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for

The Report of the Iraq Inquiry

Report of a Committee of Privy Counsellors

Volume VII

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Introduction and key findings

1. This Section addresses the framework for and conduct of UK combat operations, specifically:

- the role of the UK in the combat phase of the military campaign;
- transition to post-conflict operations in Iraq; and
- the establishment of the UK's post-conflict Area of Responsibility (AOR) in the South.

2. The Inquiry has not addressed the detailed operational and tactical conduct of the military campaign.

3. A number of issues which are relevant to this Section are addressed in other Sections of the Report, including:

- The UK's military planning for the invasion is addressed in Sections 6.1 and 6.2, including decisions about the forces to be committed, assessments of Iraq's conventional capabilities, the regime's intentions, the possible responses of the regime and the Iraqi people to a military invasion, and the legal framework for the conduct of operations.
- The UK's assessment of Iraq's chemical and biological weapons (CBW) and its ability to deploy them, including its ballistic missile capabilities, are addressed in Section 4.1.
- Lord Goldsmith's advice on the legal basis for military action is addressed in Section 5.
- The arrangements made to provide equipment to forces deploying for operations in Iraq, are addressed in Section 6.3.
- Planning for post-conflict operations, including the military presence and role, which was described as Phase IV of the campaign plan, is addressed in Sections 6.4 and 6.5.
- The UK Government's decision to take military action is described in Section 3.8.
- The MOD's handling of military personnel issues, including casualties, is considered in Sections 16.1 to 16.4.
- The search for weapons of mass destruction (WMD) in Iraq is addressed in Section 4.4.
- The evolution of the US/UK non-military relationship, political developments in Iraq and the adoption of resolution 1483 (2003) are addressed in Section 9.1.

Key findings

- It took less than a month to achieve the departure of Saddam Hussein and the fall of Baghdad.
- The decision to advance into Basra was made by military commanders on the ground.
- The UK was unprepared for the media response to the initial difficulties. It had also underestimated the need for sustained communication of key strategic messages to inform public opinion about the objectives and progress of the military campaign, including in Iraq.
- For any future military operations, arrangements to agree and disseminate key strategic messages need to be put in place, in both London and on the ground, before operations begin.
- The UK acceded to the post-invasion US request that it assume leadership of a military Area of Responsibility (AOR) encompassing four provinces in southern Iraq, a position it then held for six years, without a formal Ministerial decision and without carrying out a robust analysis of the strategic implications for the UK or the military's capacity to support the UK's potential obligations in the region.

The military Coalition

4. The combat phase of military operations is widely judged to have been a success. The Iraqi armed forces were defeated so rapidly by the Coalition that US forces were in Baghdad and Saddam Hussein's regime had fallen by 14 April 2003. On 1 May, just six weeks after launching the invasion, President Bush declared that major combat operations had ended.

5. Those who deployed on the operation and those who planned and supported it, military and civilian, deserve recognition for what they achieved.

6. Coalition Forces were led by General Tommy Franks, the Commander in Chief US Central Command (CENTCOM). The Coalition campaign was designated Operation Iraqi Freedom.

7. Gen Franks recorded in his memoir that, by the third week of March 2003, "total strength in all components – including our Gulf State Coalition allies in Kuwait" numbered 292,000 individuals, including ground forces of around 170,000.¹

8. At a press briefing on 18 March 2003, Mr Richard Boucher, the US State Department Spokesman, gave a "definitive list" of 30 countries² that had agreed to be part of the Coalition, each of which was "contributing in the ways that it deems

¹ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

² Afghanistan, Albania, Australia, Azerbaijan, Colombia, the Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Hungary, Iceland, Italy, Japan, Korea, Latvia, Lithuania, Macedonia, the Netherlands, Nicaragua, the Philippines, Poland, Romania, Slovakia, Spain, Turkey, the UK and Uzbekistan.

the most appropriate”.³ Mr Boucher said that “almost all” of the 30 were “associated somehow militarily with the action”. A further 15 countries, which he did not list, were “co-operating”, for example by offering “defensive assets in the event that Saddam resorts to the use of weapons of mass destruction”.

9. The MOD’s first account and analysis of the operation, published in July 2003, gave the total number of Coalition Forces as 467,000.⁴ The MOD also recorded that “some 20 countries offered or provided military forces or use of military bases” and “many others provided crucial assistance with intelligence, logistics and the deployment of combat units”.

10. According to Dr Condoleezza Rice, President Bush’s National Security Advisor in March 2003, a total of 33 countries provided troops in support of the military operation.⁵

11. President Bush put the number of countries providing “crucial support – from the use of naval and air bases, to help with intelligence and logistics” at more than 35.⁶

The UK contribution

12. UK military operations in Iraq between 2003 and 2009 were known by the codename Operation TELIC.

13. At the start of Op TELIC, the UK deployed a large scale ground force and medium scale air and maritime forces, totalling 46,150 personnel, to Iraq.⁷

UK forces already in the Gulf

As described in Section 1.1, after the 1991 Gulf Conflict a Royal Navy frigate or destroyer was permanently deployed in the Gulf as part of a US-led naval force to support the UN arms embargo and controls on the export of oil through the Gulf.

Section 1.1 also describes activity by the Royal Air Force (RAF) in support of the No-Fly Zones in the North and South of Iraq.

A minute describing a briefing provided to Mr Blair by the Permanent Joint Headquarters (PJHQ) on 15 January 2003, recorded that a total of 2,200 individuals were deployed in the Gulf at that time.⁸ UK forces included 18 combat aircraft, nine combat support aircraft, a number of nuclear-powered submarines, two destroyers/frigates, five Mine Counter Measure vessels, two survey vessels and one Auxiliary Oiler (for fuel).

³ Transcript, 18 March 2003, ‘State Department Noon Briefing, March 18, 2003’.

⁴ Ministry of Defence, *Operations in Iraq – First Reflections*, July 2003.

⁵ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

⁶ White House press release, 19 March 2003, ‘Operation Iraq Freedom: President Bush Addresses the Nation’.

⁷ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁸ Minute MA/CJO(Ops) to MA/CJO, 15 January 2003, ‘Briefing to Prime Minister’.

14. The MOD's account and analysis of the operation published in July 2003, said:

“Our maritime contribution to the Coalition was the first to be announced, on 7 January 2003, and built on the standing Royal Navy presence in the Gulf. Naval Task Group 2003, led by HMS ARK ROYAL, which was already due to sail that month as a routine deployment to the Gulf and Asia/Pacific regions, was expanded to a much larger force totalling some 9,000 personnel. It included submarines armed with Tomahawk cruise missiles and a significant amphibious capability with the helicopter carrier HMS OCEAN, Headquarters 3 Commando Brigade Royal Marines, 40 Commando and 42 Commando (some 4,000 personnel), and hospital facilities in RFA [Royal Fleet Auxiliary] ARGUS. This was the largest amphibious force deployed since 1982 [the Falklands campaign]. The Task Group would provide force protection, and conduct mine countermeasures operations as well as providing vital sea-based logistics in support of joint force operations on shore.”⁹

15. Between March and September 2003, a total of 38 vessels, including three submarines, and 50 helicopters were deployed by the Royal Navy.¹⁰

16. In relation to ground forces, the MOD stated:

“On 20 January, the Defence Secretary announced the deployment of a major ground force including Reservists, equipped with Challenger 2 tanks, Warrior armoured infantry fighting vehicles, AS90 self-propelled guns, and a range of helicopters. This force, which eventually totalled some 28,000, would be the largest land force deployment since the Gulf Conflict in 1991 ... At the beginning of operations, 16 Air Assault Brigade represented about half the Coalition's air assault capability, and 7 Armoured Brigade provided a significant proportion of its tank forces.”

17. On 6 March 2003, because of a delay in deployment of the US 4th Infantry Division, the MOD expected that 1st (UK) Armoured Division would provide nearly 30 percent of available Coalition tanks in the early stages of the ground campaign.¹¹

18. The army deployment included elements from 38 different units.¹²

19. Describing the deployment of the RAF, the MOD stated:

“The Royal Air Force already maintained a presence of some 25 aircraft and 1,000 personnel in the Gulf, flying sorties over Iraq to enforce the No-Fly Zones and to restrict the regeneration of Iraqi air and Integrated Air Defence capabilities. On 6 February the Defence Secretary announced that the RAF contribution would be increased to around 100 fixed wing aircraft manned and supported by a further

⁹ Ministry of Defence, *Operations in Iraq – First Reflections*, July 2003.

¹⁰ Ministry of Defence, *Operation in Iraq: Lessons for the Future*, December 2003.

¹¹ Letter Watkins to Manning, 6 March 2003, 'Iraq: Options for Employment of UK Land Forces'.

¹² Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

7,000 personnel ... In addition, the Joint Helicopter Command deployed more than 100 helicopters, including Puma and Chinook support helicopters.”¹³

20. Air Chief Marshal Sir Glenn Torpy, UK Air Contingent Commander in 2003, wrote:

“In all, the UK [RAF] contributed some 8,100 personnel, together with 113 fixed wing and 27 rotary wing aircraft to the operation; these assets were distributed across eight Deployed Operating Bases in seven countries.”¹⁴

21. ACM Torpy told the Inquiry that the air campaign had needed UK air-to-air refuelling capability, and that the US had specifically requested airborne early warning aircraft and air defence aircraft for the start of the campaign.¹⁵ It had also wanted air-launched precision guided weapons.

Command and control

22. Admiral Sir Michael Boyce, Chief of the Defence Staff, was in overall command of UK forces, but delegated Operational Command to Lieutenant General John Reith, Chief of Joint Operations (CJO).¹⁶ Adm Boyce’s Directive to Lt Gen Reith is addressed in Sections 6.2 and 6.5.

23. Lt Gen Reith, who remained in the UK, exercised command through PJHQ to Air Marshal Brian Burrridge, the UK National Contingent Commander (NCC).

24. AM Burrridge, who was collocated with CENTCOM in Qatar, provided the link within the US command structure for the national direction of UK forces, to ensure that they would only undertake specific missions approved by UK commanders.

Appointment of the UK National Contingent Commander

AM Burrridge told the Inquiry that he was designated as the UK National Contingent Commander (NCC) in October 2002.¹⁷

In December 2002, both AM Burrridge and Gen Franks deployed their headquarters to Qatar in preparation for Exercise Internal Look.¹⁸ AM Burrridge told the Inquiry that his headquarters consisted of “about 240 people”.

On 14 March 2003, Adm Boyce told Mr Hoon, that AM Burrridge’s role was “to provide a link for national political control of the employment of British Forces”.¹⁹

¹³ Ministry of Defence, *Operations in Iraq – First Reflections*, July 2003.

¹⁴ Statement, 14 June 2010, page 1.

¹⁵ Public hearing, 18 January 2011, pages 6-8.

¹⁶ Ministry of Defence, *Operation in Iraq: Lessons for the Future*, December 2003.

¹⁷ Public hearing, 8 December 2009, page 3.

¹⁸ Public hearing, 8 December 2009, page 9.

¹⁹ Minute CDS to SofS [MOD], 14 March 2003, ‘Op TELIC Command and Control’.

Adm Boyce wrote that, in Qatar:

“... the NCC co-ordinates the activities of UK forces in theatre to ensure they are positioned and resourced to carry out approved tasks. He will also identify any potential changes to the plan that may impact on UK forces, and seek approval for any changes from the JC [Joint Commander]. If the UK forces are at any stage asked to do anything that we would not wish them to, the NCC is empowered to intervene – this is known as playing the red card”.

Lt Gen Reith issued a Directive to AM BurrIDGE on 19 March which set out the relationship between the CJO and NCC.²⁰ That stated:

“I want a very clear understanding of the balance of responsibility between our two headquarters. You are responsible for the integration of national effort into the Coalition campaign. Your focus is to be forward and you are to act as my representative in the CF HQ [Coalition Forces Headquarters]. In this regard, I underscore the importance of ensuring a clear understanding of UK capabilities and intentions within the Coalition and of monitoring closely, and influencing, US planning as it develops. Within my intent and the powers delegated to you as the National Contingent Commander, you have the lead in the direction of UK forces in the execution of those tasks authorised by me. You are to keep me informed of the situation in the JOA [Joint Operational Area], especially on developments that may affect national political objectives or require changes to the ROE [Rules of Engagement] or tasking of UK forces. My focus will be the OPCOM [Operational Command] of the forces deployed and the definition of the national effort to be made available to the Coalition campaign. Proposals for change to the agreed tasks of the joint force will be authorised and resourced by me, informed by your understanding of Coalition intent and your early identification of possible branch plans. In this I shall be working closely with the MOD and the three single Services.”

25. Three UK “Contingent Commanders”, Land, Air and Maritime, operated under the national command of AM BurrIDGE and the tactical control of US Component Commanders “reflecting many years of NATO interaction and recent bilateral experience in the Gulf region”.²¹

26. Major General Robin Brims, the UK Land Contingent Commander, reported to Lieutenant General Jim Conway, Commander US 1st Marine Expeditionary Force (1 MEF), who in turn reported to Lieutenant General David McKiernan, Commander of the Coalition Forces Land Component Command (CFLCC).²² Maj Gen Brims was also the General Officer Commanding 1 (UK) Div during the invasion.

27. Air Vice Marshal Glenn Torpy, the UK Air Contingent Commander, reported to Lieutenant General Buzz Moseley, the US Air Component Commander.

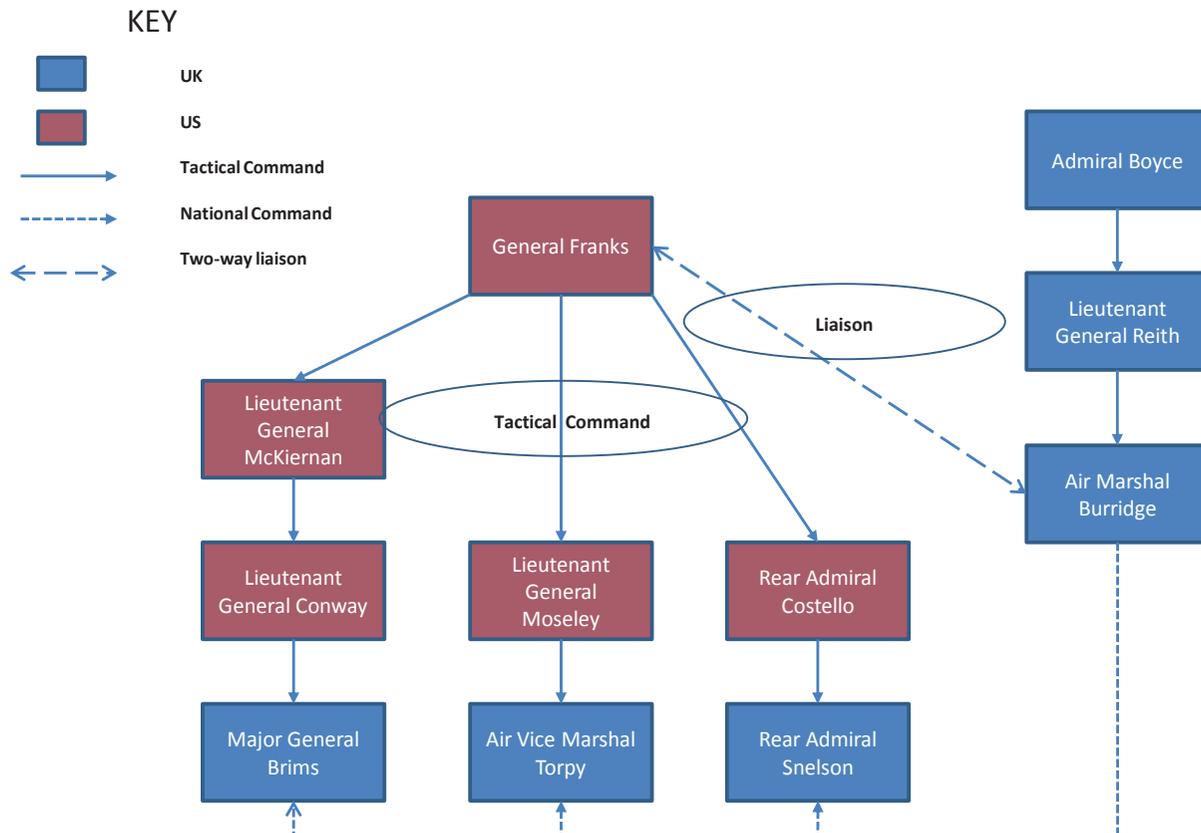
²⁰ Directive Reith to BurrIDGE, 19 March 2003, ‘Joint Commander’s Directive to the UK National Contingent Commander Operation TELIC’.

²¹ Ministry of Defence, *Operation in Iraq: Lessons for the Future*, December 2003.

²² Public hearing, 8 December 2009, page 27.

28. Rear Admiral David Snelson, the UK Naval Contingent Commander, reported directly to Rear Admiral Barry Costello, Coalition Maritime Component Commander.

Figure 1: Command and control arrangements



29. A description of the structures through which strategic direction of the campaign was conducted can be found in Section 2.

The US campaign plan

30. At the start of operations, the US campaign plan had four phases and envisaged that it would take up to 125 days to destroy Iraqi forces and remove Saddam Hussein's regime.

31. The plan was based on an assumption that the scale and speed of the invasion would undermine the will of the Iraqi armed forces to fight, and could lead to the collapse of the regime or its removal.

32. The US plan for the invasion of Iraq, Operation Iraqi Freedom (OPLAN 1003 V), is described in Gen Franks' memoir *American Soldier*.²³ Gen Franks wrote:

"It was a complex plan. Our ground offensive would proceed along two main avenues of advance from the south, each route having several axes. Army forces,

²³ Franks T & McConnell M. *American Soldier*, HarperCollins, 2004.

led by the 3rd Infantry Division, would attack up lines of march west of the Euphrates River in a long arc that curved from lines of departure in Kuwait to reach Baghdad. The 1st Marine Expeditionary Force – divided into reinforced Regimental combat teams – would follow the road network along the Tigris River, farther east. The Army and Marines would link up to destroy any surviving Republican Guard units south of the capital. The 4th Infantry Division would advance south from staging areas in Turkey, provided we could persuade the Turks to lend us their territory for a few months. A division-plus-size British ground force would pivot northeast out of Kuwait and isolate Basra, forming a protective cordon around the southern oil fields. And US, Brit and Australian Special Operations Forces would control Iraq's western desert, preventing the regime freedom of action to launch long-range missiles toward Jordan and Israel."

33. The plan had four "Phases", described by Gen Franks as:

- Phase I – Preparation;
- Phase II – Shape the Battlespace;
- Phase III – Decisive Operations; and
- Phase IV – Post-Hostility Operations.

34. Phase I included establishing an "air bridge" to transport forces into the region, and securing "regional and international support for operations". During Phase II, separate air operations would begin, intended to "shape the battlespace" before the start of ground operations.

35. Gen Franks wrote that during Phase II the US would "launch air and Special Operations Forces into Iraq ... to destroy key target sets and set conditions for deploying heavy units".

36. Special Operations forces would deploy to destroy Iraqi observation posts along the western border and seize control of potential missile-launching sites – "Scud baskets" – and airstrips in Iraq's western desert.

37. Phase II of the plan also included dropping thousands of leaflets in the southern No-Fly Zone warning Iraqi troops against the use of WMD and intended to prevent sabotage of the oilfields.

38. During Phase II, targets would not include Iraq's electrical power grid, power plants, transformer stations, pylons and electricity lines, so as to preserve the national infrastructure and protect electricity supplies for hospitals.

Information operations

Information operations were an integral part of the military plan. They were to be “employed to create doubt and disaffection against the regime, aggressively undermining its legitimacy”.²⁴

In its first account and analysis of the operation, published in July 2003, the MOD described the information campaign as:

“... designed to influence the will of the Iraqi regime and the attitudes of ordinary Iraqi people in support of overall campaign objectives. It also articulated the [UK] Government’s strategy to our allies and partners, and others in the region and elsewhere who were either non-aligned or opposed to Coalition policy on Iraq. This multi-level approach, in conjunction with the US and other allies, required an integrated, agile campaign based on open reporting and transparency. Most effort was devoted to opinion forming media, including terrestrial television, the press, satellite and cable bearers, Internet and interactive media and ultimately bulk leaflet drops over Iraq itself.”²⁵

In a subsequent report on lessons from the conflict, the MOD stated that media infrastructure within Iraq was only targeted if there was “sufficient evidence that it was being used by the Iraqi regime for command and control purposes”.²⁶

One element of the information operations campaign was intended to “seek to persuade Iraqi military units not to fight”.²⁷

Adm Boyce told the Inquiry that:

“... part of the battle plan was that we got messages ... to Iraqi formations that if they did certain things and looked [in] the other direction, we would walk past them, because ... we saw – the importance of actually maintaining the Iraqi Army as being the infrastructure to maintain sensible good order once the country had been defeated and indeed also keeping professionals, such as people who subsequently we have not been able to use who were Ba’athists, given the fact that everybody had to be a Ba’athist to be a professional; you had to be a card-carrying member. And also not trashing the joint, if I can use that expression.”²⁸

Mr Geoff Hoon, Defence Secretary from 1999 to 2005, told the Inquiry that:

“... planning for what was described by the Americans as effects-based warfare was very successful ... quite quickly, large numbers of Iraqi soldiers ... simply went home.”²⁹

39. In Phase III of the plan, Gen Franks’ objective was to reach Baghdad as soon as possible, bypassing Iraqi forces if necessary, to secure the acquiescence of the

²⁴ Letter Watkins to Manning, 11 March 2003, ‘Iraq: The Military Plan’.

²⁵ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

²⁶ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

²⁷ Minute Reith to COSSEC, 11 March 2003, ‘Phase 4A – A UK Response’.

²⁸ Public hearing, 3 December 2009, page 99.

²⁹ Public hearing, 19 January 2010, page 111.

Iraqi population and the early collapse of Saddam Hussein's regime.³⁰ Gen Franks did not want to give Saddam Hussein the opportunity to muster an effective defence, especially the use of WMD, or to create major environmental damage as he had in the 1991 Gulf Conflict.

40. Major General Graham Binns, who commanded 7 Armoured Brigade, told the Inquiry:

“General Franks’ view was that he wouldn’t enter any urban areas until he had to and that he was prepared to block and bypass and isolate until he got to Baghdad.”³¹

41. UK concerns about the Iraqi regime's plans to defend Baghdad, and the implications of having to fight through urban areas for control, are set out in Section 6.2.

42. After “wargaming” the invasion plan, Gen Franks concluded that several phases could be combined into a single simultaneous effort:

“... *five days* to position the final airbridge after the President made a decision to launch the operation, *eleven days* to flow the final pieces of the ‘start force’, *sixteen days* of combined air and special operations attacks against key targets, and a total of *125 days* to complete the destruction of Iraqi forces and the removal of the regime.”³²

43. In the event, Gen Franks adjusted the timing further as a result of intelligence which suggested that preparations were being made to destroy the Rumaylah oilfields, so that ground forces would enter Iraq after just 24 hours of air operations.

The UK's planned role in offensive operations

44. The military plan was approved on 14 March, including roles for 7 Armoured Brigade and 16 Air Assault Brigade at an early stage of the operation.

45. When Mr Blair agreed to the deployment of a large scale ground force on 17 January 2003 (see Section 6.2), it was envisaged that:

- 3 Commando Brigade and maritime and air forces would all have combat roles in the initial stages of an invasion;
- “approximately 10 days later”, the Divisional Headquarters and 16 Air Assault Brigade would “relieve US forces in an area south of Basra and the Euphrates, including the Rumaylah oilfields”; and
- 7 Armoured Brigade “could protect the right flank of the US 1st Marine Expeditionary Force as it advanced north”. That would “include securing Basra International Airport and isolating (but not entering) Basra itself”.³³

³⁰ Franks T & McConnell M. *American Soldier*, HarperCollins, 2004.

³¹ Private hearing, 2 June 2010, page 8.

³² Franks T & McConnell M. *American Soldier*, HarperCollins, 2004.

³³ Letter Hoon to Blair, 16 January 2003, ‘Iraq: UK Land Contribution’.

- 46.** The roles which UK forces would play during combat operations were set out in a letter from Mr Peter Watkins, Mr Hoon's Principal Private Secretary, to Sir David Manning, Mr Blair's Foreign Policy Adviser, on 11 March.³⁴
- 47.** The UK role within the US plan was described as "crucial in all three operating environments". The role of UK Special Forces is described in a Box later in this Section.
- 48.** Mr Watkins wrote that the plan required 3 Commando Brigade to seize the oil infrastructure on the al-Faw Peninsula in the early hours of the operation, by means of a combination of amphibious and helicopter assault. The US 15th Marine Expeditionary Unit (15 MEU) was placed under the command of HQ 3 Commando Brigade for the operation to capture the port of Umm Qasr.
- 49.** The Royal Navy was to deliver the amphibious forces and to ensure the safe transit of personnel and equipment by sea. Mine Counter Measure (MCM) vessels were to clear the approaches to Umm Qasr.
- 50.** UK submarines were tasked with delivering Tomahawk Land Attack Missiles (TLAMs) for initial air strikes.
- 51.** Royal Navy ships, embarked helicopters and RAF maritime patrol aircraft were to maintain a "maritime blockade" of the Iraqi coast and provide force protection against Iraqi and terrorist threats. MCM vessels were to clear mines from Iraqi ports and waterways.
- 52.** The RAF was to deliver offensive air strikes and provide close air support to Coalition, not just UK, forces.
- 53.** The plan also called for the RAF to provide air defence, air-to-air refuelling and ISTAR (Intelligence, Surveillance, Target Acquisition and Reconnaissance) capabilities, maritime patrol aircraft and transport and logistics support.
- 54.** The MOD's account and analysis of the operation published in July 2003 described the main tasks of the air campaign as:
- to neutralise the Iraqi air force and Integrated Air Defence system;
 - to conduct strategic attacks against regime targets;
 - to provide air support to Coalition land forces;
 - to deter and counter the threat from theatre ballistic missiles, especially in the west of Iraq; and
 - to destroy the Republican Guard divisions.³⁵
- 55.** Mr Watkins wrote that, following the initial operations, 1 (UK) Div, operating under the command of the US 1 MEF, was to follow US forces into Iraq to secure the South,

³⁴ Minute Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.

³⁵ Ministry of Defence, *Operations in Iraq: First Reflections*, July 2003.

including the port/city of Umm Qasr, the Rumaylah oilfields, the al-Faw Peninsula, and the area around Basra.³⁶ That was to permit 1 MEF to continue its advance north as soon as possible.

56. 1 (UK) Div's role was to isolate Basra and, if required, defeat Iraqi forces in the vicinity. The plan did not, however, explicitly require UK forces to enter Basra. If the environment was sufficiently permissive, UK forces would plan to enter Basra City to restore or maintain stability.

57. In his letter of 11 March, Mr Watkins informed Sir David that Lt Gen McKiernan had "developed a plan that would expand the UK Area of Operations (UK AO) by up to 150km up to and beyond al-Amara (but short of al-Kut)". Mr Hoon judged that Lt Gen Reith:

"... should be authorised to expand the Phase III Area of Operations northwards if that is required to achieve a satisfactory outcome to Phase III. The focus for UK in Phase IV should, however, remain the South-Eastern Area of Operations as currently understood."

58. The UK AO as understood at that time included most of Basra province and small parts of Muthanna and Dhi Qar.

59. Mr Watkins also identified other scenarios in which the UK land component could provide additional combat power given "delays in the deployment of some US forces". Those included inserting a light force into central Iraq and armoured options in support of the US "Main Effort" if the UK "could tip the balance", although that would "require US logistic and medical support" and a "benign" situation in the UK AO.

60. Mr Watkins advised that "to reinforce key gaps in US capability and facilitate a rapid US advance" from the South, the UK could provide:

- a chemical and biological warfare detection and decontamination capability;
- specialist engineers; and
- specialist bridging capabilities, in case Iraqi forces destroyed the bridge over the Euphrates at Nasiriyah.

