence earlier that month of additional costs was due to a lack of defined Treasury controls rather than a lack of control by the MOD.

432. Mr Hoon reported that in order to comply with Mr Brown's demand that the MOD reduce its cash expenditure by £1.1bn in the current year, there would have to be a moratorium on uncommitted expenditure. He had agreed measures that would reduce cash expenditure by up to £500m in the current year (which would have “serious and just manageable” consequences for defence), but would not agree any further measures until Mr Blair had had a chance to consider the issue.

²⁵⁰ Letter Brown to Blair, 26 September 2003, ‘Ministry of Defence Budget’.

²⁵¹ Letter Boateng to Hoon, 26 September 2003, ‘Ministry of Defence Budget’.

²⁵² Public hearing, 5 March 2010, pages 126-127.

²⁵³ Letter Hoon to Boateng, 29 September 2003, ‘Ministry of Defence Budget’.

433. Mr Hoon also challenged the assurances offered by Mr Brown and Mr Boateng that operations in Iraq would not be affected:

“... to suggest that cuts to the core Defence Budget will have no impact on military capability or morale reveals a lack of understanding about how defence works. The net additional military costs are only one element, and a relatively small element, of what goes into creating the military capability deployed in Iraq. Cuts in core equipment, logistics and training programmes will inevitably affect operations in Iraq. The only question is how quickly. The effect on morale will be more or less immediate.”

434. Mr Hoon wrote to Mr Blair in similar terms on the same day.²⁵⁴

435. On 6 October, Mr Hoon’s Private Secretary sent Mr Heywood a list of the main measures the MOD was taking to meet Mr Hoon’s commitment to save up to £500m in the current financial year.²⁵⁵ Those were:

- further reductions in activity, especially overseas exercises;
- paring back logistic support;
- deferring plans to buy a fifth C-17 strategic lift aircraft; and
- delaying or reducing spend on other future equipment programmes, including the Battlefield Light Utility Helicopter, the Nimrod MRA4 and the Watchkeeper Unmanned Aerial Vehicle (UAV).

436. Mr Hoon’s Private Secretary wrote:

“These measures would not directly impact on operations in Iraq, but would begin to cut into training and support needed for motivated Armed Forces capable of sustaining the operations there, especially if the situation on the ground escalates, or in responding to new crises.”

437. The procurement of UAVs for Iraq is considered in Section 14.1.

438. Mr Heywood attempted to broker an agreement between the MOD and the Treasury. He advised Mr Blair on 7 October:

“In brief, MOD are requesting an extra £650/1000/1275m over the next three years ...

“There is no plausible reason why MOD’s non-Iraq spending should need to increase by 9 percent in the current year; and the Government’s Chief Accounting Adviser, Sir Andrew Likierman, is absolutely clear that there has been an unacceptable breakdown in financial control in the department (with too much money allocated out to budget-holders and the central finance function too weak to control what they

²⁵⁴ Letter Hoon to Blair, 29 September 2003, ‘Ministry of Defence Budget’.

²⁵⁵ Letter Davies to Heywood, 6 October 2003, ‘Ministry of Defence Budget’.

are doing). The MOD have been completely unable to explain what the additional £650m this year is to be spent on.

“I know your instinct will be to back the MOD on this. But frankly I do not think they have much of a case.”²⁵⁶

439. Mr Heywood provided an update on negotiations to Mr Blair on 10 October.²⁵⁷ Mr Brown had “grudgingly acquiesced” to provide an additional £250m in 2003/04 (and nothing for 2004/05 and 2005/06), “despite the rapidly deteriorating fiscal position”.

440. Mr Heywood concluded that providing an additional £350m to £375m for 2003/04 would be a reasonable compromise, with additional funding for the following years to be considered after a review of the MOD’s financial controls.

441. Mr Blair met Mr Brown and Mr Hoon separately in mid-October to discuss the issue.²⁵⁸

442. Mr Hoon wrote to Mr Blair on 17 October, identifying the short- and medium-term consequences of the imposition of cash controls.²⁵⁹ Those included a reduction in the preparedness of the military to conduct operations, cuts and delays in equipment programmes, delays to planned pay increases, cuts in force structure, and a freeze on recruitment in some areas. Mr Hoon argued that to avoid those consequences, he would need authority to transfer more than the £400m “which is being suggested” for 2003/04, and agreement now for similar levels of transfers in subsequent years.

443. Mr Heywood passed that letter to Mr Blair, advising that he had almost brokered a deal between the MOD and the Treasury which involved:

- an additional £385m to £400m for the MOD in 2003/04;
- an external review of the MOD’s financial control systems; and
- a decision on funding in future years in the light of the findings of that review.²⁶⁰

444. Mr Heywood described that deal as “exceptionally generous”, given that the Reserve was already fully spent and the UK was heading for a “massive fiscal overshoot”. He concluded:

“I very much hope that you will endorse the compromise ... This also means overruling GB [Mr Brown]. He is currently refusing to countenance an offer of more than £250m. But his officials know that that will not wash!”

²⁵⁶ Minute Heywood to Prime Minister, 7 October 2003, ‘MOD Spending’.

²⁵⁷ Minute Heywood to Prime Minister, 10 October 2003, ‘MOD Spending’.

²⁵⁸ Letter Heywood to Watkins, 21 October 2003, ‘Defence Budget’.

²⁵⁹ Minute Hoon to Blair, 17 October 2003, ‘Defence Budget’.

²⁶⁰ Minute Heywood to Prime Minister, 17 October 2003, ‘Defence Budget’.

445. Mr Heywood wrote to Mr Hoon's Private Secretary on 23 October:

"The Prime Minister shares the Chancellor's – and Sir Andrew Likierman's – concern about recent financial developments within MOD ...

"However, given the late stage of the financial year and so as to minimise the disruption to front line defence and morale at this critical time, the Prime Minister and Chancellor are prepared to agree a one-off cash uplift of £400m for 2003/04 ..."²⁶¹

446. That uplift was conditional on MOD agreement to an externally led review of its financial control arrangements, and an assurance it would make maximum use of savings generated by its efficiency programme to ensure that cash and resource spending were properly controlled. Once the review had made its recommendations and any changes to the MOD financial controls had been implemented, the Treasury would look again at Mr Hoon's request for extra cash for 2004/05 and 2005/06.

447. Sir Kevin Tebbit told the Inquiry that it was the MOD's normal practice to appeal to Mr Blair on funding issues:

"... given the particular nature of the Blair Government, the MOD tended to look to ... the Prime Minister for understanding and support in the budgetary context. Some other departments went direct to the Chancellor. We usually tried to operate through Number 10 because we were always coping with the problem of a policy ambition which the Prime Minister subscribed to, which was never quite matched by the financial attitude of the Chancellor."²⁶²

448. The external review of the MOD's cash management arrangements (the Likierman review), which was undertaken by Cap Gemini Ernst and Young, issued on 25 November.²⁶³

449. Mr Woolley forwarded the review to Mr Hoon and Sir Kevin Tebbit the following day.²⁶⁴ He commented:

"While not a report we would ourselves have written ... [it] provides only very limited support to the criticisms levelled at the department [the MOD] by the Chancellor and the Chief Secretary."

450. Mr Woolley said that the review confirmed that RAB did not require departments to control net cash or near cash, which was "the kernel of our case".

²⁶¹ Letter Heywood to Watkins, 21 October 2003 [sic], 'Defence Budget'.

²⁶² Private hearing, 6 May 2010, pages 40-41.

²⁶³ Report Cap Gemini Ernst and Young, 25 November 2003, 'Review of MOD Cash Management Arrangements'.

²⁶⁴ Minute Woolley to Hoon, 26 November 2003, 'PSX 26 November – CGEY Report'.

451. Mr Dodds forwarded the Likierman review to Mr Boateng on 28 November.²⁶⁵ He summarised its main findings:

- Since the 2000 Spending Review, the MOD had had no systems that provided effective control over its net cash requirement (the actual cash required by the MOD to carry out its business).
- The MOD was not aware of its near cash position.
- Treasury guidance could have been clearer in defining the controls that departments needed to maintain. The MOD had set out its argument to the review team: that it had not controlled cash or near cash because it was not required to do so under full RAB.

452. Mr Dodds recommended that Treasury and MOD officials should develop a framework to control the transfer of non-cash savings into cash spending. The framework could allow transfers where they resulted from efficiency gains and subject to a cap. Decisions on the MOD's budget for 2004/05 and 2005/06 should await the conclusion of those discussions.

453. Mr Hoon wrote to Mr Brown on 17 December, proposing that the Treasury allow the MOD to transfer £750m from non-cash to cash in both 2004/05 and 2005/06.²⁶⁶ Mr Hoon stated that the cash controls imposed by the Treasury had required the MOD to reduce planned expenditure in the current financial year (2003/04) by £800m, and would require the MOD to reduce planned expenditure by £1bn a year in future years.

454. Mr Hoon cited the Likierman review in support of this request:

“I was pleased, but not surprised, that the CAP Gemini Ernst and Young Report [the Likierman review] gave the MOD a clean bill of health. It confirmed that the Resource Accounting and Budgeting framework does not require control of net cash or near cash ... the MOD was following the terms of the settlement letter and your rules.”

“Given the outcome of the ... review, I can expect restoration of the freedom to flex more than £1bn per year from non-cash to cash – which is what is required to maintain the direction envisaged at the time of SR2002 and the SDR New Chapter. However, I do recognise ... the fiscal position and our collective responsibilities in this area. I accordingly propose that we agree to flex £750 million in 2004/05 and £750 million in 2005/06.”

455. Mr Hoon wrote again to Mr Brown on 25 February 2004, highlighting the implications of the cash controls imposed by the Treasury.²⁶⁷ The £800m reduction in planned expenditure in 2003/04 had been achieved largely by reducing planned

²⁶⁵ Minute Dodds to Chief Secretary, 28 November 2003, 'MOD – Cash/Non-Cash'.

²⁶⁶ Letter Hoon to Brown, 17 December 2003, 'Defence Budget'.

²⁶⁷ Letter Hoon to Brown, 25 February 2004, 'Defence Budget'.

expenditure on new equipment and logistic support for the Armed Forces, “with obvious consequences for operational capability in future years”. Retaining the cash controls in future years would cause huge damage to military capability, the loss of jobs in industry and damage to the Government’s credibility.

456. Sir Kevin Tebbit provided advice to Mr Hoon on 5 March on the specific reductions in programmes and capability in 2004/05 and 2005/06 that would be required by the Treasury’s cash controls.²⁶⁸

457. Mr Hoon wrote to Mr Blair on 8 March, highlighting some of those reductions and stating that he could accept authority to transfer £500m (rather than £750m) from non-cash to cash each year.²⁶⁹

458. Mr Hoon submitted the MOD’s bid for funding to the 2004 Spending Review on 26 April.

459. On 6 July, as negotiations on the outcome of the 2004 Spending Review reached a conclusion, and with the MOD’s bid under pressure, Sir Michael Walker, Chief of the Defence Staff, wrote to Mr Brown:

“Were the [MOD’s] bid not to be met ... I would be unable to present the outcome to the Armed Forces as being consistent with policy and other than the consequence of inadequate funding.”²⁷⁰

460. Mr Hoon echoed that warning in a letter to Mr Blair on 9 July:

“... a settlement around this level is essential for the Chiefs of Staff to support it. I could not rule out the Chiefs speaking out in public, not least because I would not expect them to be able to explain a poor settlement in positive terms to their people.”²⁷¹

461. On 11 July, in an accompanying letter to the MOD’s 2004 Spending Review settlement, the Treasury agreed that the MOD could transfer £350m from non-cash to cash in both 2004/05 and 2005/06.²⁷² A new regime would be established from 2006/07, under which transfers would be at least in part conditional on efficiency improvements.

THE MOD REFLECTS ON THE REASONS FOR ITS INCREASED CASH REQUIREMENT

462. In June 2004, in response to a request from Sir Kevin Tebbit for an explanation of how the MOD’s cash requirement had grown from £490m to £870m to £1,152m during the course of September 2003, Mr Lester sent him a chronology of the dispute

²⁶⁸ Minute Tebbit to Hoon, 5 March 2004, ‘STP/EP 04: Years 1 and 2’.

²⁶⁹ Letter Hoon to Blair, 8 March 2004, ‘Defence Budget’.

²⁷⁰ Letter Walker to Brown, 6 July 2004, ‘Defence Budget’.

²⁷¹ Letter Hoon to Blair, 9 July 2004, ‘SR 04: Defence Budget’.

²⁷² Letter Boateng to Hoon, 11 July 2004, ‘Ministry of Defence: 2004-05 and 2005-06 Budgets’.

which had been produced towards the end of 2003.²⁷³ Mr Lester commented that the chronology had been produced to clarify the MOD's internal understanding, and was not to be handed over to the Treasury.

463. The chronology showed:

- In December 2001, the MOD estimated that it would have an Annually Managed Expenditure (AME) “surplus” of £500m a year (compared with its previous estimate).
- The MOD had “serious doubts” about that estimate (some of the figures were “clearly wrong”), so used its previous (higher) estimate as the basis for its 2002 Spending Review bid.
- Further estimates in April and June 2002 increased the MOD's confidence that it would have a £500m a year AME surplus, though it was still not certain. The MOD assumed that the Treasury would scrutinise its AME figures as part of the 2002 Spending Review; if it had, the MOD would probably have reduced its bid. But the Treasury did not scrutinise the figures.
- When the MOD agreed its 2002 Spending Review settlement in July 2002, while it still did not trust its exact AME figures, it was confident that “there would be scope to bear down on ... costs ... That was why we were able to recommend acceptance of the settlement.”
- Prompted by continuing doubts about the accuracy of its AME figures, the MOD conducted a “detailed scrutiny” in December 2002. That exercise confirmed the AME surplus. The surplus was “reinvested” for cash expenditure the following month.
- MOD Top Level Budget-holders (TLBs) continued to refine their AME figures, revealing further significant reductions in their requirement. The forecast surpluses were reinvested for cash expenditure in February 2003.
- Analysis of the forecasts provided by MOD TLBs in late August revealed further reductions in their AME requirement.
- The MOD warned the Treasury on 12 September that the MOD's cash requirement had increased from £490m to £870m.
- The MOD warned the Treasury on 24 September that the MOD's cash requirement had increased to £1,152m.

464. Mr Lester's covering note advised:

“PUS [Sir Kevin Tebbit] asked why we ‘got it wrong’ as the headline numbers rose from £490m to £870m to £1,152m during the course of September 2003. This is not easy to explain ... the Treasury's key accusation – that we lost control of TLBs expenditure – is wrong. What did happen was that we found it very difficult

²⁷³ Email Lester to PS/PUS [MOD], 18 June 2004, ‘Non-Cash Chronology’ attaching Paper, [undated], ‘Chronology of Non-Cash Debate with the Treasury in 2003’.

to re-invent the non-cash and near-cash split in TLBs budgets, having made the transition to full RAB.”²⁷⁴

465. Mr Lester identified the main reasons behind the increase in the MOD’s cash requirement from £490m to £870m:

- “late technical refinements” by MOD TLBs (£200m);
- a reassessment by FLEET (the Royal Navy’s operational Command) of its requirements (£122m); and
- policy decisions (£40m).

466. The main reason behind the increase in the MOD’s cash requirement from £870m to £1,152m was the discovery that the MOD had issued its TLBs with over £200m more near-cash than it had available. That error had been caused by the absence of a near-cash control total in the 2002 Spending Review settlement.

467. Lord Boateng told the Inquiry that he doubted that Mr Hoon and Sir Kevin Tebbit had been aware of the particular opportunities created by full RAB for the MOD when they had welcomed the MOD’s 2002 settlement:

“I think this was an opportunity that became available later, and they saw the opportunity and they took it ...

“A fair enough wheeze perhaps, if not one that could be tolerated.”²⁷⁵

THE IMPACT OF THE TREASURY CONTROLS

468. Mr Hoon told the Inquiry that the imposition of cash controls “caused quite a lot of problems”, because the MOD had been spending at a rate which assumed an unlimited flexibility to transfer non-cash to cash, and had made plans which assumed this unlimited flexibility.²⁷⁶

469. Mr Hoon also told the Inquiry that although the MOD’s forward equipment programmes, including its helicopter programmes, had been affected, he doubted whether this had “immediate consequences” for the UK’s operations in Iraq:

“I don’t believe that it was relevant to helicopters in Iraq ... I suppose it is reasonable to assume that by now [January 2010], had that budget have been spent in the way that we thought we should spend it, then those helicopters would probably be coming into service any time now.”²⁷⁷

²⁷⁴ Email Lester to PS/PUS [MOD], 18 June 2004, ‘Non-Cash Chronology’ attaching Paper, [undated], ‘Chronology of Non-Cash Debate with the Treasury in 2003’.

²⁷⁵ Public hearing, 14 July 2010, page 52.

²⁷⁶ Public hearing, 19 January 2010, page 195.

²⁷⁷ Public hearing, 19 January 2010, pages 196-197.

470. Sir Kevin Tebbit told the Inquiry that Mr Brown’s decision to impose cash controls meant that the MOD:

“... had to go in for a very major savings exercise in order to cope with what was effectively a billion pound reduction in our finances.”

“... the way we went through this exercise was to preserve resources for Iraq, for the operational scenarios that we were currently engaged in, and to make cuts and savings in the areas which were least likely to be called upon ...”²⁷⁸

471. In response to a question from the Inquiry, Sir Kevin said that it was “very difficult to say” that the reduction had had a long-term impact on UK operations in Iraq.²⁷⁹

472. Mr Brown told the Inquiry that the MOD had more funding available to it in 2002/03, 2003/04 and 2004/05 than it had secured in the 2002 Spending Review:

- the additional £500m for 2002/03, which had been confirmed by Mr Boateng in July 2002; and
- authority to transfer £400m from non-cash to cash in 2003/04 and 2004/05.²⁸⁰

473. Mr Brown also emphasised that the size of the MOD’s core budget had “really not much to do with Iraq, because Iraq was being funded completely separately”.²⁸¹

474. Sir Kevin Tebbit agreed with that analysis:

“I really do not believe that our activities in Iraq were constrained by the overall size of the MOD budget. My own view was that Afghanistan was – putting the two together was where the strain came subsequently.”²⁸²

475. Sections 6.3 and 14 describe how the MOD prioritised key military capabilities.

MR BROWN’S EVIDENCE TO THE INQUIRY ON INCREASES IN THE MOD’S CORE BUDGET

476. In October 2009, the House of Commons Library published a note showing defence expenditure in near-cash terms between 1955/56 and 2008/09.²⁸³ The use of near-cash terms allowed comparison between years before and after the transition from cash accounting to RAB. The table below shows those figures for the period from 2001/02 to 2008/09.

²⁷⁸ Public hearing, 3 February 2010, pages 7 and 10.

²⁷⁹ Public hearing, 3 February 2010, page 11.

²⁸⁰ Public hearing, 5 March 2010, pages 127-128. Mr Heywood confirmed in October 2003 that the MOD could transfer £400m from non-cash to cash in 2003/04. Mr Boateng confirmed in July 2004 that the MOD could transfer £350m from non-cash to cash in both 2004/05 and 2005/06.