61. Mr Hoon's view was that the UK should:

- confirm the availability of those specialist capabilities;
- be "forward leaning" on extending the AO northwards, "provided that UK commanders judge this sensible in circumstances at the time"; and
- be prepared to "continue exploring options for reinforcing US forces at decisive points ... but without commitment at this stage".

³⁶ Minute Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.

62. Following meetings held by Mr Blair on 11 and 13 March (see Section 6.2), the plan was formally approved on 14 March.³⁷

63. Lt Gen Brims told the Inquiry:

“... our principal task was to protect the flank of the US forces as they advanced ... towards Baghdad.

“... as well as the flank protection, we also had to seize and protect the oil infrastructure, and stopping the oil infrastructure being wilfully damaged, was a key concern ... [W]e would have to be in the al-Faw [Peninsula] because that’s actually the critical bit ... and we had to capture the port of Umm Qasr.”³⁸

64. Gen Reith described 1 (UK) Div’s role to the Inquiry as “a ‘second echelon force’ to basically deal with anything that the main effort and the [US] Marines bypassed to get to Baghdad”.³⁹

The invasion

The decision to take military action

65. On 17 March, Cabinet endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action, if necessary, against Iraq.

66. The events after the Security Council discussion on 7 March which led to the decision to take military action against Iraq are described in detail in Section 3.8.

67. A special meeting of Cabinet was held on 17 March, which endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action, if necessary, against Iraq.⁴⁰

68. Lord Goldsmith’s advice on the legal basis for military action is addressed in Section 5.

69. President Bush issued the ultimatum giving Saddam Hussein 48 hours to leave Iraq at 8pm (Eastern Standard Time) on 17 March.⁴¹

70. The House of Commons approved a Government motion seeking support for the decision that the UK “should use all necessary means to ensure the disarmament of Iraq’s weapons of mass destruction” on 18 March.⁴²

³⁷ Letter Manning to Watkins, 14 March 2003, ‘Iraq: The Military Plan’.

³⁸ Public hearing, 8 December 2009, pages 30-31.

³⁹ Private hearing, 15 January 2010, page 28.

⁴⁰ Cabinet Conclusions, 17 March 2003.

⁴¹ The White House, 17 March 2003, ‘President says Saddam Hussein must leave within 48 hours’.

⁴² House of Commons, *Official Report*, 18 March 2003, columns 760-911.

71. Sir David Manning wrote to Dr Rice formally agreeing to US use of UK bases for operations against Iraq.⁴³

The Chief of the Defence Staff's Directive

72. Adm Boyce issued an Execute Directive to Lt Gen Reith authorising final preparations for military operations on 18 March.

73. On 18 March, Mr Watkins wrote to Sir David Manning, stating:

“Following the vote in Parliament this evening, the Defence Secretary will need to authorise the start of final preparations to launch military action. The first step will be the issue of the Chief of Defence Staff's Directive to the Commander Joint Operations. This Directive sets out the general ‘governance’ arrangements for Operation TELIC, the codename given to the involvement of UK Armed Forces in the military campaign to remove the threat from Iraq's weapons of mass destruction. Its issue has the immediate effect of reducing to four hours the notice to move of lead elements of the UK force (eg the Royal Marine Commandos) and authorising other pre-positioning activities. CDS intends to issue the Directive at 2300 tonight, together with an implementation signal; the latter will allow action to begin not before 1800 tomorrow.”⁴⁴

74. Adm Boyce duly issued an Execute Directive to Lt Gen Reith on 18 March to implement Op TELIC “as agreed, promulgated and ordered in Coalition plans”.⁴⁵

75. The Directive reflected the UK's strategic objectives for Iraq announced by Mr Jack Straw, the Foreign Secretary, on 7 January (see Section 3.6).⁴⁶

76. Adm Boyce described the Government's “Political Goal” as:

“To rid Iraq of its weapons of mass destruction (and their associated programmes and means of delivery, including prohibited ballistic missiles).”⁴⁷

77. The “Strategic End State” for Iraq was defined by Adm Boyce as:

“As rapidly as possible for Iraq to become a stable, united, and law abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective government for all its people.”

⁴³ Letter Manning to Rice, 18 March 2003, [untitled].

⁴⁴ Letter Watkins to Manning, 18 March 2003, ‘Iraq: Military Operations’.

⁴⁵ Minute CDS to CJO, 18 March 2003, ‘Op TELIC: Authorisation for Military Operations in Iraq’.

⁴⁶ House of Commons, *Official Report*, 7 January 2003, columns 4-5WS.

⁴⁷ Minute CDS to CJO, 18 March 2003, ‘Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)’.

78. Adm Boyce defined the “Strategic Military Objective” as:

“To support the Coalition effort, within allocated resources, to create the conditions in which Iraq is disarmed in accordance with its obligations under UNSCRs [UN Security Council Resolutions].”

79. Adm Boyce directed Lt Gen Reith to “assume the UK Phase IV AO will be centred on Basra”.⁴⁸ In line with the military plan approved by Mr Blair on 14 March, the Directive stated that, to “assist the Coalition in a timely and successful Phase III and to help in shaping Phase IV conditions in the UK AO”, Lt Gen Reith should exploit no further north than an east – west line running 90km south of al-Kut, ending at a point 50km north-east of al-Amara.

80. Adm Boyce’s order to Lt Gen Reith stated:

- “My Directive provides initial planning guidance on post-conflict operations (Phase IV)”; and
- “further planning guidance for Phase IV will be issued separately”.

81. The language on military tasks for the post-conflict period was unchanged from the version of the Directive dated 4 March (see Section 6.5). Tasks included:

“h. 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.

...

k. Deter opportunistic inter-ethnic and inter-communal conflict.

l. Within available resources, be prepared to support humanitarian efforts to mitigate the consequences of conflict.

m. As quickly as possible, establish a safe and secure environment within which humanitarian aid agencies are able to operate.

...

p. If directed, be prepared to contribute to the reform of Iraq’s security forces.”

82. The Directive retained the reference from the 4 March draft to Adm Boyce’s “current intent ... that the UK should aim to draw down its deployed force to medium scale within four months of commencing offensive operations.”

⁴⁸ Minute CDS to CJO, 18 March 2003, ‘Op TELIC: Authorisation for Military Operations in Iraq’ attaching Paper ‘Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)’.

83. The 18 March Directive remained in force until superseded by version three on 30 July.⁴⁹

Offensive operations begin

84. The US took the decision to accelerate offensive operations late on 19 March.

85. The ultimatum calling for Saddam Hussein to leave Iraq issued by President Bush on 17 March expired at 0100 GMT on 20 March.

86. In her memoir, Dr Rice wrote that covert operations with “British, Polish, Australian and US Special Forces” were due to begin on the night of 19/20 March.⁵⁰

87. The main ground attack was scheduled to begin at 2130 on 20 March.⁵¹ The air campaign to suppress enemy defences and attack strategic targets was to be launched at 2100 on 21 March.

88. At the first Ad Hoc Meeting on Iraq on 19 March, Mr John Scarlett, Chairman of the Joint Intelligence Committee (JIC), provided an update on the intelligence picture “highlighting Iraqi military deployments and the poor morale of Iraqi forces”.⁵²

89. Adm Boyce stated that the “British forces were balanced and ready for action”; and that the “US military were well advanced in their preparations for immediate humanitarian relief”.

90. The minutes of the Chiefs of Staff meeting on 19 March reported that military planners were looking at accelerating the plan “in anticipation of an early collapse of the Iraqi 51st Division in the South”.⁵³

91. A joint minute from Mr Straw and Mr Hoon to Mr Blair, about the UK military contribution to a post-conflict Iraq, is addressed in Section 6.5.⁵⁴

92. President Bush wrote in his memoir that he convened “the entire National Security Council” on the morning of 19 March where he “gave the order to launch Operation Iraqi Freedom”.⁵⁵

93. Mr Blair made a televised “address to the nation” that evening, setting out why UK forces were taking part in military action in Iraq.⁵⁶ The details are set out in Section 3.8.

⁴⁹ Minute CDS to CJO, 30 July 2003, ‘Chief of the Defence Staff Executive Directive to the Joint Commander Operation TELIC Edition 3’.

⁵⁰ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

⁵¹ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

⁵² Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.

⁵³ Minutes, 19 March 2003, Chiefs of Staff meeting.

⁵⁴ Minute Straw and Hoon to Blair, 19 March 2003, ‘Iraq: Military Contribution to post-conflict Iraq’.

⁵⁵ Bush GW. *Decision Points*. Virgin Books, 2010.

⁵⁶ The National Archives, 19 March 2003, *Prime Minister’s Address to the Nation*.

94. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US airstrikes would be launched at 0300 GMT on 20 March.⁵⁷

95. From 0230 GMT, targets in and around Baghdad were attacked by US aircraft and TLAMs.⁵⁸ The Iraqi response to the attacks included firing five surface-to-surface missiles at Kuwait.

96. General Richard Myers, Chairman of the US Joint Chiefs of Staff, stated that:

“... we took advantage of a leadership target of opportunity in Baghdad. Specifically we struck at one of the residences in south-eastern Baghdad, where we thought the [Iraqi] leadership was congregated.”⁵⁹

97. Gen Franks described the intention of the attacks as “a true decapitation strike”; “Killing Saddam Hussein and his two sons would cripple the regime.”⁶⁰

98. Gen Franks recorded in his memoir that by 0900 (local time) on 20 March, Special Operations forces in the western desert controlled 25 percent of Iraq. Special Operations forces in the North had “linked up with Kurdish Peshmerga guerrillas and were deployed along the Green Line separating the Kurdish Autonomous Zone (KAZ) from the rest of Iraq – helping fix the enemy divisions in the north”.

The launch of the main offensive

99. The main invasion of Iraq began early on 20 March.

100. Early on the morning of 20 March, US forces (15 MEU) crossed into Iraq and seized the port area of Umm Qasr before heading north, encountering stiff resistance but achieving all their critical objectives ahead of time.⁶¹

101. Adm Boyce informed the Ad Hoc Meeting on Iraq on 20 March that, “with reports of the disintegration of Iraqi units in the South, the Coalition was ready for the possible need to intervene on the ground earlier than planned to stabilise the situation”.⁶²

102. Cabinet was informed of military developments on 20 March and told that the military intention was to disable the command and control machinery as soon as possible as it controlled the use of CBW.⁶³ The main operation would start very shortly. The air attack would look overwhelming in its scale and intensity, but it was aimed

⁵⁷ Letter Manning to McDonald, 20 March 2003, ‘Iraq’.

⁵⁸ Letter Watkins to Manning, 20 March 2003, ‘Iraq: Military Action’.

⁵⁹ GlobalSecurity.org, 21 March 2003, *DoD News Briefing – Secretary Rumsfeld and General Myers*.

⁶⁰ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

⁶¹ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁶² Minutes, 20 March 2003, Ad Hoc Meeting on Iraq.

⁶³ Cabinet Conclusions, 20 March 2003.

precisely at regime and military targets. Precision weapons would be used to minimise civilian damage and casualties.

103. Mr Blair concluded that Saddam Hussein's strategy would be to try to draw the Coalition into the cities to maximise civilian casualties and generate a "clamour" for military action to cease. "In extremis", Saddam Hussein would probably use chemical and biological weapons, some of which it was believed were deployed with Iraqi forces.

104. In their conversation at 1600 on 20 March, Mr Blair and President Bush discussed the previous night's events, the possibility of "catastrophic success" in the event of a sudden "melt-down" of Saddam Hussein's regime, followed by reprisals by locals against the Ba'ath Party.⁶⁴ They also discussed their planned meeting at Camp David.

105. In a statement to the House of Commons that afternoon, Mr Hoon said:

"President Bush announced at 3.15 this morning on behalf of the Coalition that operations had begun with attacks on selected targets of military importance. Those attacks were carried out by Coalition aircraft and cruise missiles on more than one target in the vicinity of Baghdad, following information relating to the whereabouts of very senior members of the Iraqi leadership. Those leaders are at the very heart of Iraq's command and control system, responsible for directing Iraq's weapons of mass destruction ...

"In addition to those attacks, Coalition Forces yesterday carried out certain preliminary operations against Iraqi artillery, surface-to-surface missiles, and air defence systems ... Those were prudent preparatory steps ... designed to reduce the threat to Coalition Forces in Kuwait ...

"British forces are already engaged in certain military operations, although the House will understand why I cannot give further details at this stage."⁶⁵

106. Mr Hoon warned that the Government would not provide a "running commentary" on events during military operations, but oral statements would be made "as and when necessary" and summaries would be placed in the Library of the House of Commons and the Vote Office "as warranted by the day's events".

107. In his statement, Mr Hoon said that he would place a copy of the Government's military campaign objectives in the Library of the House of Commons later that day.

108. The document, which had been approved by Lord Goldsmith, the Attorney General (see Section 6.2), said that the UK's overall objective for the military campaign was:

"... to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term."⁶⁶

⁶⁴ Letter Cannon to McDonald, 20 March 2003, 'Iraq: Prime Minister's conversation with Bush'.

⁶⁵ House of Commons, *Official Report*, 20 March 2003, columns 1087-1088.

⁶⁶ Paper, 18 March 2003, 'Iraq: Military Campaign Objectives'.

109. In aiming to achieve the objective as swiftly as possible, the document stated that “every effort will be made to minimise civilian casualties and damage to essential economic infrastructure, and to minimise and address adverse humanitarian consequences”.

110. The main tasks of the Coalition were identified as:

- overcoming the resistance of Iraqi Security Forces;
- denying the Iraqi regime the use of WMD now and in the future;
- removing the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council’s demands;
- identifying and securing the sites where WMD and their means of delivery were located;
- securing essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraq; and
- deterring wider conflict both inside Iraq and in the region.

111. The campaign objectives also included “immediate military priorities” in the wake of hostilities. Those were to:

- provide for the security of friendly forces;
- contribute to the creation of a secure environment so that normal life could be restored;
- work in support of humanitarian organisations to mitigate the consequences of the conflict, or provide relief directly where needed;
- work with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) to rid Iraq of its WMD;
- facilitate remedial action where environmental damage had occurred;
- enable “the reconstruction and re-commissioning of essential infrastructure for the political and economic development of Iraq, and the immediate benefit of the Iraqi people”; and
- lay plans for reforming the Iraqi Security Forces.

112. The document said that “British military forces will withdraw as soon as practicable”, and concluded by re-stating the end state for Iraq set out by Mr Straw in his statement of 7 February.

113. Royal Marines from 3 Commando Brigade landed on the al-Faw Peninsula early on 21 March.

114. On 20 March, the deployment of UK 3 Commando Brigade was brought forward from the evening of 21 March to 1900 on 20 March.⁶⁷

115. Royal Marines of 40 and 42 Commando launched assaults on the al-Faw Peninsula during the night of 20/21 March.⁶⁸

116. Marines from 40 Commando were reported to be ashore on the al-Faw Peninsula on the morning of 21 March.⁶⁹

117. The landings by the Royal Marines did not go entirely as planned.

118. The risk that the beaches would be mined was not explicitly identified and addressed, and does not seem to have been drawn to the attention of Mr Hoon.

119. As Chief of the Defence Staff, that was Adm Boyce's responsibility.

120. The crash of a US helicopter carrying US and UK personnel in Kuwait resulted in a temporary suspension of US Sea Knight flights, as weather conditions worsened, delaying the deployment from 42 Commando by around six hours.⁷⁰ The crash killed four US aircrew and eight UK personnel.⁷¹

121. The MOD's *Lessons for the Future* report stated that, despite efforts "against the clock" to clear a beach for landing the light armour, the risk was deemed to be too high when the scale of mining became apparent. The vehicles had to be landed back in Kuwait and eventually reached their positions "some 24 hours later".⁷²

122. Lieutenant General Sir James Dutton, who commanded 3 Commando Brigade from July 2002, told the Inquiry that the landings had not entirely gone to plan.⁷³ A decision had been made to abort the planned US hovercraft landing of the brigade's light, tracked armoured vehicles because the risk was considered to be too great. The helicopter crash had delayed the arrival of 42 Commando by "about 10 to 12 hours".

123. The overnight report for 20/21 March prepared by staff in COBR for No.10 recorded: "Overall, Coalition Forces have met slightly more resistance than anticipated, and there is no evidence yet of widespread Iraqi capitulation."⁷⁴

124. Gen Reith told the Inquiry that intelligence had "lost sight of the Special Republican Guard" about two weeks before the invasion and that it later "transpired that they had been broken down into small elements and placed within various brigades".⁷⁵

⁶⁷ Letter Watkins to Manning, 20 March 2003, 'Iraq: Military Action'.

⁶⁸ House of Commons Library, Research Paper 03/50, 23 May 2003, 'The Conflict in Iraq'.

⁶⁹ Minutes, 21 March 2003, Chiefs of Staff meeting.

⁷⁰ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁷¹ Major Jason Ward, Captain Philip Guy, Warrant Officer Mark Stratford, Colour Sergeant John Cecil, Sergeant Les Hehir, Lance Bombardier Llywelyn Evans, Operator Mechanic (Communications) Ian Seymour, Marine Sholto Hedenskog.

⁷² Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁷³ Public hearing, 12 July 2010, pages 14-15.

⁷⁴ Minute Cabinet Office [junior official] to Manning, 21 March 2003, 'Iraq: Overnight Sitrep'.

⁷⁵ Private hearing, 15 January 2010, page 55.

125. Gen Reith added that that had not really been a factor other than for 3 Commando Brigade which had:

“... hit a couple of small pockets of resistance which were Special Republican Guard.

“By and large ... we were dealing with ... conventional divisions ... many of them just broke up and disappeared.”

126. The redeployment of elements of the Republican Guard to stiffen Iraqi defences in the South had not been predicted by the JIC.

127. The assessments made pre-conflict about the conventional capabilities of Iraq’s Security Forces and their actions and intentions in response to an invasion are set out in Section 6.2.

128. The assessment of the operational risks from forces deployed in the South is set out in the Box below.

Potential Iraqi opposition in southern Iraq

A JIC Assessment of 6 December 2002 considered Iraq’s options “during a coalition ground attack”.⁷⁶ The Assessment described Iraq’s naval capability as “very limited”, but said that it “could lay a credible minefield along the Iraqi coast”. It did not specifically address Iraq’s potential response to an amphibious assault, including mining the beaches.

The campaign plan for Operation Desert Storm in 1991 did not involve amphibious landings.⁷⁷

The advice to Mr Hoon and Mr Blair is set out in Section 6.1.

The MOD advice to Mr Hoon in December 2002 identified a potential threat to maritime forces from Iraqi forces defending the al-Faw Peninsula, and stated that the US plan was designed to prevent reinforcements being attempted. If reinforcement was attempted, “Coalition Forces should be able to defeat it with ease”.⁷⁸ There was no consideration of the likelihood of Iraq mining the beaches to hamper an amphibious landing.

Sir Kevin Tebbit, MOD Permanent Under Secretary, identified the need for an assessment which set out the operational risks of the role proposed for the Royal Marine Commando Group in a clear and balanced way.⁷⁹

The papers sent to No.10 by the MOD on 12 December did not address likely Iraqi defences.⁸⁰

⁷⁶ JIC Assessment, 6 December 2002, ‘Iraq: Military Options’.

⁷⁷ Ministry of Defence, *Statement on the Defence Estimates – Britain’s Defence for the 90s*, 1991, Cm 1559-I. Pages 21-24.

⁷⁸ Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, ‘Iraq Military Planning: Amphibious Task Group’.

⁷⁹ Manuscript comment Tebbit on Minute Johnson to PS/Secretary of State [MOD], 11 December 2002, ‘Iraq Military Planning: Amphibious Task Group’.

⁸⁰ Letter Williams to Manning, 12 December 2002, ‘Iraq: Military Planning – Amphibious Task Group (ATG)’.

A JIC Assessment of 29 January 2003 reported “continuing military defensive preparations, including deployments and reinforcements of military units in the South, West and along the border of the Kurdish autonomous zone” which appeared to be “directed against both the threat of internal uprising and external attack”.⁸¹ That included “possibly 1,000 troops on the al-Faw Peninsula, apparently in response to the Coalition build-up in Kuwait”. But Iraq’s options for redeployment in the South were “limited”: “Any significant redeployment in the South would risk triggering a Coalition attack by breaching the No-Drive Zone.”

On 19 February, the JIC assessed the situation in southern Iraq and what might happen there before, during and after Coalition action.⁸² The JIC judged that:

“The Iraqi forces currently guarding southern Iraq are a relatively weak first line of conventional defence. They face rapid defeat. There is little evidence so far that the Iraqis are preparing for a hard-fought defence of Basra and other urban areas.”

The Assessment stated:

- Resolution 949 (1994) (see Section 1.1) prohibited the presence of the Republican Guard in the South. Its absence and the weaknesses of the Regular Army meant that the Iraqi forces guarding southern Iraq (III and IV Corps) were a relatively weak first line of conventional defence which would “face rapid defeat in the face of a massive military onslaught”.
- The JIC knew “little about Iraqi plans for the defence of Basra”, but there was “as yet no sign of preparations for a hard-fought defence of this or other urban centres in southern Iraq”.
- Saddam Hussein’s regime had “appointed his cousin Ali Hassan al-Majid [Chemical Ali] as regional commander of the southern sector ... with authority over all forces in the area. Iraq practice in the Iran/Iraq war suggests this would include tactical control over CBW. Ali is a loyal member of Saddam’s inner circle. He was a brutal Governor of occupied Kuwait in 1990–91. He also played a leading role in suppressing the Shia uprising in 1991 and Kurdish rebels in the late 1980s (using chemical weapons against the Kurds). His appointment may reflect an Iraqi leadership view that a particularly loyal and ruthless figure is needed to take command in the South in a crisis, both to suppress the Shia and to maintain discipline among the Iraqi forces.”

Southern Iraq was judged to be the most likely area for the first use of CBW against Coalition Forces and the local population (see Section 4.3).

129. The assessment of the risks posed by irregular forces is addressed later in this Section.

130. In a statement on 21 March, Mr Hoon reported on the operations overnight, including the loss of UK personnel and the Royal Marine operations supported by Royal Navy ships.⁸³ He expected the port of Umm Qasr “to be fully under coalition control shortly”.

⁸¹ JIC Assessment, 29 January 2003, ‘Iraq: The Emerging View from Baghdad’.

⁸² JIC Assessment, 19 February 2003, ‘Southern Iraq: What’s In Store?’

⁸³ House of Commons, *Official Report*, 21 March 2003, columns 1209-1210.

131. Mr Hoon also reported that the 5th US Marine Corps Regimental Combat Team (RCT-5) had launched operations to secure the south Rumaylah oilfield and gas and oil platforms in southern Iraq at 1715 hours on 20 March. The main land offensive had begun at 0300 hours on 21 March. Two battlegroups of 7 Armoured Brigade (the Black Watch and 1st Battalion Royal Regiment of Fusiliers) were providing flank protection for US forces. “Stiff resistance” had been encountered.

132. RCT-5 was supported by specialist UK Explosive Ordnance Disposal and Specialist Team Royal Engineers personnel.⁸⁴

133. RAF aircraft, including the Tornado GR4 and Harrier GR7, flew a number of combat and combat support missions in support of the operations, striking targets as far north as al-Kut.⁸⁵

134. The 3rd Regiment Royal Horse Artillery, located on Bubiyan Island (several miles south-east of Umm Qasr), plus HMS Marlborough, HMS Richmond and HMS Chatham, provided artillery support to the operations.⁸⁶

135. HMS Chatham later contributed to information operations by broadcasting pre-recorded material on high frequency radio.⁸⁷

136. In a press conference on 21 March, Adm Boyce described the US 3rd Infantry Division as having “penetrated more than 140km into Iraq”.⁸⁸

137. In an update to the Ad Hoc Meeting on Iraq on 21 March on the intelligence picture, Mr Scarlett referred to the possible deployment of chemical weapons to units in the South and the possibility of internecine fighting in southern Iraq.⁸⁹

138. Adm Boyce reported that most of the oil wells in southern Iraq had been secured with minimal damage.

139. Mr Blair and President Bush discussed campaign progress on 21 March, including the scale of desertions from Regular Army units and the possibility of inter-ethnic strife in cities in the South.⁹⁰ Mr Blair wondered how the Coalition would know when the regime had definitively collapsed.

140. The overnight report to No.10 on 22 March, recorded that 16 Air Assault Brigade had relieved US forces in the Rumaylah oilfields and 7 Armoured Brigade had relieved

⁸⁴ Briefing [MOD], 1 April 2003, ‘Annex to Evening Sitrep’.

⁸⁵ GlobalSecurity.org, 21 March 2003, *Defence Secretary and Chief of the Defence Staff: Press Conference at the Ministry of Defence, London – 21 March 2003*.

⁸⁶ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

⁸⁷ Minutes, 22 March 2003, Chiefs of Staff meeting.

⁸⁸ GlobalSecurity.org, 21 March 2003, *Defence Secretary and Chief of the Defence Staff: Press Conference at the Ministry of Defence, London – 21 March 2003*.

⁸⁹ Minutes, 21 March 2003, Ad Hoc Meeting on Iraq.

⁹⁰ Letter Cannon to McDonald 21 March 2003, ‘Iraq: Prime Minister’s conversation with Bush, 21 March’.

US forces south of Basra.⁹¹ The commander of Iraq's 51st Mechanised Infantry Division had surrendered and the southern oilfields and the oil infrastructure on the al-Faw Peninsula had been secured.

141. The 51st Mechanised Infantry Division had been located in the vicinity of the az-Zubayr oil pumping station several miles south-west of Basra.⁹²

142. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 22 March that there was evidence of Iraqi Army divisions being prepared to surrender at Basra and Nasiriyah.⁹³

143. Adm Boyce also reported to the meeting that the oilfields and platforms in the South had been prepared for demolition by the Iraqis.

144. The minutes of the Chiefs of Staff meeting on 22 March recorded that 1 MEF was in full control of the Rumaylah oilfields and that UK engineers were making safe the demolition charges and booby traps which had been found in many of the facilities.⁹⁴ Seven oil wells were reported to be on fire, and two leaking. There were also reports that regular units of the Iraqi Army had moved out of Basra.

145. The Chiefs of Staff were also informed that Coalition Forces had seized crossings of the Euphrates, the Tallil airfield and the az-Zubayr oil pumping station.

146. Mr Blair and President Bush spoke again on 22 March.⁹⁵ Their review of military developments included:

- an assessment that the campaign was ahead of objectives;
- surrenders were taking place on a massive scale in the South;
- many more Iraqis were deserting from the Iraqi Security Forces and melting back into the civilian population;
- US forces were looking hard for traces of WMD and had already destroyed some "WMD-type" manufacturing facilities; and
- the need to ensure that Syria realised that it should not hide Iraqi WMD or harbour regime fugitives.

147. Mr Blair said that it would be important to locate WMD manufacturing facilities. He and President Bush agreed to speak on 24 March to discuss how to deal with operations in Baghdad itself.

148. AM Burrige wrote in his 8 May end of tour report that the decision to launch the ground offensive before the start of the strategic air campaign, and in the process

⁹¹ Minute Cabinet Office [junior official] to Manning, 22 March 2003, 'Iraq: Overnight Sitrep'.

⁹² Letter Watkins to Manning, 11 March 2003, 'Iraq: The Military Plan'.

⁹³ Minutes, 22 March 2003, Ad Hoc Meeting on Iraq.

⁹⁴ Minutes, 22 March 2003, Chiefs of Staff meeting.

⁹⁵ Minute Cannon to McDonald, 22 March 2003, 'Iraq: Prime Minister's conversation with Bush, 22 March: Military Developments'.

prevent Saddam Hussein from successfully sabotaging Iraq's oil infrastructure, "may have been the seminal decision of the campaign".⁹⁶ Environmental damage had been minimised, and the revenue source that would be vital to Iraq's future prosperity had been largely protected.

The air campaign

149. The "Shock and Awe" strategic air campaign was launched, as planned, on 21 March.⁹⁷ It involved heavy bombing of Baghdad. Targets in and around Mosul, Tikrit and Kirkuk were also attacked.

150. A letter from the MOD to No.10 on 23 March reported that: "As of 1100Z today UK tactical air and TLAM had attacked 115 strategic targets."⁹⁸

151. By 24 March, the main focus of Coalition air activity had shifted from strikes against fixed targets to support of land operations including Close Air Support (CAS).⁹⁹ That remained the priority for the duration of combat operations.

152. For the duration of the campaign, the RAF was tasked as a Coalition asset, providing support to all Coalition nations. By early April, the RAF was flying about 10 percent of the 1,200 sorties being flown per day by the Coalition.¹⁰⁰

153. In July 2003, the MOD assessed that the RAF had flown almost 2,500 sorties, 6 percent of the Coalition total.¹⁰¹

154. The guidance provided on targeting is addressed in Section 6.2.

Battle Damage Assessments

A Battle Damage Assessment (BDA) is made after an attack to assess its impact and effectiveness, including estimates of "collateral damage" – the damage to facilities and the death or injury of people in the vicinity of the target.

As Section 6.2 shows, the risk of collateral damage was an important consideration on selecting and approving targets for attack by the UK.

The Chiefs of Staff were advised on 28 March that:

"The Battle Damage Assessment (BDA) process was not providing sufficient verification of the damage done to Iraqi military units; work was in hand to improve the capability."¹⁰²

⁹⁶ Report Burrige to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report'.

⁹⁷ Briefing MOD, 22 March 2003, 'Iraq: Update for the Number 10 Sitrep, 0600Z 22 March 2003'.

⁹⁸ Letter Watkins to Manning, 23 March 2003, 'Iraq: Progress of Military Campaign'.

⁹⁹ Briefing [MOD], 24 March 2003, 'Annex to evening sitrep, 24 March: Military'.

¹⁰⁰ GlobalSecurity.org, 4 April 2003, *Minister of State for the Armed Forces and the Chief of the Air Staff: Press Conference at the Ministry of Defence, London – 4 April 2003*.

¹⁰¹ Ministry of Defence, *Operations in Iraq – First Reflections*, July 2003.

¹⁰² Minutes, 28 March 2003, Chiefs of Staff meeting.

The Inquiry has seen papers that indicate a review of the 'Joint Targeting and Battle Damage Assessment' policy paper was carried out in late April 2003, with the aim of highlighting any differences between the theory of targeting and the realities of an operation.¹⁰³ Two main issues were identified: the ability to provide accurate and timely BDAs and the difficulty in target clearance where UK strategic aims did not agree totally with US strategic aims.

In his post-operation tour report, Major General Peter Wall, Chief of Staff to AM Burrige during the invasion and subsequently Commander 1 (UK) Div, wrote:

"The conduct and co-ordination of BDA was poorly done throughout the operation. BDA analysis from MEF [the US Marine Expeditionary Force] was at best 5 days too late. Immediate BDA from pilots gave a general idea but was, invariably, inaccurate. This meant that targets were re-engaged unnecessarily on many occasions, denying assets elsewhere."¹⁰⁴

In its report of lessons from the conflict, the MOD Directorate of Operational Capability (DOC) identified that the different models and methods used by the US and UK to estimate collateral damage had resulted in a divergence of policy which had produced friction.¹⁰⁵ It concluded that the UK needed to develop its policy to seek greater coherence with the policies of potential allies, particularly the US. It also recommended that improved tools were required for the assessment of collateral damage to enable rapid decisions; and that compatibility with US systems should be a consideration. The Coalition BDA process had not been able to cope with the scale of the task and the UK's capacity needed to be reviewed to ensure it matched the needs of a national operation. In addition, it was based on damage not effect. That too should be reviewed for compatibility with the concept of effects-based targeting.

Asked if there were any areas of improvement he would suggest, ACM Torpy told the Inquiry:

"The only area which I think we could have done more with, and that is the mechanisms by which we assessed collateral damage. One of my roles I saw was making sure that our targeting process was aligned as closely as possible with the US system, but where there were inevitably going to be differences, that I sorted those out with Gen Moseley before the campaign started, and we tried to find a mechanism for solving those problems. One of the issues was if the US use a particular software system for working out collateral damage and we use a different one that it comes out with slightly different answers. Ours is slightly more conservative. I think more work in trying to align some of that methodology would have been helpful."¹⁰⁶

The maritime campaign

155. AM Burrige described the UK mine countermeasures group as the "backbone" of the Coalition's mine clearance capability.¹⁰⁷

¹⁰³ Minute MOD [junior official], 23 April 2003, 'Review of the Joint Targeting and Battle Damage Assessment Policy Paper'.

¹⁰⁴ Report Wall, 6 October 2003, 'Post Operation Report – Version 2 Operation TELIC'.

¹⁰⁵ Report Directorate of Operational Capability [MOD], 17 October 2003, 'Operation TELIC Lessons Study'.

¹⁰⁶ Public hearing, 18 January 2011, page 13.

¹⁰⁷ Report Burrige to CJO, 8 May 2003, 'NCC Operation TELIC Hauldown Report'.

156. The Royal Navy commenced mine clearance operations and seized some Iraqi ships ready to lay mines on 21 March.¹⁰⁸

157. On 22 March, the MOD reported to No.10 that the Iraqi Navy had been “destroyed”.¹⁰⁹

158. On 23 March, the Royal Navy began operations to clear the Khawr Abd Allah (KAA) waterway of mines so that the port of Umm Qasr could be opened to shipping.¹¹⁰ Opening Umm Qasr was essential for the rapid delivery of humanitarian aid and logistic support for the military campaign.

159. The Royal Navy also used its submarine-launched TLAM to provide “a long-range, precision capability”. In December 2003, the MOD stated that a “substantial” number of TLAMs had been launched from UK submarines.

23 and 24 March: UK forces reach Basra

160. By 24 March, UK forces were in control of Basra Airport and “arrayed around” the “outskirts” of Basra City.

161. When and how to enter the city in the face of a “heavy presence of internal security forces” was identified as a key decision.

162. By the early hours of 23 March, 3 Commando Brigade had taken control of Umm Qasr, and was planning to “expand influence out from al-Faw and Umm Qasr”.¹¹¹ The MOD morning update for No.10 also stated that 7 Armoured Brigade was “expected to enter Basra on D+4 [23 March]”.

163. Mr Hoon informed the Ad Hoc Meeting on Iraq on 23 March that:

“Iraqi regular forces were melting away but it remained to be seen if the Republican Guard would stand and fight. The emergence of militia forces who were prepared to fight [because] they had nothing to lose ... was a new difficulty for the Coalition in securing the centres of population.”¹¹²

164. A report based on the Chiefs of Staff discussion on 23 March, sent to Sir David Manning, stated that reconnaissance of Basra was being conducted and: “A decision will then be taken whether to enter the city tonight or whether to hold off until tomorrow evening.”¹¹³

¹⁰⁸ GlobalSecurity.org, 4 April 2003, *Defence Secretary and Chief of the Defence Staff: Press Conference at the Ministry of Defence, London – 21 March 2003*.

¹⁰⁹ Briefing [MOD], 22 March 2003, ‘Iraq: Update for the Number 10 Sitrep, 0600Z 22 March 2003’.

¹¹⁰ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

¹¹¹ Briefing [MOD], 23 March 2003, ‘Iraq: Update for the Number 10 Sitrep, 0600Z 23 March 2003’.

¹¹² Minutes, 23 March 2003, Ad Hoc Meeting on Iraq.

¹¹³ Minute Gibbons to Manning, 23 March 2003, ‘Iraq: Update Sunday 23 March (1100)’.

165. The report also stated:

“The situation surrounding Iraq’s 51st Mechanised Infantry Division remains confused. A lot of its equipment has been abandoned and its personnel have vanished. In the South, UK and US are meeting small pockets of resistance ... and some seems to be local militia ... But this could indicate that Coalition Forces are likely to be the subject of harassment and sabotage for some time to come!”

166. In relation to the wider campaign, the report said:

“Tommy Franks intends to maintain (and if possible increase) the momentum of the push towards Baghdad. At present leading elements of the US V Corps are just south of Najaf ... The focus of air activity is now on counter-land operations against SRG [Special Republican Guard] and RG [Republican Guard], although command and control, WMD and regime HQs are also being targeted.”

167. A letter from Mr Watkins to Sir David Manning on the same day, forwarding an initial assessment of progress against the main military campaign objectives, recorded that the military campaign was “broadly proceeding to plan”, with pockets of resistance but “no signs of internal uprisings”.¹¹⁴

168. The MOD update that evening stated that 7 Armoured Brigade was “arrayed around [the] outskirts of Basra ... Will not be in Basra tonight, as previously thought.”¹¹⁵

169. The COBR overnight report for 23/24 March stated:

“Reporting from Basra suggests the heavy presence of internal security forces from the Saddam Fedayeen, the DGI [Directorate of General Intelligence] and the Ba’ath Party militia ... Key (UK) decision now concerns when and how to enter the city [Basra].”¹¹⁶

170. Adm Boyce told the Ad Hoc Meeting on Iraq on 24 March that local militias in Basra were putting up resistance and 1 (UK) Div would proceed with caution in taking control there.¹¹⁷

171. Mr Hoon stated that the Iraqis would try to draw the Coalition into the cities, where fighting would be difficult. The next 24 hours would show whether the Republican Guard intended to try to bar the Coalition’s advance on Baghdad.

172. The meeting also discussed media reporting, which had started to play up the difficulties of the military campaign, and its impact on local politics: “Expectations had been created and would now need to be managed if they were unrealistic.”

¹¹⁴ Letter Watkins to Manning, 23 March 2003, ‘Iraq: Progress of Military Campaign’.

¹¹⁵ Briefing [MOD], 23 March 2003, ‘Annex to Evening Sitrep 23 March: Military’.

¹¹⁶ Minute Cabinet Office [junior official] to Manning, 23/24 March 2003, ‘Iraq: COBR Overnight Sitrep’.

¹¹⁷ Minutes, 24 March 2003, Ad Hoc Meeting on Iraq.

173. Mr Blair concluded that militia resistance in population centres did not appear significant when set against the broad thrust of the campaign and the Coalition's achievements to date. The campaign was only 72 hours old and there was no case for adjusting the presentational posture before it was known what pattern was developing on the ground.

174. By 24 March, UK forces controlled Basra Airport.¹¹⁸

175. In preparation for a statement to Parliament by Mr Blair on 24 March, Mr Blair's Assistant Private Secretary provided a "note on military developments" which said:

"Pockets of resistance remain in the cities, particularly from hard-core regime supporters ... [The] city of Basra is surrounded, with airport in Coalition hands (but significant resistance from hard-core regime supporters expected ...)." ¹¹⁹

176. In his statement, Mr Blair re-stated the UK's "central objectives" as "to remove Saddam Hussein from power" and ensure that Iraq was disarmed.¹²⁰ The military campaign to achieve those objectives was being conducted deliberately in a way that "minimises the suffering of ordinary Iraqi people" and "to safeguard the wealth of the country for the future prosperity of the people". That was why the Coalition had not mounted a heavy bombing campaign before the land campaign, and why the immediate actions of the land forces had been to secure oil installations, which had been mined. Had the Coalition not "struck quickly, Iraq's future wealth would even now be burning away".

177. Mr Blair said that the targets of the air campaign were the "infrastructure, command and control of Saddam's regime, not of the civilian population". Water and electricity supplies were "being spared" and there were "massive efforts to clear the lines of supply for humanitarian aid", although that was hindered by the presence of mines.

178. In relation to the city of Basra, Mr Blair stated that the aim was to render it "ineffective as a basis [sic] for military operations". The city was "surrounded and cannot be used as an Iraqi base", but there were "pockets of Saddam's most fiercely loyal security services" in Basra who were "holding out". They were "contained but still able to inflict casualties ... so we are proceeding with caution". Basra Airport was "secure".

179. Mr Blair also said that:

- The Coalition objective in the desert in the West was "to prevent Saddam from using it as a base for hostile external aggression".
- In the North, the objective was to "protect people in the Kurdish Autonomous Zone, to secure the northern oilfields and to ensure that the North cannot provide a base for Saddam's resistance".

¹¹⁸ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

¹¹⁹ Minute Cannon to Prime Minister, 24 March 2003, 'Iraq: Military Developments'.

¹²⁰ House of Commons, *Official Report*, 24 March 2003, columns 21-22.

- Reaching Baghdad “as swiftly as possible, thus bringing the end of the regime closer” was “the vital goal”. There were “bound ... to be difficult days ahead, but the strategy and its timing are proceeding according to plan”.

180. On 24 March, Sir David Manning spoke to Dr Rice.¹²¹ She indicated that the appearance of “irregular forces” alongside Iraqi regular forces in Umm Qasr and elsewhere “was proving a tough combination to deal with”.

181. In a reference to the legacy of the previous Gulf Conflict, Sir David also recorded:

“One of the problems was that many people in Iraq were still unsure whether we were determined to complete the job this time. Only when they were certain that we would get rid of Saddam ... would they conclude it was safe to turn on the regime’s henchmen. Ironically the care that we had taken over targeting ... and the decision to leave the broadcasting and communications systems up and running, had probably fed popular doubts about our determination.”

182. Sir David reported Dr Rice as stating that it was not clear if the Iraqi people knew the Coalition was winning.

183. In a discussion with President Bush on 24 March, Mr Blair identified the Fedayeen, the Medina Division of the Republican Guard and the use of Iraqi media and communications facilities for military purposes as the “trickiest issues ahead”.¹²² There was a need to “dampen expectations” and “exercise extreme care” in targeting decisions.

184. Mr Blair also underlined the importance of Coalition Forces finding Saddam Hussein’s WMD.

185. The MOD reported on the evening of 24 March that:

“Major General Brims [is] still considering his options on entering Basra. He intends to move some elements of 3 Commando Brigade (some of Black Watch) into az-Zubayr (town 10 miles south west of Basra) as a test of how city/town fighting might go. This example should help inform decisions on Basra.”¹²³

186. The MOD also reported that the US V Corps had “paused as planned near Najaf”.

187. The COBR report on key events for 24 March stated that the operation as a whole was:

“Just ahead of expected timelines at moment but weather deteriorating.”¹²⁴

¹²¹ Letter Manning to McDonald, 24 March 2003, ‘Iraq: Conversation with Condi Rice’.

¹²² Letter Rycroft to McDonald, 24 March 2003, ‘Iraq: Prime Minister’s telephone conversation with President Bush, 24 February [sic]’.

¹²³ Briefing [MOD], 24 March 2003, ‘Annex to Evening Sitrep 24 March: Military’.

¹²⁴ Minute Cabinet Office [junior official] to Manning, 24 March 2003, ‘Iraq: COBR Round Up of Key Events – 24 March’.

25 to 27 March: an operational pause

188. On 25 March, Mr Blair raised the need for a media campaign to convince the Iraqi people that the regime would collapse with President Bush.

189. Concerns were also emerging about negative press reporting of the progress of the campaign.

190. A debate began about whether the fall of Basra should be given priority as a way to contribute to the fall of the regime in Baghdad.

191. Adm Boyce told the Ad Hoc Meeting on Iraq on 25 March that overcoming the resistance of Iraqi irregulars in az-Zubayr would provide a good indication of how Basra should be tackled.¹²⁵ The fall of Basra would send a strong message, particularly when combined with efforts to provide humanitarian relief to its inhabitants. But the bad weather was likely to slow the advance on Baghdad.

192. A minute to Sir David Manning, reporting the Chiefs of Staff meeting on 25 March, stated that the Royal Marines were patrolling Umm Qasr in berets but that:

“Basra remains a conundrum: the commander of 1[UK] Div [Maj Gen Brims] has yet to decide how best to proceed but planning for a number of options continues. Situation should be clarified over the next 24 hours.”¹²⁶

193. The Chiefs of Staff also discussed media issues. The minutes record a view that:

“... reporting from journalists in theatre gave a rather bleak outlook. Consideration would be given to providing military context briefs to the embedded press corps and, separately, to the ‘talking heads’ and opinion formers in London.”¹²⁷

194. After the Chiefs’ discussion, Mr Ian Lee, MOD Director General Operational Policy, wrote to Sir Kevin Tebbit and Adm Boyce, recording that he had pursued three themes identified as:

- the balance in media reporting and the need for a media programme which did not give the appearance that the Government was “rattled”;
- the information operations view of the “Basra/Baghdad relationship”; and
- the “targeting of dual use communication media facilities”.¹²⁸

195. On information operations (IO), Mr Lee stated:

“... we discussed the strategic IO significance of Basra. In sum, the IO advice was that the road to Baghdad leads through Basra. Not only would satisfactory removal of regime elements from Basra send a message to Baghdad, it would have the beneficial side effect (NB not an objective) of pacifying the impatient media.”

¹²⁵ Minutes, 25 March 2003, Ad Hoc Meeting on Iraq.

¹²⁶ Minute Gibbons to Manning, 25 March 2003, ‘Iraq: COS Tuesday 25 March’.

¹²⁷ Minutes, 25 March 2003, Chiefs of Staff meeting.

¹²⁸ Minute Lee to PS/PUS [MOD], PSO/CDS, 25 March 2003, ‘TELIC: Information Campaign’.

196. Mr Lee pointed out that the US military took a different view of whether action in Basra would affect the position in Baghdad.

197. Mr Lee advised that a separate submission would address the targeting of communications facilities.

198. A manuscript comment by Sir Kevin Tebbit on Mr Lee's advice said:

“Two points:

- (a) the need to put across the overall strategy and progress towards it, to avoid excessive focus on tactical ‘pinprick’ setback ...
- (b) the importance of ensuring that judgement about Basra v Baghdad ... should be based on military risk/benefit considerations rather than feel under particular political pressure to strike a blow for exemplary humanitarian, or other, reasons.”¹²⁹

199. Mr Hoon's Private Office wrote to Sir David Manning on 25 March stating:

“It is planned to conduct attacks over the next few nights which are intended to degrade Iraqi command and control. These may also have the consequence of stopping some media facilities. It is important that any public statements on these attacks emphasise that it is ‘command and control’ which is being attacked – not ‘propaganda’ facilities.”¹³⁰

200. In preparation for Mr Blair's meeting with President Bush at Camp David from 26 to 27 March, Mr Watkins provided an assessment on 25 March of progress against the campaign tasks.¹³¹ He reported:

“Southern Iraq is effectively under Coalition control although significant resistance remains in Basra.

“7 Armoured Brigade dominates the Basra area and has defeated hard-core resistance in nearby az-Zubayr. Significant irregular forces remain in Basra ... There may be a trade-off between the effort that would be required to defeat them and the need to maintain the tempo of the Coalition's main effort (the push northwards to Baghdad).

“... al-Faw Peninsula, Umm Qasr and the southern oilfields have been secured ... 3 Commando Brigade is in control ... US 15th ... MEF released to return to 1 MEF.

“16 Air Assault Brigade deployed in southern oilfields.”

¹²⁹ Manuscript comment Tebbit on Minute Lee to PS/PUS [MOD], PSO/CDS, 25 March 2003, ‘TELIC: Information Campaign’.

¹³⁰ Letter Williams to Manning, 25 March 2003, ‘Iraq: Targeting’.

¹³¹ Letter Watkins to Rycroft, 25 March 2003, ‘Prime Minister's visit to Washington. Iraq: Review of the military situation’.

201. Mr Watkins sent a second letter later the same day in response to a request from No.10 for advice about “how the Coalition intended to deal with Fedayeen and the Medina Division [of the Republican Guard]”.¹³² The letter said:

“... there are a number of paramilitary or irregular forces operating in Iraq. We do not know for certain which of these forces are putting up resistance in southern Iraq. Reporting from theatre is using the term ‘Fedayeen’ as a generic term for ‘irregular’ resistance.

“... The success or otherwise of groups in Basra is likely to have a direct impact on the way these forces operate in Baghdad ...

“... Against the background of our overall objectives and of the regime’s options, it is tempo – namely rapid advance on Baghdad – that must take priority ... This resistance does not threaten the Coalition’s overall control of southern Iraq or the ultimate attainment of our objectives, but mopping it up is not a trivial task.

“The military handling of this challenge in and around Basra will be a matter for the judgement of ... Major General Robin Brims, and we are keen to not try to second guess him here. At present, his focus is on gathering information on the strength and dispositions of irregular forces within and around the city, whilst testing the water with robust patrolling in nearby az-Zubayr. The outcome of these activities will influence the decision on whether, when and how to confront the residual opposition in Basra. It should be borne in mind that the key military objective is to ‘screen’ Basra, to prevent Iraqi forces disrupting the US push northwards: this is being achieved.”

202. In relation to the Medina Division, the MOD commented that the Iraqi regime could leave it, and other formations, where they were, “making them vulnerable to air strikes and an armoured assault; or withdraw it into Baghdad”. The exact approach to dealing with it would be a “matter for the US land commanders to decide”. The MOD also pointed out that “the engagement of the Medina Division is only a prelude to the key task of dealing with Baghdad itself”.

203. A list of Iraq’s irregular forces and their roles was provided in an annex to Mr Watkin’s letter:

- **The Fedayeen Saddam:** a militia comprising approximately 11,500 active personnel, controlled by Qusai Hussein. In the event of a Coalition attack, it was expected to be used for internal security, including repression of civilian uprisings.
- **The Ba’ath Party militia:** although officially disbanded, the Ba’ath Party was likely to call out members to form an ad hoc force to conduct security sweeps.

¹³² Letter Watkins to Rycroft, 25 March 2003, ‘Iraq: Irregular forces and the Medina Division’.

- **The Quds Force:** a militia with close links to the Ba'ath Party, resembling a Home Guard. Tasked with defending cities and putting down internal unrest.
- **The Mujahideen e Khalq (MEK):** an Iranian dissident group, used to support internal security operations. Expected to fight with Saddam Hussein's forces during an invasion.
- **The Directorate of General Security (DGS):** a 2,700-strong paramilitary force used for investigating and acting on anti-state activities.
- **The Directorate of General Intelligence (DGI):** a security organisation used to monitor and suppress dissident activities.
- **The Directorate of Military Intelligence (DMI):** a group of military personnel tasked with collecting and assessing military intelligence from abroad and with providing security and counter-intelligence for the Iraqi armed forces.
- **The Special Security Organisation (SSO):** a security service responsible for Saddam Hussein's security, for monitoring the activities and loyalty of other units integral to the survival of the regime and with a key role in protection of CBW assets. Members of the SSO were posted to all Republican Guard and army units, tasked with shooting attempted deserters.

204. Mr Blair spoke to President Bush again on 25 March. They discussed the need to prevent the Fedayeen establishing a foothold and to disrupt the regime's ability to communicate.¹³³

205. Mr Blair commented that progress had been good, but noted the difficulty in persuading the Iraqi public that the regime would in fact collapse and the effects of disinformation such as allegations about the murder of prisoners of war. The Coalition needed to find ways of communicating with the Iraqi public who found it hard to conceive of the Iraqi regime being supplanted. Mr Blair stated that the UK and US did not want to get "sucked into street fighting, where our forces would take casualties". Normalisation efforts, such as the British patrols in Umm Qasr, were significant, as would be the first deliveries of humanitarian aid.

206. Mr Alastair Campbell, Mr Blair's Director of Communications and Strategy, wrote that Mr Blair had told President Bush:

"... there was a chance that the whole thing would collapse quickly like a pack of cards, but we shouldn't bank on it. There would be a lot of fighting, but eventually people would notice change happening ... and if we handled relations with the Iraqi people well, change could come quickly."¹³⁴

¹³³ Letter Cannon to McDonald, 25 March 2003, 'Iraq: Prime Minister's conversation with Bush, 25 March'.

¹³⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

207. In relation to a subsequent presentation and discussion on the military campaign in the MOD, with the Chiefs of Staff and Lt Gen Reith, Mr Campbell added:

“... it was absolutely clear that this was going to be a lot tougher. Reith felt the US had been excessively optimistic about the collapse of the regime. The hard core and Fedayeen were absolutely up for it. TB asked about Baghdad. They said it would be split into forty sectors ... It would take several weeks, and there were lots of dangers ... at Basra ... it was not yet clear the best way to proceed.

“The most important thing for TB was to communicate to the Iraqis that we should see this through, that they would benefit from the fall of Saddam. But we should not expect them to welcome with open arms, because they will find it hard to believe the Saddam era is ending. We were doing OK with public opinion in our own country, but we were nowhere in Iraq. Reith said we had to separate regime from people, and that meant taking out his media ... Back at Number 10, TB was clear that it was going to take longer than anticipated. Shock and awe had not really happened. So we had taken the political hit of a stupid piece of terminology, and then not actually had the military benefits.”

208. The COBR daily report on 25 March related “some concern about the humanitarian situation in Basra where water and electricity supplies have been disrupted since Friday [21 March]”.¹³⁵

209. The draft operational concept for Phase IV operations submitted to the Chiefs of Staff by Lt Gen Reith on 25 March is considered later in this Section.

210. On the evening of 25 March, the MOD reported that:

- “Elements of UK land force continue to test city/town fighting in az-Zubayr as a precursor to decision on tactics with Basra ...”;
- the tactics for the next 12 hours would be to: “Isolate the Iraqi irregular forces from the civilian population in Basra”;
- poor weather was having a significant effect on the campaign: helicopter flights in Southern Iraq had been suspended again because of bad weather, hampering freedom of movement for Coalition Forces;
- 16 Air Assault Brigade remained in Rumaylah, and 3 Commando Brigade on the al-Faw Peninsula;
- the 1st Battalion The Parachute Regiment, an element of 16 Air Assault Brigade, remained on standby for a planned operation to secure Qalat Sikar Air Base (an Iraqi Air Force base in Maysan province) for use in the Coalition logistics chain; to observe any advance of Iraqi forces from the east; and to provide a screen to advancing US forces, postponed due to bad weather; and

¹³⁵ Minute Cabinet Office [junior official] to Manning, 25 March 2003, ‘Iraq: COBR Round Up of Key Events – 25 March’.

- 40 Commando had defeated an Iraqi armoured formation that attacked their position.¹³⁶

211. Looking forward to the next 12 hours, the MOD said that the UK would: “Maintain the Information Operations and media efforts to provide additional motivation for the enemy to capitulate.”

212. The COBR update for the night of 25/26 March said that Coalition aircraft had attacked state TV in Baghdad and the Ba’ath Party HQ in Basra overnight.¹³⁷

213. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 26 March that the situation inside Basra was unclear, although desertions from the Iraqi Regular Army and the militias were on the increase.¹³⁸

214. Adm Boyce said that the operational pause in the main Coalition thrust towards Baghdad, which coincided with the bad weather, would come to an end shortly.

215. At their meeting on 26 March, the Chiefs of Staff were told that the position of Basra continued to attract media attention.¹³⁹ The beginnings of a civil uprising in Basra had been reported, but its extent was unknown. Lt Gen Reith described the situation in the vicinity of Basra as:

“... complex, and further complicated by the possibility that the Land Cdr [Lt Gen McKiernan] might require 7 Arm[oure]d B[riga]de to deploy north to assist in the battle for Baghdad. GOC 1 Div [Maj Gen Brims] assessed that UK forces could not secure Basra without the support of a popular uprising inside the city ...”

216. Adm Boyce directed that: “Ministers would need to be apprised of the difficulties surrounding the Basra issue.”

217. Air Marshal Sir Joe French, the Chief of Defence Intelligence, said that Iraqi TV was back on the air; it continued to play a key role in maintaining regime authority and was instrumental in controlling the population and undermining the Coalition.