²⁸¹ Public hearing, 5 March 2010, page 128.

²⁸² Private hearing, 6 May 2010, page 42.

²⁸³ House of Commons Library Standard Note, 16 October 2009, *Defence Expenditure*.

Table 6: Defence expenditure in near-cash terms, 2001/02 to 2008/09 (£bn)

	Near-cash expenditure	Near-cash expenditure at 2008/09 prices ²⁸⁴	£bn change on previous year, in real terms	% change on previous year, in real terms
2001/02	26.1	31.4	2.4	8.4
2002/03	27.3	31.8	0.5	1.5
2003/04	29.3	33.2	1.4	4.4
2004/05	29.5	32.5	- 0.7	- 2.1
2005/06	30.6	33.1	0.6	1.8
2006/07	31.5	33.0	- 0.1	- 0.2
2007/08	33.5	34.2	1.2	3.6
2008/09	36.4	36.4	2.2	6.5

477. Mr Brown told the Inquiry on 5 March 2010 that the defence budget had risen in real terms (i.e. after adjusting for inflation) every year during the period covered by the Inquiry;²⁸⁵ and that the budgets allocated in the 2002, 2004 and 2007 Spending Reviews had provided increases in “real terms spending” of 1.2 percent, 1.4 percent and 1.5 percent respectively.²⁸⁶

478. Mr Brown wrote to the Inquiry on 17 March 2010, to clarify that while defence expenditure had risen every year in cash terms, it had not risen every year in real terms.²⁸⁷ Mr Brown provided figures for the MOD’s core budget in near-cash and real terms, and total defence expenditure (including NACMO) for the period 2001/02 to 2009/10. Those figures are set out in the table below (the percentage variations between years have been added by the Inquiry).

479. The figures provided by Mr Brown show that:

- The MOD’s core budget fell between 2001/02 and 2002/03 and between 2006/07 and 2007/08, and rose in all other years.
- Defence expenditure, which includes a number of significant additional factors, including NACMO, fell between 2003/04 and 2004/05 and between 2005/06 and 2006/07, and rose in all other years.

²⁸⁴ Adjusted using GDP deflator as at June 2009.

²⁸⁵ Public hearing, 5 March 2010, page 120.

²⁸⁶ Public hearing, 5 March 2010, page 119.

²⁸⁷ Letter Brown to Chilcot, 17 March 2010, [untitled].

Table 7: Total defence expenditure, 2001/02 to 2009/10 (£bn)

	MOD core budget			Actual defence expenditure (inc. NACMO)		
	Near cash budget	Real terms (2008/09 prices)	Real terms % change on previous year	Cash outturn + ops ²⁸⁸	Real terms (2008/09 prices)	Real terms % change on previous year
2001/02	23.57	28.44	0.32	24.87	30.02	3.31
2002/03	24.20	28.29	- 0.53	26.99	31.56	5.12
2003/04	25.58	29.08	2.79	29.34	33.36	5.72
2004/05	26.48	29.29	0.72	29.52	32.66	- 2.09
2005/06	27.60	29.97	2.32	30.60	33.24	1.76
2006/07	28.66	30.23	0.87	31.45	33.18	- 0.17
2007/08	29.97	30.15	- 0.26	33.49	34.33	3.47
2008/09	30.76	30.76	2.02	36.43	36.43	6.12
2009/10	31.92	31.30	1.76	39.87	39.08	7.27

New arrangements for funding Urgent Operational Requirements, July 2007

480. The Inquiry concludes in Section 9.8 that, from July 2005 onwards, decisions in relation to resources for Iraq were made under the influence of the demands of the UK effort in Afghanistan. Although Iraq remained the stated UK Main Effort, the Government no longer had the option of a substantial reinforcement of its forces there.

481. The funding approved for Urgent Operational Requirements (UORs) increased significantly in 2006/07, as security in Iraq deteriorated, expenditure on Afghanistan increased, and the Government provided new equipment to protect deployed personnel (see Section 14.1).

482. The table below shows the funding approved by the Treasury for UORs relating to Iraq from 2002/03 to 2009/10.²⁸⁹ Information on actual expenditure on UORs was not captured separately until 2008/09.

Table 8: Funding approved for UORs for Iraq, 2002/03 to 2009/10 (£m)

	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	Total
UOR approvals (£m)	500	180	130	100	420	450	40	5	1,825

²⁸⁸ Figures provided by Defence Analytical Services and Advice (DASA).

²⁸⁹ Letter Quinault to Aldred, 1 March 2010, [untitled].

483. The increase in funding approved for UORs drove an increase in overall NACMO from 2007/08. The table below shows the funds drawn by the MOD from the Reserve to cover NACMO, including UORs, in relation to Iraq.²⁹⁰

Table 9: Total NACMO for Iraq, 2002/03 to 2009/10 (£m)

	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	Total
Total NACMO	847	1,311	910	958	956	1,458	1,381	342	8,163

484. The arrangements for funding UORs which had been agreed between the MOD and the Treasury in September 2002 continued to operate until autumn 2006.

485. In autumn 2006, the UOR envelopes for Iraq and Afghanistan were combined, with a view to providing additional flexibility in managing UOR funding and to reduce bureaucracy in the MOD and the Treasury.²⁹¹

486. Mr Des Browne, the Defence Secretary, was advised by an MOD official on 24 November 2006 that he should write to Mr Stephen Timms, Chief Secretary to the Treasury, to request an increase of £460m in the combined UOR envelope.²⁹² Despite tight controls, the requirements for UORs continued “at a rate higher than anticipated, and considerably above historical norms”, because of:

- the intensity of operations in Afghanistan;
- the slow drawdown of forces from Iraq;
- the constantly evolving threat in both theatres; and
- “a decreased willingness, at all levels, to ‘make do’ with sub-optimal solutions and uncomfortable living and working conditions now that both operations [Afghanistan and Iraq] have become enduring”.

487. The size of the request prompted Mr Browne’s Assistant Private Secretary to do “a little digging” into the MOD’s UOR system.²⁹³ He reported to Mr Browne that:

“The UOR system – the people who make bids on it and those who sanction bids within it – are changing their attitude. There is greater willingness to ask for technical solutions to reduce risk and discomfort and less inclination to block such bids. Partly this is because there is a perception (rightly or wrongly) that the political environment has changed, and money is no longer the constraint it was ...

²⁹⁰ Letter Quinault to Aldred, 1 March 2010, [untitled]; Letter Cabinet Office [junior official] to Aldred, 1 July 2011, ‘Iraq Inquiry: Request for Further Information on Funding’; Letter Cabinet Office [junior official] to Aldred, 13 September 2011, ‘Iraq Inquiry: Request for Further Information on Funding’.

²⁹¹ Minute MOD [junior official] to PS/Secretary of State [MOD], 24 November 2006, ‘Additional Funding for Urgent Operational Requirements (UORs)’.

²⁹² Minute MOD [junior official] to PS/Secretary of State [MOD], 24 November 2006, ‘Additional Funding for Urgent Operational Requirements (UORs)’.

²⁹³ Minute MOD [junior official] to Browne, [undated], ‘UOR Funding – Iraq and Afghanistan’.

“The other factor is that our aspirations are rising and the harder we fight the better we want to do it.”

488. Mr Browne’s Assistant Private Secretary suggested to Mr Browne that they should discuss the UOR culture that was forming, and “whether we need to re-steer a little or accept that this is the new price of doing business”.

489. The MOD told the Inquiry that it has no record of a discussion between Mr Browne and his Assistant Private Secretary on that issue.²⁹⁴

490. Mr Browne wrote to Mr Timms on 4 December to request an increase of £460m in the combined UOR envelope for Iraq and Afghanistan.²⁹⁵

491. Mr Timms was advised by a Treasury official on 9 January 2007 that:

“At official level, MOD have indicated that the underlying reason for the sustained high level of UORs is linked to a Ministerial judgement that soldiers must be provided with the optimum equipment, especially where force protection is at stake.

“HMT [the Treasury] have never refused a request to fund a UOR. Once forces are deployed and commanders are generating requirements it is difficult to deny the resources ... It follows that the mechanism for limiting the total cost of operations is to resist any expansion of troops committed to operations, rather than UORs to supply the troops already deployed in theatre.”²⁹⁶

492. Mr Timms agreed Mr Browne’s request in full on 15 January.²⁹⁷

493. Mr Browne wrote to Mr Timms on 29 March to request a further increase of £450m in the combined UOR envelope for Iraq and Afghanistan, to cover the first four months of the financial year 2007/08.²⁹⁸

494. Mr Paul Taylor, MOD Director General Equipment, met Mr James Quinault, Head of the Treasury’s Defence, Diplomacy and Intelligence Team, on 19 April to discuss that request.²⁹⁹

²⁹⁴ Email MOD [junior official] to Iraq Inquiry [junior official], 25 September 2013, ‘Iraq Inquiry: Queries Relating to Resourcing – MOD Response’.

²⁹⁵ Letter Browne to Timms, 4 December 2006, ‘Iraq and Afghanistan – Additional Funding for Urgent Operational Requirements’.

²⁹⁶ Minute Treasury [junior official] to Chief Secretary, 9 January 2007, ‘Increase in the Urgent Operational Requirements Envelope’.

²⁹⁷ Letter Timms to Browne, 15 January 2007, ‘UOR Uplift’.

²⁹⁸ Letter Browne to Timms, 29 March 2007, [untitled].

²⁹⁹ Minute Taylor to PS/SofS [MOD], 24 April 2007, ‘Treasury Reaction to Requested Increase in UOR Funding’.

495. Reporting the Treasury’s “emerging response” to Mr Browne, Mr Taylor said that Mr Quinault had made clear:

- The current, high level of UOR approvals was generating significant financial pressure on the Reserve, such that Treasury officials viewed the current UOR mechanism as “unsustainable”.
- A key Treasury concern was that there was no incentive within the current UOR mechanism for the MOD to manage demand or reprioritise equipment plans.
- In the shorter term, Treasury officials were keen to modify the UOR mechanism so that the Treasury agreed a smaller envelope to cover smaller UORs, while larger UORs would be agreed individually with Treasury officials.
- In the longer term, a new UOR mechanism should be considered as part of the forthcoming Comprehensive Spending Review.

496. Mr Quinault had also told MOD officials that he would be recommending to Mr Timms that he should ask the MOD to find the resources for two UORs which he perceived as general capability enhancements.

497. Mr Taylor concluded:

“All that said, Quinault accepted that Treasury Ministers may take a different view given the evident sensitivities, so we should not assume anything about the formal Treasury response until the Chief Secretary [Mr Timms] has written ...”

498. A Treasury official advised Mr Timms on 20 April that the “step change” in the level of UOR funding made the current UOR arrangement “unsustainable”.³⁰⁰ The Treasury had provided £2.1bn to fund UORs relating to Iraq and Afghanistan since 2001, of which over half had been provided in the last two years:

“We [the Treasury] do not question the military judgment that there is a current operational need – but we believe that many of these items seek to provide a general capability that could have been provided through the Equipment Programme. Many items appear to be kitting out the Army while the Equipment Programme has invested in ships and aircraft ... As such we think the UOR scheme is becoming a straightforward supplement to the EP [Equipment Programme] in a way that it was never intended to be, bailing out MOD of the need to prioritise in the kit they purchase and compensating for bad decisions in the past.”

³⁰⁰ Minute Treasury [junior official] to Timms, 20 April 2007, ‘Increase in the Urgent Operational Requirements Envelope’.

499. The official advised that the UOR regime was not ideal for the UK military either, as:

- Despite accelerated procurement, UORs were frequently not available until several months after a need had been identified. It would be better to plan to have the capability in advance.
- That would also enable soldiers to be trained on new equipment before their deployment to theatre, and for new equipment to be properly incorporated into military doctrine.
- After one year, the ongoing costs of UORs reverted to the core defence budget. Those unplanned costs could be difficult to accommodate.

500. The official recommended that Mr Timms agree a £200m increase in the combined UOR envelope, and signal a need for a new UOR regime to be negotiated within the forthcoming Comprehensive Spending Review.

501. Mr Timms replied to Mr Browne on 9 May:

“We discussed that the UOR regime has drifted from its original intentions. We agreed we need a different arrangement for the funding for UORs in the future ... I propose we seek to develop this as part of our discussions around the CSR [Comprehensive Spending Review].”³⁰¹

502. As an “interim solution”, Mr Timms agreed to increase the UOR ceiling by £200m. For expenditure above that ceiling, and (in line with existing arrangements) for all individual UORs above £10m, the MOD should seek Treasury approval on a case-by-case basis.

503. The MOD and Treasury have told the Inquiry that they have no record of that discussion between Mr Timms and Mr Browne.³⁰²

504. From June 2007, the Treasury cleared every UOR individually (rather than only those above £10m).³⁰³

505. The outline of a new UOR regime was agreed in late July, as part of the MOD’s settlement in the 2007 Comprehensive Spending Review:

- The Reserve would pay for the “first element” of total UOR costs each year.

³⁰¹ Letter Timms to Browne, 9 May 2007, ‘Urgent Operational Requirements (UOR) in Iraq and Afghanistan’.

³⁰² Email MOD [junior official] to Iraq Inquiry [junior official], 25 September 2013, ‘Iraq Inquiry: Queries Relating to Resourcing – MOD Response’; Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, ‘Further Queries Relating to Resources’.

³⁰³ Minute Lester to Woolley, 30 October 2007, ‘Approach to UOR Funding Following the CSR07 Settlement’.

- The MOD and Treasury would share equally any costs in excess of this amount (with the Treasury meeting those excess costs up front, and then reclaiming them from the MOD on a rolling three-year basis).
- The MOD would receive £200m to assist with its first payments under this new arrangement.
- The MOD would review its equipment programme with the intention of “rebalancing spend towards ... the current operating environment”.³⁰⁴

506. Discussions continued between MOD and Treasury officials over the detail of the new arrangement, including the size of the “first element”.

507. Mr Lester advised Mr Woolley on 30 October that:

“The agreed aim is that the new arrangements should be cost neutral to Defence, albeit with changed incentives, and Quinault professes to mean this.”³⁰⁵

508. Mr Lester continued:

“The Treasury have indicated that their intention is to drive the lump sum [first element] as far down as possible in an attempt to change our UOR spending behaviour (they have indicated that they see this as a vehicle to shift our EP [equipment programme] towards current operations). Their prejudice is that MOD does not make real prioritisation decisions on UORs ...”

509. Mr Lester also reported that the arrangements which had been in place since June, whereby the Treasury cleared each UOR individually, had not proved to be unduly constraining, though the Treasury was “increasingly pushing back”.

510. Agreement on the size of the first element was reached in mid-December 2007, at £500m for 2008/09, based on the MOD’s “central estimate” of UOR expenditure of £900m.³⁰⁶

511. Mr Woolley told the Inquiry that the change in the UOR regime:

“... was intended to give a little bit greater certainty to the Treasury of what the UOR bill was likely to be and it was effectively an attempt to incentivise us [the MOD] to forecast in advance what the UOR spend in ... the forthcoming year – would be.”³⁰⁷

512. Mr Woolley said that the change had not affected operations in Iraq, which were by that time generating fewer demands for UORs.

³⁰⁴ Letter Burnham to Browne, 24 July 2007, ‘Comprehensive Spending Review 2007: Ministry of Defence Settlement’.

³⁰⁵ Minute Lester to Woolley, 30 October 2007, ‘Approach to UOR Funding Following the CSR07 Settlement’.

³⁰⁶ Letter Woolley to Quinault, 18 December 2007, ‘CSR07: UOR Funding Arrangements’.

³⁰⁷ Public hearing, 2 July 2010, pages 56-57.

Funding for civilian activities in the post-conflict period

Initial funding for reconstruction

513. At Prime Minister’s Questions on 19 March 2003, Mr David Rendel asked for an assurance that sufficient funds for post-conflict reconstruction would be made available quickly.³⁰⁸

514. Mr Blair replied:

“ ... we will ensure that funds are available – indeed, funds have already been earmarked for the purpose and the Secretary of State for International Development, the Ministry of Defence and the Treasury are doing all they can to make sure that we co-ordinate with American allies and also with other UN partners to ensure that the funds are available ... so that in the post-conflict situation in Iraq the people of Iraq are given the future that they need.”

515. The Coalition began military action against Iraq on the night of 19/20 March. At that time, the Government had made no provision for funding for reconstruction.

516. Ms Short wrote to Mr Boateng on 21 March, to request £120m from the Reserve for humanitarian relief in Iraq.³⁰⁹ Ms Short advised that her bid did not include any funds for reconstruction:

“In the longer term, we will need to consider reconstruction costs. We agree with you that there should be broad international burden sharing of any financing gap unmet by oil revenues, with a major role for the IFIs. But we will need to discuss these issues further at the appropriate time in the coming weeks, once the post-conflict situation is clearer and we have an IFI led needs assessment.”

517. Mr Straw sent Mr Blair four FCO papers in advance of Mr Blair’s meeting with President Bush at Camp David on 26 and 27 March, including one on post-conflict Iraq (see Section 10.1).³¹⁰ The FCO stated that Ms Short was considering where the UK might help with “reform and reconstruction”; however:

“Public finances are tight. If we are to keep Armed Forces in Iraq, the scope for a major effort on reform and reconstruction will be limited.”³¹¹

518. In his 9 April Budget statement to the House of Commons, Mr Brown announced that he had set aside “an additional US\$100 million” to “back up the UN and the work of reconstruction and development”.³¹²

³⁰⁸ House of Commons, *Official Report*, 19 March 2003, column 930.

³⁰⁹ Letter Short to Boateng, 21 March 2003, ‘Iraq Humanitarian Funding: Reserve Claim’.

³¹⁰ Minute Straw to Blair, 25 March 2003, ‘Camp David: Post-Iraq Policies’.

³¹¹ Paper FCO, 25 March 2003, ‘Iraq: Phase IV Issues’.

³¹² House of Commons, *Official Report*, 9 April 2003, columns 271-288.

519. The Treasury told the Inquiry that it has no record of any department requesting that allocation.³¹³

520. On the same day, a Treasury official advised Mr Boateng that, as DFID still had £95m available for humanitarian work, and given that the UN did not yet have a presence on the ground in Iraq and the reconstruction effort had not yet started, he should write to Ms Short “to impose some safeguards” on the additional US\$100m.³¹⁴

521. Mr Boateng wrote to Ms Short on 15 April to clarify how DFID could access those funds.³¹⁵ He understood that DFID did not need the additional funds immediately, given that humanitarian and reconstruction work was at a very early stage and that DFID had £95m of uncommitted resources. He fully expected DFID to bid for additional funding for Iraq “in the next few months”. Mr Boateng asked that, before DFID looked to access the new funds, Ms Short should write to him setting out her proposals for how the additional funding would be spent.

522. Ms Short agreed on 23 April that other departments should be given access to the US\$100m allocation, to pay for their secondments to the US-led Office of Reconstruction and Humanitarian Assistance (ORHA).³¹⁶ That would mean that they, rather than DFID, would have to pass the Treasury’s tests on value for money and effectiveness.