218. The Chiefs of Staff discussion about the tension between the UK desire to reduce troop levels and the potential demand for troops for Phase IV and US expectations is addressed later in this Section.

219. On 26 March, Mr Watkins asked Mr Lee for advice on Basra.¹⁴⁰ He wrote:

“Ministers have been informed that the CFLCC would prefer 7 Armoured Brigade not to enter Basra so that it could remain available to reinforce the US advance on

¹³⁶ Briefing [MOD], 25 March 2003 ‘Iraq: Update for the Number 10 Sitrep – as at 1700Z 25 March 2003’.

¹³⁷ Minute Cabinet Office [junior official] to Manning, 26 March 2003, ‘Iraq: COBR overnight sitrep – 25/26 March’.

¹³⁸ Minutes, 26 March 2003, Ad Hoc Meeting on Iraq.

¹³⁹ Minutes, 26 March 2003, Chiefs of Staff meeting.

¹⁴⁰ Minute PS/SofS [MOD] to DG Op Pol, 26 March 2003, ‘Iraq: Dealing with Basrah’.

Baghdad. It would be helpful to have a short paper setting out our options ... to act as a framework for discussion at this evening's Ministerial Briefing."

220. Mr Lee replied:

"The military machine is working on a more thorough assessment to this complex question. My own quick and dirty run through of some key points is attached, purely to prompt Ministerial discussion."¹⁴¹

221. Mr Lee pointed out that:

- Baghdad was the CFLCC and Coalition main effort. Reinforcements might be required in Baghdad, but using 7 Armoured Brigade in this role would take time and "risks unattended disaster in Basra".
- 1 (UK) Div had insufficient forces to guarantee success in Basra, and attempting to take Basra by force would divide the Coalition effort.
- Success in Basra would support an information operations "message to Baghdad".

222. Mr Lee did not advocate any particular course of action but stated that the key question was: "When does political/media/humanitarian pressure (primarily on the UK) in Basra reach the point at which it destabilises the Coalition?"

223. A note by Mr Blair in the No.10 files for 26 March indicates his concerns about Iraq.¹⁴² In relation to the military campaign, they were:

"... use airpower more effectively; control Iraq's media; take out communications; show Basra in new hands with popular support; destroy Republican Guards divisions; the strategy for Baghdad."

224. The JIC assessed on 26 March that the Iraqi regime was still in control of urban centres; the prospects for an early collapse of the Iraqi regime had lessened; and the defence of Baghdad could be more determined and professional than predicted.

225. The JIC suggested that a major success, such as breaking the regime's hold over a significant city such as Basra, could have an impact on the perception that the regime was still in control.

226. On 26 March, the JIC discussed the first week of the campaign in Iraq.¹⁴³ Members considered whether the regime believed it could survive and negotiate a settlement, and whether most Iraqis would at least acquiesce to the military action.

¹⁴¹ Minute DG Op Pol to PS/SofS [MOD], 26 March 2003, 'Iraq: Dealing with Basrah'.

¹⁴² Note Blair, 26 March 2003, 'Iraq'.

¹⁴³ Minute Scarlett to Manning, 26 March 2003, 'Iraq: The First Week'.

227. Mr Scarlett wrote to Sir David Manning setting out the JIC's conclusions, which included:

- regime tactics were always geared towards urban resistance as well as large-scale conventional warfare. The regime has taken heart from its ability, so far, to maintain command control and communications, the lack of a northern front, and the propaganda advantages it derives from domestic (controlled) and international media coverage of the war;
- the regime has not yet been faced with visible Coalition successes which would shake the foundations of its self-belief. The 'shock' of Coalition operations on the Iraqis has been limited. Coalition Forces have deliberately bypassed population centres, leaving the regime in control of urban areas. The regime's command, control and communications have been more resilient than either it or the Coalition expected. The prospects for an early regime collapse have therefore lessened;
- the Iraqi population is reacting cautiously in the face of the regime's continued security presence and its propaganda. The population fears that the Coalition will not follow through on its initial operation and remove Saddam, leaving it open to regime retribution for popular uprisings. The memory of 1991 is strong ...
- the defence of Baghdad may be more determined and professional than previously thought ..."

228. Mr Scarlett concluded:

"A key question was when the perception would begin to change that the regime was in control. This could follow major success against a key support structure such as the Republican Guard or breaking the regime's hold over a major city such as Basra ..."

229. In a statement to Parliament on 26 March, Mr Hoon reported that:

"After six days of conflict, the Coalition has made steady progress, following the main outline of our military plan ..." ¹⁴⁴

230. Mr Blair raised the impact of liberating Basra in his discussions with President Bush.

231. Mr Blair and Mr Straw met President Bush, Mr Colin Powell, US Secretary of State, and Dr Rice at Camp David from 26 to 27 March.

232. At dinner on 26 March, Mr Blair and President Bush discussed a range of issues including the need to find ways to rebuild relationships after Iraq, to re-engage on a

¹⁴⁴ House of Commons, *Official Report*, 26 March 2003, column 291.

broad international agenda and to tackle the Middle East Peace Plan.¹⁴⁵ Mr Blair gave Mr Bush a note addressing those issues, which is described in Section 9.1.

233. On the military operation in Iraq, Mr Blair emphasised the impact that the liberation of Basra would have. It would “signify that we had broken the power of the paramilitaries, and taken control of Iraq’s second city. This would have enormous resonance”. He did not want to “second-guess the military commanders”, but there were “very strong political attractions in liberating Basra for the signal it would send to the Iraqi people”.

234. Mr Blair also told President Bush that he did not want his visit to Camp David to focus primarily on a UN resolution to deal with post-conflict Iraq: “The time to debate this would come when we had secured victory, and were in a position of strength”.

235. The wider discussion is addressed in Section 9.1.

236. The COBR update sent to Sir David Manning on 27 March reported that a perception of weak Coalition air attacks may have raised regime morale.¹⁴⁶ The update also reported the view of the Defence Intelligence Staff (DIS) that “there is little prospect of a significant uprising [in Basra], until the local population is convinced of the Coalition’s intent and capability to remove the regime”. The Red Crescent was active in Basra. Poor weather in southern Iraq continued to hamper air operations and a number of sorties were cancelled.

237. In preparation for a discussion with colleagues about the significance of Basra for the wider campaign strategy, Mr Hoon was advised that Gen McKiernan’s focus was the fall of Baghdad.

238. In a minute to Mr Hoon’s Private Office on 27 March for a meeting with “Cabinet colleagues” that day, the Deputy Head of Policy/Operations at PJHQ provided advice on the significance of Basra within the wider campaign strategy.¹⁴⁷

239. Mr Hoon was advised that:

“... regime removal is at the heart of the Coalition’s objectives ... The US campaign plan identified Baghdad as the centre of gravity for achieving these, and our other objectives. It has always been McKiernan’s ... understanding that at some stage it would be necessary to take Baghdad, and that the entry of an attacking division into Baghdad would be a strategically decisive point in the campaign. The same cannot be said of any other area (including Basra). Hence it has long been the US plan ... to advance north as rapidly as possible, and reach Baghdad in the shortest possible time (around 12 days, according to Gen Franks ...).”

¹⁴⁵ Letter Manning to McDonald, 28 March 2003, ‘Prime Minister’s Meeting with President Bush at Camp David: Dinner on 26 March’.

¹⁴⁶ Minute Gibbons to Manning, 27 March 2003, ‘Iraq: Update’.

¹⁴⁷ Minute Dep Hd Pol/Ops(ME) to PS/SofS [MOD], 27 March 2003, ‘Iraq: Basra – Coalition Campaign Strategy’.

240. The minute reported that the majority of Basra's population were Shia Muslims, and that there was "a potential for the population to rise up against the regime". However:

"We have always recognised that the local population would be wary of rising in this way, given the experience of 1991."

241. The morale of the estimated 6,000 regular forces in Basra was assessed as "low", the morale of the 2,000 irregulars was not; as committed supporters of the regime, they had "everything to lose". Against that background:

"... GOC 1 (UK) Div's [Maj Gen Brims'] intent ... has been to defeat Iraqi forces in the vicinity of Basra and his intent is to continue in this vein; to isolate Iraqi irregular forces from the civilian population ...

"This approach supports, and reflects, Gen McKiernans' [sic] overall intent. While he doesn't underestimate the importance of Basra, his assessment is that the fall of Baghdad guarantees the fall of Basra, but that the reverse is not likely.

"Fighting in an urban environment is complex, and GOC 1 (UK) Div does not have the forces at his disposal to conduct a successful, opposed entry into Basra ...

"Other than media reporting, there is no evidence that this approach is contributing to a humanitarian catastrophe in Basra ..."

242. The Ad Hoc Meeting on Iraq and Cabinet on 27 March were both chaired by Mr John Prescott, the Deputy Prime Minister, in Mr Blair's absence at Camp David.¹⁴⁸

243. Mr Scarlett informed the Ad Hoc meeting of Iraqi perceptions that the regime's grip on the population still held.

244. Adm Boyce reported that the discovery of mines in the waterway to Umm Qasr would delay the arrival of ships bringing humanitarian relief supplies.

245. Ms Clare Short, the International Development Secretary, reported that the humanitarian situation in Basra was improving because of the efforts of the International Committee of the Red Cross (ICRC). Damage to the high voltage electricity supply by the Coalition had affected the water system. There were lessons to be learned.

246. At the meeting on 27 March, Cabinet paid tribute to the 22 servicemen who had lost their lives in the conflict.¹⁴⁹

247. Mr Hoon informed his colleagues that, against the objectives which had been set out in Parliament, the Coalition had overcome the resistance of Iraqi Security Forces in the South: the al-Faw Peninsula, the port of Umm Qasr and the southern oilfields were

¹⁴⁸ Minutes, 27 March 2003, Ad Hoc Meeting on Iraq.

¹⁴⁹ Cabinet Conclusions, 27 March 2003.

all secured. The sooner the oil could flow again, the sooner the profits could be used for the Iraqi people. The Iraqi regime had been successfully denied the use of its WMD. Wider conflict inside Iraq and in the region had been deterred. The leading elements of the US forces were about 60 miles south of Baghdad where they were likely to be opposed by four divisions of the Iraqi Republican Guard. That confrontation would be a crucial event in the military campaign. Baghdad and other centres of population needed to be isolated so that totalitarian control was diminished.

248. The regime's brutal intimidation was deterring Iraqis from rising up. Nevertheless, Saddam Hussein had lost control of most of southern Iraq. Handling Basra, where there was the potential for a popular uprising although it had so far been held in check by the regime's militia, could be a model for application in Baghdad.

249. Cabinet also discussed the humanitarian situation and the responsibility of the military as the Occupying Power to provide humanitarian relief. Mr Gordon Brown, the Chancellor of the Exchequer, said 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.

250. Later on 27 March, Mr Blair, Mr Straw, President Bush, Secretary Powell and Dr Rice and others at Camp David participated in a video conference with Mr Hoon and Adm Boyce in London and Mr Donald Rumsfeld (US Defense Secretary) and Gen Myers in Washington.¹⁵⁰ Mr Hoon described Basra as "a microcosm of the successes and limitations of Coalition operations across the country"; "regime loyalists" remained in control of key areas, intimidating the urban population.

251. Mr Blair stated that seizing Basra could have a huge impact on the wider campaign.¹⁵¹

252. Adm Boyce had:

"... underlined the strategic dilemma: the fall of Basra would send an important message of the beginnings of the collapse of the Saddam regime, but deploying adequate forces to achieve this in the absence of a local uprising would divert from the top objective of reaching Baghdad. Indeed there was a case for shifting forces from Basra to reinforce the drive on Baghdad."¹⁵²

¹⁵⁰ Minute Cannon to Rycroft, 27 March 2003, 'Iraq: Prime Minister's video-conference with Bush, 27 March'.

¹⁵¹ Minute PS/SofS [MOD] to DG Op Pol, 27 March 2003, 'Iraq: VTC with Camp David: 27 March 2003'.

¹⁵² Minute Cannon to Rycroft, 27 March 2003, 'Iraq: Prime Minister's video-conference with Bush, 27 March'.

253. Following their meetings, Mr Blair and President Bush gave a joint press conference.¹⁵³ Mr Blair told reporters:

“Our forces are now within 50 miles of Baghdad. They have surrounded Basra, they have secured the key port of Umm Qasr, they have paved the way for humanitarian aid to flow into the country and they have brought real damage on Iraq’s command and control. So we can be confident that the goals we have set ourselves will be met.”

254. Reporting on President Bush and Mr Blair’s press conference and the atmosphere in Washington, the British Embassy commented that the “prospect of instant victory/‘catastrophic success’ has vanished” but President Bush had reassured the American public that victory was the only possible outcome “however long it takes”.¹⁵⁴ That “followed days of media speculation that the war plan was flawed, that the US had too few troops on the ground, that the Iraqi resistance had taken the US by surprise”.

255. The Embassy also commented that managing the media had been “a sharp learning curve” for the US administration and that the press conference had been the first occasion “for [Gen Myers] to articulate at one sitting the gains the Coalition has made into hostile terrain”.

28 March: one week in

256. The MOD was informed that Mr Hoon was keen that the UK did not adopt a “static approach” to Basra and that opportunities were actively exploited.

257. Mr Hoon also asked for advice on the options if the attack on Baghdad was delayed.

258. The MOD overnight situation report on 28 March reported that the radio station at az-Zubayar had been seized. It was not operational but would be repaired for possible future use.¹⁵⁵ The operation at Qalat Sikar had been cancelled.

259. Mr Hoon informed the Ad Hoc Meeting on Iraq on 28 March that he had written to selected Defence Ministers asking them to consider a military contribution to the post-conflict phase.¹⁵⁶

260. Following the meeting, Mr Watkins recorded that Mr Blair had commissioned “an assessment of the US view of the strategic importance of taking Basra” for discussion at the following day’s meeting.¹⁵⁷

¹⁵³ The National Archives, 28 March 2003, *Joint press conference with President Bush at Camp David [27/03/2003]*.

¹⁵⁴ Telegram 416 Washington to FCO London, 29 March 2003, ‘Iraq: The First Week’.

¹⁵⁵ Briefing [MOD], ‘Iraq: Update for the Number 10 Sitrep – As at 0600Z 28 March 2003’.

¹⁵⁶ Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.

¹⁵⁷ Minute Watkins to Lee, 28 March 2003, ‘Iraq: Basra’.

261. Mr Hoon’s Assistant Private Secretary wrote on 28 March that Mr Hoon had “noted” the advice from the PJHQ about the planning for Basra “and the continuing imperative attached to operations in respect of Baghdad”.¹⁵⁸ He was:

“... keen that we do not adopt a static approach to Basra, but instead actively exploit the physical and information opportunities which are presented ...

“Mr Hoon also wonders whether the balance would be changed if circumstances dictated that the attack on Baghdad were delayed, say until after the arrival of 4th Infantry Division.”

262. The Assistant Private Secretary also requested further advice for Mr Hoon on the actions being taken by UK forces around Basra.

263. Operations around Basra were discussed at the Chiefs of Staff meeting on the morning of 28 March.¹⁵⁹ An air strike had been carried out on the Iraqi Intelligence HQ in Basra. Separately, troops from the Black Watch had conducted a patrol 7km into Basra. Operations were focused on “driving a wedge between the Iraqi forces and the wavering civilian population”.

264. The Chiefs of Staff were told that:

- 16 Air Assault Brigade had been dispatched to secure Route 6, which ran north from Basra, through al-Amara and al-Kut, to Baghdad.
- The al-Faw Peninsula was “thought to be as secure as possible ... Operations had therefore transitioned to PSO – [peace support operations] type activity, although the local population remained very cautious.”
- 3 Commando Brigade continued to destroy enemy assets on the peninsula. CENTCOM guidance had been changed “to include destruction of Regime loyalists and symbols ... to demonstrate commitment to the Iraqi people ...”

265. The MOD sought to counter the media focus on the perceived problems of the campaign.

266. Speaking to the press on 28 March, Lieutenant General William Wallace, Commander of US V Corps, said that it was beginning to look as if the removal of the Iraqi Government was likely to take longer than originally thought.¹⁶⁰ Lt Gen Wallace told reporters:

“The enemy we’re fighting is a bit different than the one we war-gamed against, because of these paramilitary forces ... We knew they were here, but we did not know how they would fight.”

¹⁵⁸ Minute Williams to PJHQ Dep Hd Pol/Ops(ME), 28 March 2003, ‘Iraq: Basrah – Coalition Campaign Strategy’.

¹⁵⁹ Minutes, 28 March 2003, Chiefs of Staff meeting.

¹⁶⁰ *New York Times*, 28 March 2003, *A Nation at War: In the Field – V Corps Commander: A Gulf Commander Sees a Longer Road*.

267. The *New York Times* reported that bad weather and fierce fighting were slowing the attack, and that the supply train had yet to catch up with the US forces 100 miles from Baghdad, leading to concerns about food, fuel and water.

268. On 28 March, Mr Adam Ingram, the Minister of State for the Armed Forces, and General Sir Mike Jackson, Chief of the General Staff, held their first press conference since the start of military action.¹⁶¹

269. Mr Ingram told reporters that:

“In a remarkably short time the Coalition and the UK presence within it have accomplished an extraordinary amount ... The Iraqis are simply no match for them.”

270. In response to a question about the percentage of the UK Armed Forces committed to operations, Mr Ingram replied that, across all three Services, about a quarter were in the Gulf.

271. In his statement, Gen Jackson responded to reporting that the campaign was “bogged down”, by saying that he “wouldn’t actually describe it that way”. “Bogged down” was, in his view, a “tendentious phrase” for “a pause whilst people get themselves sorted out for what comes next”.

272. Gen Jackson stated that 3 Commando Brigade was in control of the al-Faw Peninsula, 16 Air Assault Brigade continued to secure and control the Rumaylah oilfields, and there had been some “highly successful” engagements around Basra. Iraqi forces in the South were “fixed – by that we mean they are pinned down, their ability to manoeuvre is ... very little indeed”. He also paid tribute to the “staggering achievement” of the logisticians who had made it all possible; that was “better even than what was achieved in the first Gulf War”.

273. Gen Jackson said:

“It is inevitable that there is a demand for rapid results, but we must be very careful that what is hoped ... does not come to some sort of prediction ... it is not a fixed plan ... [as] the President of the United States and our own Prime Minister said yesterday ... it will take as long as it takes to achieve the objective.”

274. Asked about the idea that Iraq’s “dogged resistance” was “ruining” the Coalition’s plan, Gen Jackson stated that the plan had not changed, but the enemy would try to interfere with it. At the tactical level, plans would be adjusted according to the local situation.

¹⁶¹ GlobalSecurity.org, 28 March 2003, *Minister of State for the Armed Forces and the Chief of the General Staff: Press Conference at the Ministry of Defence, London – 28 March 2003*.

275. When Lt Gen Wallace’s comments were put to him, Gen Jackson said that the Iraqi irregular forces were regime supporters who were resisting because they had “nowhere else to go, their futures were pretty limited”.

276. Reporting on the first week of the campaign, the British Embassy Washington wrote on 29 March that President Bush was “irritated by suggestions that the war plan has gone awry”.¹⁶² He was taking steps to manage that by giving “Americans the big picture”. As a result, the Embassy noted that the Administration was increasingly willing to “take the gloves off” in its conduct of the campaign.

277. AM Burrige commented in his end of tour report that in the first week the Iraqi regime “had maintained a surprisingly effective hold on media activity, arguably winning the early Information Operations (IO) battle”.¹⁶³

278. Lt Gen Brims told the Inquiry that:

“... we did expect irregular forces in their various ways and they probably fought more voluminously and venomously than we had anticipated ...”¹⁶⁴

279. Lieutenant General Sir Robert Fry, Deputy Chief of Joint Operations (Operations) during the invasion, told the Inquiry that, one week in, UK forces had “found ourselves confronting ... Iraqi conventional forces but also feeling ... enveloped on our own rear areas by Iraqi irregulars ... It represented a dimension that we hadn’t expected to find at that stage.”¹⁶⁵

280. Mr Hoon told the Inquiry that the speed of advance left rear troops more vulnerable to Fedayeen attack.¹⁶⁶

281. The debate on the next steps of the campaign continued in the UK.

282. At the request of Sir Richard Dearlove, Chief of the Secret Intelligence Service, his Private Office drew Sir David Manning’s attention to an account from SIS9 of a meeting between Maj Gen Wall and senior US military officers in CENTCOM which had taken place early on 28 March.¹⁶⁷ Maj Gen Wall had briefed the US “on the UK strategy in Basra”. Other points made in the account included:

- The Coalition “needed a victory soon”.
- “The battle for Baghdad could not commence with Basra and the South so insecure.”
- The US “would ideally need” 7 Armoured Brigade for the attack on Baghdad.

¹⁶² Telegram 416 Washington to FCO London, 29 March 2003, ‘Iraq: The First Week’.

¹⁶³ Report Burrige to CJO, 8 May 2003, ‘NCC Operation TELIC Hauldown Report’.

¹⁶⁴ Public hearing, 8 December 2009, page 40.

¹⁶⁵ Public hearing, 16 December 2009, page 60.

¹⁶⁶ Public hearing, 19 January 2010, pages 114-5.

¹⁶⁷ Letter PS/C to Manning, 28 March 2003, ‘Iraq: Losing the hinterland’ with UK document, [undated], ‘Iraq: Losing the hinterland’.

- “The major problem was the absence of popular support. What could be done to spark off the popular uprising?”
- “Without public support the conduct of the campaign in particular Phase IV would need to be revised.”
- “... critical assumptions about the nature of the hinterland in which the campaign would be fought are now proving to be mistaken.”
- “The absence of a popular reaction against them [Saddam Hussein’s regime]” was “eroding support for the campaign internationally”.
- Impatience would have risks; the UK needed to hold its nerve.
- The strategy should be to “continue to isolate and destroy regime facilities ... whilst at the same time showing that where we control the ground, life is better”.

283. Sir David Manning sent the report to Mr Blair in preparation for the Ad Hoc Meeting on Iraq on 29 March.¹⁶⁸

284. On 28 March, in a brief “intended to provoke thought rather than to provide authoritative assessment”, the DIS Red Team (see Section 6.5) raised the possibility that the Coalition had not fully appreciated the implications of Saddam Hussein’s asymmetric tactics, and specifically:

- urban guerrilla warfare;
- irregular warfare against lines of communication;
- threat of chemical, biological and missile attack; and
- the willingness of the regime to breach international humanitarian law obligations.¹⁶⁹

285. Irregular warfare against the Coalition’s lines of communication had caused delay and casualties, and created the risk of Coalition over-reaction. While the Iraq regime was still in place, Iraqis would “fear the consequences of betraying the regime more than they support Coalition Forces”. That had been “unwittingly supported by the Coalition information campaign, which has encouraged Iraqis to stay at home”.

29 to 31 March: events

286. The MOD update on the morning of 29 March reported that:

“UK forces are not encircling or besieging Basra (contrary to media reports). There are no forces to the east of Basra and routes remain open into the town to allow the flow of civilians and aid.”¹⁷⁰

¹⁶⁸ Manuscript comment Manning on Letter PS/C to Manning, 28 March 2003, ‘Iraq: Losing the Hinterland’ with UK document, [undated], ‘Iraq: Losing the Hinterland’.

¹⁶⁹ Report Defence Intelligence Staff Red Team, 28 March 2003, ‘Saddam’s First Week’.

¹⁷⁰ Minute [MOD], 29 March 2003, ‘Iraq: Update for the Number 10 Sitrep – as at 0430Z 29 March 2003’.

287. Adm Boyce informed the Ad Hoc Meeting on Iraq on 29 March that UK forces in the South continued to consolidate their hold.¹⁷¹

288. Mr Hoon said it would be helpful if aid agencies and others could be encouraged to return to the South to distribute aid. That would release troops from the task.

289. There is no reference in the record of the meeting to any discussion of the options for Basra.

290. Just after midday on 29 March, Sir David Manning spoke to Dr Rice, who told him that Gen Franks was preparing for a major battle or “denouement” south of Baghdad.¹⁷² She said that Gen Franks would move when ready, probably within a few days.

291. Sir David and Dr Rice discussed media comments in the US and UK that the campaign was ill-prepared and had become “bogged down”. Sir David said:

“It was worth reminding people that we were only in week two of the war; and that we were dealing with a population that had been traumatised by years of repression and where people were in fear of their lives. When we took control of urban centres, and it became clear that Saddam was really finished, people would be more likely to lose their fear and speak out about Saddam and the horrors they had endured.”

292. The Red Team produced another report on 29 March, again intended to “provoke thought rather than to provide authoritative assessment”, which analysed Saddam Hussein’s likely survival strategy.¹⁷³ It stated:

“We need a focus for our information operations ... the best focus would be Basra under Coalition control, with an effective humanitarian operation in train and plenty of exploitation of recent atrocities. This would have a real impact on his level of international support. This is so critical that the relief of Basra should become the Coalition main effort.”

293. The Chiefs of Staff meeting on 30 March was informed that an attack had been conducted by 1 (UK) Div on the Iraqi Intelligence HQ in Basra overnight on 29/30 March.¹⁷⁴ 7 Armoured Brigade had conducted raids on “opportunity targets” in Basra, “taking advantage of a growing perception that the city was ‘opening up’ to the Coalition”. Radio broadcasts were being transmitted into Basra. Local militia patrols had “significantly reduced”.

294. **In a minute taking stock of the position for Mr Blair, Sir David Manning suggested a review of strategy, including consideration of putting plans for Baghdad on hold and focusing on Basra.**

¹⁷¹ Minutes, 29 March 2003, Ad Hoc Meeting on Iraq.

¹⁷² Letter Manning to McDonald, 29 March 2003, ‘Iraq: Conversation with Condi Rice’.

¹⁷³ Minute MOD [junior official] to PS/CDI, 28 March 2003, ‘Iraq Red Team – Saddam’s Survival Strategy’.

¹⁷⁴ Minutes, 30 March 2003, Chiefs of Staff meeting.

295. On 30 March, Sir David Manning sent a minute to Mr Blair setting out his thoughts 10 days into the conflict, “for what they are worth”.¹⁷⁵ He wrote:

“As you said at Camp David, much has been achieved. We need to keep our nerve. But we also need to accept that the war is not working out as advertised, and adjust accordingly.

“Saddam is apparently still in place; and the Iraqis are fighting effectively. This is not the war the military expected. We need a strategy for dealing with the Fedayeen phenomenon. CDS says Franks will take these units out one by one. But how does he intend to identify them? ... We [the Coalition] are also short of men [...] We now have thousands of troops still on their way through the Red Sea [the US 4th Infantry Division].”

296. Addressing the risks as he saw them, Sir David wrote:

“Franks will launch his delayed and much hyped Army Group offensive later this week. But what sort of offensive will it be if the Iraqis refuse the roles allocated to them ...? Will pulverising attacks be possible on the Medina and Baghdad Divisions if they avoid fighting in massed units in the open, instead concentrating in heavily populated, built up areas?

“Franks’ focus remains Baghdad. Whatever the outcome of the imminent offensive, he [General Franks] seems determined to deliver the prize [Baghdad] to Bush and Rumsfeld within four to six weeks ... The plan to divide Baghdad into forty or fifty sectors and clear them out one by one could turn into a nightmare and give Saddam his Stalingrad. I think you should demand an early review of this strategy. I think it risks losing us the war rather than winning it.”

297. Addressing the military priorities, Sir David advised:

“All this makes me think we should:

- ask the military for a detailed account of how they will now adapt the campaign to the Iraqi guerrilla war of hit and run;
- ask for a detailed analysis of Franks’ planned big offensive ... How severe will collateral damage be if the Medina and Baghdad Divisions are in urban areas?
- put plans for Baghdad on hold, while we focus on Basra. We should reject the argument that if Baghdad falls so will Basra but that the reverse does not apply ... Baghdad is unlikely to fall quickly. But Basra might. Success there would send shock waves through the Iraqi system that could destabilise the regime. This could in turn give us a better chance of taking Baghdad with minimum loss of life. The question is whether it now makes sense for the

¹⁷⁵ Minute Manning to Prime Minister, 30 March 2003, ‘The Iraq War: Ten Days In’.

Americans to move forces to Basra rather than for us to withdraw our armour from the city and send it north.”

298. Sir David concluded his minute by considering the political strategy. He advised Mr Blair:

“Things may be better than I think [...] But the ‘denouement’ that Condi [Rice] talked to me about yesterday still feels a long way off. We are at a critical moment: we need a ‘Mazar-e-Sharif’ turning point. We need to ensure that the military campaign is the means of winning the political argument. Our best chance is to concentrate on taking Basra in the next few days and weeks, and on pacifying the Shia South. With the oil wells working and humanitarian relief in place, we will be able to show that we have liberated an area and that life is steadily improving. People will then lose their fear and speak out. This will help to transform the media coverage.

“While we concentrate on Basra, we should get more forces into the North as quickly as possible ... Between these southern and northern millstones, we should patiently work against Saddam in Central Iraq. We should move to surround Baghdad, but not move to assault it unless we are very confident that it is ready to fall. Otherwise the military cost will be heavy and the loss of life will be great. Success at this price could well be politically unsustainable.”

299. The MOD continued to advise Mr Hoon that the US military did not see Basra as strategically significant.

300. The US attached a higher priority to the UK role in providing security for the oilfields, protecting lines of communication and in the retention of Umm Qasr.

301. The US military would be unlikely to review the position until after a planned major engagement with Republican Guard forces, which might not take place for several days.

302. UK forces would be continuing raids into Basra and had contingency plans if the situation deteriorated.

303. Mr David Johnson, Head of the MOD Iraq Secretariat, submitted advice on the Coalition campaign strategy for Basra, approved by Adm Boyce, to Mr Hoon’s Private Office on 30 March.¹⁷⁶

304. Mr Johnson wrote:

“US Commanders (Generals Franks and McKiernan)

- Are clear that their main effort is Baghdad, and that they do not have the forces to fight on two fronts at once;

¹⁷⁶ Minute Johnson to PS/Secretary of State [MOD], 30 March 2003, ‘Iraq: Basrah – Coalition campaign strategy’.

- Do not see Basra as being of strategic significance;
- Do not believe the fall of Basra would in itself improve the prospects for the fall of Baghdad;
- Judge the main priorities for 1 (UK) Div as being the maintenance of control over the southern oilfields, the security of the lines of communication and the retention of Umm Qasr;
- Would not currently be prepared to provide additional forces for operations to secure entry into Basra; and
- Are unlikely to review their position until after the planned major engagement with Republican Guard forces, which may not take place for several days.”

305. Mr Johnson added that 1 (UK) Div was implementing “a proactive strategy to develop Coalition control over Basra ... conditioned by the need to avoid large UK or civilian casualties”. Iraq was thought to be reinforcing Basra. Progress would be “determined by effects and events rather than a set timetable”. There was “no indication that the US are contemplating any change in strategy”.

306. In the detailed portion of his advice, Mr Johnson stated that US commanders did not see the fall of Basra as “a high operational priority”.

307. The “security of the line of communication – under continual attack from Iraqi irregulars – and the associated preparation of ... front line forces ... the key enablers for the launch of decisive operations against Republican Guard forces, and thereafter Baghdad” were Lt Gen McKiernan’s priorities.

308. The US also did not see Basra as “the main effort for British Forces. They attach a higher priority to the continued security of the southern oilfields, their lines of communication, and to the retention of Umm Qasr.”

309. In relation to the UK’s strategy for Basra, Maj Gen Brims was “continuing with constant, aggressive activity in and around Basra”. His aims were to:

- “divide the Iraqi irregulars from the regime in Baghdad and the civilian population in Basra and az-Zubayr ...
- “encourage any popular uprisings that might enable British forces to enter and take control of the cities, with acceptable risk.”

310. Maj Gen Brims had assessed that:

“... even if he wanted to at this stage – it would be extremely difficult and highly risky to attempt to enter Basra whilst the irregulars remained well organised and while the population are only supporting the Coalition passively at best. To compensate for these factors he would have to resort to attritional tactics relying on heavy firepower. This would guarantee significant casualties – both British and civilians – and widespread damage to infrastructure, both of which could only have a negative impact on domestic and international support, and on Iraqi perceptions of the UK

both in the short term and in the aftermath. Commander 1 (UK) Div is also conscious of the continuing threat posed by Iraqi forces within missile range of Basra ... And most importantly, entry to Basra is a decision for the Coalition land commander, and is not Commander 1 (UK) Div's call."

311. Mr Johnson also set out the specific actions being undertaken by UK forces, including to: "Isolate the community from regime propaganda and replace it with our own information." Radio broadcasts were being used to convey messages, including that:

- "unlike 1991, we will not stop until we have overcome this resistance and overthrown the regime";
- "we will enter Basra when the time is right"; and
- "we will work to relieve the population's hardship when we do enter".

312. Mr Johnson wrote that it was "important to ensure we do not undermine our credibility by making promises we cannot fulfil".

313. Mr Johnson described the raids and attacks at the heart of the UK approach in Basra. They included a raid on the State Security Organisation in az-Zubayr, an air strike on the Intelligence headquarters in Basra and a raid into Basra which attacked the TV station and destroyed two statues of Saddam Hussein. A "further encroachment" into the outskirts of Basra was in progress as Mr Johnson wrote his advice, focused on the Abu Al Khasib area to the southeast of Basra.

314. In the event of "the situation in Basra disintegrating into chaos", Mr Johnson told Mr Hoon that Maj Gen Brims had developed contingency plans. They included leaving a route to the north open "to enable irregular forces to leave – he has troops positioned further north who would engage them at a safe distance from Basra itself – and to forestall accusations that he is laying siege to the city". He was also prepared to facilitate access for the delivery of humanitarian aid and repairs to key infrastructure as necessary; and to deploy 7 Armoured Brigade into the city with tanks.

315. Sir Kevin Tebbit wrote to Mr Hoon on 31 March with "Some personal thoughts about handling the wider [political/military] issues of the campaign."¹⁷⁷

316. In the context of US/UK relations, Sir Kevin cautioned:

"... we need to take some care to avoid a situation where the US is focused on Baghdad and the UK regards the 'exemplar' of Basra as its own contribution. I found David Johnson's note of 30 March instructive in this respect where he reminds us of what US overall strategy is and that 'entry into Basra is a decision for the Coalition Land [Coalition Forces Land Component] Commander, [Lt] Gen McKiernan, and is not Commander 1 (UK) Div's call'. We tend, perhaps because of the way we get our twice daily briefings from PJHQ, to assume that this is a UK lead. We should

¹⁷⁷ Minute Tebbit to Secretary of State [MOD], 31 March 2003, 'Iraq'.

not exclude the time or circumstances where it becomes more important to regard Basra as an objective in its own right ... [A]nd I recognise the politics of the issue, particularly if uprisings and humanitarian issues loom larger. But it is a dimension which you might wish to cover with Rumsfeld to ensure that we do not create a perception of drifting apart on the Baghdad/Basra priorities.”

317. Sir Kevin’s comments on Phase IV are covered in Section 10.1.

318. Mr Scarlett reported to the Ad Hoc Meeting on Iraq on 31 March that a suicide car bomb at Najaf could be the start of a new aspect of Iraq’s defence, possibly using terrorist organisations from outside Iraq.¹⁷⁸

319. Adm Boyce reported that the British Division was gaining increasing control in the South.

320. Following the Chiefs of Staff meeting on 31 March, a Cabinet Office official told Sir David Manning that:

“There appears to be an increasing doctrinal difference between ourselves and the Americans over our approach to dealing with the Iraqi towns and cities. The Americans are very much in post 9/11 mode for dealing with the undecided: if you are not for us then you must be against us. Our approach has been to seduce ... the undecided and encourage them to rise up. This is a message that we will be trying to get across to the Americans on a variety of levels.”¹⁷⁹

321. The official wrote that in Basra:

“We are now broadcasting into the city. The message has changed from ... ‘stay indoors and sit tight’ to ... ‘get out and liberate yourselves from the regime’.”

322. The Chiefs of Staff discussion of the need for decisions on the UK’s post-conflict responsibilities is addressed later in this Section.

323. During discussion of the military campaign in his conversation with President Bush on 31 March, Mr Blair focused on the need to win the “propaganda war”.

324. Sir David Manning spoke to Dr Rice just after midday on 31 March.¹⁸⁰ Sir David reported that:

“There had been signs over the weekend, in the British sector in the South, that we were beginning to win the confidence of the local population. This would take time and care. But it was the key to unravelling Ba’ath party control. British forces on the edge of Basra were choosing targets carefully and gradually inserting themselves

¹⁷⁸ Minutes, 31 March 2003, Ad Hoc Meeting on Iraq.

¹⁷⁹ Minute Gibbons to Manning, 31 March 2003, ‘Iraq: COS Meeting’.

¹⁸⁰ Letter Manning to McDonald, 31 March 2003, ‘Iraq: Conversation with Condi Rice’.

further into the city. We hoped that, in due course, people in Basra would conclude that we really meant to liberate them, and would come over to us.”

325. Dr Rice said that “the Fedayeen phenomenon” had been underestimated, but that Gen Franks was quickly adjusting his tactics in response.

326. In briefing for a discussion between Mr Blair and President Bush at lunchtime on 31 March, Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, advised that, in relation to the military campaign:

“You said you wanted to cover ... consequences of an incremental approach. Including in the media campaign. Need for strategic grip.”¹⁸¹

327. The discussion between Mr Blair and President Bush recognised that the advance on Baghdad had slowed to give the air campaign more time to “soften up” the Republican Guard.¹⁸² Mr Blair was concerned that the “Basra scenario” could be repeated in Baghdad with a small, pro-regime force in a large built-up area which was “difficult for us to get at without risk of high civilian casualties”. In such circumstances, Mr Blair stated that winning the “propaganda war” would be even more important. Persistent attacks on pro-regime forces coupled with efforts to “win over the locals” would eventually reach a tipping point, but that could take weeks to develop. There was a need to tighten up media handling and drive the news agenda. Mr Blair suggested that, as for the Kosovo campaign, the US and UK “needed an election-style media ‘war-room’”. During the “steady advance” phase, propaganda and politics would be inextricably linked. A clearer picture was needed of the shape of a post-Saddam Hussein Iraq to “sketch out a political and economic future and dispel the myth that we were out to grab Iraq’s oil. But our promises had to be realistic”.

328. Following the discussion, Mr Blair sent President Bush two Notes.

329. Reflecting Mr Blair’s concerns about communications, one Note set out his proposals for a media and communications “War Room” on both sides of the Atlantic to provide a “real sense of strategic grip”.¹⁸³ It would contain eight units able to:

- generate a “big picture message” each day and discourage ad hoc interviews;
- rebut negative stories;
- work up stories which showed the nature of the regime, including trying to free up more intelligence material;
- obtain coverage of Iraqi people helping the Coalition and step up efforts to get messages into Iraq;
- explain what life had been like in Basra pre-invasion and what was being done to improve the situation;

¹⁸¹ Minute Rycroft to Prime Minister, 31 March 2003, ‘Bush Call: Checklist’.

¹⁸² Letter Cannon to McDonald, 31 March 2003, ‘Iraq: Prime Minister’s conversation with Bush, 31 March’.

¹⁸³ Letter Manning to Rice, 31 March 2003, [untitled].

- provide eye-witness accounts of life under Saddam Hussein and the “offer for the future”. That would include a series of political announcements which would set the tone for the post-Saddam Hussein era, such as oil money in a fund administered by the Iraqis and a human rights decree for political, religious and ethnic tolerance;
- improve the work on the Arab media; and
- provide information for European and other non-US/UK outlets.

330. Mr Blair concluded that each of those units would have a discrete task which would need to be brought together to produce a daily briefing.

331. A second Note addressed funding the reconstruction of post-war Iraq (see Sections 9.1 and 10.3).¹⁸⁴

332. Mr Campbell wrote that Mr Blair had discussed the proposals in a meeting with Dr John Reid (Minister without Portfolio), Ms Hilary Armstrong (Chief Whip), Mr Douglas Alexander (Minister of State in the Cabinet Office) and No.10 staff.¹⁸⁵ Mr Campbell had then spent most of the day working out how to put it into practice. He added that he had sensed that President Bush “was maybe sharing” Mr Blair’s “feeling that the military campaign was not quite right. They were both desperate for better communications.”

333. Mr Blair discussed the campaign with Mr Hoon, Adm Boyce and Maj Gen Fry on 31 March.

334. On the afternoon of 31 March, Mr Blair met Mr Hoon, Adm Boyce and Maj Gen Fry, for 80 minutes, to discuss Basra and the wider campaign.¹⁸⁶ At the request of Mr Jonathan Powell, Mr Blair’s Chief of Staff, Mr Rycroft provided a “full note” setting out the dialogue in the meeting.

335. In response to a question from Mr Blair, Maj Gen Fry said that his private estimate was that it would take 10 to 14 days to get to Baghdad, where there were between 5,000 and 6,000 members of the Special Republican Guard.

336. In relation to Basra, Mr Rycroft recorded that Mr Blair had asked: “How long to tipping point?” Adm Boyce had responded: “At least four weeks.”

337. Mr Blair had referred to the “huge strategic importance of Basra” and asked what it would take to “do it quicker”, including whether double the number of troops would help.

338. In response, Maj Gen Fry stated that the “US don’t see the strategic importance of Basra the way you do”, and that the US thought the main role in the South was to hold

¹⁸⁴ Letter Manning to Rice, 31 March 2003, [untitled].

¹⁸⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁸⁶ Minute Rycroft to Powell, 31 March 2003, ‘Iraq: Military Briefing’.

the oilfields and Umm Qasr and to isolate Basra. He added: “They don’t see the causal linkage between Basra and Baghdad.”

339. In response to a comment from Sir David Manning that Basra was “vital for hearts and minds”, Mr Blair said that “symbolic acts” were important now that the strategy was “steady advance not shock and awe”.

340. In his diary for 31 March, Mr Campbell wrote that “both CDS and C [were] more hopeful” at the morning meetings; and that Mr Blair had seen Adm Boyce “and a general from the campaign” later.¹⁸⁷ Mr Blair had “got more talking direct to the general than he had from weeks of meetings. The truth was that the military and intelligence campaigns had not been wholly successful.”

1 to 3 April

341. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 1 April that the Shia holy sites at Karbala and Najaf could be at risk of attack, with the blame being laid on Coalition Forces to alienate the Shia population.¹⁸⁸

342. Adm Boyce reported that the battle with the Republican Guard south of Baghdad was getting under way. In the South, signs of normality were returning to the towns in British hands. The British Division was conducting both high-intensity operations around Basra itself and post-conflict stabilisation operations elsewhere.

343. Concluding the meeting, Mr Blair said that the Coalition needed to make known its respect for the Shia holy sites and our desire to protect them from any damage by the regime. As regards the overall campaign, there were three phases; it was now in the second phase.

344. Mr Blair said that to sustain support nationally and internationally, there was a need to upgrade the communication strategy; and he had discussed that with President Bush. Better co-ordination across both Whitehall and the Atlantic would be put in place to present a coherent strategy. The nature of the Iraqi regime had to be exposed and the rebuttal system improved. Messages about the future representative government in Iraq and human rights protection had to be conveyed to the Iraqi people and more widely. Resources and the full co-operation of government departments would be needed in providing resources for the communications effort. It was as important to win the diplomatic and political campaign as it was to achieve military success.

345. The progress of the campaign had also been the subject of much debate in Washington.

¹⁸⁷ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁸⁸ Minutes, 1 April 2003, Ad Hoc Meeting on Iraq.

346. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 2 April that desertions and internecine differences between those opposing the Coalition were on the increase in Basra.¹⁸⁹

347. Adm Boyce reported that Iraqi reinforcement of Basra from the north had been stopped. Photography had been commissioned of Iraqi forces taking cover in and around the Shia holy sites.

348. Concluding the discussion, Mr Blair said that it remained to be seen whether Republican Guard divisions outside Baghdad would fall back into the city or remain outside. UK forces continued to chip away at Basra, where resistance by Iraqi regulars was diminishing. More generally, the main judgement to be made at the end of the conflict would be whether life was better for the Iraqis. This was what would count for Arab opinion in particular. Our message to the Iraqi people needed to be repeated so that there was no doubt about our intentions. Mr Blair repeated that the full co-operation of departments was essential in gearing up the communications effort.

349. Mr Scarlett sent Sir David Manning reports on the situation in Basra and on Iraq's irregular forces on 2 April.

350. The DIS stated that there were indications that the "aggressive posture" of UK forces was undermining the confidence of regime figures in Basra; and that one member of the Iraqi Army had stated that it would attack regime forces once the Coalition moved to take Basra.

351. Mr Scarlett predicted that fighting might continue after the fall of the Iraqi regime and that only the substantial, vigorous and visible presence of Coalition troops could guarantee control.

352. In response to a request from Sir David Manning for regular updates on Basra, Mr Scarlett sent No.10 a DIS report, reviewed and agreed by the Assessments Staff, on 2 April.¹⁹⁰

353. The DIS report stated:

- Coalition airstrikes are degrading Ba'ath and security forces grip on the city. The destruction of the Ba'ath headquarters has driven security forces to set up in schools, sports clubs and municipal facilities. Continued airstrikes, combined with UK fighting patrols into the city, are forcing the security forces to disperse ... Reinforcements arrive along Highway 6 – there appears to be large numbers of Fedayeen and possibly Republican Guard travelling in civilian clothes ... The Coalition has left one bridge open in the north and the regime is exploiting this.

¹⁸⁹ Minutes, 2 April 2003, Ad Hoc Meeting on Iraq.

¹⁹⁰ Minute Scarlett to Manning, 2 April 2003, 'Situation in Basra' attaching Report DIS, 1 April 2003, 'Situation in Basra as at 01 April 2003'.

- There are significant numbers of troops still in the city (... estimated over 3,000) as well as tanks ... armoured forces are being destroyed as the regime counter-attacks into the al-Faw Peninsula. The military has attempted to reinforce; however, 16 Air Assault Brigade have destroyed an armoured column (estimated as 17 T-55s ...) moving into the city from the north.
- [...] desertion rates within Basra are assessed to be high. Some members of the RA [Regular Army] have attacked Ba'ath officials [...] UK forces have been approached by a member of the RA who stated that elements of the RA will conduct attacks on regime forces once the Coalition moves to take the city.

Local population

- There is a body of evidence that there may have been an attempted uprising on 25 March. This was put down by the regime, with local tribal leaders summarily executed. Civilians are now too frightened to move against [the] regime. There are multiple reports stating that regime forces have also used mortars and automatic weapons to attack civilians trying to leave the city.
- ... as families leave, elements of the male population seem to be more confident to challenge the regime. As Coalition attacks ... are increasingly successful, anti-regime sentiments are getting stronger.
- There are difficulties with supporting anti-regime forces ... the Coalition will not be able to differentiate between resistance fighters and regime security forces.
- Food and water is in short supply ... UK efforts to assist outside Basra are appreciated, although there have been chaotic scenes.

UK operations within Basra

- [...]
- UK armoured forces have entered the city at night ... There are strong indications that this aggressive posture by UK forces is undermining the confidence of regime figures ...”

354. Mr Scarlett also provided separate and detailed advice for Sir David Manning on Iraq's irregular forces.¹⁹¹

355. The points made by Mr Scarlett included:

- The intelligence was “often unclear or unreliable” about which organisation was involved in particular events, and the “distinction between these organisations” might break down “particularly in confused situations eg currently in Basra, Nasiriyah and Najaf”.
- Before the conflict, each of Iraq's 18 Governorates had had “one Fedayeen battalion and one or two ‘emergency forces’ battalions ... of Ba'ath Party militia and intelligence/security forces (with each battalion up to 1,500 men)”.

¹⁹¹ Minute Scarlett to Manning, 2 April 2003, ‘Iraqi Irregular Forces’.

- Estimates of the total strength of the Fedayeen varied from “15–40,000 members”.
- The irregular forces were motivated by a range of factors and they were difficult to identify. They did “not need to be particularly militarily effective to cause the Coalition problems politically or to increase Coalition requirements for force protection”.
- The “survival of communications links with Baghdad and the central Iraqi leadership” was “of pivotal importance to the continued resistance by the irregular forces”; “maintaining the implicit threat of retribution against those who do not fight and undermining any perception of Coalition success”.

356. Mr Scarlett concluded:

“... it remains possible that even without effective command and control ... some irregulars would fight on ...

“Although there is little specific intelligence, we must be ready for new guerrilla-style activity and tactics ... It is possible that Iraq now will have established plans for a ‘stay-behind’ network of fighters and supplies to harass Coalition Forces and the population in areas supposedly cleared of fighters ... The irregulars will also continue to take advantage of any opportunity to infiltrate across the front line into the Coalition rear areas.

“But the key issue will be to what extent the irregulars can intimidate, or are supported by the local population. Only a substantial, active and visible Coalition troop presence can guarantee true control ...”

357. The British Embassy Washington reported on 3 April that the mood swing in the media between 1 and 2 April was like “night and day”.¹⁹² On 1 April there had been blanket coverage of the alleged shortcomings of the military campaign and criticisms from military officers in the Pentagon and the Gulf, which reflected the genuine concerns of some military officers about the inadequacy of current force levels in Iraq and frustration with Secretary Rumsfeld’s style and policies. Some officers believed that Secretary Rumsfeld had deliberately argued for lower forces to show the power of a transformed US military. There were also reports, attributed to UK officers, criticising US tactics. The following day the media were all reporting the new Coalition offensive towards Baghdad, the rescue of a US prisoner of war and the release of three journalists.

358. Adm Boyce reported to the Ad Hoc Meeting on Iraq on 3 April that the mood in Basra was turning to the Coalition’s advantage.¹⁹³ Overall, the terror regime was being weakened but Iraqi execution squads were still active. In discussion, the point was

¹⁹² Telegram 437 Washington to FCO, 3 April 2003, ‘Iraq: Update, 1-2 April’.

¹⁹³ Minutes, 3 April 2003, Ad Hoc Meeting on Iraq.

raised that even in places that had been secured by the Coalition in the South, fear of regime reprisals continued to hold sway.

359. Mr Blair concluded that the messages to the Iraqi people about their future should be reinforced. In the South we could demonstrate how life could be improved.

360. Following the Chiefs of Staff meeting on 3 April, Mr Jim Drummond, Assistant Head of the Overseas and Defence Secretariat in the Cabinet Office, advised Sir David Manning that:

“The next two days should tell whether the momentum created by the latest US advance will carry them into Baghdad and/or prompt regime collapse. More likely, the US will attempt to gain a stranglehold and then await reinforcements through the 4th Infantry Division which is now starting to unload in Kuwait. If the latter, the main battle for Baghdad would be fought in May. In the interim, the US would look for the fall of Basra, and some of the other towns which it has bypassed. General Reith, who has just returned from theatre reported that British forces hope to complete the taking of az-Zubayr within the next 48 hours and Basra in the next 2–3 weeks. They are now getting a good flow of information out of Basra and have identified Shia groups who would be willing to take on Saddam’s irregulars.”¹⁹⁴

361. Cabinet on 3 April was informed that:

- **the US advance had been remarkable and it would consolidate its position;**
- **UK forces had taken control of most towns in the region and were “waiting for the right moment” to take over Basra; it could provide a model for dealing with Baghdad; and**
- **progress would be uneven and the Government would need to be steady in its resolve.**

362. At Cabinet, Mr Blair said that the military campaign could best be described in three phases.¹⁹⁵ In the first, Coalition Forces had taken a strategic grip on the country, advancing from the south, preventing Iraqi aggression towards Jordan or Israel in the west and fixing Iraqi forces in the North and East. The second phase was one of steady advance. US forces were advancing beyond Karbala and al-Kut to encircle Baghdad. The UK Division was “chipping away at Basra, taking control of most of the towns in the region and waiting for the right moment to take over Basra itself”.

363. Mr Hoon told his colleagues that the US advance had been remarkable and the leading units were within 15 miles of Baghdad. US forces would consolidate their position as they progressed, bringing in reinforcements. Once Baghdad was isolated, the military question would be how to deal with it.

¹⁹⁴ Minute Drummond to Manning, 3 April 2003, ‘Chiefs Meeting’.

¹⁹⁵ Cabinet Conclusions, 3 April 2003.

364. Mr Hoon suggested that Basra could be a model for the best approach. It was now isolated, with the main access road from the north controlled by Coalition Forces. Inside the city, the regime militia's control by terror was being eroded. Intelligence suggested that the local people's mood was changing as confidence grew that the Coalition would see the job through. Aggressive patrolling would continue to send a message about the Coalition's commitment.

365. Mr Blair stated that the third phase would be the collapse of the regime. The country had been in the grip of a security apparatus which continued to fight for the regime. It appeared that the population at large did not support the regime, but they lacked the confidence to rise up until they could be sure that the change would be permanent. Mr Blair could not forecast how long it would take for the regime to collapse, but only one outcome was possible. Good progress was being made militarily.

366. In discussion, concerns were expressed about the scale of casualties likely to result from urban fighting in Baghdad. Continued pressure for regime collapse was preferable. Protection of the Shia holy sites at Karbala and Najaf was a priority for the Coalition. The UK was publicising reports that the regime intended to damage them and attribute that to the Coalition. Iraqi troops were using schools and hospitals as military positions and, in the South, an ammunition store had been found inside a school.

367. Mr Blair concluded that Cabinet very much appreciated the way UK forces had conducted themselves. Progress was being made on the military, humanitarian and political fronts. The situation was better than could have been expected at that stage. Progress on the ground would nevertheless be uneven and the Government would need to be steady in its resolve. The ultimate judgement on the conflict would be based on whether Iraq was a better place for its people and if the international community regained its unity of purpose.

368. Mr Hoon's statement to the House of Commons conveyed the message that steady progress was being made.

369. In a statement to the House of Commons on 3 April, Mr Hoon said:

“Our strategic grip on Iraq is tightening. In the South, British forces continue to operate in the al-Faw Peninsula, the southern oilfields and the Basra area. The 7 Armoured Brigade is preventing Iraqi forces in Basra from hindering the main advance, while establishing corridors for the safe movement of civilians and humanitarian aid ...

“In the area of Abu Al Khasib, in the south-east outskirts of Basra, 3 Commando Brigade have engaged substantial Iraqi forces, capturing significant numbers of enemy forces, including senior Iraqi officers ... Key suburbs of Basra have now been taken. We will go further into the city at a time of our own choosing ...

“The security situation in a growing number of areas is such that troops are patrolling on foot rather than in armoured cars, and have in some cases been able to exchange their combat helmets for berets.”¹⁹⁶

370. Mr Hoon also stated that the Iraqi regime had suppressed disturbances in Basra on 25 March and opened fire on civilians preparing to leave Basra on 28 March.

4 April

371. Adm Boyce told the Ad Hoc Meeting on Iraq on 4 April that UK forces had made a “lodgement” in Basra and continued to apply pressure on the militia, whose ability to maintain control of the city “was diminishing”.¹⁹⁷

372. On the same day, Mr Ingram and Air Chief Marshal Sir Peter Squire, Chief of the Air Staff, gave a press conference at the Ministry of Defence.¹⁹⁸ Mr Ingram told reporters:

“... the Coalition has seen further steady progress both in terms of military advance and in terms of the other crucial battle ... winning the confidence of the Iraqi people through increased normalisation and security.

“... two halves of equal importance and our military campaign objectives reflect this fully.

“... What has been particularly important about the way this campaign has developed is the relationship between these twin objectives ... as the war fighting progresses to a conclusion, we are implementing, at times simultaneously, a security framework for peace.