523. Mr Boateng wrote to Mr Straw on 2 May to endorse the “broad consensus” that £4.8m of the US\$100m/£60m allocation should be ring-fenced for the inter-departmental Iraq Planning Unit (IPU), to cover the cost of UK secondees to ORHA.³¹⁷

524. On 2 May, Ms Short’s Private Secretary sent Mr Rycroft an “Interim DFID Strategy” for the next three to six months as Iraq transitioned from “relief/recovery to reconstruction”.³¹⁸

525. The strategy stated that the expected humanitarian crisis had not materialised, and set out the “immediate recovery tasks” and “broader [reconstruction] agenda” that now needed to be addressed.

526. The strategy stated that DFID had earmarked £210m for “relief, recovery and reconstruction activities” in the current financial year (2003/04). That allocation comprised the £90m provided by DFID from its own resources and the £120m provided from the Central Reserve on 27 March, for humanitarian assistance. The US\$100m announced by Mr Brown on 9 April had been “earmarked” for DFID; it had subsequently been agreed that the costs of secondments to ORHA could be met from that allocation.

³¹³ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, ‘Further Queries Relating to Resources’.

³¹⁴ Minute Treasury [junior official] to Chief Secretary, 9 April 2003, ‘Iraq: Budget Funding’.

³¹⁵ Letter Boateng to Short, 15 April 2003, ‘Budget Announcement on Iraq’.

³¹⁶ Minute Bewes to Miller, 24 April 2003, ‘Iraq: 23 April’.

³¹⁷ Letter Boateng to Straw, 2 May 2003, ‘Funding ORHA Secondees’.

³¹⁸ Letter Bewes to Rycroft, 2 May 2003, ‘Iraq Rehabilitation’ attaching Paper DFID, [undated], ‘Iraq: Interim DFID Strategy’.

527. Based on contemporaneous sources and figures provided to the Inquiry, the Inquiry estimates that DFID had committed £117.8m to the humanitarian assistance effort by May 2003, of which £89m had been disbursed. That comprised:

- £78m to UN agencies (of which £64m had been disbursed);
- £32m to the International Committee of the Red Cross (ICRC) and the Iraqi Red Crescent (of which £18m had been disbursed);
- £6.2m to NGOs (of which £5.4m had been disbursed); and
- £1.6m for DFID’s bilateral effort (all of which had been disbursed).³¹⁹

528. The Inquiry estimates that £90m was therefore available to DFID for “recovery and reconstruction” or for further contributions to the humanitarian assistance effort.

529. The balance of the US\$100m announced by Mr Brown on 9 April that would not be spent on secondments to ORHA was also available for reconstruction and development.

530. The Annotated Agenda for the 15 May meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) stated that the scale of the reconstruction challenge was “enormous”.³²⁰ Large projects would fall to ORHA and subsequently the Iraqi authorities. But there was a case now for “smaller refurbishment projects”. Of the £10m available to the UK military for QIPs only £50,000 had been spent, and of the £30m available to the UK military for humanitarian relief operations in the UK’s AO, only £3m had been committed and £1m spent. The remainder could be used for other purposes.

531. In discussion, Mr Boateng agreed that the MOD could spend the balance of the £10m allocated for QIPs, but said that “other funds for reconstruction” had been allocated to DFID.³²¹ The MOD and DFID needed to discuss the issue.

Initial funding for Security Sector Reform

532. Mr Straw, Ms Short, Mr Boateng and Mr Adam Ingram, Minister for the Armed Forces, agreed on 11 March 2003 that the Global Conflict Prevention Pool (GCPP) should retain a large reserve (of £10m) and a large Quick Response Fund (£5m) to “allow for” an Iraq Strategy focused on conflict prevention.³²²

533. On 10 April, Ms Philippa Drew, FCO Director Global Issues, informed Mr Dominick Chilcott, the Head of the IPU, that her Directorate – which managed the GCPP, the FCO’s Environment Fund and the FCO’s Global Opportunities Fund (GOF) – was now receiving requests for funding for Iraq.³²³ It was difficult to assess those requests in the absence of an “agreed post-conflict strategy” for Iraq and “some idea of where other

³¹⁹ Letter Amos to Boateng, 10 September 2003, ‘Iraq Reconstruction Funding: Reserve Claim’; Paper DFID, 4 November 2009, ‘Iraq – DFID Timeline and Financial Commitments: 2003 – 2009’.

³²⁰ Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³²¹ Minutes, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³²² Minute Drew to Gass, 26 March 2003, ‘Iraq and the Global Conflict Prevention Pool’.

³²³ Minute Drew to Chilcott, 10 April 2003, ‘Iraq: Applications for Funds’.

HMG funding might be going”. Ms Drew asked whether there were plans to develop a strategy.

534. The FCO told the Inquiry that it could find no response from the IPU to Ms Drew’s minute.³²⁴

535. The first Iraq project (on prison reform) was agreed for funding under the GCPP Quick Response Fund by the end of April.³²⁵ An FCO official commented that the GCPP Fund was a global allocation, and there were already other calls on it. It would take some months to draw up a GCPP Strategy for Iraq that would allow officials to access the main GCPP budget.

536. Ms Drew chaired a meeting on 1 May to discuss how to handle funding requests relating to Iraq.³²⁶ Officials from various FCO departments, the IPU, DFID and the MOD attended. The meeting identified several FCO funds that might provide funding for Iraq:

- The GOF Engaging with the Islamic World Programme. A “small amount” was available.
- The GOF Counter-Terrorism Programme. £4m was available in the current financial year.
- The GOF Climate Change and Energy Programme.
- The GCPP. Objectives for the current financial year had already been agreed and did not include Iraq.
- The GCPP Peacekeeping Budget. All funds were committed in the short term.
- The Human Rights Project Fund. A “very small sum” had been put aside for Iraq.
- The Public Diplomacy Challenge Fund. Funds should be available for Iraq.

537. The meeting agreed that all proposals should be passed through the IPU, to be assessed against wider UK priorities.

538. In a separate record of the meeting, an FCO official reported: “It was clear that within FCO little detailed thought has been given specifically to an Iraq programme and how it might be funded.”³²⁷

³²⁴ Email FCO [junior official] to Iraq Inquiry [junior official], 25 September 2013, ‘Iraq Inquiry: Queries Relating to Resourcing’.

³²⁵ Email FCO [junior official] to FCO [junior official], 29 April 2003, ‘GCPP-Iraq’.

³²⁶ Minute FCO [junior official] to Drew, 2 May 2003, ‘Co-ordination Meeting to Discuss Miscellaneous Funding Requests for Projects in Iraq’.

³²⁷ Minute FCO [junior official] to Link, 2 May 2003, ‘Iraq: Post Conflict Programme and Funding’.

539. FCO, DFID and MOD Ministers were invited to agree a GCPP Strategy for Iraq on 1 August.³²⁸ The strategy aimed to provide a coherent framework for UK activities aimed at preventing conflict in Iraq. It comprised three elements:

- Security Sector Reform (SSR). This would be the “initial focus of activity”. Ministers were invited to agree that expenditure on SSR activities could start immediately while work continued to define the other elements of the strategy.
- Assistance to “Iraqi Governorates and local administrations within the British AO [Area of Operations] as they develop to ensure that policy decisions are made strategically and with an understanding of conflict prevention issues”.
- Further studies and analyses to assist in the development of UK conflict prevention strategies.

540. The estimated cost of the strategy was £7.5m in both 2003/04 and 2004/05. Of the £15m total, £9.5m was allocated for SSR, £4m for local governance and £1.5m for further studies and analyses.

Pressure for additional funding, autumn 2003

541. On 3 June 2003, following a visit to Iraq at the end of May, Mr Blair chaired a meeting attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (in Mr Straw’s absence) and No.10 officials.³²⁹ Mr Blair said he had returned from Iraq convinced that “an enormous amount needed to be done”. The Government should go back to “a war footing” for the next two to three months to avoid “losing the peace in Iraq”.

542. Section 10.1 describes how, in July 2003, the Government took on the leadership of Coalition Provisional Authority (South) (CPA(South)) without considering the significant strategic, resource and reputational implications of such a decision.

PRESSURE FOR ADDITIONAL FUNDING FOR DIPLOMATIC REPRESENTATION AND SECURITY

543. Mr Straw wrote to Mr Boateng on 18 July, seeking £30.4m from the Reserve to cover additional costs incurred by the FCO relating to Iraq for 2003/04.³³⁰ Mr Straw stated that he had been reluctant to put in a Reserve claim, “not least because of Gordon’s [Mr Brown’s] strictures about the pressure on it”. The FCO had, however, reached the limit of its ability to manage the constant new demands on its resources:

“... the continuing need to fund Afghanistan operations in Kabul and London; Iraq costs; and the costs of increased security around the world in the light of the Al-Qaida threat, heightened by Britain’s role in Iraq ...

³²⁸ Minute IPU [junior official] to PS/Baroness Symons, 1 August 2003, ‘Global Conflict Prevention Pool – Iraq Strategy’.

³²⁹ Letter Cannon to McDonald, 3 June 2003, ‘Iraq: Prime Minister’s Meeting, 3 June’.

³³⁰ Letter Straw to Chief Secretary to the Treasury, 18 July 2003, ‘Iraq-Related Costs’.

“This has required cuts into the muscle of our operation – including the closure or localisation of nearly a dozen diplomatic posts.”

544. The £30.4m bid comprised:

- £5.3m for costs associated with the British Office in Baghdad and the UK Special Representative in Baghdad;
- £2.1m to establish a British Office in Basra;
- £7.7m to improve security for FCO staff in Baghdad;
- £4m to improve security for FCO staff in Basra;
- £2.7m to improve the security of FCO posts outside Iraq;
- £8.5m to support and provide security for UK secondees to the CPA, including costs associated with Sir Hilary Synnott; and
- £138,000 to support Ms Ann Clwyd, the Prime Minister’s Envoy on Human Rights in Iraq.

545. Mr Straw also requested that £28m be added to the FCO’s budget for 2004/05 to cover the continuing costs of those activities.

546. Sir Hilary Synnott arrived in Basra on 30 July, to lead CPA(South).³³¹

547. Sir Hilary wrote in his memoirs that his arrival established “some sort of British Fiefdom” in the South, but one which was “still entirely dependent on American resources for its lifeblood”.³³²

548. In late August the FCO increased its bid for support and security for staff seconded to the CPA from £8.5m to £15.5m, bringing the total FCO bid to the Reserve for 2003/04 to £38m.³³³

549. Treasury officials advised Mr Boateng on 4 September that he should:

- Accept the bid relating to support and security for staff seconded to the CPA (£15.5m). That could be funded from the US\$100m/£60m allocation announced by Mr Brown on 9 April.
- Provide £6m of the £7.7m requested to improve security for FCO staff in Baghdad.
- Reject the other bids (totalling some £15m), as those related to “costs that the FCO knew about but chose not to make contingency arrangements for”.

³³¹ Synnott H. *Bad Days in Basra: My Turbulent Time as Britain’s Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

³³² Synnott H. *Bad Days in Basra: My Turbulent Time as Britain’s Man in Southern Iraq*. I B Tauris & Co Ltd., 2008.

³³³ Minute Treasury [junior officials] to Chief Secretary, 4 September 2003, ‘FCO Reserve Claim for Iraq Costs’.

550. Treasury officials commented that it was the third year in a row that the FCO had made claims on the Reserve for “apparent shocks”.

551. Mr Boateng replied to Mr Straw on 9 September, in line with the advice provided by officials.³³⁴

552. Mr Simon Gass, FCO Director Finance, called on Mr Jonathan Stephens, the senior Treasury official dealing with the FCO, the following day.³³⁵

553. Mr Gass reported to Sir Michael Jay that he had rehearsed the FCO’s arguments for additional funding and challenged Mr Stephens on whether the MOD and DFID were being asked to absorb costs arising from Iraq to the same extent as the FCO. He reported that:

“He [Mr Stephens] was evasive and uncomfortable ... He argued weakly that the decision was taken on the basis of capacity and ability to absorb ... I pointed out that DFID and MOD both had much greater capacity to absorb not only because of the size of their budgets but also because of the strain on FCO expenditure ...

“They [the Treasury] are certainly stung by accusations that the FCO is being singled out for harsher treatment than other Government departments and this should be part of the Foreign Secretary’s line with the Chief Secretary.”

PRESSURE FOR ADDITIONAL FUNDING FOR RECONSTRUCTION

554. Security in Iraq deteriorated in August 2003. Concerns about progress on reconstruction in the South and the implications for the level of consent enjoyed by UK forces led the Government to seek rapid and visible improvements in essential services.

555. Section 10.1 describes the subsequent development of the US\$127m Essential Services Plan, to improve delivery of essential services in the South.

556. Mr Hilary Benn, Minister for International Development, told the 4 September meeting of the AHMGIR that DFID would contribute £20m (US\$30m) to the Essential Services Plan, to improve delivery of essential services in the South.³³⁶ The UK should continue to seek the balance of the funding from the CPA, but must be prepared to act fast on its own if necessary.

557. Mr Benn wrote to Mr Blair later that day to confirm DFID’s commitment.³³⁷ Mr Benn advised that:

“We [DFID] have held back from committing to meet the full cost [of the Essential Services Plan], to avoid giving the impression to the CPA that HMG wants to take

³³⁴ Letter Boateng to Straw, 9 September 2003, ‘Iraq Reserve Claim’.

³³⁵ Minute Gass to PS/PUS [FCO], 10 September 2003, ‘Iraq: Discussion with the Treasury’.

³³⁶ Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³³⁷ Letter Benn to Blair, 4 September 2003, ‘Iraq: Restoring Essential Services in the South’.

on full responsibility for the South of the country including the future funding of all infrastructure. Such a commitment would be financially and logistically enormous, and well beyond DFID's budget. We need to keep pressing [Ambassador] Bremer to make more effective use of CPA resources ..."

558. Baroness Amos wrote to Mr Boateng on 10 September to request an additional £6.5m from the Reserve to cover immediate further needs in Iraq, and that a further £33.5m should be "ear-marked" within the Reserve for anticipated requirements later in the financial year.³³⁸ Those anticipated requirements included £20m for a future contribution to the Essential Services Plan if CPA funding proved insufficient.

559. Baroness Amos advised that the £40m she was requesting represented the balance of the US\$100m/£60m announced by Mr Brown in his 9 April statement to Parliament, to "back up the UN and the work of reconstruction and development".

560. The following day, in a letter to Mr Blair, Baroness Amos advised that:

"... our overall approach has been predicated on CPA delivering more than it has, and we have had negligible influence on them, or the Pentagon, to try and turn it around. Immediate measures are now needed to maintain the Iraqi population's consent."³³⁹

561. The Essential Services Plan would help, but solving the underlying problems in infrastructure would require billions of dollars and an Iraqi government to set policy. Systemic problems within the CPA continued to delay the transfer of promised CPA resources to the South. Baroness Amos concluded:

"If CPA HQ and [the] US Government fail to get its act together quickly, then we can only plug the gap if my earlier Reserve claim ... is approved."

562. A Treasury official provided advice to Mr Boateng on 18 September on how the Treasury intended to deal with the expected surge in Iraq-related claims on the Reserve.³⁴⁰

563. Departments had seen Mr Blair's call for a step change in the UK effort in Iraq (on 3 June) as "a legitimate invitation" to bid for more resources. They were developing or considering seven bids. The largest of those was a bid being prepared by DFID for around £250m, as the UK's additional contribution to Iraq's reconstruction.

564. It was vitally important to maintain pressure on departments, both at Ministerial and official level, not to submit claims in the first place. The Treasury would also continue to push for greater co-ordination between departments in funding Iraq programmes.

³³⁸ Letter Amos to Boateng, 10 September 2003, 'Iraq Reconstruction Funding: Reserve Claim'.

³³⁹ Telegram 1 DFID London to IraqRep, 11 September 2003, 'Iraq Reconstruction: Cabinet Discussion on 11 September'.

³⁴⁰ Minute Treasury [junior official] to Chief Secretary, 18 September 2003, 'Iraq Funding FY 2003-04: Dealing with Reserve Claims'.

565. Beyond that, the Treasury would continue to scrutinise claims on a case by case basis, in terms of value for money, impact, and robustness of the costing, and the robustness of the risk management. Departments would also have to provide “clear evidence” on the extent to which they had reprioritised their existing resources to accommodate Iraq:

“The emphasis will be on satisfying ourselves over the degree of re-prioritisation that has taken place to accommodate Iraq-related pressure within existing baselines. DFID received an eight percent real terms budget increase over the SR2002 period, the FCO nearly three percent and the MOD received their most generous settlement for nearly 20 years. We are therefore far from convinced that further re-prioritisation within existing baselines is not possible.”

566. The availability of CPA funding was key. Some officials in CPA(South) had stated that it was easier to secure funding from London than from CPA(Baghdad). The Treasury should therefore continue to push for CPA(Baghdad) to fund initiatives in the South, rather than providing a significant increase in UK funding.

567. Treasury officials had considered but rejected another approach – the creation of a “pooled arrangement” for future Iraq claims, with one pool for military activity and one for “reconstruction and related” activity. The idea had been raised by some (unnamed) departments. Such an arrangement might help ensure more effective prioritisation of activities and prevent a “piecemeal stream” of bids to the Reserve. Treasury officials had assessed, however, that creating a pooled arrangement now might encourage departments to allocate money “prematurely”, before the outcome of the Madrid Donors Conference was known and before the effect of the anticipated increase in the flow of funding from CPA(Baghdad) to CPA(South) was clear. The potential demand for funds was so great that a pool could quickly be emptied, prompting further claims to the Reserve. The official commented that the Treasury might wish to revisit the idea of an Iraq pool in the future, if the situation changed.

568. Mr Boateng replied to Baroness Amos on 25 September, agreeing to provide an additional £6.5m from the Reserve to cover immediate further needs in Iraq, but rejecting the request to earmark £33.5m for DFID’s anticipated future needs, citing “recent reports that ... [US] sources of funding are now starting to be unblocked”.³⁴¹

569. Sir Nicholas Macpherson told the Inquiry that although it was “totally open” to Baroness Amos to challenge that response, she did not.³⁴² He pointed out that the US\$100m announced by Mr Brown in his 9 April Budget statement was never fully claimed by departments.

570. In his evidence to the Inquiry, Sir Suma Chakrabarti suggested that this exchange had not occurred in isolation:

³⁴¹ Letter Boateng to Amos, 25 September 2003, ‘Iraq: Reconstruction Funding: Reserve Claim’.

³⁴² Public hearing, 22 January 2010, page 22.

“We had discussions [with] the Treasury but it was quite obvious to us that they weren’t going to give any more than they already had ... They had put some money in upfront [in March 2003, for humanitarian assistance], but, after that, they said it is time to reprioritise.”³⁴³

571. The CPA allocated the balance of the funding for the Essential Services Plan the following month.

572. Mr Straw wrote to Mr Boateng on 6 October, requesting £13.9m from the Reserve to improve the content and professionalism of the Iraq Media Network, the CPA’s main channel of communication with the Iraqi people.³⁴⁴

573. Mr Straw stated that the issue was a priority for Mr Blair. The FCO could not fund a new priority that had emerged halfway through the financial year from its existing, very small programme budgets: the FCO’s Public Diplomacy Challenge Fund had an allocation of £2.5m in 2003/04, of which all but £50,000 had already been allocated.

574. A Treasury official advised Mr Boateng that he should reject the bid:

“The FCO have not considered any other means to fund this strategy ... They have not even conserved a partial contribution from their own DEL ... they have not engaged the British Council, they have not looked to the Global Conflict Prevention Pool (GCPP), and have not sought to reconcile their media work with DFID’s.

“The Prime Minister views an effective CPA media strategy as vital, therefore the FCO believe we cannot resist a Reserve Claim and have abdicated responsibility for ensuring that this package represents VFM [value for money].”³⁴⁵

575. The official also advised Mr Boateng that the FCO was holding up agreement to a UK pledge at the Madrid Donors Conference until the bid was agreed.

576. Mr Boateng replied to Mr Straw on 16 October, rejecting the FCO’s bid on the grounds that he was not convinced the proposal would deliver value for money, and that the FCO had not fully explored the use of its existing resources.³⁴⁶

577. Mr Straw responded on 20 October:

“You repeat the mantra that we must look for existing resources within the FCO, the GCPP and other departments ... But it is not clear to me whether the Treasury has a view as to how much the FCO can reprioritise without damaging the delivery of other Government priorities overseas in a way which is self-defeating. In the

³⁴³ Public hearing, 22 January 2010, page 39.

³⁴⁴ Letter Straw to Boateng, 6 October 2003, ‘Reconstructing the Iraqi Media Network: Claim on the Reserve’.

³⁴⁵ Minute Treasury [junior official] to Chief Secretary, 14 October 2003, ‘FCO Reserve Claim for Iraq Media Strategy Costs’.

³⁴⁶ Letter Boateng to Straw, 16 October 2003, ‘Iraq Reserve Claim: Reconstructing the Media Network’.

last two years, the FCO has entered three claims on the Reserve in respect of the events in Afghanistan and Iraq – none of which were predictable within the Spending Review cycle. The total FCO claims for these reserves were £105 million. The Treasury did not dispute the unforeseeable and emergency nature of these costs and yet the Reserve met only £54.5 million ...

“... I have consistently rejected knee-jerk claims from officials that they need more resources when in fact they have done insufficient to reprioritise. But the FCO budget is now substantially overstretched ... The Government needs to decide what priority it places on delivery of the Government’s overseas agenda – including the direct costs to the Exchequer if we fail.”³⁴⁷

578. When Mr Boateng’s decision was discussed in the Iraq Senior Officials Group on 20 October, Sir Jeremy Greenstock commented that it would be difficult for him to return to the CPA without any UK funding, and that more generally “the absence of financial flexibility was making our work harder in Baghdad”.³⁴⁸

579. Mr Boateng and Mr Straw discussed the bid after Cabinet on 23 October.³⁴⁹

580. The Treasury briefing for Mr Boateng rehearsed the reasons why the bid had been rejected, dismissed any suggestion that bids from the FCO were treated differently from those of other departments, and argued that the FCO had chosen not to reprioritise adequately to match the increasing demands of Iraq:

“At the end of last financial year and earlier this year, decisions could have been taken within the FCO to reallocate greater contingency funding to match this government priority [Iraq]. This never happened.

“Other departments, such as DFID, have shown themselves to be more flexible in re-prioritising to assist with the Iraq effort. FCO should be able to match this.”³⁵⁰

581. After the meeting, Mr Boateng informed Treasury officials that he had received an assurance from Mr Straw that he would not pursue the bid further, and that they had agreed officials should continue to work to identify ways of funding media proposals from within existing resources.³⁵¹

³⁴⁷ Letter Straw to Boateng, 20 October 2003, ‘Iraq Reserve Claim: Reconstructing the Media Network’.

³⁴⁸ Minute Dodd to Sheinwald, 20 October 2003, ‘Iraq: Senior Officials Group’.

³⁴⁹ Email Treasury [junior official] to Treasury [junior official], 23 October 2003, ‘FCO £15m Iraq Media Strategy: Speaking Note/Draft Letter from CST to Jack Straw’.

³⁵⁰ Briefing Treasury, 22 October 2003, ‘Reserve Claim: Iraq Media Strategy: Speaking Note: CST to Jack Straw’.

³⁵¹ Email Treasury [junior official] to Treasury [junior official], 23 October 2003, ‘FCO £15m Iraq Media Strategy: Speaking Note/Draft Letter from CST to Jack Straw’.

582. The FCO wrote to No.10 on 5 November, providing an update on its efforts to secure funding for the Iraqi Media Network.³⁵² The FCO had undertaken a “quick audit” of the UK Government’s support for the Iraqi media and had, with Treasury colleagues, pressed other departments to do more. Funds available from FCO programme budgets, the British Council and possibly the World Service totalled between £1.5m and £2m.

583. In his statement to the Inquiry, Mr John Buck, FCO Director Iraq from September 2003 to July 2004, wrote:

“... I remember spending a significant amount of time ... trying to find several hundred thousand pounds to finance the purchase of a transmitter in southern Iraq for the Iraq Media Network ... I tried the FCO finance people and was told that purchase of a transmitter wasn’t really a proper call on FCO funds and that this should come from the Treasury’s Reserve. I went to the Treasury and was told that this should really come out of the FCO’s existing allocation, but perhaps it was worth trying DFID. I had a meeting with DFID, who took the view that they didn’t really do media. I then went back to the FCO who did then find the money.”³⁵³

584. The Inquiry asked Mr Buck why, for an initiative for which Mr Blair had expressed his support, and in a situation where Mr Straw was chairing the AHMGIR, the FCO had not been able to secure a relatively small amount of funding from the Treasury, and why the FCO had not tried to go “back up the chain” to Mr Straw or Mr Blair when funding was blocked.³⁵⁴

585. In response, Mr Buck highlighted the (in his view) favourable treatment enjoyed by the Treasury due to “broader politics within the Government”.

586. Two further FCO bids to the Reserve during the CPA period, for £2m and £9.4m to improve security for staff seconded to the CPA, were agreed in full on 8 December 2003³⁵⁵ and 30 January 2004 respectively.³⁵⁶

587. In May 2005, in the context of work to develop a new GCPP Iraq strategy for 2005/06, a DFID official involved in managing the GCPP Iraq strategy assessed the performance of that strategy in the previous year:

“There was and is still no medium term [UK] roadmap ... In this environment, it is not surprising that ... the GCPP was used according to the priorities of the day, despite ministerial endorsement of its medium-term strategy. GCPP programming therefore lurched in tandem with evolving Iraqi and HMG priorities ...

³⁵² Letter FCO [junior official] to Rycroft, 5 November 2003, ‘Enhancing the Iraq Media Network’.

³⁵³ Statement, 26 July 2010, page 2.

³⁵⁴ Public hearing, 31 January 2011, pages 53-55.

³⁵⁵ Letter Boateng to Straw, 8 December 2003, ‘Iraq Reserve Claim’.

³⁵⁶ Letter Boateng to Straw, 30 January 2004, ‘Iraq Reserve Claim’.

“Despite the political importance in the UK of the conflict in Iraq, very little funding has been made available to address ... counter-insurgency and post-conflict nation-building. London and Post have both tended to turn towards GCPP as a primary funding source – in some cases to fund programmes that fit neither the GCPP strategy nor even its conflict prevention mandate (i.e. weapons for ISF [the Iraqi Security Forces], Basra poetry festival). Special Advisers and Ministers without budgets are also drawn to the Pool to fund activities in their areas of interest.”³⁵⁷

Debt relief

The Treasury was the lead department within the UK Government on securing debt relief for Iraq.³⁵⁸ It worked closely with the FCO and other departments to achieve that objective.

Paris Club creditors agreed on 21 November 2004 to reduce Iraq’s official debt by 80 percent.³⁵⁹ The deal would be delivered in three stages: 30 percent immediately; 30 percent on approval of a standard IMF programme; and 20 percent on completion of the standard IMF programme. The deal would write off US\$31.1bn of the US\$38.9bn owed to Paris Club creditors.

The UK’s share of that write-off was approximately US\$1.39bn,³⁶⁰ or £954m (£337m in UK financial year 2004/05, £337m in UK financial year 2005/06 and £280m in UK financial year 2008/09).³⁶¹

Section 10.3 describes the Government’s role in the negotiations leading up to that agreement.

Funding military equipment for the Iraqi Security Forces

588. A DFID review of the GCPP and ACPP, published in March 2004, stated that the issue of funding military equipment and minor military operations had been controversial.³⁶² The position agreed in May 2003 was that:

- “• The supply of military equipment will only be funded if essential to the success of strategies. Weapons and ammunition will only be provided on an exceptional basis, subject to Ministerial agreement.
- Major military operations will not be funded from the Pools.
- Only peace-support-type minor military operations will be considered for Pool funding ...”

³⁵⁷ Paper DFID, 31 May 2005, ‘GCPP Iraq 2004-05’.

³⁵⁸ Paper Treasury, 2010, ‘Iraq Briefing – Debt’.

³⁵⁹ Paris Club, Press Communiqué, 21 November 2004, *Restructuring the Iraqi debt - Agreement between the Paris Club and Iraq*.

³⁶⁰ Briefing Treasury, [undated], ‘Brief: meeting with Barham Saleh, Deputy Prime Minister of Iraq’.

³⁶¹ Letter Cabinet Office [junior official] to Aldred, 13 September 2011, ‘Iraq Inquiry: Request for Further Information on Funding’.

³⁶² Department for International Development, *Evaluation of the Conflict Prevention Pools: Portfolio Review*, March 2004.

589. FCO, DFID and MOD Ministers agreed in September 2004 to fund the provision of £2.5m of military equipment for the Iraqi Security Forces (ISF) from the GCPP.³⁶³ In a letter to Mr Benn, Mr Straw stated that although the purchase of the equipment “only just” met the published eligibility criteria for the supply of military equipment from the GCPP, it was “of broader importance to HMG”.

590. Section 12.1 describes Prime Minister Ayad Allawi’s requests to Mr Blair in September and October 2004 for increased support for the ISF.

591. In response, the MOD began to develop a proposal to provide US\$107m (£70m) in additional support to the ISF, including the provision of armoured vehicles, transport vehicles, other equipment and weapons.³⁶⁴ The MOD’s proposal would become Project OSIRIS.

592. A Treasury official advised Mr Boateng’s Private Secretary on 12 October that following Prime Minister Allawi’s requests, No.10 was pushing for resources to be allocated “outside the traditional spending categories of the UK military operation (MOD) and reconstruction (DFID)”.³⁶⁵ The official continued:

“Partly in light of tight spending controls within MOD centre, MOD theatre and FCO/DFID have been using No.10 interest as an opportunity to try and circumvent MOD Finance and HMT [Treasury] spending controls. They have managed to get some political buy-in to ideas which have not been properly costed, scrutinised or prioritised.”

593. The resulting spending pressures were “significant, mounting and have critical mass”. So far, the GCPP had filled the “growing gap”, providing £22m of its £100m budget to fund such ad hoc priorities. However, with much of the GCPP contractually committed, it could not absorb many more demands.

594. As Mr Boateng would not be able to attend the forthcoming meeting of the Ad Hoc Ministerial Group on Iraq, the official recommended that he should write to Ministers, proposing the creation of a ring-fenced allocation for Iraq within the GCPP for 2004/05. That would comprise £10m of new money from the Reserve, and up to £15m in new money to match reprioritisation within the GCPP.

595. The Ad Hoc Ministerial Group on Iraq discussed the MOD proposal on 14 October.³⁶⁶ Ministers agreed that the proposal should, in principle, be funded, and that the MOD should put a costed proposal to the Treasury “with a view to achieving swift agreement”. Mr Straw and Mr Benn both commented that the GCPP had neither

³⁶³ Letter Straw to Secretary of State for International Development, 4 October 2004, ‘Global Conflict Prevention Pool – Iraq Strategy’.

³⁶⁴ Minute Quarrey to Prime Minister, 1 October 2004, ‘Iraqi-isation’.

³⁶⁵ Email Treasury [junior official] to Treasury [junior official], 12 October 2004, ‘Iraq Spending Threats: Letter from CST to Hoon’.

³⁶⁶ Minutes, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

the budget nor the mandate to fund that type of assistance. Mr Hoon said that funding should come from the “Op TELIC reserve”. Mr Stephens, representing the Treasury, said that some money could come from the Reserve but that the Treasury would also want to look at the GCPP.

596. Mr Boateng’s Private Secretary wrote to Mr Hoon’s Principal Private Secretary on 18 October, proposing the creation of a ring-fenced allocation for “ad hoc security proposals” within the GCPP.³⁶⁷ Copies of the letter were sent to Mr Straw’s and Mr Benn’s Private Offices.

597. By 22 October, No.10, Mr Hoon’s Private Office and Mr Benn’s Private Office had all responded to that letter, rejecting the Treasury’s proposal.³⁶⁸ No.10 commented that it was imperative that the MOD proposal be funded in full as soon as possible.

598. Mr Boateng advised the 28 October meeting of the Ad Hoc Ministerial Group on Iraq that, of the US\$107m worth of equipment requested by the MOD, US\$29m would be funded by the US.³⁶⁹ The remaining US\$78m (some £40.6m) could be funded by the Treasury from the Reserve on a “one-off” basis.

599. A Treasury official advised Mr Boateng in mid-November that there had been three separate occasions where “Ministers and officials from FCO and No.10” had made promises of military equipment to various organisations “without proper analysis of the requirement or clarifying the availability of UK funding”.³⁷⁰ Normally effective MOD internal scrutiny processes had been bypassed. Treasury officials were working with the MOD to ensure that such proposals were scrutinised, but for this to be effective the FCO and No.10 needed to “work with the process”.

600. A Treasury official advised Mr Boateng on 1 December that the Treasury had received the MOD’s first request for funding in relation to the MOD proposal, totalling £15m.³⁷¹ The request was “basically a list of kit that £15m will buy”, but it was not the right time to “dig our heels in”. The MOD had promised that future requests for funding would meet UOR standards.

601. In a Note to President Bush on 10 January 2005, Mr Blair described the Iraqisation of security forces as critical but said that he was not convinced that the plan to deliver this was robust enough.³⁷² Mr Blair confirmed that he had authorised “an extra \$78m from our MOD for the Iraqi Forces in the South”. Although he could not be sure that funding was essential, “I’ll take the risk rather than find six months later it was.”

³⁶⁷ Letter PS/Boateng to Baker, 18 October 2004, ‘Iraq Security Proposals’.

³⁶⁸ Letter Malik to Rosenfield, 21 October 2004, [untitled]; Letter Rogers to Rosenfield, 21 October 2004, ‘Iraq Security Proposals’; Letter Baker to Rosenfield, 22 October 2004, ‘Iraqi Security Proposals’.

³⁶⁹ Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

³⁷⁰ Briefing Treasury, [undated], ‘Iraq Ministerial Meeting – Thursday 11 November 2004’.

³⁷¹ Minute Treasury [junior official] to Chief Secretary, 1 December 2004, ‘£40m Equipment for Iraq Forces’.

³⁷² Letter Sheinwald to Hadley, 10 January 2005, [untitled] attaching Note Blair to Bush, 10 January 2005, ‘Note’.

602. In June 2005, PJHQ advised Dr John Reid, the Defence Secretary, that discussions were under way with the Treasury for an additional £38m to fund a successor programme to Project OSIRIS.³⁷³ The Treasury had taken “a close interest” in the bid and was keen to ensure that there was “no duplication” with funding allocated to the FCO and DFID.

603. Mr Des Browne, the Chief Secretary to the Treasury, wrote to Dr Reid on 23 August, approving £16m from the Reserve for the package of vehicles, infrastructure and communications equipment that had been presented by MOD officials.³⁷⁴ Mr Browne continued:

“Looking ahead, I hope that it will be possible for you to find other means of funding the remaining elements [of the £38m programme] – either by negotiating with Baghdad, for a larger share of what is available ... or by encouraging our allies – most of whom are spending far less than we are in maintaining forces on the ground – to play a bigger role.”

604. Dr Reid wrote to Mr Browne on 30 November, seeking a further £19.6m (for 734 Iraqi Police Service vehicles and 11 ISF infrastructure projects).³⁷⁵ Dr Reid advised that the MOD had secured funding from the US, Australia, Italy and Japan, reducing the amount that the MOD needed to provide.

605. Mr Browne replied on 20 December, approving an additional £19.6m from the Reserve.³⁷⁶

606. Section 12.1 describes the equipment provided to the ISF under Project OSIRIS.

Better Basra Plan, July 2006

607. In June 2006, Mr Blair asked Mr Des Browne, the Defence Secretary from May 2006, to focus on the situation in Basra.³⁷⁷

608. Mr Browne sent Mr Blair an update on Basra, including details of the additional projects needed to deliver a “better Basra”, on 4 July.³⁷⁸ Mr Browne reported that departments had not yet found the £30.7m, “a relatively small sum given the strategic importance of Basra”, required to fund the projects. Section 10.2 describes the development of the Better Basra Plan.

³⁷³ Minute Scholefield to PS/Secretary of State [MOD], 15 June 2005, ‘Funding for a Further Programme of Security Sector Reform and a Civil Effects Fund for MND(SE)’. The full request was for £58m, £20m of which was for a Civil Effects Fund.

³⁷⁴ Letter Browne to Reid, 23 August 2005, ‘Iraq: Funding for Security Sector Reform and for a Civil Effects Fund for MND(SE)’.

³⁷⁵ Letter Reid to Browne, 30 November 2005, [untitled].

³⁷⁶ Letter Browne to Reid, 20 December 2005, ‘Security Sector Reform’.

³⁷⁷ Minute Sheinwald to Banner, 8 June 2006, ‘Iraq and Afghanistan’.

³⁷⁸ Letter Browne to Blair, 4 July 2006, [untitled] attaching Paper, [undated], ‘Annex A - Background on Additional Basra Work’.

609. Discussions on funding the Better Basra Plan – the first of three Better Basra Plans – continued into August.

610. Mr Browne wrote to Mr Timms on 10 August to inform him that departments had agreed to provide a total of £20.4m from existing resources to fund the Plan, now costed at £26.5m because of the later start for some of the work.³⁷⁹ A total of £7m would come from the GCPP Reserve and £1.4m from FCO-managed programmes. The MOD, the FCO and DFID would each contribute £4m. Mr Browne asked Mr Timms to agree a further £4m from the Reserve.

611. A Treasury official advised Mr Timms that Treasury officials had facilitated that deal.³⁸⁰ Negotiations had been difficult, with the MOD offering “considerable resistance” to the need to find its contribution from the core defence budget.

612. The official concluded that the deal was a good one for the Treasury, because:

- It had held the line that the cost of the Better Basra Plan should not be an automatic call on the Reserve.
- It had succeeded in getting departments to reprioritise their existing resources to fund the project.