“... Our approach to the assault on Basra is highly illustrative of this. There is no question that the fire power available ... could be used to a more immediate but destructive effect ... Our restraint should not be interpreted as weakness, rather it is a sign of care ... The city of Basra is contained. Our commanders on the ground will use their own professionalism and sound military judgement to decide when and how to enter the city.”

373. The press conference also addressed the conduct of the air campaign. Mr Ingram stressed the greater focus on precision in that campaign and that “our overriding concern has been to minimise ... civilian casualties and unnecessary casualties on our own side”. Targeting policy had been driven by “a clear moral imperative to minimise civilian casualties. There is of course a legal obligation to do the same ... [and] a practical argument derived from our post-conflict ambitions for Iraq”.

¹⁹⁶ House of Commons, *Official Report*, 3 April 2003, columns 1069-1071.

¹⁹⁷ Minutes, 4 April 2003, Ad Hoc Meeting on Iraq.

¹⁹⁸ GlobalSecurity.org, 4 April 2003, *Minister of State for the Armed Forces and the Chief of the Air Staff: Press Conference at the Ministry of Defence, London – 4 April 2003*.

374. Mr Blair and President Bush discussed the progress of the campaign on 4 April, including the signal sent to the Shia in Baghdad as a result of the Royal Marines' exemplary conduct in Basra. Iraqi forces in Basra could collapse but it was "more likely" that there would be "patient erosion so that the city fell in 10 days or two weeks".¹⁹⁹ Mr Blair pointed out the need to convince the Iraqi population that the regime was "crumbling" and that "we [the Coalition] were not going to leave".

375. The discussion of Phase IV issues is addressed in Sections 9.1 and 10.1.

376. In a letter to the Iraqi people on 4 April, Mr Blair stated that Saddam Hussein would go and that troops would not remain in Iraq "a day longer than necessary".

377. On 4 April, the text of a letter from Mr Blair to the people of Iraq, which was being distributed by UK troops in Iraq, was reported in the media.²⁰⁰ In the letter Mr Blair assured readers that Saddam Hussein would be "gone", and went on to make the following commitments:

"Our troops will leave as soon as they can. They will not stay a day longer than necessary.

"We will make sure deliveries of vital aid such as food, medicine and drinking water get through.

"Our aim is to move as soon as possible to an interim authority run by Iraqis. This will pave the way for a truly representative Iraqi government, which respects human rights and the rule of law; develops public services; and spends Iraq's wealth not on palaces and weapons of mass destruction, but on schools and hospitals."

US forces enter Baghdad

378. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 5 April that the Republican Guard had suffered comprehensive defeat outside Baghdad, and that the loss of the airport appeared to have had a shock effect on the militias.²⁰¹ There was uncertainty about the militias' ability to reconstitute the defence of the city. The Republican Guard had evacuated positions in the North. With the disablement of communications and therefore control, the general sense was that the Iraqi regime was collapsing.

379. Adm Boyce stated that a heavy armoured US unit had entered Baghdad to demonstrate to the population that the regime had lost control. The question for Coalition commanders was whether to maintain the momentum and take Baghdad, or consolidate and establish a cordon round the city. In the North, the Regular Army had been badly damaged by air attack and might be prepared to capitulate. In the South, the British

¹⁹⁹ Letter No.10 [junior official] to McDonald, 4 April 2003, 'Iraq: Prime Minister's Video Conference with President Bush.

²⁰⁰ CNN, 4 April 2003, *Full text: Blair's open letter to Iraq*.

²⁰¹ Minutes, 5 April 2003, Ad Hoc Meeting on Iraq.

Division had a plan to take over Basra in the next few days as the regime's hold on the city disintegrated.

380. Ms Short said that non-governmental organisations were confused about the duty of the military to provide humanitarian relief as the Occupying Power: “we should make plain that this responsibility would be handed back to United Nations agencies and non-governmental organisations as rapidly as possible”.

381. Mr Scarlett told the Ad Hoc Meeting on Iraq on 7 April that Baghdad was not defended in a coherent way, but paramilitaries and some elements of the Republican Guard continued to put up resistance.²⁰²

382. Adm Boyce informed the meeting that the isolation of Baghdad was not yet complete and that reinforcement of US forces was expected shortly to enable Coalition Forces to take Kirkuk and Mosul.

The wider Coalition campaign

21/22 March: Large scale Coalition air strikes on strategic targets including Baghdad, Mosul, Tikrit and Kirkuk.²⁰³

22 March: US forces reached Nasiriyah and secured several bridges across the Euphrates River.²⁰⁴ The Commander of the Iraqi 51st Division surrendered to Coalition Forces.

23 March: There was steady progress north. US V Corps – the forward line of advance – reached 100 miles south of Baghdad, near Najaf.²⁰⁵

1 MEF moved north-west out of Nasiriyah.²⁰⁶

24 March: Lead elements of US V Corps were in sight of Karbala, with main elements consolidating around Nasiriyah and Najaf.²⁰⁷

Key bridge at Nasiriyah seized intact.²⁰⁸ Coalition Forces reported to be around 280 miles into Iraq and advancing on Karbala and al-Kut.

By evening, the Coalition was reported to be: “Just ahead of expected timelines ... but weather deteriorating.”²⁰⁹ V Corps had paused near Najaf. All southern oilfields were under Coalition control.

25 March: US forces moved towards launch points for the assault on Baghdad.²¹⁰

²⁰² Minutes, 7 April 2003, Ad Hoc Group on Iraq.

²⁰³ Minute Cabinet Office [junior official] to Manning, 22 March 2003, ‘Iraq: Overnight Sitrep – 21/22 March’.

²⁰⁴ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

²⁰⁵ Briefing [MOD], 23 March 2003, ‘Iraq: Update for the Number 10 Sitrep – As at 0600Z 23 March 2003’.

²⁰⁶ Briefing [MOD], 23 March 2003, ‘Annex to Evening Sitrep 23 March: Military’.

²⁰⁷ Minute Cabinet Office [junior official] to Manning, 24 March 2003, ‘Iraq: COBR Overnight Sitrep – 23/24 March (0715)’.

²⁰⁸ Minute Cannon to Prime Minister, 24 March 2003, ‘Iraq: Military Developments’.

²⁰⁹ Minute Cabinet Office [junior official], 24 March 2003, ‘Iraq: COBR Round Up of Key Events – 24 March’.

²¹⁰ Minute Cabinet Office [junior official], 25 March 2003, ‘Iraq: COBR Overnight Sitrep – 24/25 March’.

Lead elements of V Corps reached Karbala (60 miles south of Baghdad), but helicopter operations were frustrated by bad weather.²¹¹

The US 15 MEU, which had been under UK command for the initial invasion, was released to return to the US 1 MEF.²¹²

26 March: 1 MEF advanced towards al-Kut along two converging routes.²¹³

27 March: US 173rd Airborne Brigade began deployment into northern Iraq overnight.²¹⁴ The total of Coalition Forces in theatre reached 293,000.

Main land forces were resupplied and consolidated their positions.²¹⁵

28 March: 173rd Airborne Brigade took control of Erbil.²¹⁶

Tempo of air operations stepped up as weather improved, with the aim of degrading Republican Guard positions around Baghdad.²¹⁷

29 March: Iraqi forces launched two missiles towards Kuwait, both of which were shot down by US Patriot missiles.²¹⁸ The Coalition continued to attack Baghdad's air defence system. US 1 Marine Division secures Qalat Sikar.

30 March: In Kuwait, deployment of personnel and equipment from the US 4th Infantry Division was prioritised.²¹⁹ Republican Guard formations in Baghdad re-positioned, and were believed to be establishing a second line of defence.

Air attacks on Republican Guard divisions and other preparations for a ground offensive towards Baghdad continued.²²⁰

31 March: US forces attacked paramilitary forces and were in contact with Republican Guard forces south of Baghdad.²²¹

Air operations focused on Republican Guard ground forces, regime command and control elements and communications sites.²²²

1 April: A total of 19 missiles were "fired south from Iraq" towards Coalition Forces.²²³ US 1 MEF commenced an attack on the Baghdad Republican Guard Division around al-Kut.

²¹¹ Briefing [MOD], 25 March 2003, 'Iraq: Update for the Number 10 Sitrep – As at 1700Z 25 March 2003'.

²¹² Letter Watkins to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington. Iraq: Review of the Military Situation'.

²¹³ Minute Cannon to Prime Minister, 26 March 2003, 'Iraq: Military Developments'.

²¹⁴ Minute Watkins to DG Op Pol, 27 March 2003, 'Iraq: VTC with Camp David: 27 March 2003'.

²¹⁵ Minute Cabinet Office [junior official] to Manning, 27 March 2003, 'Iraq: COBR Round Up of Key Events – 27 March'.

²¹⁶ Minutes, 28 March 2003, Chiefs of Staff meeting.

²¹⁷ Minute Cabinet Office [junior official], 28 March 2003, 'Iraq: COBR Round Up of Key Events – 28 March'.

²¹⁸ Briefing [MOD], 29 March 2003, 'Iraq: Update for the Number 10 Sitrep – As at 1630Z 29 March 2003'.

²¹⁹ Minute Gibbons to Manning, 30 March 2003, 'Iraq: Update – Noon Sunday 30 March'.

²²⁰ Minute Dodd to Manning, 30 March 2003, 'Iraq: COBR Round Up of Key Events – 30 March'.

²²¹ Minute Cabinet Office [junior official] to Manning, 31 March 2003, 'Iraq COBR Overnight Sitrep 31 March – 1 April'.

²²² Briefing [MOD], 31 March 2003, 'Annex to Evening Sitrep: 31 Mar: Military'.

²²³ Briefing [MOD], 1 April 2003, 'Annex to Evening Sitrep'.

US forces continued to attack paramilitaries around Hindiyah, Samawah and Najaf, while moving towards Hillah.²²⁴

2 April: Ground and air forces continued to engage the Republican Guard.²²⁵ Most forward elements of Coalition ground forces were within 15 miles of Baghdad.

3 April: Elements of the US V Corps passed through Karbala and moved towards Baghdad.²²⁶ The lead elements of the US 3rd Infantry Division reached the outskirts of Baghdad.

4 April: US forces seized Baghdad International Airport.²²⁷

5 April: US V Corps entered central Baghdad.²²⁸

6 April: The first Coalition aircraft (a C130) landed at Baghdad International Airport.²²⁹

7 April: The US 3rd Infantry Division secured “all major routes in and out of Baghdad, from the South through to the North West”.²³⁰

8 April: US V Corps and 1 MEF continued to encircle Baghdad, conducting intelligence-led attacks.²³¹ A US A-10 aircraft was shot down over Baghdad by a surface-to-air missile; the pilot was recovered safely.

9 April: US forces entered Baghdad.²³² Iraqi civilians tore down statues of Saddam Hussein in central Baghdad with the aid of US Marines.

10 April: Kurdish forces, which had been operating alongside the US, took the opportunity to enter Kirkuk after encountering little Iraqi resistance.²³³ US Marines were ordered to prepare a plan to deploy to Kirkuk by 14 April to restore order.

12 April: US Marines advanced on Tikrit. Lt Gen McKiernan moved his command from Kuwait to a temporary HQ at Baghdad International Airport.²³⁴

13 April: The situation across Iraq began to stabilise, and moves began to restore utilities.²³⁵ US Marines continued to attack pockets of Iraqi resistance and secure the northern oilfields. Kurdish forces had withdrawn from Kirkuk.

On 16 April, Gen Franks issued his Freedom Message to the Iraqi People, which is described in Section 9.1.

²²⁴ Briefing [MOD], 1 April 2003, ‘Iraq: Update for the Number 10 Sitrep – as at 0600 1 April 2003’.

²²⁵ Minute Cabinet Office [junior official], 2 April 2003, ‘Iraq: COBR Round Up of Key Events – 2 April’.

²²⁶ House of Commons, *Official Report*, 3 April 2003, columns 1069-1071.

²²⁷ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

²²⁸ Ministry of Defence, *Operations in Iraq: Lessons for the Future*, December 2003.

²²⁹ Paper [unattributed], [undated], ‘Op TELIC PJHQ Chronology 2002-03’.

²³⁰ Paper [unattributed], [undated], ‘Op TELIC PJHQ Chronology 2002-03’.

²³¹ Briefing [MOD], 8 April 2003, ‘Annex to Evening Sitrep, 8 April 2003’.

²³² Minute Cabinet Office [junior official] to Manning, 9 April 2003, ‘Iraq: COBR Round Up of Key Events – 9 April’.

²³³ Briefing [MOD], 10 April 2003, ‘Annex to Number 10 Sitrep, 10 April 2003: Military’.

²³⁴ Briefing Cabinet Office, 12 April 2003, ‘Iraq: Evening Round Up: 12 April’.

²³⁵ Briefing [MOD], 13 April 2003, ‘Iraq: Update for the Number 10 Sitrep – as at 1100 at 13 April 2003’.

The fall of Basra

383. On 5 April, Mr Hoon was informed of the plans to enter Basra. He was also informed that the issue of UK forces moving north from the original area of operations could arise “in the near future”.

384. Mr Johnson sent a summary of the plan for 1 (UK) Div to enter Basra to Mr Hoon’s Office on 5 April.²³⁶

385. Mr Johnson reported that the “planned window for entry into Basra opens on Monday 7 April”; and that the plan was split into three phases:

- Phase 1 intended to establish “a degree of control in az-Zubayr which is sufficiently firm to allow 7 Armd Bde units to be released for operations in Basra”, was already under way.
- Phase 2 would “involve a shift of forces from ‘consolidation’ tasks to operations in Basra, and subsequent expansion as required” in addition to the tasks of Phase 1. The plan had also called for elements of 3 Commando Brigade to replace 7 Armoured Brigade in az-Zubayr, enabled by the replacement of 3 Commando Brigade in Umm Qasr by the (UK) 102 Logistics Brigade.
- Phase 3 of the plan, entry into Basra, required 3 Commando Brigade and 7 Armoured Brigade to attack Iraqi forces, secure key water infrastructure, and take opportunities to seize Basra Palace and any Governorate buildings. 16 Air Assault Brigade would control Highway 6 and distract Iraqi forces by conducting “aggressive patrolling” north of Basra. It would also provide a reserve force.

386. Mr Johnson wrote that Phase 3 would take place only when a number of preconditions had been met, including:

- az-Zubayr was firmly under control and passed to 3 Commando Brigade;
- there was stability in the 3 Commando Brigade AO, with the area south of Basra isolated;
- stability existed in the 16 Air Assault Brigade AO, north of Basra;
- Highway 6 was capable of being controlled by 16 Air Assault Brigade; and
- authority was granted by the Coalition Forces Land Component Commander (Lt Gen McKiernan).

387. When the conditions were right, 3 Commando Brigade and 7 Armoured Brigade would “attack to secure areas of Basra, supported by air and artillery strikes”; 16 Air Assault Brigade would provide a reserve infantry battlegroup for the operation.

²³⁶ Minute Johnson to PS/SofS [MOD], 5 April 2003, ‘1 (UK) Division Plan for entry into Basrah’.

388. Mr Johnson reported that 1 (UK) Div's intention was that the entry into Basra would be:

“... supported by information operations, to reassure the population and isolate them from regime propaganda, and by humanitarian assistance ... The combined effect should be to build popular confidence in Coalition capabilities and intentions ... News of the US entry into Baghdad should reinforce this effect.”

389. Mr Johnson reminded Mr Hoon of the possible requirement for subsequent expansion northwards to “take on and defeat Iraqi forces posing a potential threat to Basra, if this was necessary to achieve a satisfactory outcome to Phase III of the overall campaign”. He stated: “This issue may well arise in the near future.” Mr Johnson also advised: “We therefore intend that GOC 1 (UK) Div should have flexibility to move north to defeat these forces or accept their surrender, if required.”

390. A second piece of advice, sent to Mr Hoon's Office later the same day, reported a proposal to “recruit, arm and co-ordinate the activity of 20 Iraqis to support 1 (UK) Div operations in Basra”.²³⁷ The advice recommended that Mr Hoon agree the proposal to recruit ex-regular soldiers to conduct reconnaissance into Basra, and to attack personnel linked to Saddam Hussein's regime, armed with weapons seized by Coalition Forces. The advice said: “At the end of the operation, the volunteers would be asked to return their weapons.”

391. An update for Sir David Manning provided by Mr Drummond on 6 April reported that a Coalition air strike in Basra had “resulted in the deaths of several top regime figures”.²³⁸ UK raids into the city the previous night had met “little resistance”. 7 Armoured Brigade “now have a lodgement well into the city, and, subject to CFLCC agreement, will push further in today”. The plan for 3 Commando was “to push in from the south-east”.

392. UK forces entered Basra in force on the night of 6/7 April.

393. Mr Scarlett told the Ad Hoc Meeting on Iraq on 7 April that, in Basra, the hard core of the militias had retreated into the old town, while senior party and military figures were reported to be leaving the city or willing to surrender.²³⁹ Rumours of the death of the regional military commander (Chemical Ali) were rife.

394. Adm Boyce reported that the British Division had entered Basra the previous night:

“... in force, following signs of impatience about the stand-off by the local population in the light of diminishing Iraqi militia confidence. Resistance was incoherent but still dangerous; locals were helping the Coalition inside the town.”

²³⁷ Minute Flaherty to PS/Secretary of State [Defence] 5 April 2003, ‘Op TELIC: Use of locally recruited forces in Basra’.

²³⁸ Minute Drummond to Manning, 6 April 2003, ‘Iraq – Update Noon Sunday 6 April’.

²³⁹ Minutes, 7 April 2003, Ad Hoc Group on Iraq meeting.

395. Mr Blair concluded the meeting by saying that the military success in Basra was significant and he was counting on an information campaign by the military to persuade the irregulars who were still fighting to desist. The Iraqi regime was finished and the irregulars should be taken into custody by the British, not lynched by fellow Iraqis.

396. Mr Hoon told the House of Commons on 7 April that:

“Since my last statement on 3 April, Coalition Forces have continued to make excellent progress. Following a series of raids and patrols into the centre of the city, British forces have now deployed in force into Basra. United States Army and Marine Corps units have with remarkable speed advanced on Baghdad, seized the international airport and conducted patrols into the city centre ...

“We have consistently encouraged members of the Iraqi armed forces to end their increasingly futile resistance and return to their homes and families. We are now beginning to see indications that these messages are having an impact, at least on some Iraqi soldiers. That does not mean, however, that the regime’s resistance is necessarily at an end. In Basra, Baghdad and other urban areas, Coalition Forces will face a difficult and dangerous period dealing with the remnants of Iraqi forces ...”²⁴⁰

397. The COBR evening round-up on 7 April described resistance in Basra as less than expected.²⁴¹

398. While no area was safe enough to call in humanitarian assistance, power and food were available to the majority of the population and the slight shortages of water were not significant.²⁴²

399. On 8 April, Mr Scarlett informed the Ad Hoc Meeting on Iraq, which was chaired by Mr Prescott, that the pattern of declining resistance in the South was not uniform; and that there was no definitive information about the find by Coalition Forces of material which could be chemical and biological warfare agents.²⁴³

400. Adm Boyce stated that, following the UK Division’s assumption of control over Basra, the emphasis would switch from fighting to the post-conflict phase. The Commander would be organising a meeting with local leaders the following day to re-establish normality in the town and to arrange the provision of food and water. The Southern Regional Director of the US-led Office of Reconstruction and Humanitarian Affairs would move to Umm Qasr that day.

²⁴⁰ House of Commons, *Official Report*, 7 April 2003, column 21.

²⁴¹ Minute Cabinet Office [junior official] to Manning, 7 April 2003, ‘Iraq: COBR Round Up of Key Events – 7 April’.

²⁴² Briefing [MOD], 7 April 2003, ‘Annex to Evening Sitrep, 7 April 2003’.

²⁴³ Minutes, 8 April 2003, Ad Hoc Meeting on Iraq.

401. In discussion, the Ad Hoc Meeting noted that the welcome given to British troops entering Basra had been covered in very different ways by different television channels. The looting of regime premises should not be permitted to degenerate into general lawlessness. It was likely to be difficult to assure the civil police function as the Iraqi police had in the past been closely associated with the regime's apparatus of repression.

402. Mr Prescott concluded that the conduct of UK forces in assuming control of Basra had been commendable. Opportunities to conduct interviews with scientists who had been engaged on Iraq's WMD programmes should be "pursued when the fighting stopped".

403. The Chiefs of Staff were informed on 8 April that the troops clearing the old city area had been "met by a jubilant population".²⁴⁴

404. Mr Blair and President Bush made a joint statement at Hillsborough on 8 April setting out the Coalition's intentions for the future of Iraq, which is set out in Section 9.1.

405. A report that evening stated: "The situation in the city [Basra] has stabilised ... although looting will remain a problem until normal policing is restored."²⁴⁵

406. The overnight report from COBR on 8/9 April informed Sir David Manning that Maj Gen Brims had identified a potential local leader in Basra "with whom he can do business" and had begun the process of establishing a Joint Commission.²⁴⁶ Looting was "not as bad as reported in the media".

407. Adm Boyce informed the Ad Hoc Meeting on Iraq on 9 April that, in Basra, UK forces would be lowering their profile by withdrawing some of the heavy armour.²⁴⁷ The Commander had also started the process of establishing a Joint Commission which should help to restore order locally. Looting "was reducing, in part because of Iraqi self-policing."

408. Ms Short was concerned about the looting of humanitarian supplies and water plant in the South. In discussion, it was noted that looting in Basra was more isolated than some media suggested; and that the development of a civil policing capability was a priority.

409. In his post-operation tour report, Maj Gen Brims wrote:

"... collaborative planning, often led by 7 Armd Bde, was conducted to develop a concept for the entry into [Basra]. The order was published on 6 [April], coincidentally at the same time as the opportunity was seized by 7 Armd Bde. The opportunity was created by a JDAM [Joint Direct Attack Munition, a GPS-guided

²⁴⁴ Minutes, 8 April 2003, Chiefs of Staff meeting.

²⁴⁵ Briefing [MOD], 8 April 2003, 'Annex to Evening Sitrep 8 April 2003: Military'.

²⁴⁶ Minute Gibbons to Manning, 9 April 2003, 'Iraq: COBR Overnight Sitrep 8/9 April'.

²⁴⁷ Minutes, 9 April 2003, Ad Hoc Meeting on Iraq.

bomb] strike that seemed to have dramatically altered the situation in Basra (public perception was that Chemical Ali [Ali Hassan al-Majid] had been killed).”²⁴⁸

410. The UK was well informed about the structure and capabilities of the Iraqi armed forces but it had no intelligence pre-conflict on Iraq’s plans for the defence of Basra. The JIC had assessed:

- many Regular Army units bypassed and left behind as the result of a rapid Coalition advance towards Baghdad would probably surrender rather than fight;
- only Baghdad was politically vital to the Iraqi regime; and
- there was little evidence that Iraq was preparing for a hard-fought defence of Basra and other urban areas in southern Iraq.

411. The DIS advised that Iraqi irregular forces, including the Fedayeen, were likely to be involved in the defence of Basra, but it did not predict the degree of initial resistance to Coalition Forces.

412. The assessments pre-conflict about the structure, conventional capabilities and intentions of the Iraqi armed forces, are set out in Section 6.1. The assessment of the Iraqi regime’s intentions in relation to the defence of Basra and the nature and intentions of Iraqi irregular forces is summarised in the Box below.

The defence of Basra and the role of irregular forces

On 4 July 2002, the JIC assessed that the “Saddam Fedayeen”, which were “under the control of Saddam’s oldest son” were “possibly 10–15,000 strong” and had “been used in the past to deal with civil disturbances”.²⁴⁹

In its Assessment of 21 August, the JIC judged that:

“Iraq’s likely strategy for a ground war would be to make any Coalition advance as slow and costly as possible, trying to force the Coalition to fight in urban areas.”²⁵⁰

The JIC stated:

“We have little insight into how the Iraqi military might plan to fight any ground war ... At present we have little evidence to judge whether Iraq sees urban or guerrilla warfare as feasible options. Iraqi effectiveness would be mitigated by problems of command and control, inadequate training and poor morale. We doubt that guerrilla activity would be very effective; urban warfare is more plausible.”

²⁴⁸ Report, ‘Post Operation Report – Version 2 Operation TELIC’, 6 October 2003.

²⁴⁹ JIC Assessment, 4 July 2002, ‘Iraq: Regime Cohesion’.

²⁵⁰ JIC Assessment, 21 August 2002, ‘Iraq: Saddam’s Diplomatic and Military Options’.

In the context of consideration of preparations for a campaign of terrorism and sabotage in the region, the Assessment also stated that:

“... we know that Iraqi Special Forces and other organisations, such as the ‘Saddam Fedayeen’, also possess the capability to conduct sabotage or terrorist attacks.”

The JIC did not consider the Fedayeen’s possible actions inside Iraq.

In its weekly intelligence summary of 16 October, the DIS advised that, given the limitations in Iraq’s capabilities:

“... the regime is leaning towards a war of attrition from within the cities. Provincial cities have been garrisoned with food and troops ... The regime’s aim is to lure Coalition Forces into the cities and effectively fix them ... Whilst Baghdad remains the vital centre of gravity, Coalition Forces will look to bypass provincial centres, leaving ... Iraqi forces trapped ...”²⁵¹

In its Assessment of 6 December, the JIC anticipated that the Iraqi Army could establish positions within urban areas, but “most R[egular] A[rmy] defences are likely to be constructed further forward, nearer Iraq’s borders, or along key roads and at junctions”.²⁵² Physical barriers, “water barriers (created by flooding or by the destruction of bridges), minefields, or possibly even CBW-contaminated areas”, could be created “to channel Coalition Forces into urban areas or ‘kill zones’ where artillery, or CBW, would be used”. The Iraqi “strategy would rely heavily on a static defence, largely because the Iraqi military’s ability to conduct manoeuvre warfare is very limited, even in the R[epublican G[uard]]”.

The JIC stated:

- “... provided the security and military organisations central to the regime’s survival ... remained intact, Saddam would accept the sacrifice of virtually any forces or territory to the coalition. Provincial cities would be defended, but ultimately we judge that only Baghdad would be politically vital, as its capture would be a final symbol of defeat of the regime.”
- If the Special Republican Guard and the Republican Guard remained loyal and effective, they could “inflict serious casualties on Coalition Forces in urban warfare”.
- Morale and loyalty was “weak”. If a rapid Coalition advance left Iraqi positions behind the front lines, “many RA [Regular Army] units would probably surrender rather than fight”.

The JIC Assessment of 29 January 2003 stated:

“[M]orale in much of regular army is low and ... many soldiers are reluctant to fight. But as long as Iraqi security officers remain with military units and able to enforce discipline, fear of execution is likely to keep regular units at their posts.”²⁵³

In a minute to Sir David Manning on 30 January (see Section 3.6), Mr Scarlett wrote that the JIC had judged, “over many months”, that “once the invasion starts Saddam’s regime

²⁵¹ Paper DIS, 16 October 2002, ‘Saddam and the Dilemma of the Republican Guard’.

²⁵² JIC Assessment, 6 December 2002, ‘Iraq: Military Options’.

²⁵³ JIC Assessment, 29 January 2003, ‘Iraq: The Emerging View from Baghdad’.

is likely to prove brittle and fold quickly”.²⁵⁴ The correct military strategy was, therefore, designed to “make this ‘quickly’ very quick indeed”.

In its Assessment of 19 February on what the Coalition might face in Southern Iraq, the JIC judged:

“The Iraqi forces currently guarding Southern Iraq are a relatively weak first line of conventional defence. They face rapid defeat. There is little evidence so far that the Iraqis are preparing for a hard-fought defence of Basra and other urban areas.”²⁵⁵

The MOD advised Mr Blair on 24 February (see Section 6.2) that the US plan was to achieve “overwhelming effect very early in the campaign” to dislocate the regime by decapitating command and control and disrupting communications.²⁵⁶ As well as the practical consequences of the deployment of ground forces and their move “towards Baghdad”, the MOD stated that that should “remove any doubt in Iraqi minds about the Coalition’s determination to remove the regime. It is therefore possible that the regime will collapse ... in the first few days. Nonetheless it is impossible to predict ... and US planning assumes up to 125 days of decisive ground operations.”