613. Mr Timms replied to Mr Browne on 15 August, welcoming the successful conclusion of negotiations and agreeing to provide an additional £4m for the Plan from the Reserve.³⁸¹

614. The Better Basra Plan also attracted US\$80m in US funding.³⁸²

615. Mr Dominic Asquith, British Ambassador to Iraq from 2006 to 2007, reflected on the UK’s funding mechanisms in his evidence to the Inquiry:

“I think in terms of being able to switch funds, or find extra funds that were required at short notice ... it wasn’t a particularly flexible or effective system. That came out rather visibly in 2006, when it was clear that we needed to put greater effort into building up the capabilities in Basra ... The calculation ... was somewhere in the region of £30 million, which ... was required to come out of our current resources ... which struck me at the time as being certainly a peculiar way of approaching what we were directed was a high priority, but we weren’t being given the extra resources, to deliver it.”³⁸³

³⁷⁹ Letter Browne to Timms, 10 August 2006, [untitled].

³⁸⁰ Minute Treasury [junior official] to Timms, 15 August 2006, ‘Better Basra Plan’.

³⁸¹ Letter Timms to Browne, 15 August 2006, ‘Better Basra’.

³⁸² Minute DFID [junior official] to Private Secretary [DFID], 6 October 2006, ‘Iraq: Future for DFID Programme from 2007’.

³⁸³ Public hearing, 4 December 2009, pages 23-24.

New funding mechanisms for civilian operations

616. A cross-government review of the UK's approach to post-conflict reconstruction began in summer 2003 (see Section 10.3). Following that review, the inter-departmental Post-Conflict Reconstruction Unit (PCRU) was established in September 2004. It became operational during 2005.

617. The remit of the PCRU was to facilitate integrated planning for the military and civilian components of an intervention, including by identifying resources from existing government budgets.³⁸⁴

618. From June 2006, departments and in particular the FCO sought to develop new mechanisms to fund civilian stabilisation operations.

619. Sir Michael Jay and senior FCO officials, the Chiefs of Staff, Dr Nemat Shafik, DFID Director General Programmes, and Mr Jim Drummond, DFID Director UN Conflict and Humanitarian Division, agreed on 6 June 2006 that officials should work up a joint FCO/MOD/DFID proposal on how to ensure a comprehensive approach to funding for “stabilisation/reconstruction campaigns”.³⁸⁵ The FCO would lead that work.

620. During the meeting, officials agreed that as the Treasury would strongly oppose any bid to relax the rules on access to the Reserve, the focus of the proposal should probably be on increasing the size of the GCPP, for example by creating a new funding line for “quick impact development projects” in semi-permissive environments.

621. Air Chief Marshal Sir Jock Stirrup, Chief of the Defence Staff, suggested an allocation for that new line of £50m.

622. Sir Michael Jay commented that the Iraq and Afghanistan context might make the Treasury (and No.10) more receptive to a proposal.

623. Discussions continued between the FCO, the MOD, DFID and PCRU until mid-September, but did not produce a consensus on how any “QIP Fund” should be managed or delivered on the ground, or on the criteria that might be used to determine funding from it.³⁸⁶ There was consensus that the £50m allocation proposed by ACM Stirrup at the 6 June meeting was too large, given the need and the difficulties of disbursing funds effectively.

624. The Inquiry has seen no indications that Treasury officials were aware of or engaged in those discussions.³⁸⁷

³⁸⁴ Paper [Cabinet Office], 20 July 2004, ‘DOP paper on the Post Conflict Reconstruction Unit’.

³⁸⁵ Minute Powell to Pattison, 7 June 2006, ‘PUS/COS Lunch, 6 June’.

³⁸⁶ Paper FCO, 1 August 2006, ‘Quick Impact Projects: Discussion Paper 01 August 2006’.

³⁸⁷ Letter Link to Williams, 10 July 2006, ‘Quick Impact Projects (QIP) – Iraq and Afghanistan’; Letter Laurence to Link, 19 July 2006, ‘Quick Impact Projects – Iraq and Afghanistan’; Letter Teuten to Link, 21 July 2006, ‘Quick Impact Projects (QIP) – Iraq and Afghanistan’; Minute Mosselsmans to Link, 21 July 2006, ‘Quick Impact Projects’; Letter Pattison to Laurence, 18 September 2006, ‘Quick Impact Projects (QIPs)’.

625. Mr Stephen Pattison, FCO Director International Security, wrote to Rear Admiral Tim Laurence, MOD Assistant Chief of the Defence Staff (Resources and Plans) on 18 September to provide a formal response to the tasking given at the 6 June meeting.³⁸⁸

626. Mr Pattison advised that for Afghanistan, departments had agreed to create a ring-fenced budget for QIPs within the GCPP Afghanistan Strategy, using existing funding from that strategy and an additional £3m from DFID.

627. In Iraq, UK commanders had been able to secure an “unusually generous” proportion of US CERPs funding since the 6 June meeting. The GCPP Iraq Strategy had also been boosted by additional funds from the GCPP Reserve and departments to support the Better Basra Plan. If additional funding for QIPs was required, departments had agreed to “follow the Afghanistan model”. That would mean seeking additional funding first through the GCPP Iraq Strategy and from the GCPP Reserve, before approaching the Treasury for additional funds.

628. Rear Admiral Laurence had earlier advised the FCO, in response to sight of a draft of Mr Pattison’s letter, that the first reaction of the Chiefs of Staff might be that departments had ducked a battle with the Treasury.³⁸⁹

629. Ministers agreed on 9 January 2007 that the UK needed a capability to intervene to prevent conflict and build capacity after conflicts.³⁹⁰

630. In response, on 15 February, the Cabinet Office produced a paper which considered how to improve the UK civilian contribution to conflict management and prevention.³⁹¹

631. The Cabinet Office advised that funding “high priority and Ministerial endorsed policy objectives which cross the boundaries of existing responsibilities” had been a particular challenge. Funding for civilian activity in Iraq and Afghanistan, such as the Better Basra Plan:

“... had to be negotiated across a range of departments and budget holders, with time consuming turf battles, diverting effort that would have been better deployed on developing effective policies, and delaying delivering.”

632. Conflict prevention activities were currently resourced in an “ad-hoc fashion in and between departments”, with limited transparency. There was no mechanism to “generate the analysis to support a process of setting strategic priorities or to inform balance of

³⁸⁸ Letter Pattison to Laurence, 18 September 2006, ‘Quick Impact Projects (QIPs)’.

³⁸⁹ Letter Laurence to Link, 10 August 2006, ‘Quick Impact Projects’.

³⁹⁰ Paper Cabinet Office, 15 February 2007, ‘Nation Building and Conflict Prevention: Improving UK Capabilities’.

³⁹¹ Paper Cabinet Office, 15 February 2007, ‘Nation Building and Conflict Prevention: Improving UK Capabilities’.

investment decisions”. As a result, it was difficult to make decisions about the marginal utility of extra expenditure on one activity compared to another.

633. The Cabinet Office offered a number of recommendations to improve decision-making within Government and to increase civilian capability. On resources, the Cabinet Office recommended that the GCPP and the ACPP and possibly other funds which supported conflict prevention activities should be brought together and “managed as a single ‘budget’”.

634. The Inquiry has seen no indications that the paper was formally considered by Ministers or officials.

635. Mr Quinault provided advice to Mr Timms on 13 February 2007 on FCO and DFID bids to the Reserve in respect of Afghanistan.³⁹² In that context, Mr Quinault commented:

“... we [the Treasury] have managed to hold the line that in keeping with the traditional approach to these things, while MOD do get access to the Reserve ... the other departments have to reprioritise within their own budgets. Arguably this can lead to perverse outcomes on occasion if it incentivises decision-makers to prefer military responses to civilian ones. But it is a useful safety net for us [the Treasury] and not to be given up without careful thought.”

636. The “lines to take” attached to the briefing set out the Treasury’s response to the challenge that it was “perverse that MOD gets its operational costs paid ... from the Reserve whereas essential civilian measures have to be paid for from FCO and DFID budgets”:

- Arrangements on costs of military operations are of long standing and reflect the difficulty of planning for the large unplanned costs of operations;
- In any case [the] Reserve is spent, cannot consider more funding ...;
- That is, unless MOD agree clearly that what you [FCO and DFID] are proposing is sufficiently vital to rank above more troops in the pecking order?”

637. Mrs Margaret Beckett, the Foreign Secretary, wrote to Mr Timms on 1 March to present the FCO’s bid to the 2007 Spending Review.³⁹³ She confirmed her interest in working with the Treasury to identify a better mechanism for funding civilian deployments in “hot” post-conflict situations such as Afghanistan and Iraq. She proposed that, ideally, bids to the Reserve should include both military and civilian costs. If that was not possible, she suggested establishing a “ring-fenced, multi-year contingency fund” from which the FCO could draw.

³⁹² Minute Quinault to Chief Secretary, 13 February 2007, ‘DOP Meeting on Iraq and Afghanistan, 14 February’.

³⁹³ Letter Beckett to Timms, 1 March 2007, ‘2007 Comprehensive Spending Review: FCO Submission’.

638. The Treasury told the Inquiry that it has no record of a response to Mrs Beckett on that point.³⁹⁴

639. Mr Pattison commented to FCO colleagues on 11 July that Mrs Beckett’s proposal “didn’t get past first base” with the Treasury.³⁹⁵

640. Mr Mark Lyall-Grant, FCO Political Director, advised Mr David Miliband, the new Foreign Secretary, on 9 July that he should try to secure the support of Mr Browne and Mr Douglas Alexander, the new Development Secretary, for a new funding mechanism to support the civilian elements of the UK’s comprehensive approach in Afghanistan and Iraq.³⁹⁶

641. Mr Lyall-Grant described the problem:

“There is no satisfactory Whitehall method to resource high priority, non-military work in conflict areas, in support of Ministerially-agreed policy objectives. Afghanistan and Iraq are cases in point. Ministers have long agreed that a comprehensive approach is required ... But there is no mechanism to fund in-year priorities for this. The MOD can call on the Reserve for additional military expenditure. HMT [the Treasury] tell other departments that their expenditure ... must be funded from re-prioritisation. At best this significantly slows down our ability to respond. In real terms it often means the non-military elements of the campaign are under-funded, with a direct impact on the length of time the military need to remain.”

642. Mr Lyall-Grant identified two main possible solutions: allowing bids to the Reserve to include both military and civilian costs; or establishing a ring-fenced, multi-year contingency fund from which DFID, the FCO and others could draw.

643. On 23 July, a Treasury official invited Mr Andy Burnham, the new Chief Secretary to the Treasury, to agree to establish:

- A single Conflict Pool, combining the GCPP and the ACPP. The Conflict Pool would be managed by DFID, with advice from the MOD and FCO. A single Pool would “drive a more consistent and coherent approach to conflict prevention and poverty reduction, and ... improve the management of the Pools overall”.
- A Stabilisation Fund, which would be “owned by the MOD but managed jointly with DFID and FCO”. Experience in Iraq and Afghanistan had highlighted the need for resources to be available for “immediate civilian support to military operations (QIPs, shorter-term development issues etc)”. Mrs Beckett (the previous Foreign Secretary) and military commanders had repeatedly

³⁹⁴ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, ‘Further Queries Relating to Resources’.

³⁹⁵ Email Pattison to Lyall-Grant, 11 July 2007, ‘Funding the Comprehensive Approach in Afghanistan and Iraq’.

³⁹⁶ Minute Lyall-Grant to Foreign Secretary, 9 July 2007, ‘Funding a Comprehensive Approach in Iraq and Afghanistan’.

highlighted that need. Funding for such activities had typically been found from the GCPP, crowding out other planned spending. The allocation for the Stabilisation Fund would be £65m in 2008/09, £65m in 2009/10 and £115m in 2010/11. In total, £50m/£50m/£100m of that allocation would be ring-fenced within the MOD's 2007 Spending Review settlement. The balance (£15m in each year) would be transferred from the GCPP. Any unspent funds could be switched to core defence spending.³⁹⁷

644. The Treasury told the Inquiry that it had no record of a response to that advice.³⁹⁸

645. Mr Burnham wrote to Mr Browne the following day (24 July), to record the outcome of the 2007 Spending Review for the MOD.³⁹⁹ Mr Burnham stated that the MOD's settlement included £50m in 2008/09, £50m in 2009/10 and £100m in 2010/11 for a "Reconstruction Fund". Mr Burnham described the Reconstruction Fund as "one step in a planned re-ordering of the way the Government handles planning and expenditure on the prevention and stabilisation of conflict".

646. Following a conversation between Mr Miliband and Mr Alexander, Mr Miliband's Private Secretary wrote to Mr Alexander's Private Secretary on 26 July setting out the challenges faced by the FCO in securing funding for its work in Iraq and Afghanistan, and expressing the hope that DFID and the FCO could work together to develop a mechanism which would more effectively support the comprehensive approach.⁴⁰⁰ In the letter, which was not copied to any other department, Mr Miliband's Private Secretary rehearsed the arguments made in Mr Lyall-Grant's submission of 9 July.

647. DFID has told the Inquiry that it does not have any record of replying to that letter.⁴⁰¹

648. Mr Burnham wrote to Mr Miliband in October, to record the outcome of the 2007 Spending Review as it affected the Conflict Prevention Pools.⁴⁰² Mr Burnham stated that the Review provided a "healthy increase" in the funds available for conflict prevention and stabilisation, and set out key reforms in the way that conflict issues were handled within Government:

- From 2008/09, the GCPP and ACPP would be merged into a single Conflict Prevention Pool.

³⁹⁷ Minute Treasury [junior official] to Chief Secretary, 23 July 2007, 'CSR2007 – Conflict Prevention and Post-Conflict Stabilisation'.

³⁹⁸ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, 'Further Queries Relating to Resources'.

³⁹⁹ Letter Burnham to Browne, 24 July 2007, 'Comprehensive Spending Review 2007: Ministry of Defence Settlement'.

⁴⁰⁰ Letter FCO [junior official] to DFID [junior official], 26 July 2007, 'Funding a Comprehensive Approach in Iraq and Afghanistan'.

⁴⁰¹ Email DFID [junior official] to Iraq Inquiry [junior official], 8 April 2013, 'Inquiry Query'.

⁴⁰² Letter Burnham to Miliband, October 2007, 'Comprehensive Spending Review 2007: Settlement for the Conflict Prevention Pools and Stabilisation Aid Fund'.

- A new Stabilisation Aid Fund (SAF) would be established to “take on” funding for stabilisation and reconstruction activity in “hot’ conflict zones” from the Conflict Prevention Pool.
- New governance and programme management arrangements for the Conflict Prevention Pool and the SAF would be introduced to ensure that activity was based on a common strategy, and that expenditure was prioritised effectively against that strategy.

649. In December, the PCRU was renamed the Stabilisation Unit (SU), reflecting the emergence of the broader concept of stabilisation and the Unit’s new role managing the SAF.⁴⁰³

Reflections on the allocation of funding

650. The table below shows the departmental settlements for the MOD, the FCO and DFID from 2002/03 to 2009/10 (under the 2002, 2004 and 2007 Comprehensive Spending Reviews).⁴⁰⁴

Table 10: Departmental settlements, 2002/03 to 2009/10 (£bn)

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
MOD	28.0	29.0	29.2	29.9	30.2	30.2	30.8	31.1
FCO	1.5	1.5	1.6	1.7	1.7	1.6	1.6	1.6
DFID	3.9	4.0	4.0	4.9	5.3	5.5	5.7	6.6

651. The Inquiry describes earlier in this Section how the MOD reclaimed the net additional costs of military operations (NACMO) from the Reserve under an established procedure.

652. All other departments sought to cover additional costs by reprioritising within their existing budgets and, if and when that proved insufficient, bidding to the Treasury to secure additional funding from the Reserve.

Differences in funding military operations and civilian activities

653. In his evidence to the Inquiry, Sir Mark Lyall-Grant described the different levels of funding available to departments:

“... you have the MOD which can call on the Reserve for unforeseen military expenditure. You have DFID, who have a large amount of programme money, but

⁴⁰³ Paper Stabilisation Unit, December 2007, ‘Stabilisation Unit’.

⁴⁰⁴ Email Treasury [junior official] to Iraq Inquiry [junior official], 17 April 2014, ‘Further Queries Relating to Resources’. Figures are near cash settlements, in real terms (2008/09 prices). Figures may differ from Comprehensive Spending Review settlement letters due to budget exchange, inter-departmental transfers and other factors.

can only spend it in certain ways constrained by the ODA Act [sic], and you have the Foreign Office that doesn't have any money."⁴⁰⁵

654. Sir Nicholas Macpherson, Director General in charge of Public Expenditure from 2001 to 2005 and then Permanent Secretary at the Treasury, told the Inquiry that, in time of conflict, it was not the role of the Treasury to try to limit military spending:

"... the Treasury may have a view on some areas of spending, but on the whole, when a war is in prospect, the narrow Treasury view that public spending is a bad thing tends to be put to one side ... and you start signing the cheques."⁴⁰⁶

655. Lord Boateng, the Chief Secretary to the Treasury from May 2002 to May 2005, told the Inquiry that there was a distinction between the way the Treasury responded to military and non-military situations.⁴⁰⁷ While the military did not have a "blank cheque":

"... when you have established that you need it, you are going to get [it] ... Because, at the end of the day, the lives of Servicemen and women and the security of the state would be at risk if you got other people in the Treasury second-guessing and doing what we do normally, which is actually to ensure that, first and foremost, the public purse is protected."

656. The Inquiry asked Lord Boateng what the rationale had been for the allocation of funding between departments (non-military expenditure had been approximately one-eighth of military expenditure). Lord Boateng told the Inquiry that:

"... this balance arose partly as a result of the funding mechanism deployed, in the sense that the Ministry of Defence had an access to the Reserve that was on a different scale from the others [DFID and FCO].

"... did anyone sit down and say, 'Well, this is the sum of money that we have, this ought to be the balance?' No, I don't think they did. Should they have done? Maybe, but actually it is ... very difficult to do.

"Is the way in which we fund post-conflict reconstruction work optimal? Then, no, I don't think it was. Did this mean that our effectiveness suffered? No, I don't believe it did, but I do believe that it led to considerable pressure on one of the two other departments, namely, the FCO, who are in a different position ... from DFID because their resource base was so very different."⁴⁰⁸

⁴⁰⁵ Public hearing, 20 January 2010, page 35.

⁴⁰⁶ Public hearing, 22 January 2010, page 3.

⁴⁰⁷ Public hearing, 14 July 2010, pages 25 to 27.

⁴⁰⁸ Public hearing, 14 July 2010, page 41.

657. Lord Boateng highlighted the need for the UK Government to examine how it funded the MOD, DFID and the FCO to work together in post-conflict situations:

“... at the moment, we have a very, very dangerous imbalance, an imbalance made all the more difficult by the requirements of law in relation to DFID, that makes it very, very difficult to pool resources ...”⁴⁰⁹

658. Mr John Dodds, Head of the Treasury Defence, Diplomacy and Intelligence Team, told the Inquiry that, in his personal view, there was a “tension” between the way that military and non-military activities were funded, and that there was the potential for some “sub-optimal” decisions:

“... the cost of a military solution to a conflict problem ... was probably about ten times the cost of a non-military solution ...