On 11 March, the DIS produced a Memorandum on the “post-Saddam” political and security environment that Coalition Forces were likely to encounter in Basra City.²⁵⁷ It stated that the DIS had “no intelligence on regime planning to mount an urban defence of Basra City” but “individual or localised resistance could occur”.

The DIS identified the forces which were likely to be at the disposal of the regime as:

- **Directorate of General Security (DGS)** – the “principal internal security force”. “Typically” such forces would be lightly armed and trained only in an internal security role. The DIS assessed that once overall regime cohesion was lost, they would offer “little resistance to Coalition Forces”.
- **Ba’ath Party militia** – which were “expected to play a role in defence of the city. They would have small arms and limited training.” Based on reporting from other cities in Iraq, the DIS judged that the threat to Coalition Forces was “low”.
- **Saddam Fedayeen** – which might be employed in an internal security role. They had “a well-deserved reputation for brutality and fierce loyalty to the regime”. They were controlled by the Basra Governor and there might be “3–4,000” within the Governorate. They would have access to small arms “but rarely use armoured vehicles”. They were assessed to be “the most likely internal security force to repress the civil populace and possibly oppose Coalition Forces within the city”.
- **Mujahideen e Khalq (MEK)** – the numbers in Basra and its environs were “unlikely to exceed a few hundred”. If there was a presence in Basra, the DIS judged that it would fight, “if directly threatened by Coalition operations. But if they are left alone the intelligence is contradictory as to whether they would fight with the Iraqi Army ...” There was a risk that Iran would send Badr Corps or Islamic Revolutionary Guard Corps teams into the Basra area to take action against the MEK, “especially if Tehran considers that the Coalition has not taken appropriate action against the MEK”.

²⁵⁴ Minute Scarlett to Manning, 30 January 2003, ‘Iraq: JIC Assessment and Personal Observations’.

²⁵⁵ JIC Assessment, 19 February 2003, ‘Southern Iraq: What’s In Store?’

²⁵⁶ Letter Watkins to Rycroft, 24 February 2003, ‘Iraq: Political and Military Questions’.

²⁵⁷ Paper DIS, 11 March 2003, ‘Basra: Post Saddam Governance’.

Lt Gen Fry told the Inquiry that the UK “did not necessarily know at the time” that Iraqi forces were weak; whether Iraq would use battlefield chemical weapons; and that the UK’s operational planning was looking at the potential Iraqi response “in as rigorous and austere military operational terms as possible”.²⁵⁸

Describing his assessment that his division was ready for military operations against the assessed capability of Iraqi forces and their likely courses of action, Lt Gen Brims, GOC 1(UK) Div between 2000 and 2003, and the UK Land Contingent Commander during the invasion, told the Inquiry that the UK had “expected unconventional forces ... to show, which they did”.²⁵⁹

ACM Burridge told the Inquiry that Saddam Hussein:

“... had developed the view ... that western militaries don’t do urban warfare ...

...

“What we didn’t know was to what extent he would front-load those southern cities, Basra in particular, and we subsequently recognised he put small elements of the Republican Guard in amongst the Ba’ath militia the Al Quds and people such as that, to ... make them militarily more effective and ... to put the frighteners on the 51 Division people who had effectively melted away, and they were coerced into getting back into their equipment.”²⁶⁰

413. Within days of the start of the campaign, the scale of the unexpected resistance encountered in Southern Iraq, together with the effects of bad weather and the slow down in the US advance on Baghdad, led to a media focus on perceived difficulties with the Coalition campaign.

414. The evidence in this Section shows that, as a result, there was considerable concern within the UK Government about the impact on public and political support for the campaign in the UK, and concern about the Coalition’s ability to convince the Iraqi population that it was determined and able to remove Saddam Hussein and his regime.

415. The UK Government identified a need for better co-ordination and communication of key strategic messages to different audiences in an effort to win the “propaganda war”. Improvements to UK capabilities were being implemented at the end of March.

416. There was also considerable debate, within and between the MOD and No.10, about whether the military plan should be revised to secure control of Basra before proceeding to Baghdad, including Mr Blair’s decision to raise the idea with President Bush.

²⁵⁸ Public hearing, 16 December 2009, pages 27-28.

²⁵⁹ Public hearing, 8 December 2010, page 22.

²⁶⁰ Public hearing, 8 December 2010, pages 38-39.

417. Although some of that debate within the UK Government may well have reached military commanders in Iraq, the evidence set out in this Section shows that, in the end, the decision to advance into Basra was made by military commanders on the ground.

418. It reflected their judgement that the preconditions for the operation, set out in the MOD advice to Mr Hoon of 5 April, had been met.

419. In a post-operation tour interview, conducted at the Army's Land Warfare Centre, Maj Gen Brims said:

"The raids themselves [in Basra] were going in ever more successfully too. On 5 April the battlegroup raids were staying in longer in each time, in essence they were doing [battlegroup vehicle checkpoints] coming back only at night because the enemy could get too close. But on Sunday 6 April the Black Watch launched a raid and met no resistance. I consulted Commander 7 [Armoured] Brigade [Brigadier Binns] and gave out radio orders. We got into Basra that day and stayed ... I did remember to get clearance from [the Coalition Forces Land Component Commander, Lt Gen McKiernan] beforehand."²⁶¹

420. Lt Gen Brims told the Inquiry:

"When we first got into Basra, it took about a day of combat activity to get in there on 6 April. By 7 April, we were in and we were reasonably well received ..."²⁶²

421. Lt Gen Brims also stated:

"We produced a generic plan [for Basra] and one of the first things I did when I realised that we had in fact got into Basra and we were controlling the city, is I got together through an individual I approached and asked him to form a provisional council from which we would then use the Iraqis to help us organise Basra ..."²⁶³

422. Maj Gen Binns told the Inquiry:

"... I didn't really have a clear idea of how we were going to enter Basra. The operational analysts were saying, 'It will take you three months, you will suffer 25 percent casualties and there will be thousands if not tens of thousands of civilian deaths' and Robin Brims and I then had a conversation, 'Well we can't do that and therefore we've got to come up with a different way of doing it, so we will only enter Basra, hopefully on our terms, when the time is right and in a manner that reduces casualties on both sides' ...

"... and I remember a conversation ... if Baghdad falls Basra might fall ... we might just drive in. And then another conversation, 'Well actually it would be good to have

²⁶¹ Transcript Land Warfare Centre, 8 January 2004, Op TELIC Interview.

²⁶² Public hearing, 8 December 2009, page 35.

²⁶³ Public hearing, 8 December 2009, page 33.

a go at Basra because we could learn some lessons ... and there may be some techniques ... that might be relevant for Baghdad' ...

"I then had a sort of conversation with a friend of mine who was working in General McKiernan's headquarters. I said, you know, 'Have I got this right, this is my thinking', and he said, 'Actually the view here is that we would like you to go into Basra as soon as you can'. So mindful of that, in early April ... we were doing a number of raids in and out of Basra to test how far we could go and I said to the commanding officers 'Well, you know, start pushing a bit further and a bit further and let's see how far we can go.'"²⁶⁴

423. Major General Albert Whitley, the Senior British Land Adviser to the Coalition Forces Land Component Commander, told the Inquiry:

"As I understand it there was no pressure from Whitehall or PJHQ to influence the timing of the taking of Basra. Gen McKiernan also did not put pressure on Gen Brims to take it early. I was present when he told Gen Brims that he could take Basra when he was ready and it was not a necessary precursor to taking Baghdad."²⁶⁵

424. SIS2 told the Inquiry that the Secret Intelligence Service had had "a pretty good war in terms of providing intelligence support for British forces in the South ... the battle for Basra ... That was an intelligence-led success."²⁶⁶

The collapse of the Iraqi regime

425. Adm Boyce informed the Ad Hoc Meeting on Iraq on 9 April that US forces controlled all routes into Baghdad, where resistance was "spasmodic but fierce".²⁶⁷ In the South, "US forces would be sweeping south of Amara to meet up with British forces coming north".

426. By 9 April, 16 Air Assault Brigade had deployed north of Basra to al-Qurnah (15km inside the northern boundary of Basra province), with the Pathfinders (an element of the Parachute Regiment) located 15km further north.²⁶⁸

427. The COBR evening round-up of key events on 9 April said the ICRC had "reported to DFID violent looting in Baghdad, and an almost complete breakdown of law and order in many areas".²⁶⁹ Looting also continued in Basra, Umm Qasr and elsewhere in the South, with the result that some water plants in Basra had become unserviceable.

²⁶⁴ Private hearing, 2 June 2010, page 33.

²⁶⁵ Statement, 25 January 2011, page 8.

²⁶⁶ Private hearing, 2010, page 33.

²⁶⁷ Minutes, 9 April 2003, Ad Hoc Meeting on Iraq.

²⁶⁸ Minutes, 9 April 2003, Chiefs of Staff meeting.

²⁶⁹ Minute Cabinet Office [junior official] to Manning, 9 April 2003, 'Iraq: COBR Round Up of Key Events – 9 April'.

428. Mr Scarlett informed the Ad Hoc Meeting on Iraq on 10 April that news of the collapse of the regime was spreading.²⁷⁰

429. Adm Boyce added that Iraqi forces remained in Tikrit, Mosul and Kirkuk, although there were indications that the Regular Army was ready to surrender to Coalition Forces once those were in the vicinity in sufficient strength. Resistance in the East and West had “reduced significantly” and Basra “[was] returning to normality”. The Coalition needed to bring the “large quantity of abandoned arms and military equipment under control”. The lack of mains electricity was attributable to Iraqi sabotage. Looting was a problem in Baghdad but was “much reduced in Basra”.

430. In discussion, attendees noted that records and other material about the regime’s activities should be carefully preserved and their provenance recorded, and a system should be put in place for the collection of all relevant material, including on WMD, which could be accessed for forensic purposes.

431. Concluding the discussion, Mr Blair stated that the Coalition’s Freedom Television station would start broadcasting that day. It was important to provide evidence to the media of Iraqi sabotage of the electricity network. Assembling documentation and material about the former Iraqi regime was a priority task and resources should be directed to this.

432. In response to Mr Straw’s concerns that the “continental European media was not reflecting the Coalition’s success or the argumentation for military action”, Mr Blair concluded that a media campaign should be directed at rectifying the portrayal in the European media of events leading up to the conflict and its resolution.

433. Mr Blair informed Cabinet on 10 April that the military campaign in Iraq was progressing well, but it was not over yet.²⁷¹ Some resistance to US forces continued in Baghdad. The Iraqis might make a last stand in the North, perhaps around Tikrit. In the West and East, Iraqi resistance was diminishing. In the South, resistance had largely disappeared. After initial looting in Basra, the situation was now calmer.

434. Mr Blair stated that the Coalition was now in the end game of the Iraqi regime’s collapse. Apart from military resistance, there were humanitarian challenges, including restoring the electricity system which had been sabotaged by the retreating militias. Making the lot of the Iraqis better had to be the continuing focus. While British public opinion recognised our success to date, media coverage in the rest of the world was largely negative. That had to be turned round. The first Coalition broadcast to the Iraqi people using their network would take place that day.

435. Mr Hoon told his colleagues that elements of the Iraqi regime had not yet recognised that the battle was lost.

²⁷⁰ Minutes, 10 April 2003, Ad Hoc Meeting on Iraq.

²⁷¹ Cabinet Conclusions, 10 April 2003.

436. In Basra, the water and electricity supplies were being fixed and order was being restored with the exercise of civic responsibility by local Iraqis. A Joint Commission was being established with the emerging leadership there. The intention was to spread the same effect northwards.

437. Concluding the discussion, Mr Blair said that the military campaign in Iraq was going extremely well, but there were challenges ahead on the humanitarian front, in dealing with post-conflict arrangements and bringing together the international community in the UN Security Council. Mr Blair reiterated his conclusion at the previous meeting of Cabinet that making the lives of ordinary Iraqis better was key to success.

438. When Mr Blair spoke to President Bush on 10 April, they discussed the position in Iraq, including the possibility of a major battle in Tikrit and the need to warn Syria not to give refuge to regime figures or to scientists who knew about Iraq's WMD.²⁷²

439. The UK AO was extended north to al-Amara in Maysan province on 11 April, when Pathfinders from 16 Air Assault Brigade entered the city. The remainder of the force entered on 12 April.²⁷³

440. Mr Hoon approved the extension of the UK AO to the whole of the provinces of Basra and Maysan on 12 April.²⁷⁴

441. The background to that decision and subsequent developments are addressed later in this Section.

The role of UK Special Forces

According to Gen Franks' account of his plan:

“... US, Brit, and Australian Special Operations Forces would control Iraq's western desert, preventing the regime freedom of action to launch long-range missiles towards Jordan and Israel.”²⁷⁵

Gen Franks described the combination of “several thousand” US Special Forces soldiers and Special Mission troopers, plus “British and Australian Special Air Service operators”, assembled in Jordan and Saudi Arabia ready to attack western Iraq as “the largest combat formation of special operators in history”.

From 23 March, the MOD sent regular updates on Special Forces' activities in Iraq to No.10.²⁷⁶

23 March: UK Special Forces were deployed to Iraq's western desert, conducting operations to deny theatre ballistic missile operations.

²⁷² Letter Rycroft to McDonald, 10 April 2003, 'Prime Minister's Conversation with Bush, 10 April'.

²⁷³ Minutes, 12 April 2003, Chiefs of Staff meeting.

²⁷⁴ Minute Watkins to CJO, 12 April 2003, 'Iraq: Expansion of the UK AOR'.

²⁷⁵ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

²⁷⁶ Letter Williams to Manning, 23 March 2003, 'Update on Special Forces Activities'.

A small team conducted reconnaissance of Basra.²⁷⁷

24 March: UK Special Forces supporting 1 (UK) Div were on standby to enter Basra; in the absence of permission to do so, they passed information from within the city to Maj Gen Brims.²⁷⁸

25 March: UK Special Forces continued to assist in planning for entry into Basra by conducting further reconnaissance.²⁷⁹ The MOD assessed it was “too soon to divert effort from the strategically critical task of countering the ballistic missile threat in the West”.

DSF1 told the Inquiry that there were Special Forces units “in the South in support of the overall effort”.²⁸⁰ Those forces were there to “support the conventional operation with the British forces ... into Basra”.²⁸¹

DSF1 described the role of Special Forces as providing information to inform target selection, for instance:

“... to establish where members of the Ba’ath Party and some of the Fedayeen were meeting, which obviously was not in the Ba’ath Party headquarters, which had been destroyed ... by the strike quite early on.”²⁸²

26 March: Special Forces continued to support targeting in Basra and the team was enhanced with extra personnel.²⁸³

27 March: Special Forces were in discussion with key individuals in Basra, who gave indications that they were prepared to co-operate with UK forces.²⁸⁴

28 March: Operations continued in western Iraq to interdict Iraqi movement and so prevent missile launches, and in Basra to support targeting.²⁸⁵

30 March: Special Forces supported Black Watch raids into Basra.²⁸⁶

3 April: Operations in the West continued, clearing Named Areas of Interest and engaging directly with the enemy.²⁸⁷ Support in Basra continued.

5 April: Special Forces personnel in Basra were reinforced, and integrated with UK battlegroups to assist 7 Armoured Brigade.²⁸⁸

²⁷⁷ Minute Gibbons to Manning, 23 March 2003, ‘Iraq: Update Sunday 23 March (1100)’.

²⁷⁸ Minute Williams to Manning, ‘Update on Special Forces Activities’.

²⁷⁹ Minute [MOD], 25 March 2003, ‘Iraq – Update on UK Special Forces Activities’.

²⁸⁰ Private hearing, 2010, page 7.

²⁸¹ Private hearing, 2010, page 11.

²⁸² Private hearing, 2010, page 21.

²⁸³ Minute [MOD], 26 March 2003, ‘Iraq: Update on UK Special Forces Activities’.

²⁸⁴ Minute Cannon to Rycroft, 27 March 2003, ‘Iraq: Prime Minister’s video-conference with Bush, 27 March’.

²⁸⁵ Letter Williams to Manning, 28 March 2003, ‘Update on Special Forces Activities’.

²⁸⁶ Minute [MOD], 30 March 2003, ‘Operation TELIC – Update on UKSF Activities – 30 March 2003’.

²⁸⁷ Minute [MOD], 3 April 2003, ‘Op TELIC – Update on UKSF Activities – 3 April 2003’.

²⁸⁸ Minute [MOD], 5 April 2003, ‘Iraq: Update on UKSF Activities – 5 April 2003’.

After major combat operations ended, DSF1 told the Inquiry, UK Special Forces moved to Baghdad, because:

“That’s where our main principal linkage, that’s where my sense of how we could best support ... my view is that Special Forces quite rightly operate at a higher level, and therefore it is about actually the success of the campaign.”²⁸⁹

DSF2 told the Inquiry that when he assumed command in 2003, the main force was in Baghdad “on a mission from CJO to assist the people finding weapons of mass destruction”.²⁹⁰

The immediate aftermath

442. Maj Gen Binns told the Inquiry that he had not felt constrained by the absence of a policy on what to do when Basra fell.²⁹¹ Nor had his forces trained for that role. He felt he had sufficient freedom of action and the experience and knowledge from previous operations, including operations with some of 7 Armoured Brigade in Pristina (Kosovo), to know what to do and to create the environment for stability.

443. Gen Jackson told the Ad Hoc Meeting on Iraq on 11 April that anarchic behaviour in Baghdad, and earlier in Basra, was directed mainly at the regime, and was not generalised lawlessness.²⁹² It would be some days before the situation calmed down in Baghdad; in Basra, the adaptability of British troops in managing security had had a good effect. The problem was that civil policing had largely disappeared because of its association with the Ba’athist regime and would be difficult to resurrect because of the vulnerability of individuals to reprisals. This is considered in more detail in Section 12.1.

444. Mr Hoon said that responsibility for security fell in the first instance to the military and the UK was active in encouraging police in the South to return to duty. The Office of Reconstruction and Humanitarian Assistance (ORHA) – described in detail in Section 10.1 – would be involved in restoring the civil administration of Iraq.

445. Ms Short stated that the ICRC and UN agencies were concerned about lawlessness in Baghdad and elsewhere. Hospitals in particular needed to be secured. The systems in place for the distribution of food and the restoration of the water supply were disabled by the lack of security.

446. Mr Scarlett told those present that the vacuum created by the collapse of the regime was being filled in different ways in different parts of the country. Gen Jackson stated that the US was putting forces into Kirkuk and Mosul, the latter to take the surrender of elements of the Regular Army.

²⁸⁹ Private hearing, 2010, page 26.

²⁹⁰ Private hearing, 2010, page 2.

²⁹¹ Private hearing, 2 June 2010, pages 10-14.

²⁹² Minutes, 11 April 2003, Ad Hoc Meeting on Iraq.

447. Concluding the discussion, Mr Blair said that the security situation in the cities had to be stabilised, particularly for hospitals. Although a violent release of anger in response to the fall of the regime was inevitable, the humanitarian situation had to be improved. The three basics were food, water and healthcare, on which DFID should provide advice on both the current situation and the strategy for the future. More broadly, Iraq had some way to go before the outlook was satisfactory. Meanwhile we had to nurture the beginning of a different attitude towards the post-conflict situation among the international community.

448. On 12 April, Gen Jackson told the Ad Hoc Meeting on Iraq that:

“... lawlessness was the main problem. The situation in Basra was being brought under control and the British Division intended to start joint military/[Iraqi] civil police patrols within 48 hours. Baghdad was a bigger problem ...”²⁹³

449. Ms Short reported that UN vehicles had been looted in Baghdad and that the ICRC feared the outbreak of disease. Disorder in Baghdad and elsewhere was preventing the return of UN agencies. Mr Hoon suggested that getting UN agencies and others back to work in the South would enable the British to set an example of how to restore normality. This would create a virtuous circle which could progressively be replicated by the Americans further north.

450. Concluding the discussion, Mr Blair said that disorder in Iraq was the main issue. It was important to stabilise the situation in Iraq before engaging on the UN track and the establishment of an Iraqi interim authority.

451. HQ 1 (UK) Div moved to Basra Airport on 13 April.²⁹⁴

452. 1 (UK) Div continued to advance north of Basra, into Maysan province.²⁹⁵

453. Joint UK patrols with Iraqi police officers commenced in Basra on 13 April (see Section 9.1).²⁹⁶ Local populations set up their own security arrangements in some other towns in the UK AO.

454. 16 Air Assault Brigade secured the air field at al-Amara on 13 April.²⁹⁷ The situation in al-Amara was described as “stable”, with looting having ceased.²⁹⁸ The local police had “disbanded and disappeared” about a week earlier, leaving “rather ad hoc” security arrangements.

²⁹³ Minutes, 12 April 2003, Ad Hoc Meeting on Iraq.

²⁹⁴ Minute Thomas to Manning, 13 April 2003, ‘Iraq: COBR Round Up of Key Events – 13 April 2003’.

²⁹⁵ Briefing [MOD], 13 April 2003, ‘Iraq: Update for the Number 10 Sitrep – As at 1100 13 April 2003’.

²⁹⁶ Ministry of Defence, *Operations in Iraq Lessons for the Future*, December 2003; Note MOD, [undated], ‘MOD Note on Policing Situation’.

²⁹⁷ Briefing [MOD], 13 April 2003, ‘Iraq: Update for the Number 10 Sitrep – As at 1100 13 April 2003’.

²⁹⁸ Note MOD, [undated], ‘MOD Note on Policing Situation’.

455. Adm Boyce informed the Ad Hoc Meeting on Iraq on 14 April that the military campaign was coming to an end and that Gen Franks had said the Coalition was within a few days of declaring the switch to post-conflict operations.²⁹⁹ Adm Boyce had visited British troops in the South who were “in good heart and demonstrating their flexibility in dealing with the shifting security situation”. Consideration was being given to the security management of the post-conflict phase, where the British Division might take charge of two provinces and supervise a further two with other troops joining the Coalition for that purpose.

456. Mr Blair concluded that progress needed to be made on policing.³⁰⁰

457. The issue of looting in Baghdad was also discussed in Mr Blair’s conversation with President Bush on 14 April.³⁰¹

458. Mr Blair identified improving conditions in hospitals as the top humanitarian priority and the main focus of media interest; Baghdad was still not a safe environment for humanitarian assistance.

UK comments on levels of deployed US forces

Reporting on his visit to UK forces in Kuwait in early March 2003, Gen Jackson, wrote that he had been “struck by just how little combat power the US have on the ground now that 4ID cannot deploy in time to influence the outcome”.³⁰² The UK would have “a little under one third of the available Coalition armour”. That combat power “may prove decisive for operations around Baghdad”.

Admiral the Lord Boyce told the Inquiry that he was:

“... always extremely concerned about the anorexic nature of the American contribution, and not just because the Fourth Infantry Division was taking a while to get there, but because it was Rumsfeld’s view ... that the Americans, certainly at that particular stage ... were very much, ‘We are here to do the war fighting, not the peacekeeping.’ And combine that with the obsession that Mr Rumsfeld had with network-centric warfare and therefore to prove that you could minimise the number of your troops, in particular, because you had clever methods of conducting warfare, other than using boots on the ground, meant that ... we were desperately under-resourced ... so far as those forces going towards Baghdad were concerned.

“So, once the battle had been won, we didn’t have the boots on the ground to consolidate.”³⁰³

²⁹⁹ Minutes, 14 April 2003, Ad Hoc Meeting on Iraq.

³⁰⁰ Minutes, 14 April 2003, Ad Hoc Meeting on Iraq.

³⁰¹ Letter, Cannon to McDonald, 14 April 2003, ‘Iraq: Prime Minister’s conversation with Bush, 14 April’.

³⁰² Minute GCS to CDS, 10 March 2003, ‘CGS Visit to Op TELIC’.

³⁰³ Public hearing, 3 December 2009, page 100.

Asked about the limits of the forces deployed by the US and the consequential importance of the UK's role in protecting the US flank, Lieutenant General Sir Robert Fry told the Inquiry, "we were taking a risk, we knew we were taking a risk".³⁰⁴

DSF1 told the Inquiry:

"The force levels were limited, there was no force that could be put out into the Euphrates Valley because there was no force available. The force was capable of knocking off, with the air and the land and the marine manoeuvre, it was [cap]able of removing the Republican Guard and the force that was in place. It was not capable of securing a country."³⁰⁵

The end of combat operations

459. Mr Blair made a statement to the House of Commons on 14 April, reporting that "less than four weeks" from the outset of the conflict "the regime of Saddam is gone, the bulk of Iraq is under Coalition control and the vast majority of Iraqis are rejoicing at Saddam's departure".³⁰⁶

460. Mr Blair continued: "Whatever the problems following Saddam's collapse – and in the short term they are bound to be serious – let no-one be in any doubt: Iraq is a better place without Saddam." Mr Blair added: "British forces have performed in Iraq with extraordinary skill, professionalism and compassion. We can be deeply proud of them."

461. Mr Blair gave the House of Commons the following assessment of the situation in Iraq:

"The South of Iraq is now largely under British control. The West is secure, and in the major town of al-Qa'im fighting is diminishing. In the North, Kurdish forces have retired from Kirkuk and Mosul, leaving US forces in control. US forces are in and around Tikrit. They are meeting some resistance. But in essence, all over Iraq, Saddam's forces have collapsed. Much of the remaining fighting, particularly in Baghdad, is being carried out by irregular forces. In Baghdad itself, the Americans are in control of most of the city but not yet all of it.

"As is obvious, the problem is now the disorder following the regime's collapse. Some disorder, frankly, is inevitable. It will happen in any situation where a brutal police state that for 30 years has terrorised a population is suddenly destroyed. Some looting, too, is directed at specific regime targets, including hospitals that were dedicated for the use of the regime. But it is a serious situation and we need to work urgently to bring it under control."

462. Mr Blair's description of the next phase of activity in Iraq is set out in Section 9.1.

³⁰⁴ Public hearing, 16 December 2009, page 42.

³⁰⁵ Private hearing, 2010, page 17.

³⁰⁶ House of Commons, *Official Report*, 14 April 2003, columns 615-617.

463. Mr Iain Duncan Smith, the Leader of the Opposition, congratulated Mr Blair for the “heavy burden” that he had carried and added, “but he will have been comforted throughout by the conviction that he was doing the right thing for Britain and for the rest of the world”.³⁰⁷

464. Mr Scarlett informed the 16 April Ad Hoc Meeting on Iraq, chaired by Mr Prescott, that organised Iraqi resistance had ceased.³⁰⁸ The threat to Coalition Forces was from paramilitaries, concentrated particularly in Baghdad. In the North, there was the potential for inter-ethnic clashes.

465. Adm Boyce stated that military operations were directed at confronting terrorism, mainly from foreign volunteers. The US was reducing its armoured presence in Baghdad. In Basra and the South, normalisation continued with increased policing and the population returning to work.

466. Concluding the discussion, Mr Prescott said that it was important to continue to improve conditions for Iraqis. There were questions about the number of troops still on standby for fire-fighting duties arising from the “upcoming proposition to replace British military units now in Iraq with others from the United Kingdom”. He would take forward discussions with Mr Hoon before reporting to Mr Blair.

467. Gen Franks issued his “Freedom Message to the Iraqi People” on 16 April (see Section 9.1).

UK influence on the planning and conduct of the military campaign

468. The evidence set out in Section 6.1 about the debate on the UK contribution to a US-led military campaign shows how the scale and nature of the UK contribution were regularly cited as vital for securing UK influence on the US military timetable and on the campaign plan.