“I think that ... potentially the funding mechanisms that we had ... tended to create incentives for more military intervention and less non-military intervention, but I don't think that's an issue ... which is really relevant to Iraq. I think it is ... a piece of broader reflection ...”⁴¹⁰

659. In his evidence to the Inquiry, Sir Mark Lyall-Grant suggested that there could be different approaches to allocating funding, such that:

“... you wouldn't take decisions on the basis of how much you could afford, but Ministers would sit round the table, take the decisions that they think are the right decisions to take in a strategic environment, and then the funding would follow from that.

“What happens at the moment is that the Ministers take the decisions, then the departments get together [to consider] ‘How are we going to fund it?’, and end up by saying ‘Well, actually, we can't fund it’.”⁴¹¹

Funding civilian activities

660. During his farewell call on Mr Straw in mid-February 2004, Sir Hilary Synnott, the departing Head of CPA(South), made a number of criticisms of the FCO's support for his office (see Section 10.1).

661. Mr Buck addressed those criticisms in a minute to Sir Michael Jay of 16 February.⁴¹² He argued that the FCO had learned several lessons, including on funding civilian post-conflict operations. A “genuinely flexible” budget allocation similar to that provided for military operations would have saved the “huge amounts of time and energy required to wrangle over funding”, and helped to “prevent the Treasury from

⁴⁰⁹ Public hearing, 14 July 2010, page 62.

⁴¹⁰ Public hearing, 14 July 2010, pages 27-31.

⁴¹¹ Public hearing, 22 January 2010, page 37.

⁴¹² Minute Buck to FCO [junior official], 16 February 2004, ‘FCO Response to Iraq’.

playing one Government department off against another". The Ad Hoc Ministerial Group could have been controlled the budget.

662. Mr Neil Crompton, the Head of IPU, reflected on the availability of funding in his May 2005 valedictory minute to Mr John Sawers:

"HMG (and the FCO) took a long time to wake up to the scale of the task we had taken on. Demands from No.10 and Ministers for action have always exceeded the resources available. The Treasury have played hard ball, exploiting different departments' own internal reasons for not wanting to make claims on the Reserve to kill off initiatives. No.10's unwillingness to intervene with HMT [the Treasury], except once, has compounded the problem, and undermined the morale of officials tasked with running an 'exemplary operation' without the resources to do so.

"It is naive to expect the Treasury to behave differently. But Ministers (and the FCO) need to recognise that in a conflict we cannot afford the luxury of ensuring expenditure is subject 'to the same rigorous criteria as anywhere else', as we have occasionally been told."⁴¹³

663. Mr Crompton recommended that, in future, the Ad Hoc Ministerial Group or equivalent should be allocated a budget to fund immediate priorities not covered by departments' core budgets or by funds such as the GCPP. That would avoid the need for "extended negotiations" with the Treasury.

664. In his response to Mr Crompton, Mr Sawers, FCO Political Director, agreed that the FCO needed to give a much higher priority to an issue when it "prevails over all others", in terms of both money and people.⁴¹⁴ The FCO had done that in the pre-conflict phase, but it had been less apparent in the post-conflict phase.

665. A June 2005 FCO Conflict Issues Group paper drawing together post-conflict lessons for the FCO concluded:

"We need to make it clear to other government departments the true cost of what they are asking us to achieve. We can spend too much time trying to secure extra resources and fail to secure them in a timely manner. Policy without resources is usually futile. All OGDs [other government departments] need to be required to allocate resources to tasks which the Cabinet rules to be important."⁴¹⁵

666. An FCO review of lessons to be learned from the UK's experience in Basra, produced in late 2008, concluded:

"... The FCO was constantly scrambling after resources. **Risk management should ensure that realistic estimates of resources are made at an early stage,**

⁴¹³ Minute Crompton to Sawers, 4 May 2005, 'Iraq: Reflections'.

⁴¹⁴ Minute Sawers to Crompton, 9 May 2005, 'Iraq: Reflections'.

⁴¹⁵ Paper FCO CIG, June 2005, 'Post Conflict Lessons Learned Exercise'.

including worst case scenarios; Ministers should clearly understand the need to identify and secure those resources before the UK takes on a similar commitment in future.”⁴¹⁶

667. FCO officials complained of a mismatch between the Government’s expectations and the resources available to the FCO to meet them. While the MOD had funds for QIPs and DFID for longer-term strategic programmes, the FCO was “somehow expected” to take on elements of both “with neither the resources nor the means”. The Foreign Affairs Committee had commented on more than one occasion that it was necessary and appropriate that costs incurred by the FCO in Iraq (and Afghanistan) that were additional to its mainstream diplomatic and consular roles should be funded from the Reserve. The review commented: “It is not clear whether the FCO itself formulated and presented a sufficiently strong case for extra funding to support additional work in the field.”

668. On 25 March 2009, Mr Miliband chaired a meeting with “former and current key decision-makers on Iraq” to consider that review and identify the lessons for the FCO from Iraq.⁴¹⁷

669. The meeting concluded that the civilian operation in Iraq had been slow to get started, and had been:

“... hampered in the UK by a shortage of resources – particularly in comparison with the military effort – and an inability to extract what meagre resources were available from HMT [the Treasury] ...”

670. Lord Jay, FCO Permanent Under Secretary from 2002 to 2006, described his experience of securing funds for operations in Iraq, and the lessons he had drawn from it, in his evidence to the Inquiry:

“I never felt I had sufficient resources to do anything I was doing in the Foreign Office ... You are constantly – it was a constant battle throughout the five years I was there of allocating scarce resources to the priorities that mattered and, over the years we were dealing with Iraq, we were constantly spending more money and more resources on Iraq. Some of those we were getting – we got extra provision from the Treasury, often it was a question of reprioritising the resources within the Foreign Office.

“At the worst, that meant closing posts in parts of the world which were less important in order that we could put people into Baghdad, Basra, Kabul and other places which were of growing importance.”⁴¹⁸

⁴¹⁶ Paper FCO, [undated], ‘Reflections on Basra and the Lessons to be Learned from the FCO’s Experience in Iraq’.

⁴¹⁷ Minute FCO [junior official] to PO [Miliband], 25 March 2009, ‘Iraq Retrospective’.

⁴¹⁸ Public hearing, 30 June 2010, page 6.

671. Lord Jay also told the Inquiry:

“... when there is a crisis of the same magnitude as Iraq, which affects a number of different departments, then the Treasury needs to look, not at the budgets of individual departments, but at the overall need and to ensure that each department concerned in the operation gets the funds that it needs to carry it out ... But it doesn't seem to me at all sensible to be thinking of giving large sums of money for a military operation, if you are not giving similar sums of money for the diplomatic support that that military operation needs, and those need to be looked at together, and I don't think they were, and I think they should be in the future.”⁴¹⁹

672. Mr Dodds told the Inquiry that bids from the FCO were assessed with the same rigour as bids from other departments:

“... our starting position was that we would want the Foreign Office to ... look for the potential to reprioritise ... I think our perspective would be that that wasn't ... their first response to this sort of situation. I think there was an expectation on the part of the Foreign Office that ... the Reserve should provide them with new money ...

“But ... the Foreign Office had a ... significant budget ... and a significant global footprint and I think it wasn't unreasonable to be looking to the Foreign Office ... at least on a temporary basis, to move some resources ... to support the activity on this high priority [Iraq].

...

“Generally speaking, they were able to successfully reprioritise, but ... their first reaction was to look for resources from the Reserve, but it was only after they were ... pushed back that they ... then were successful in reprioritising.”⁴²⁰

673. Sir Suma Chakrabarti told the Inquiry that Iraq was DFID's largest bilateral programme in 2003/04 (when DFID spent £209m, of which £110m was spent on humanitarian relief and £99m on development activities), and DFID's 10th largest bilateral programme in 2004/05 (when DFID spent £49m, of which £21m was spent on humanitarian relief and £28m on development activities).⁴²¹

674. The Inquiry asked Sir Suma whether DFID had considered seeking additional funding from the Treasury for Iraq.⁴²² He told the Inquiry:

“We had discussions [with] the Treasury but it was quite obvious to us that they weren't going to give any more than they already had ... They had put some money in upfront [in March 2003, for humanitarian assistance], but, after that, they said it is time to reprioritise.”

⁴¹⁹ Public hearing, 30 June 2010, page 54.

⁴²⁰ Public hearing, 14 July 2010, pages 33-36.

⁴²¹ Public hearing, 22 January 2010, page 38.

⁴²² Public hearing, 22 January 2010, pages 38-40.

675. Sir Suma also told the Inquiry that Ministers had considered reallocating funding to Iraq from low-income countries, but had decided that that would not be consistent with DFID’s mission to maximise its impact on poverty. Ministers had instead decided to reallocate funding to Iraq from DFID programmes in other middle-income countries:

“... that meant closing some programmes ... in Eastern Europe, Central Europe, and also Latin America ... in order to help finance the Iraq programme.”

676. The Inquiry describes earlier in this Section the creation of the Global Conflict Prevention Pool (GCPP) in order to promote a more joined-up approach to funding peacekeeping and peace enforcement operations and conflict prevention programmes.

677. Sir Mark Lyall-Grant told the Inquiry that while he agreed that the principle behind the GCPP was a good one, decisions about how to spend relatively small sums of money had led to “huge disputes between Government departments”, which had consumed significant amounts of senior officials’ time.⁴²³ He concluded that Pools (the GCPP and the ACPP) had “essentially collapsed” under the pressure of rising costs, and had been “a failed experiment”.

678. Sir Peter Ricketts, FCO Permanent Under Secretary from 2006 to 2010, told the Inquiry:

“I wouldn’t have said that they are a failed experiment, but they are certainly under real stress because of rising costs, particularly of assessed contributions to the UN and other international organisations ... That has required some difficult prioritisation decisions ... But I think the Pools have been useful in bringing the three departments together and forcing us to make choices about what our top priorities are ...”⁴²⁴

Scrutiny of UK expenditure in relation to Iraq

679. This section describes the Government’s mechanisms for scrutinising UK expenditure, and how those mechanisms were engaged in relation to Iraq. The Inquiry has not conducted its own audit of any element of UK expenditure in relation to Iraq.

680. A number of bodies contribute to the scrutiny of government expenditure, including:

- The Public Accounts Committee (PAC). The main work of the PAC is the examination of the reports produced by the National Audit Office (NAO). The Committee typically examines 50 value for money reports each year, as well as reports on some departments’ resource accounts.
- Departmental select committees. The core tasks of the select committees include examining and reporting on estimates, annual expenditure plans and accounts, and monitoring performance against targets in the Public Service Agreements.

⁴²³ Public hearing, 20 January 2010, pages 36-37.

⁴²⁴ Public hearing, 2 February 2010, pages 21-22.

- The NAO. The NAO audits the accounts of all government departments and agencies, and many other public bodies. The NAO also produces around 60 value for money studies each year on the economy, efficiency and effectiveness of public expenditure.
- Departments' own internal audit units.⁴²⁵

681. The estimates cycle is the process by which Parliament approves departments' resources and cash provision for the year. Departments submit Supply Estimates which set out how they plan to spend their funding and seek approval from Parliament for the necessary funds.

682. Because of the unpredictable nature of military operations, the MOD does not provide an estimate of NACMO to Parliament at the beginning of each financial year, as part of its Main Estimates.⁴²⁶ Between 2002/03 and 2005/06, the MOD sought Parliament's approval for NACMO expenditure in February (towards the end of the financial year) as part of the Spring Supplementary Estimates.

683. The MOD Estimates are reported on by the House of Commons Defence Committee (HCDC).

684. In its report on the MOD's 2005/06 Spring Supplementary Estimates, the HCDC called for the MOD to provide estimated NACMO for "commenced operations" as part of its Main Estimates, if necessary with a large element for contingency.⁴²⁷ The HCDC stated that, for the MOD:

"... Parliamentary approval seems to be regarded as a rubber stamp. For this, Parliament must take some of the blame: for too long we have allowed Parliamentary approval of the Estimates to be taken for granted. **MOD must recognise that the agreement of the Treasury is not a substitute for Parliamentary approval, and that providing information to the Treasury is not enough.**"

685. From 2006/07, in response to that criticism, the MOD presented initial estimated NACMO to Parliament in November as part of its Winter Supplementary Estimates, before seeking formal approval of expenditure as part of the Spring Supplementary Estimates the following February.⁴²⁸

⁴²⁵ Committee Office Scrutiny Unit, March 2007, *Financial Scrutiny Uncovered*.

⁴²⁶ Tenth Report from the Defence Committee, Session 2006-2007, *Cost of military operations: Spring Supplementary Estimate 2006-07*, HC 379.

⁴²⁷ Fourth Report from the Defence Committee, Session 2005-2006, *Cost of peace-keeping in Iraq and Afghanistan: Spring Supplementary Estimate 2005-06*, HC 980.

⁴²⁸ Tenth Report from the Defence Committee, Session 2006-2007, *Cost of military operations: Spring Supplementary Estimate 2006-07*, HC 379.

686. The HCDC welcomed the MOD's decision to provide earlier estimates of NACMO, but maintained its view that the MOD should include the cost of commenced operations in its Main Estimates at the beginning of the financial year.

687. The Inquiry is aware of two interventions by the PAC/NAO in relation to expenditure in Iraq.

688. The FCO's Financial Compliance Unit (FCU) visited Baghdad in April/May 2005 to review the Embassy's financial controls.⁴²⁹ The FCU found no evidence of fraud, but did identify write-offs totalling approximately £13,000 relating to mobile phone bills, where either the phone had been lost and subsequently used or the individual user could not now be identified. In addition, Iraqi staff had incurred charges totalling more than £24,000 on personal calls from mobile phones. The FCU concluded that was unlikely to be recoverable, and should be paid for by the Embassy.

689. The FCO's phone service provider alerted the FCO at the end of June 2005 that they had concerns over the level of activity logged against one FCO satellite phone.⁴³⁰ As a precaution, the service provider had barred the phone on 24 June. The FCO switched off all its active satellite phones in Iraq on 15 July, and terminated the associated line rental agreements.

690. Sir Michael Jay reported to the PAC on 15 February 2006 that the FCU was investigating a loss of £594,000 as a result of two satellite phones being stolen or misappropriated.⁴³¹ Sir Michael outlined some of the weaknesses in FCO systems that had already been identified, highlighting the failure of officials in London to challenge the bills which they received, and some of the improvements which had already been made.

691. At the request of the PAC, the NAO reported to it in July 2006 on the outcome of the FCU's investigation (in the context of the NAO's report on the FCO's 2005/06 Resource Accounts).⁴³² The FCU had found that the IPU had ordered 10 satellite phones in September 2003 for use in Iraq. The phones had been made ready for use before being dispatched. Weaknesses in the controls over the physical location, storage, billing and payment for the phones had led to the loss of two of the phones (together with another that had been rented previously) remaining undetected until June 2005. Despite extensive enquiries the FCU had not been able to establish who was responsible for the theft and subsequent misuse of the phones. The FCU had calculated the full extent of the loss at £594,370; the bill for one phone for June 2005 had been over £212,000.

⁴²⁹ Minute Major to Chaplin, 5 May 2005, 'Financial Compliance Unit (FCU) Visit to Baghdad: 19 April – 5 May'.

⁴³⁰ Comptroller and Auditor General, *Theft and Misuse of Satellite Phones in Iraq*, 18 July 2006.

⁴³¹ Public Accounts Committee, Session 2005-2006, *Foreign and Commonwealth Office Resource Accounts 2004-05*, 15 February 2006. Uncorrected transcript of Oral Evidence given by Sir Michael Jay KCMG, Mr Dickie Stagg CMG and Mr Ric Todd.

⁴³² Comptroller and Auditor General, *Theft and misuse of satellite phones in Iraq*, 18 July 2006.

692. The FCU's investigation had highlighted numerous failures in the FCO's internal control system, which had allowed the theft of the phones and their subsequent misuse to continue undetected for a period of some 18 months. The FCU had identified, and agreed with the NAO, actions to reduce the risk of another similar incident.

693. The NAO visited the DFID Iraq team in London in May 2007, to undertake a review of internal financial control procedures as part of its audit of DFID's 2006/07 Resource Accounts.⁴³³ The NAO team was unable to visit Iraq due to the security situation.

694. The NAO concluded that, overall, DFID was operating good controls over transactions through the local (Iraqi) imprest and bank account, and that budgetary control, asset management and corporate governance controls were operating effectively. Projects had been properly approved, and there was evidence that project outputs and outcomes were being monitored.

695. Mr Martin Dinham, DFID Director Europe, Middle East and Americas, told the Inquiry:

“... a National Audit Office investigation ... said that the systems that we had in place were sensible, suitable, that all the various safeguards that they would have liked to have seen were there. So we got – remarkable in the circumstances – we got a very clean bill of health from the NAO, which ... is completely independent of the system.”⁴³⁴

696. The Inquiry is also aware of one major fraud perpetrated against a DFID programme.

697. DFID's Southern Iraq Employment and Services Programme (SIESP) was approved in July 2004, providing £10m for infrastructure services and £6m for employment generation.⁴³⁵ A total of £0.5m was allocated for programme administration.

698. In May 2005, the DFID Office in Basra closed the employment generation component of the SIESP after an assessment identified “worrying issues”. The Office asked DFID's Internal Audit Department (IAD) to visit Basra to review the SIESP and identify lessons for other programmes.

699. The IAD identified several flaws in the design of the component. It concluded that:

- A “key driver” of the SIESP had been “political (and consequent senior management) pressure in Whitehall and beyond to achieve visible results ... In retrospect, these pressures appear unreasonable but at the time were generally irresistible.” Warnings against proceeding with a programme of “such high fiduciary risk and intangible benefit” had not been heeded.

⁴³³ National Audit Office, *2006/07 Audit Visit – DFID Iraq*.

⁴³⁴ Public hearing, 17 December 2009, page 109.

⁴³⁵ Report DFID Internal Audit Department, 11 August 2005, ‘Visit Report: Basra, Iraq 26th – 31st July 2005’.

- Implementation had been undermined by the lack of physical monitoring due to the security situation.
- Weaknesses in the DFID Office in Basra had contributed to the problems within the SIESP. The Office had been set up “hastily under pressure from UK and locally to show a DFID presence”. It had proved very difficult to recruit staff for Iraq, leading to the appointment of staff with “little or no experience in managing programmes or staff”.
- The DFID Office in Basra had established “good controls” over SIESP finances. The Office’s decision to close the employment generation component immediately after its initial assessment had saved £3m (the amount remaining in the employment generation budget).

700. Of the £3m that had been spent, the IAD estimated that over £2m had been spent in a way “that did not meet [the SIESP’s] objectives”. The lack of physical monitoring made it difficult to be more precise.

701. In May 2006, DFID conducted an internal review in order to determine the extent of the loss from the SIESP employment component.⁴³⁶ The review concluded that:

- £254,105 had been spent on projects where there was clear evidence of full or partial misuse of money, based on monitoring by DFID staff.
- £296,187 had been spent on projects where there was “**no clear evidence of either good use or misuse of money** (because there was no monitoring information on file) but where anecdotal evidence from interviews suggested that some percentage of the projects were not successfully completed”.
- £1,021,223 had been spent on projects which DFID was “reasonably confident” had been successfully completed, based on information on file (in the form of photographs or visit reports) or anecdotal evidence.

702. Dr Nemat Shafik, DFID Permanent Secretary from March 2008, told the Inquiry:

“We have a zero tolerance policy on corruption and we act on it immediately. The then Provincial Council was very unhappy with us as a result... But on that, we don’t compromise.

“[The SIESP] is ... the only case that we are aware of, where we had a significant fraud, which, given the scale of the funds that we were disbursing, and given the context, is, I think, a pretty good track record.

“In the case of the Iraq portfolio ... we actually had a higher level of scrutiny than our normal portfolio because of the risks involved. So we would get monthly reporting on risks, security risk, staff risk, risks to our money ...”⁴³⁷

⁴³⁶ Minute Hendrie to Dinham, 19 May 2006, ‘SIESP Employment Generation Project’.

⁴³⁷ Public hearing, 13 January 2010, page 54.

703. The fraud is described in more detail in Section 10.2.

US oversight of expenditure on reconstruction

In contrast to the UK Government, the US Government established new bodies to oversee US expenditure on reconstruction in Iraq.

When the US Congress appropriated £18.4bn for Iraq relief and reconstruction in November 2003, it also passed legislation to create a specialised Inspector General – the Inspector General of the Coalition Provisional Authority (CPA-IG) – to provide accountability for the use of those funds.⁴³⁸

The CPA-IG was re-designated as the Special Inspector General for Iraq Reconstruction (SIGIR), with a modified mandate, in October 2004.⁴³⁹ SIGIR's mandate was, with respect to US relief and reconstruction plans, programmes, and operations in Iraq, to provide independent and objective:

- oversight and review through comprehensive audits, inspections and investigations;
- advice and recommendations on policies to promote economy, efficiency and effectiveness;
- prevention, detection and deterrence of fraud, waste and abuse; and
- information and analysis to Congress, the US Secretary of State, the US Secretary of Defense and the American people.⁴⁴⁰

SIGIR's jurisdiction extended to the Iraq Relief and Reconstruction Fund (IRRF), the Iraq Security Forces Fund, and the Commanders' Emergency Response Program (CERPs), and assistance for the reconstruction of Iraq under the Economic Support Fund, the International Narcotics Control and Law Enforcement account or any other provision of law.

SIGIR published its final report in March 2013.⁴⁴¹ It recorded that:

- SIGIR had undertaken 220 audits and 170 inspections, which had led to 82 convictions and over US\$191m in financial penalties.
- Those audits had questioned US\$641m in costs and identified an additional US\$974m in funds which could be put to better use – a combined potential financial benefit of US\$1.61bn. As at September 2012, the savings to the US Government from renegotiated contracts, refunds and operational savings resulting from SIGIR's work were US\$645m.
- At its peak in 2008, SIGIR had 35 auditors permanently stationed in Baghdad.
- SIGIR's budget was on average US\$25m a year over its lifetime.

⁴³⁸ Public Law 108-106, Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

⁴³⁹ Special Inspector General for Iraq Reconstruction website, *About SIGIR*.

⁴⁴⁰ Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

⁴⁴¹ Special Inspector General for Iraq Reconstruction, *Learning from Iraq*, March 2013.

The report also recorded that SIGIR had developed innovative oversight practices:

- a focus on producing rapid “performance reviews” rather than slow-moving financial audits; and
- a focus on converting findings from audits and investigations into lessons for colleagues on the ground, consolidated in nine “lessons learned” reports.

The report offered a number of lessons for future stabilisation and reconstruction operations, including the need to provide a “robust in-country team of auditors, inspectors, and investigators from the operation’s outset”. Such a team would detect or deter fraud, waste and abuse, improving mission efficiency and effectiveness. The absence of a strong team early in the Iraq operation had allowed too much fraud, waste and abuse to occur.

SIGIR convened the Iraq Inspectors General Council in March 2004, to enhance collaboration and co-operation among the inspectors general of the agencies that oversaw Iraq reconstruction funds.⁴⁴² The Council met quarterly to exchange details about current and planned audits, identify opportunities for collaboration and minimise redundancies. Council members included: CENTCOM Inspector General; Department of Defense Office of Inspector General; Department of State Office of Inspector General; Government Accountability Office; USAID Office of Inspector General; and the US Army Audit Agency.

Analyses of expenditure

Total direct cost (by financial year)

704. The direct cost of the UK’s intervention in Iraq was at least £9.2bn between the UK financial years 2002/03 and 2009/10. The table below provides a detailed breakdown by financial year.

705. That figure does not include expenditure by departments other than the MOD, the FCO, and DFID. Although other departments made important contributions to the UK effort, in particular in the post-conflict period, their expenditure was relatively small.

⁴⁴² Special Inspector General for Iraq Reconstruction, *Quarterly Report and Semiannual Report to the US Congress*, 30 July 2009.

Table 11: UK expenditure in Iraq, 2002/03 to 2009/10 (£m)

	2002/ 03	2003/ 04	2004/ 05	2005/ 06	2006/ 07	2007/ 08	2008/ 09	2009/ 10	Total
Military operations⁴⁴³									
NACMO (inc. UORs)	847	1,311	940	963	959	1,458	1,381	342	8,201
Humanitarian and development assistance⁴⁴⁴									
Humanitarian assistance	19	110	21	5	10	20	16	8	209
Development assistance		99	27	82	39	20	17	13	297
Imputed share of multilateral aid		11	11	6	14	9	14	8	73
Sub-total	19	220	59	93	63	49	47	29	579
Diplomatic representation and support for the CPA⁴⁴⁵									
Diplomatic representation		10	45	64	60	38	20	30	267
Support for the CPA ⁴⁴⁶		29							29
Sub-total	0	39	45	64	60	38	20	30	296
Interdepartmental Conflict Pools and peacekeeping⁴⁴⁷									
GCPP		5	16	15	20	16			72
Stabilisation Aid Fund							19		19
Conflict Pool								11	11
Peacekeeping			11	17	15	6	7	1	57
Sub-total		5	27	32	35	22	26	12	159
Total	866	1,575	1,041	1,147	1,114	1,567	1,474	413	9,235
Debt relief⁴⁴⁸									
Total inc. debt relief	866	1,575	1,378	1,484	1,114	1,567	1,754	413	10,189

⁴⁴³ Statement Macpherson, 15 January 2010; Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: Request for Further Information on Funding'; Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.

⁴⁴⁴ Letter Cabinet Office [junior official] to Aldred, 1 July 2011, 'Iraq Inquiry: Request for Further Information on Funding'.

⁴⁴⁵ Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry: Funding'.

⁴⁴⁶ The FCO received £29.2m from the Reserve in 2003/04 to provide security, hardened accommodation and life support to UK secondees to the Coalition Provisional Authority (CPA). DFID provided an additional £28m to support secondees to the CPA (that amount is included in the figures for development assistance).

⁴⁴⁷ Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry: Funding'.

⁴⁴⁸ Letter Cabinet Office [junior official] to Aldred, 13 September 2011, 'Iraq Inquiry: Request for Further Information on Funding'.

Cost of accommodation, security, medical services and life support

706. From 1 July 2004, responsibility for providing accommodation, security, medical services and life support (defined by the FCO as catering, laundry and cleaning) was provided by the FCO and charged to other departments and agencies under a Service Level Agreement (SLA).⁴⁴⁹ Charges were based on the number of personnel each department and agency had in Iraq. The table below shows expenditure under the SLA.⁴⁵⁰

Table 12: Cost of accommodation, security, medical services and life support (£000s)

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
British Council	1,107	547	472	458	426	299
DFID	24,083	20,680	10,368	5,538	5,580	3,013
FCO	27,102	31,734	30,186	21,671	22,605	17,857
MOD	6,128	9,799	6,716	7,080	5,542	4,628
UKBA						183
UKVisas	110	328	330	433	306	
GCPP	1,773	5,909	12,766			
Total	60,307	69,001	60,841	35,182	34,461	25,981

707. Of the £296m spent by the FCO on diplomatic representation in Iraq and support for UK secondees to the CPA, £192m (65 percent) was spent on security.⁴⁵¹ The table below shows FCO expenditure on security by financial year.

Table 13: FCO expenditure on security 2002/03 to 2008/09 (£m)

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	Total
Diplomatic representation/ support for the CPA	39	45	64	60	38	20	30	296
<i>(of which security)</i>	28	36	48	22	23	18	17	192

⁴⁴⁹ Paper DFID, 21 December 2011, 'A note on DFID Iraq programme admin spend for the Iraq Inquiry'.

⁴⁵⁰ Email FCO [junior official] to Iraq Inquiry [junior official], 23 May 2013, 'Iraq – breakdown of charges to depts. under Service Level Agreement'.

⁴⁵¹ Paper FCO, 11 November 2011, 'FCO Funding for Iraq 2002 – 2010'; Letter Cabinet Office [junior official] to Iraq Inquiry [junior official], 1 December 2011, 'Iraq Inquiry – Funding'.

708. The Inquiry asked Lord Jay, FCO Permanent Under Secretary from 2002 to 2006, how he and the FCO Board reached a view of the balance between the value of the activities and the cost of achieving them.⁴⁵² Lord Jay told the Inquiry:

“... there are always judgments that you have to make as to whether people are secure and how much you spend on that, but my judgment is that ... if we had felt on the [FCO] Board in London that we were not able to afford the security for people, then we shouldn't have people on the ground.”

709. Mr Jim Drummond, DFID Director Iraq, was briefed in advance of his appearance before the International Development Committee (IDC) on 16 November 2004 that DFID had, to date, spent approximately £16.9m on staff security in Iraq, including armed protection, armoured vehicles, hostile environment and emergency first aid training, and posting Security Managers in Iraq and the UK.⁴⁵³ That security spending had supported project spending of £32.1m; security spending therefore comprised approximately one-third of total project spending.

710. The briefing stated:

“Quantifying the costs and benefits associated with a reform programme is heavily subjective. So there is no specific point at which security costs make projects become unviable. However, given the very high costs of operating at present the programme is kept tightly focused on work that needs to be done now, and that has very high rates of return. For example, our economic work has been focused on assisting the Iraqi Government in agreeing an IMF programme, which is the first step in moving towards debt relief. Clearly with debts of US\$120bn the economic benefits of this work outweigh the costs.”

711. The NAO published its report ‘DFID: Operating in insecure environments’ in October 2008.⁴⁵⁴

712. The NAO reported that “in extreme circumstances”, security and administrative costs could outweigh “actual projects costs”. It offered as an example DFID’s Technical Advisory Team Programme in Iraq. Of the total £7m allocation, £1.9m had been spent on consultancy work and more than £5m on security and related expenses.

713. The NAO reported that DFID did not systematically collate or analyse the extra costs of running its business in insecure environments. Significant security costs in Iraq and other countries were categorised by DFID as programme, rather than administrative, expenditure, making them more difficult to identify. Security costs incurred by DFID’s implementing partners would also be categorised as programme expenditure.

⁴⁵² Public hearing, 30 June 2010, page 64.

⁴⁵³ Briefing DFID, [undated], ‘Preparations for IDC Evidence Session, 16 November 2004’.

⁴⁵⁴ National Audit Office, *Department for International Development: operating in insecure environments*, 16 October 2008.

714. The NAO recommended that “DFID needs better management information on its costs to inform its decisions and achieve value for money [in insecure environments]”.

715. The Inquiry asked Mr Hilary Benn, the International Development Secretary from 2003 to 2007, if the high security costs in Iraq had undermined DFID’s ability to deliver value for money, and whether the funds spent on Iraq could have been better used elsewhere.⁴⁵⁵ He told the Inquiry:

“No, because we had a particular responsibility ... [and] our duty to fulfil that responsibility. Because what we were trying to do ... was to assist Iraq to build something better for itself, and this was a very important objective. And it would have been wrong to say, ‘Well, we will get up and walk away’ ...”

716. Mr Benn also told the Inquiry that DFID funding for Iraq had been reallocated from other middle-income countries, rather than from low-income countries.

717. Section 15 considers the steps taken by the UK Government to provide security for civilian staff in Iraq.

⁴⁵⁵ Public hearing, 2 February 2010, page 46.

SECTION 13.2

CONCLUSIONS: RESOURCES

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Introduction and key findings

1. This Section addresses analysis and findings in relation to the evidence set out in Section 13.1, on the allocation of resources for military operations and civilian activities in Iraq.

2. This Section does not address how government departments used the resources available to them. Specifically:

- the provision of military equipment is considered in Sections 6.3 and 14;
- the UK's support for reconstruction is considered in Section 10; and
- the UK's support for Security Sector Reform is considered in Section 12.

Key findings

- The direct cost of the conflict in Iraq was at least £9.2bn (the equivalent of £11.83bn in 2016). In total, 89 percent of that was spent on military operations.
- The Government's decision to take part in military action against Iraq was not affected by consideration of the potential financial cost to the UK of the invasion or the post-conflict period.
- Ministers were not provided with estimates of military conflict and post-conflict costs, or with advice on their affordability, when decisions were taken on the scale of the UK's military contribution to a US-led invasion of Iraq, and on the UK's role in the post-conflict period. They should have been.
- There was no articulated need for additional financial resources for military operations in Iraq that was not met.
- The arrangements for funding military Urgent Operational Requirements (UORs) and other military costs worked as intended, and did not constrain the UK military's ability to conduct operations in Iraq.
- The controls imposed by the Treasury on the Ministry of Defence's (MOD's) budget in September 2003 did not constrain the UK military's ability to conduct operations in Iraq.
- The Government was slow to recognise that Iraq was an enduring operation, and to adapt its funding arrangements to support both military operations and civilian activities.
- The arrangements for securing funding for civilian activities could be slow and unpredictable. Some high-priority civilian activities were funded late or only in part.

Estimates of the cost of the UK's involvement in Iraq

3. It was the responsibility of departments in the first instance to:

- produce estimates of the costs of activities for which they were responsible;
- discuss those estimates with the Treasury; and
- make them available to Ministers and, if appropriate, Cabinet to inform their discussions.

4. The Treasury began considering the potential cost of UK involvement in Iraq in June 2002, and produced the first estimated figure for the cost of military action in Iraq (£2.5bn) in September 2002.
5. The MOD sent “some indicative breakdowns” of the cost of military action to the Treasury on 11 October¹ and “ball-park figures” for the cost of military action (up to £2bn) to Mr Blair on 15 October, to inform his decision on whether to offer a large scale land force to the US.²
6. Mr Geoff Hoon, the Defence Secretary, sent a detailed estimate of contingency planning costs (£1.65bn) to Mr Gordon Brown, the Chancellor of the Exchequer, in mid-December. A copy of the letter was sent to Mr Blair. That estimate covered the cost of preparing, deploying and retrieving a military force, but not of any war-fighting or post-conflict activities.
7. The MOD produced its first estimate of military post-conflict costs in February 2003, just one month before the invasion. It also increased its estimated figure for the cost of military action (to between £2.5bn and £3bn).
8. The Treasury produced detailed analyses of the implications of a conflict in Iraq for public expenditure in September and October 2002.
9. Treasury officials’ advice to Mr Brown on military cost estimates and the implications for public expenditure was timely and accurate. It repeatedly highlighted the risk that the UK would have to maintain a significant military force in Iraq in the medium term and challenged the MOD’s assertion that the UK could limit its financial liability for Iraq’s post-conflict security and reconstruction.
10. The MOD should have produced detailed estimates of military conflict and post-conflict costs sooner, in order to inform consideration of options for the UK’s engagement.
11. Both the Treasury (from September 2002) and the Department for International Development (DFID) (from January 2003) produced detailed and robust analyses of potential humanitarian assistance and reconstruction costs in Iraq. Both departments concluded that the costs could be substantial.
12. Treasury officials’ advice to Mr Brown highlighted the risk that the UK might have to make a significant contribution to Iraq’s reconstruction, as a key member of the Coalition and in particular in the absence of UN cover. The UK Government expected that UN cover would be necessary if other international partners were to provide significant contributions to the post-conflict effort.

¹ Minute Nye to Chancellor, 11 October 2002, ‘Iraq: Decisions Nearing’.

² Minute Hoon to Prime Minister, 15 October 2002, ‘Iraq: UK Military Options’ attaching Paper MOD, 14 October 2002, ‘Iraq: UK Contingency Planning’.

13. In February 2003, Treasury officials provided Mr Brown with the first comprehensive estimate of military and civilian costs for the conflict and post-conflict period. The cost of a military campaign was estimated at £3.4bn over three years, with a further £1bn in the first year after a conflict for post-conflict military operations. The cost of a UK contribution to humanitarian assistance and reconstruction was estimated at up to £0.75bn in the first year after a conflict (representing 10 percent of the cost of the total international effort). The Treasury indicated that costs for military operations beyond 2004/05 and for humanitarian assistance and reconstruction beyond 2003/04 were unknown.

14. Treasury officials advised Mr Brown that their estimate reflected the “biggest commitment” that the UK could make in the post-conflict period – taking military responsibility for a geographical area of Iraq.³ The costs of such a commitment would be substantial and could extend into the long term.

15. Given the uncertainties over the scale of the UK’s military presence in post-conflict Iraq, and the inevitable uncertainties over the scale of any post-conflict humanitarian crisis and reconstruction challenge, the Treasury’s February 2003 estimates were remarkably accurate.

16. Mr Paul Boateng, the Chief Secretary to the Treasury from 2002 to 2005, told the Inquiry that the Treasury’s analyses of the impact of war on the UK’s public finances were not conducted with the intention of “second-guessing” Ministers, but to enable the Treasury to contribute to planning and policy discussions.⁴

17. The Inquiry agrees that the Treasury’s analyses should have contributed to planning and policy discussions.

18. Mr Brown told the Inquiry that, in his discussions with Cabinet colleagues in the months leading up to the invasion, he made it clear that the Treasury would not “interfere” by suggesting that cost should be a factor in choosing one military option over another:

“That was not our job ... At every point, I made it clear that we would support whatever option the military decided upon with the Prime Minister and the Cabinet ...”⁵

The decision to take military action against Iraq

19. Section 6.5 addresses the Government’s failure to establish a unified planning process across the four principal departments involved – the Foreign and Commonwealth Office (FCO), the MOD, DFID and the Treasury – or between military and civilian planners, in the pre-conflict period.

³ Minute Treasury [junior official] to Chancellor, 19 February 2003, ‘Update on Iraq’ attaching Paper Treasury, 19 February 2003, ‘Iraq Conflict – Public Expenditure Impact’.

⁴ Public hearing, 14 July 2010, page 22.

⁵ Public hearing, 5 March 2010, pages 25-26.

20. In the absence of a Cabinet Minister with overall responsibility for Iraq, leadership on strategy rested with Mr Blair.

21. The version of the *Ministerial Code* that was current in 2003 stated that it was the responsibility of the initiating department to ensure that proposals involving expenditure or affecting general financial policy were discussed with the Treasury before being submitted to Cabinet or a Ministerial Committee. The result of the discussion together with an estimate of the cost should be included in the memorandum submitted to Cabinet or a Ministerial Committee.

Mr Brown's discussions with Ministers on the likely costs of the UK's involvement in Iraq

In the months before the invasion, Treasury officials produced a series of detailed analyses of the likely cost of intervention in Iraq, and the effect on public expenditure, for Mr Brown. In the context of that advice, Treasury officials urged Mr Brown to intervene in discussions on the scale of the UK's involvement in the military campaign and on the UK's role in a post-conflict Iraq.

Mr Brown had many meetings with Cabinet colleagues, including Mr Blair, in the run-up to the invasion. Those meetings were often one-to-one, and no record was taken. In the absence of those records, the Inquiry is unable to determine whether or in what way Mr Brown raised the issues highlighted by his officials.

22. The detailed estimates for military conflict and post-conflict costs produced by the MOD and the Treasury, and the analyses of the implications of a conflict in Iraq for public expenditure produced by the Treasury, were not sent to Mr Blair or to Ministers outside the originating departments.

23. Ms Clare Short, the International Development Secretary, wrote to Mr Blair on 5 February, 14 February and 5 March 2003, highlighting the potential cost of a UK contribution to an international humanitarian assistance and reconstruction effort, and the potential cost of pursuing an exemplary approach to the provision of humanitarian assistance in the UK's Area of Responsibility (AOR) in southern Iraq. She also raised the issue in Cabinet on 27 February.

24. On 14 March, in response to Mr Blair's request that Mr Brown should draw up a funding plan for Iraq, the Treasury provided a paper setting out the potential cost of a UK contribution to an international humanitarian assistance and reconstruction effort.

25. Detailed estimates of military costs and the analyses of the implications of a conflict for public expenditure should have been available to Ministers on three occasions which shaped the UK's involvement in Iraq:

- **In advance of Mr Blair's decision on 31 October 2002** that the UK should offer a large scale land force to the US for planning purposes.

Mr Blair had, over the previous month, expressed his concern to Mr Hoon over the additional costs associated with providing a large scale land force as part of a UK contribution to a US-led invasion of Iraq, and asked whether those costs had been discussed with the Treasury.

The MOD and the Treasury had, by the middle of October, developed broad estimates of the cost of providing a large scale land force. Mr Brown had also been provided with detailed analyses of the implications for public expenditure of a conflict in Iraq.

At the meeting where the decision to offer a large scale land force was taken, Admiral Sir Michael Boyce, Chief of the Defence Staff, stated his belief that providing a large military contribution to the campaign would mean that the UK would be under less pressure to make a large contribution to post-conflict reconstruction.

- **In February and March 2003**, when the Government considered whether to take on military responsibility for a geographical area of Iraq in the post-conflict period.

The MOD and the Treasury had, by February, developed detailed estimates of the potential cost of such a commitment (although there remained a number of unknown factors).

When the Government acceded in April to the US request that it assume leadership of a military AOR encompassing four provinces in southern Iraq, it did so without a robust analysis either of the strategic implications for the UK or of the military's capacity to support the UK's potential obligations in the region. A step of such magnitude should have been taken deliberately, having considered the wider strategic and resource implications and contingent liabilities.

In the event, the UK was responsible for security in its AOR for six years, initially as an Occupying Power and, from June 2004, in support of the Iraqi Government.

- **In advance of Cabinet's decision on 17 March 2003** to issue an ultimatum to Iraq and ask the House of Commons to endorse the use of military action against Iraq if necessary.

26. The extent to which cost should be a determining factor in reaching a policy decision is for Ministers to judge based on the circumstances of each particular case. But it is essential that those taking collective responsibility for a decision have the ability to make an informed judgement about the likely costs and risks.

27. Neither Cabinet nor any of the Ministerial meetings convened to discuss military options and the UK's role in a post-conflict Iraq were provided with detailed cost estimates for the various policy options for the UK's involvement in Iraq, and their implications for public expenditure.

- 28.** Those meetings were therefore unable to reach informed judgements on the financial risk associated with those options.
- 29.** The leading role played by No.10 in the decision to support US-led military action against Iraq may have contributed to that omission.
- 30.** In relation to decisions of such gravity as invading another sovereign country, it is particularly important that the Prime Minister ensures that the *Ministerial Code* is met.
- 31.** But Mr Brown, as Chancellor of the Exchequer, should have ensured that estimates of the likely overall cost of a UK intervention in Iraq, for military and civilian activities during the conflict and post-conflict period, and the wider implications for public expenditure were identified and available to Ministers and Cabinet.

Arrangements for funding military operations and civilian activities

- 32.** The Government used the existing – separate – arrangements for funding military operations and civilian activities to fund the UK’s involvement in Iraq.
- 33.** Military operations were funded through well-established procedures which enabled the MOD to incur costs and then reclaim them from the Reserve. Those claims were (in line with the agreed procedures) subject to a relatively light level of scrutiny by the Treasury.
- 34.** DFID and the FCO funded their activities in Iraq in the first instance by reprioritising within their existing departmental settlements and, if and when that proved insufficient, by bidding to the Treasury for additional funding from the Reserve. Those bids were closely scrutinised by the Treasury.
- 35.** The Treasury pressed DFID and the FCO hard to reprioritise within their existing departmental settlements to fund new activities in Iraq, before agreeing to provide additional funding from the Reserve. An FCO official, writing in 2005, described the Treasury as playing “hard ball” and setting departments against one another in order to see off potential and actual claims to the Reserve.⁶
- 36.** The MOD, DFID and the FCO also had access to a small, inter-departmental fund – initially the Global Conflict Prevention Pool (GCPP) – intended for conflict prevention activities. The GCPP had been established to encourage and support a more co-ordinated approach across Government.
- 37.** DFID had a larger departmental settlement than the FCO, including a large allocation for funding programmes. Programme allocations could be used flexibly in response to emerging priorities. DFID therefore had more scope than the FCO to find funding for new programmes in Iraq.

⁶ Minute Crompton to Sawers, 4 May 2005, ‘Iraq: Reflections’.

38. Sir Suma Chakrabarti, DFID Permanent Secretary from 2002 to 2007, told the Inquiry that DFID's funding for Iraq was found by reallocating funding from DFID programmes in other middle-income countries, rather than from programmes in low-income countries.⁷

39. Sir Mark Lyall-Grant, FCO Policy Director from 2007 to 2009, summarised the situation in his evidence to the Inquiry:

“... you have the MOD which can call on the Reserve for unforeseen military expenditure. You have DFID, who have a large amount of programme money ... and you have the Foreign Office that doesn't have any money.”⁸

40. The Treasury's priority throughout the period covered by the Inquiry was to avoid any suggestion that other departments should have access to the Reserve on the same basis as the MOD. In February 2007, a senior Treasury official advised Mr Stephen Timms, Chief Secretary to the Treasury from May 2006 to June 2007:

“Arguably this [the different arrangements for funding military operations and civilian activities] can lead to perverse outcomes ... if it incentivises decision-makers to prefer military responses to civilian ones. But it is a useful safety net for us and not to be given up without careful thought.”⁹

41. The arrangements for funding military operations (including Urgent Operational Requirements – UORs) worked as intended, and did not constrain the military's ability to conduct operations in Iraq.

42. All the MOD's claims on the Reserve in respect of UORs and other additional military costs were met.

43. There are no indications that Mr Brown, Mr Boateng or Treasury officials acted to delay or distort the provision of funding for UORs and other additional military costs.

44. There are no indications that DFID's activities in Iraq were constrained by a lack of resources. The constraints imposed by the disproportionate cost of providing security for civilian staff and contractors in Iraq are addressed in Section 15.

⁷ Public hearing, 22 January 2010, pages 38-40.

⁸ Public hearing, 20 January 2010, page 35.

⁹ Minute Quinault to Chief Secretary, 13 February 2007, 'DOP Meeting on Iraq and Afghanistan, 14 February'.

Funding for humanitarian assistance

Ms Short and Sir Suma Chakrabarti both told the Inquiry that DFID's ability to plan to deliver humanitarian assistance had been constrained by the Treasury's reluctance to provide additional funding from the Reserve.

By the end of January 2003, DFID officials had developed a detailed (but still draft) assessment of potential UK contributions for humanitarian relief and reconstruction in Iraq, under a number of scenarios.

Ms Short did not approach Mr Brown or the Treasury with a specific bid for additional resources until 21 March (although she was aware that Mr Brown was likely to support it). She did write to Mr Blair on 5 February, 14 February and 5 March, advising him of the cost of potential UK contributions for humanitarian relief and reconstruction (up to £440m a year), and seeking direction on the role of the UK in delivering the humanitarian response. She also raised the issue in Cabinet on 27 February.

Given the scale of UK resources that might have been required, it was reasonable to seek clear direction from Mr Blair on the UK's role in the humanitarian response. But that did not preclude an early bid to the Reserve. Indeed, a detailed bid may have focused the Government's attention on the need to define the UK's role more clearly.

By the end of March, DFID had earmarked £210m for humanitarian assistance in Iraq, comprising £90m from DFID's own resources and £120m that it had secured from the Reserve. In addition, the Treasury had agreed that the UK military could spend £30m on providing humanitarian assistance in the UK's Area of Operations.

The humanitarian crisis that had been feared did not materialise. By the beginning of May, DFID had reallocated the balance of the £210m allocated for humanitarian assistance that remained uncommitted – approximately £90m – to reconstruction.

45. Given its limited programme funds, the FCO found it particularly difficult to identify funding for new activities in Iraq. It was successful in making bids for funding from the Reserve to pay for security costs for personnel deployed to Iraq and diplomatic representation, but other bids were rejected in full or in part.

46. The FCO's difficulty in securing additional funding was due in part to the quality of its bids to the Reserve, and in part to the Treasury's perception that the FCO had not made sufficient effort to reprioritise from within its existing resources. The Inquiry has not assessed the accuracy of that perception.

47. In their efforts to secure funding, departments stretched the scope of the GCPP to accommodate activities as diverse as military equipment for the Iraqi Security Forces and the Basra Poetry Festival. But the Pool was small (only £7.5m for Iraq in 2003/04) and the process for securing funding was slow. Sir Mark Lyall-Grant told the Inquiry that decisions about how to spend relatively small sums of money had led to "huge disputes

between Government departments” which had consumed significant amounts of senior officials’ time.¹⁰

48. Departments found it particularly difficult to find funding for activities that emerged “in-year” or appeared to fall between the boundaries of departments’ responsibilities (such as activities to promote political outreach or support the Iraqi media). A number of civilian activities that Ministers had identified as a high priority – including, in 2003, support for the Iraq Media Network and, in 2006, the first Better Basra Action Plan – were funded late, and only in part.

49. Departments recognised in mid-2003 that the arrangements for funding civilian activities were not working well. In September, the Treasury rejected a proposal from departments for a new pool for funding non-military activity in Iraq, on the grounds that it might lead to an increase in claims to the Reserve.

50. The UK’s deployment into Helmand province, Afghanistan, in 2006 prompted departments, led by the FCO, to revisit the arrangements for funding civilian post-conflict activities. Initial proposals focused on enhancing or complementing the GCPP (on the assumption that the Treasury would not allow access to the Reserve for non-military activities).

51. At the same time, MOD claims on the Reserve for UORs increased significantly as security in Iraq deteriorated, expenditure on Afghanistan increased, and the Government provided new equipment for the Armed Forces.

52. The Treasury continued to agree the MOD’s claims against the Reserve, but by April 2007 had concluded that the UOR programme had become a straightforward supplement to the MOD’s Equipment Programme rather than a response to urgent and specific requirements in a theatre of operations.

53. In July 2007, the MOD and the Treasury agreed a new arrangement for funding UORs designed to shift the focus of the MOD’s Equipment Programme towards current operations. The new arrangement was expected to be cost neutral for the MOD.

54. There were also changes to the arrangements for funding non-military activities. In July, the Treasury announced the creation of a new Stabilisation Fund (later renamed the Stabilisation Aid Fund – SAF) to fund immediate civilian support to military operations (activities which had previously been funded from the GCPP). The GCPP was combined with the Africa Conflict Prevention Pool to form the Conflict Pool. New governance arrangements sought to link more closely expenditure from the SAF and the Conflict Pool with UK strategy.

55. The changes to the arrangements for funding UORs did not affect operations in Iraq, which were by this time generating fewer demands for UORs.

¹⁰ Public hearing, 20 January 2010, pages 36–37.

56. There are no indications that the new arrangements for funding civilian activities affected the civilian effort in Iraq, which was by that time reducing.

57. The Government continued to develop its arrangements for funding reconstruction and stabilisation operations.

58. The Inquiry has not evaluated in detail the effectiveness of the new arrangements that were introduced in 2007. They do exhibit some important and welcome features:

- a dedicated and substantial pool of resources for civilian activities in environments such as Iraq and Afghanistan; and
- a requirement that allocations should be based on an inter-departmental strategy.

59. The Government should have recognised earlier that Iraq was an enduring operation, and adapted its arrangements for funding the military operation and civilian activities accordingly in order to:

- ensure that the UOR programme retained its focus on addressing urgent and specific requirements in theatre; and
- address the difficulties in securing funding for civilian activities.

The imposition of Treasury controls on the MOD

In the light of the publicity surrounding the funding and management of the defence programme in 2003 and 2004, the Inquiry examined two related questions:

- whether the size of the MOD's core budget imposed constraints on operations in Iraq; and
- whether the imposition of controls on the MOD's management of its resources by the Treasury in September 2003 had an impact on operations in Iraq.

Several witnesses told the Inquiry that, in the MOD's view, the 1998 *Strategic Defence Review*, which signified a major shift towards expeditionary armed forces, had not been fully funded.

With respect to military operations in Iraq, there are no indications that there was an unmet, articulated need for additional financial resources. All the MOD's claims on the Reserve in respect of UORs and other additional military costs were met.

The Inquiry concludes in Section 14.2 that there were known military capability gaps in Iraq, and that the availability of funding was not a direct barrier to the identification and deployment of solutions to those gaps.

During September 2003, the MOD's additional cash requirement for 2003/04 rose from £490m to £1,152m. The MOD intended to meet that cash requirement by making a transfer from its non-cash budget. The Treasury took the view that that increase signalled a complete lack of budgetary control within the MOD, and on 26 September imposed controls on the MOD's management of its resources.

The size of the MOD's proposed transfer from its non-cash budget reflected a deliberate attempt by the MOD to exploit the opportunities offered by the Government's transition from cash accounting to Resource Accounting and Budgeting.

The increase in the size of the MOD's cash requirement during September reflected the inability of the MOD to produce reliable estimates of its cash requirement.

There are no indications that the controls imposed on the MOD by the Treasury in September 2003 constrained the military's ability to conduct operations in Iraq.

Resources and strategy

60. Section 9.8 describes the Government's repeated reassessments of its strategy for Iraq. Those strategies tended to focus on describing a desired end state, rather than how it would be reached.

61. None of those strategies considered the resources that the Government would need to commit to achieve those end states and (at a strategic level) how those resources should be allocated.

62. In the absence of a strong strategic framework, spending on military operations in Iraq was driven by a series of decisions on UK force levels and on the equipment that should be provided to the Armed Forces.

63. The Inquiry concludes in Section 9.8 that, from July 2005 onwards, decisions in relation to resources for Iraq were made under the influence of the demands of the UK effort in Afghanistan.

64. Allocations for civilian activities were driven by the FCO's and DFID's willingness and ability to reprioritise from within their departmental budgets and their ability to secure additional funding from the Reserve and the GCPP.

65. The direct cost to the UK Government of its intervention in Iraq between 2002/03 and 2009/10 was at least £9.2bn in cash terms (the equivalent of £11.83bn in 2016), comprising:

- £8.20bn (89 percent of the total direct cost) on military operations;
- £0.58bn (6 percent) on humanitarian and development assistance;
- £0.30bn (3 percent) on diplomatic representation; and
- £0.16bn (2 percent) from the inter-departmental pools.

66. There are no indications that the Government questioned the balance of funding between military operations and civilian activities, or considered what the most effective balance of effort might be to achieve the UK's strategic objectives.

67. Lord Boateng told the Inquiry that the imbalance in funding between military operations and civilian activities had arisen "partly as a result of the funding mechanism

deployed, in the sense that the Ministry of Defence had an access to the Reserve that was on a different scale from the others [DFID and the FCO]”.¹¹ He continued:

“... did anyone sit down and say, ‘Well, this is the sum of money that we have, this ought to be the balance?’ No, I don’t think they did. Should they have done? Maybe, but actually it is ... very difficult to do.”

Lessons

68. The direction in the *Ministerial Code* that the estimate of a cost of a proposal should be included in the memorandum submitted to Cabinet or a Ministerial Committee applies equally to military operations. When evaluating military options it is appropriate to consider financial risk alongside other forms of risk. While governments will rarely wish to preclude options solely on the basis of cost, they must also recognise that, over time, cost may become an issue and make it difficult to sustain a military operation over the longer term.

69. Section 9.8 addresses the difficulties that the Government faced in converting successive UK strategies into action, in part because those strategies tended to focus on describing the desired end state rather than how it would be reached. On none of the occasions when UK strategy was reconsidered was a robust, costed plan for implementation produced.

70. Strategies and plans must define the resources required to deliver objectives, identify the budget(s) that will provide those resources, and confirm that those resources are available.

71. In developing strategies and plans for civilian/military operations, a government should address the impact of the different mechanisms used to fund military operations and civilian activities and the extent to which those mechanisms provide perverse incentives for military action by making it easier to secure funding for agreed military operations than for civilian activities.

72. A government should also address its explicit and implicit financial policy that, while there should be no constraint on the provision of funding for military operations, it is reasonable that for the same civilian/military operation, departments should find funding for new civilian activities from within their existing budgets, which are likely to be fully allocated to existing departmental priorities.

73. A government is likely to embark on major civilian/military operations such as Iraq only rarely.

74. A government should recognise that, in such operations, the civilian components (including diplomatic activity, reconstruction and Security Sector Reform) will be critical for strategic success, may be very substantial, and must be properly resourced.

¹¹ Public hearing, 14 July 2010, page 41.

75. One arrangement would be to create a budget for the civilian components of the operation, under the direction of a senior Minister with lead responsibility and in support of a coherent UK strategy. Once allocations were made from that budget to individual departments, the allocations would be managed within departments' legal and policy constraints. Such an arrangement should:

- ensure that UK strategy was resourced;
- promote joint working;
- minimise the potential for gaming;
- be able to respond to in-year priorities; and
- reduce the amount of time that Ministers and senior officials need to spend arguing about funding individual activities.

76. The Inquiry recognises that, since 2003, significant changes have been made to the UK's strategic and operational approach to reconstruction and stabilisation, including to the arrangements for funding such operations.