469. It is not possible to determine with certainty the degree to which the UK influenced the planning and conduct of the military campaign in Iraq, or whether the scale and nature of the UK contribution were the key factors in securing such influence.

470. There will have been specific areas in which individuals working directly with US colleagues, as well as the UK Government as a whole, did have an impact.

471. Influence on operational decisions which directly affected participating UK forces, for instance on their roles or the targets to be attacked, was more likely to be achieved than influence on higher-level decisions. The quality of the

³⁰⁷ House of Commons, *Official Report*, 14 April 2003, column 618.

³⁰⁸ Minutes, 16 April 2003, Ad Hoc Meeting on Iraq.

senior UK officers who were able to work closely with the US chain of command is likely to have been one of the most important determinants of influence on operational matters.

472. Overall, however, the plan and its implementation reflected US decisions and priorities.

473. While the evidence does not suggest it was the determining factor in the choices made by the UK Government about the forces deployed for military operations in Iraq, the likelihood of influencing US decisions should not be overstated. In any future consideration of the UK contribution to any US-led operation where the scale and nature of that contribution is essentially discretionary, as it was in Iraq the UK should be more realistic about what can be achieved.

474. In addition, for success, clarity is required about:

- the objectives to be sought;
- their importance to the UK national interest; and
- how they are to be achieved.

475. The UK's desire and ability to influence the US military timetable and wider strategic choices about the use of military force, including whether conditions identified by the UK had been met, are addressed in Sections 3.1-3.8.

476. The UK influence on US thinking at the early stages of the development of the campaign plan for an invasion of Iraq in the summer and early autumn of 2002, and in particular the need for a second, northern axis, is addressed in Section 6.1.

477. The other evidence available does not enable the Inquiry to make a considered judgement about specific issues on which the UK successfully influenced US decisions.

478. On 14 March 2003, Adm Boyce described the final campaign plan as “designed by the US, although it has been, and continues to be, influenced by UK officers embedded in the various relevant US and Coalition headquarters”.³⁰⁹

479. In his National Contingent Commander's report, dated 8 May, AM Burrige judged that:

“Embedding staff in HQ CENTCOM allowed the UK to exercise significant influence and maintained a very nimble information flow.”³¹⁰

³⁰⁹ Minute CDS to SofS [MOD], 14 March 2003, 'Operation TELIC Command and Control'.

³¹⁰ Minute Burrige to Reith, 8 May 2003, 'Operation TELIC – Report by NCC'.

480. On 30 May, PJHQ concluded that the UK “decision action cycle was slower and less well informed than it needed to be”.³¹¹ Differences in US and UK structures had contributed to that.

481. PJHQ recommended that influencing the US would best be achieved through UK personnel developing strong personal links – and leverage – in US headquarters, including co-locating the UK Joint Commander with the US Combined Forces Command in all future operations, maintaining “permanent liaison in strength with CENTCOM”, and establishing an “early UK presence with other Combatant Commands in the build up to an operation”.

482. PJHQ also concluded that the UK had “had a great deal of influence over the conduct of the air campaign at the operational/tactical level”.

483. Influence at the strategic level had, however, been “reduced by the different US and UK C2 [command and control] systems”, where US political direction went direct to General Franks rather than through the US Joint Chiefs of Staff.

484. PJHQ recommended that the differences between the UK and US military structures had to be recognised and the UK should review what had been achieved and how best the UK might influence future US campaign plans.

485. In October, Maj Gen Brims wrote in his post-operation report that the UK had influenced the US only at the tactical level, although the deployment of AM Burridge had gone some way to ensuring influence at Lt Gen McKiernan’s level.³¹²

486. In a report dated 17 October, the DOC judged that “the provision of Liaison Officers in key locations in the US military chain of command played a significant role in securing a degree of influence with the US”.³¹³

487. The DOC concluded:

“The UK must maintain the means of influencing the policy, planning and conduct of a campaign in a Coalition context, specifically with the US, at an early enough stage to have an effect.”

488. Air Chief Marshal Sir Brian Burridge told the Inquiry that the decision to compress the timing of the air campaign to coincide with the land campaign had been taken to allow the Coalition to deal with the strategic risks simultaneously, and the UK had encouraged that.³¹⁴

³¹¹ Minute CJO to DOC, 30 May 2003, ‘Operation TELIC – Phase III Top 10 Lessons Identified’ attaching Annex C.

³¹² Report [MOD], 6 October 2003, ‘Post Operation Report – Version 2 Operation TELIC’.

³¹³ Report Directorate of Operational Capability, 17 October 2003, ‘Operation TELIC Lessons Study’.

³¹⁴ Public hearing, 8 December 2009, page 48.

489. In the context of a question about planning for Phase IV, Sir Brian questioned whether the MOD had achieved wider influence:

“I just don’t think they [the MOD] could get strategic traction. I don’t think the machinery of government ... was in a shape, phase or form that they could get traction.

“I know that the nature of the way in which the US ... ran an operation was different ... so the endless dialogue that we could have with the Joint Staffs in the Pentagon which allowed us to grapple and influence ... I perhaps wouldn’t go so far as to say it wasn’t available, but it was made very much more difficult.”³¹⁵

490. General Sir John Reith told the Inquiry that he had made the point to Gen Franks that it would be essential to secure the oilfields rather than have them destroyed, and that the phasing of the plan had subsequently been revised to include an early land entry.³¹⁶

491. Gen Reith considered that it was the UK’s niche capabilities and US respect for UK “staffing” that gave it influence, rather than the number of UK forces.³¹⁷

492. Lord Boyce told the Inquiry that:

“So far as influence is concerned ... there is no doubt in my mind anyway that to produce something of a divisional size force rather than a brigade size force would give us influence with the Americans in what was going on, not just in Iraq but also in other relationships as well ... I believe we did have influence. It forced the Americans to go down the UN route ... It certainly involved ... at the tactical level, quite a lot of shaping of tactics which we were able to influence and which I can’t give you the detail of ... [A] number of our commanders ... at quite a junior level – would get traction in a way which they would not have done if we had not had a divisional size contribution.

“... in terms of targeting ... We shaped quite a lot of the American thinking ...

“... It allowed me to pick up the phone every day to talk to General Myers or General Franks.”³¹⁸

³¹⁵ Public hearing, 12 December 2009, page 42.

³¹⁶ Private hearing, 15 January 2010, pages 42-43.

³¹⁷ Private hearing, 15 January 2010, page 57.

³¹⁸ Public hearing, 27 January 2011, pages 32-33.

493. In its report on the lessons of the conflict, published in March 2004, the House of Commons Defence Committee concluded that it was:

“... not ... able to define the areas in which the British made specific contribution to what was essentially an American campaign plan, other than in the consideration of the northern option and in niche capabilities such as special forces operations.”³¹⁹

494. The Defence Committee concluded that there was:

“... clear evidence of UK influence on the air targeting operations ... Principally this influence seems to have been applied to issues of perception ... The extent to which the UK persuaded the US out of attacking certain targets on grounds of principle is less clear. We asked MOD for specific examples of UK influence but they failed to provide any, even on a classified basis.”³²⁰

495. In the context of the US system in which the deployed commander reports directly to the Secretary of Defense, the Defence Committee recommended that the MOD should consider:

“... whether the highest levels of British command structures might be made more adaptable ... to operate more closely with their American counterparts ...”

496. The Government response stated that the MOD believed “that the contribution made by UK officers was influential in the overall shape of the plan”. It specifically identified the roles played by Lt Gen Reith, the CDS liaison officer in the Pentagon, and Major General David Wilson, the Senior British Military Adviser within CENTCOM.³²¹

497. The Government also stated that it was:

“... sorry that the Committee has stated that we failed to provide them with examples of UK influence. We provided ... classified material at the time ... The Committee did not indicate ... they were dissatisfied.”³²²

498. The Government did not agree that command structures should be adapted to operate more closely with the US system.³²³

³¹⁹ Third Report from the House of Commons Defence Committee, Session 2003-2004, *Lessons of Iraq*, page 5.

³²⁰ Third Report from the House of Commons Defence Committee, Session 2003-2004, *Lessons of Iraq*, page 7.

³²¹ House of Commons Defence Committee, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-4*, 8 June 2004, page 2.

³²² House of Commons Defence Committee, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-4*, 8 June 2004, page 7.

³²³ House of Commons Defence Committee, *Lessons of Iraq: Government Response to the Committee's Third Report of Session 2003-4*, 8 June 2004, page 6.

The transition to post-conflict operations

499. The expansion of the UK Area of Operations (AO) during conflict operations and the final extent of the post-conflict UK Area of Responsibility (AOR) are shown on Map 5 in Annex 4.

Definition and use of “Area of Operations” and “Area of Responsibility”

Area of Operations (AO): The UK military’s area of combat operations during the invasion of Iraq (Phase III of the campaign). It is the term applied during conflict and, in terms of time, space and force, is the area in which lethal force can be applied for a designated period of time.

Area of Responsibility (AOR): The term is usually applied in peace support operations. In Iraq, it referred to the area of southern Iraq for which the UK military was responsible during the post-conflict Occupation of Iraq (Phase IV of operations).

The two terms were not used consistently within the UK Government and were sometimes applied interchangeably in the same document.

Phase IV military planning papers

500. The transition from conflict (Phase III) to post-conflict (Phase IV) military operations began as soon as Coalition troops started to occupy Iraqi territory.

501. When that transition began there had been no systematic analysis of the UK’s military or civilian capacity to fulfil its likely obligations in the South in a range of different circumstances, including in a hostile security environment with low levels of Iraqi consent.

502. Mr Straw and Mr Hoon advised Mr Blair:

“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, which could include 20 percent of the Iraqi population.”

503. Mr Blair sought further advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.

504. The absence of contingency plans and preparations, and the assumptions which shaped continuing discussions about the level and extent of the UK’s post-conflict military and civilian deployment, are addressed in Section 6.5.

505. Adm Boyce’s Execute Directive, issued on 18 March and addressed in detail earlier in this Section, directed Lt Gen Reith to “assume the UK Phase IV AO will be centred on Basra”.³²⁴

506. In line with the military plan approved by Mr Blair on 14 March, the Directive stated that, to “assist the Coalition in a timely and successful Phase III and to help in shaping Phase IV conditions in the UK AO”, Lt Gen Reith should exploit no further north than an east – west line running 90km south of al-Kut, ending at a point 50km north-east of al-Amara.

507. The Directive also stated that it was Adm Boyce’s “current intent ... that the UK should aim to draw down its deployed force to medium scale within four months of commencing offensive operations”.

508. Mr Hoon and Mr Straw sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.³²⁵ It stated that, 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, which could include 20 percent of the Iraqi population. This task is broadly proportionate to the size of the UK’s contribution to overall Coalition land forces ...”

509. Mr Straw and Mr Hoon also advised that it would be necessary to reduce the UK military contribution “to nearer a third by no later than the autumn in order to avoid long-term damage to the Armed Forces” and to remain within current defence planning assumptions. Scaling down to nearer a third would limit the UK contribution thereafter to “a maximum of around one brigade, a two-star [divisional] headquarters and possibly a contribution to higher level command and control”. They recommended telling the US now, for planning purposes, that this was the upper limit of the UK contribution.

510. The joint minute and the subsequent discussion and correspondence are described in more detail in Section 6.5. This Section identifies only the high level points in relation to possible UK command of a military sector.

³²⁴ Minute CDS to CJO, 18 March 2003, ‘Op TELIC: Authorisation for Military Operations in Iraq’ attaching Paper CDS, ‘Chief of Defence Staff Execute Directive to the Joint Commander for Operation TELIC (Phases 3 and 4)’.

³²⁵ Minute Straw and Hoon to Prime Minister, 19 March 2003, ‘Iraq: UK Military Contribution to post-conflict Iraq’.

511. Before the joint minute from Mr Straw and Mr Hoon reached No.10, Mr Drummond advised Mr Rycroft that “we need Ministers to decide on sectors”.³²⁶ He suggested that they would want to agree the proposals in the joint minute:

“... provided they are satisfied that:

- UK forces will be capable of providing security for an area around Basra including about 20 percent of Iraq’s population.
- How long we will have this responsibility, and what is the exit strategy (benign security environment created, UK forces replaced by others). Will we be able to limit ‘our area’ to say Basra by the autumn, when we want to withdraw two thirds of our troops?”

512. After the Ministerial meeting on post-conflict issues on 21 March, Mr Rycroft informed the FCO and MOD that Mr Blair agreed to the recommendations made by Mr Straw and Mr Hoon, subject to further urgent advice on the size of any UK sector, the duration of the UK commitment and the exit strategy.³²⁷

513. Treasury officials advised Mr Brown that the minute from Mr Straw to Mr Hoon raised a number of issues, including that Treasury and MOD views differed on the wisdom of the UK taking on command of a sector in Iraq without “the necessary guarantees”.

514. Mr John Dodds, Head of the Defence, Diplomacy and Intelligence Team in the Treasury, sent advice on the Straw/Hoon joint minute to Mr Brown on 24 March.³²⁸

515. Mr Dodds told Mr Brown that US military planning appeared:

“... to have four ‘two-star commands (ie divisions)’ outside of Baghdad, focusing more flexibly on the tasks that need to be done, rather than being tied down to specific narrow locations.

“The MOD ambition is to have a UK-led ‘two-star [Maj Gen] command.’

516. Mr Dodds warned that the UK should not be too ready to take on a two-star command in the aftermath without “the necessary guarantees”. The military would “balk” at this: “a ‘two-star command’ would provide a seat at the top table in the aftermath”, but it carried the risk of costs “we cannot afford both militarily and financially”.

517. The FCO advised that it would not be possible to decide on the size of a UK military sector before establishing the nature of the task and the scale of the Coalition resources available.

³²⁶ Minute Drummond to Rycroft, 19 March 2003, ‘Iraq Ministerial Meeting’.

³²⁷ Minute Rycroft to McDonald and Watkins, 21 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

³²⁸ Minute Dodds to Chancellor, 24 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

518. The relationship between the size of a military sector and the wider contingent liabilities, including the impact on potential UK civilian responsibility for administration and reconstruction, was not addressed.

519. On 25 March, the FCO sent its response to Mr Blair’s request for further advice on the size of a UK sector, the duration of the UK commitment and the exit strategy.³²⁹

520. The FCO advice, agreed with the MOD and copied to DFID and the Treasury, reflected much of Mr Dodds’ advice to Mr Brown.

521. On the size of the UK sector, the FCO wrote:

“... we need to determine in the first instance the nature of the military task, and make an assessment of the UK and other Coalition resources likely to be available. Only then can we answer the question about geographical coverage. If the task is to promote a secure environment, the size of the area will depend on the number of troops that are available and the attitude of the Iraqis. The expectation is that Basra, and the area around it, linked to existing administrative boundaries, should be the focus. Plans need to remain flexible until we are able to define the task and confirm the attitude of the population. US thinking appears to have moved away from too early definition of ‘sectors’ for exactly the reasons explained above.”

522. In his statement to the Inquiry, Mr Blair wrote:

“We took the decision to take on responsibility for the South sector, following Jack Straw and Geoff Hoon’s joint note to me of 19 March. This was the inevitable outcome of the decision that our military contribution should be through the South. I was also keen that this be our Area of Operation because it seemed clear that the South would be more manageable. The South – Shia and heavily anti-Saddam – was likely to be relatively supportive. And to begin with, this was indeed the case. It was agreed that we should do it, without demur, as I recall.”

523. Lt Gen Reith warned the Chiefs of Staff on 21 March that there were already signs that pre-conflict assumptions about the nature and duration of the conflict had been wrong, with implications for Phase IV planning.

524. Lt Gen Reith advised that the Coalition “must be prepared” for high, medium and low levels of consent.

525. Lt Gen Reith produced an update on Phase IV planning for the Chiefs of Staff on 21 March.³³⁰ He warned that Phase IV delivery remained subject to “uncertain US dynamics at the pol/mil [politico-military] level”. US planning continued, but was “primarily bottom-up”, and CFLCC was still seeking guidance on key issues including governance, payment of salaries and “regeneration” of the military.

³²⁹ Letter Owen to Rycroft, 25 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

³³⁰ Minute Reith to COSSEC, 21 March 2003, ‘Phase IV Planning – Taking Stock’.

526. Lt Gen Reith advised that there were already signs that previous assumptions about the nature and duration of the conflict might have been wrong. Phase IV(a) now looked likely to be far shorter than previously expected, while the arrival of other Coalition partners and non-governmental organisations (NGOs) looked like taking longer. All this added pressure. Lt Gen Reith listed a number of issues needing resolution, pointing out that some were already well known. They included: the system of governance under Phase IV(b); how to approach Security Sector Reform (SSR); provision of salaries to Iraqis; and how to engage the Iraqi military and judiciary.

527. On “military realities”, Lt Gen Reith stated: “The Coalition must be prepared for high/medium/low consent and variations thereof in time and space, including asymmetric attack and intra-factional violence.” He listed “How to deal with non-compliance” as one of the “key issues requiring resolution”.

528. The draft Operational Concept for Phase IV prepared by Lt Gen Reith on 25 March:

- **provided broad estimates of force requirements based on an expectation of growing popular consent in the South;**
- **anticipated that the US would ask the UK to assume responsibility for four provinces;**
- **cautioned that growing consent was dependent on a number of factors, including improvement to the quality of life for Iraqis;**
- **highlighted the critical importance of an authorising Security Council resolution and early bilateral UK engagement with potential force contributors;**
- **advised the Chiefs of Staff to balance the military’s “intention to draw down to below medium scale as rapidly as possible” against the UK’s “wider political objectives”; and**
- **advised that agreement with the US on a UK AOR “would allow planning for Phase IV to be taken forward in confidence”.**

529. On 25 March, two UK military planning papers for Phase IV were sent to the Chiefs of Staff: a draft Operational Concept and draft Phase IV military planning guidance.

530. The draft Operational Concept for Phase IV, submitted by Lt Gen Reith, stated that:

“An enduring, operational level, concept is required to provide clarity and direction in a situation which is presently ill-defined and which could develop in a number of ways.”³³¹

³³¹ Minute Reith to COSSEC, 25 March 2003, ‘Draft Operational Concept’ attaching Paper Reith, 25 March 2003, ‘Operation TELIC, Phase IV, The Joint Commander’s Draft Operational Concept’.

531. The draft listed six constraints on UK military planning resulting from unresolved elements in pre-invasion preparation:

- there was unlikely to be a Security Council mandate for Phase IV in place for several weeks;
- in the absence of a mandate, military operations would “in varying degree, be both directed and constrained by the Hague and Geneva Conventions”;
- an uncertain strategic context that was likely to change over time;
- the duration and impact of war-fighting would set the conditions in which Phase IV would begin;
- the need for the operational design to be “broadly consistent with the US approach”; and
- the need for force levels to “conform to endorsed scales of effort”. There was “a recognised need for additional forces in Iraq to secure ground already taken, show Iraq-wide Coalition presence and provide CFLCC with operational flexibility”. The US planned a significant uplift in combat power, but not for a month.

532. The draft listed 10 “key deductions”:

- a. The strategic context to the operation lacks certainty. Internationalisation is likely to be slow as nations take a view on the likelihood of overall success before committing themselves.
- b. The operational design must be sufficiently flexible to remain coherent within an ill-defined strategic context which is likely to change.
- c. The posture and disposition of US and UK forces when combat operations are complete or when a surrender is concluded will be uncertain.
- d. On completion of combat, forces will be located in areas of operations for which they will have legal and military responsibilities which cannot be relinquished until handed over to a relieving force.
- e. CFLCC will adjust force dispositions on completion of Phase III and establish an Iraq-wide Coalition presence. The Coalition will be thinly spread and the UK will be expected to take its share of the risk/burden in order to establish a safe and secure environment.
- f. On completion of Phase III, UK forces will be allocated an AOR within which the legal and other obligations of an Occupying Power must be met. The AOR may not necessarily be contiguous from the outset, but we should aim for this as soon as possible.
- g. If there is no effective governance in place, forces will have responsibilities for co-ordinating, and in some cases delivering, many aspects of life in Iraq.
- h. The military role in support of the civil sector could be prolonged.

- i. In Iraq the provincial level provides the link between central government and local administration. Military boundaries should be coterminous with provincial boundaries, which will, in turn, define an AOR.
- j. There may be a need for more rather than less Coalition Forces in the short term, depending on the nature of the outcome of Phase III and the level of consent established as a result. The US will have no further formations available until late April.”

533. The draft recommended that “the operational design [of Phase IV] should be predicated on the empowerment of Iraqi institutions and mechanisms of governance appropriately supported by international military and other organisations”. That concept, known as the Joint Commission (JC) approach, was recommended as:

“... a proven and familiar model enabling effective civil-military crisis co-ordination. It allows the military to exercise authority and influence, yet promotes and fosters a sense of civilian ownership in the decision-making process. Initially the military would lead on a JC pulling together local authorities and other organisations including Iraqi military where feasible, into a single decision-making body. At lower levels, liaison teams mirror the function of the JC providing province-wide ‘ground truth’ and a focus for military advice and support to the civil authorities. The JC structure also provides the information to allow IO [international organisations]/NGO to feel secure and target need. At an appropriate time the JC lead would transition to the civil authorities, with the military adopting a supporting role.”

534. Plans for SSR were “undetermined”. The draft recommended that the Coalition “should attempt to retain as much of the Iraqi Regular Army intact as possible”.

535. On levels of Iraqi consent, the draft stated:

“The extended UK ‘box’ for Phase III extends north into Wasit province. We should anticipate that the US will ask the UK to assume responsibility for this province, as well as those to the south – Basra, Dhi Qar, Maysan. All are predominantly Shia and are generally not pro-regime. However, varying internal and external influences determine the overall threat and level of consent.

“Anti-Coalition sentiment is predicted as low in all provinces. However, in the immediate post-conflict period, UK forces could become involved in peace enforcement operations between opposing factions. Internal tensions are greatest in Wasit and probable in Maysan and Dhi Qar. Basra should be the easiest province to govern.”

536. The threat assessment for each of the four provinces was set out in an Annex, the accuracy of which would be “determined by the nature of the conflict, adjusted by a continuous assessment of risk”.

537. For Wasit, Maysan and Dhi Qar provinces, the Annex stated that revenge and retribution against the regime “could be high”. In Wasit it would represent “a sizeable internal security issue”; in Maysan and Dhi Qar, a “short-term internal security issue”. The section on Basra province stated:

“There will be some Iranian influence as the province shares a border with Iran ... Many tribes have been involved in anti-regime activities and, therefore, may be pro-Western ... Basra should be the most stable of the provinces in terms of threat environment, but the size of the population will bring its own inherent problems.”

538. The draft Operational Concept listed the military tasks for Phase IV, including:

- maintaining a safe and secure environment;
- supporting enforcement of the rule of law;
- supporting humanitarian assistance and reconstruction;
- supporting the interim civil administration;
- helping with the restoration of communications infrastructure; and
- supporting the transformation of Iraq’s armed forces.

539. The draft provided broad estimates of force requirements, based on expected levels of popular consent in each province.

540. The draft assessed the impact of factors affecting the military tasks:

“UK Capability ... assuming internal tensions are high, initial operations are likely to involve a continuous effort to preserve and maintain a consensual framework. This will potentially require a brigade level of command for each province. At the present scale of effort the UK has the capacity to do this, accepting some operational risk, but at prejudice to our ability to reduce force levels in the short term ...

“Iraqi Reactions. As internal tensions subside, consent in Iraq will grow dependent on confidence in the US inspired IIA [Iraqi Interim Authority], engagement of local Iraqi governance and growth of HA [Humanitarian Assistance]/immediate reconstruction to improve the quality of life. The Iraqi population must also be convinced that our presence is temporary. There is a direct link to our exit strategy here; as consent in Iraq increases, force levels decrease.

“Expanding the Coalition. Even if a UNSCR is secured in good time, we will enter Phase IV with few, if any, additional Coalition partners. Moreover IO and NGO support is unlikely to be operating at full capability. This reinforces the critical importance of an authorising UNSCR, allowing the wider internationalisation of our presence in Iraq, and early bilateral engagement by the UK with potential force contributors. In the medium term the UK may have to be prepared to bridge the gap in force levels, maintaining a larger presence over a longer period of time than we would wish ...

“Engagement with US. The UK has no option but to use UK forces initially committed to Phase III for Phase IV. However, accepting our intention to draw down to below medium scale as rapidly as possible – which must be balanced against achieving our wider political objectives in Iraq – the issue of UK responsibilities in Phase IV needs to be concluded with the US. The UK would wish to concentrate in one area of Iraq for ease of command and control and logistic support, this division of responsibility has yet to be agreed formally. Agreement to an AOR would allow planning for Phase IV to be taken forward in confidence.”

541. The Chiefs of Staff were “invited to agree that:

- a. Our linkage with the Iraqis should reflect their system of governance and should thus be arranged on a provincial basis.
- b. UK forces should use the Joint Commission model.
- c. Forces should be deployed on an intelligence-led rather than framework basis ...
- d. COS should take a view on the number of provinces that the UK should control.”

542. More detailed estimates of the forces required to deliver particular tasks in the UK’s potential AOR were included in the 15 April Statement of Requirement (SOR) for South-East Iraq.

543. Sir Kevin Tebbit commented on the reference to Wasit province in the draft Operational Concept:

“Don’t assume we will accept an AOR as defined by the US. It has to be what we can cope with (including other countries we might be able to bring along). What are force level implications?”³³²

544. It is not clear to whom those comments were addressed.

545. The draft Operational Concept was not discussed at the next meeting of the Chiefs of Staff on 26 March.³³³ Comments were to be sent to Lt Gen Reith out of Committee.

546. In his Phase IV military planning guidance, also produced on 25 March, Lieutenant General Anthony Pigott, Deputy Chief of the Defence Staff (Commitments) (DCDS(C)), addressed the need to plan for the possibility that UK forces might have to stay in Iraq in greater numbers or for longer than intended.

547. Phase IV planning assumed that levels of consent would rise from “medium” to “high”, while recognising that there were some areas where “low” levels of consent could persist for some time.

³³² Manuscript comment Tebbit on Minute COSSEC to PSO/CDS, 25 March 2003, ‘OP COS Paper: Subject – Op TELIC – Phase IV Legal Issues’.

³³³ Minutes, 26 March 2003, Chiefs of Staff meeting.

548. Lt Gen Pigott recommended preparing a strategic estimate for sustaining a large-scale UK presence to March 2004.

549. The second paper sent to the Chiefs of Staff on 25 March was Lt Gen Pigott's draft Phase IV military planning guidance.³³⁴

550. Lt Gen Pigott stated that the MOD approach to Phase IV planning ("integration of top down policy/strategic issues with bottom up operational/tactical realities") "has kept us reasonably balanced in a very uncertain environment".³³⁵ With Phase IV "potentially unfolding from now on", it was time to take stock and update UK military commanders and staff.

551. The guidance outlined the wider strategic context for Phase IV, including the UK's post-conflict objectives and six "Strategic Lines of Operation": disarmament, security, humanitarian effort, political (initial governance and longer-term reconstruction of political institutions), diplomatic and economic.

552. Lt Gen Pigott summarised the US framework for Phase IV:

- Phase IVa (stability), lasting 6, 12 or 18 months under best, moderate or worst case scenarios;
- Phase IVb (recovery), 18 to 24 months;
- Phase IVc (transition), from 24 months.

553. He explained that US command and control for Phase IV was "a very fluid area", had gone through a number of iterations and could be expected to change further.

554. Lt Gen Pigott advised that the scale of the UK military effort in Phase IV would be:

"Informed by operational considerations in the JOA [Joint Operational Area], such as levels of consent but also taking account of wider Commitments, we need to draw down to nearer medium scale of effort by autumn 03."

555. Lt Gen Pigott explained that the UK distinguished between three levels of consent: "High", "Medium (Patchy)" and "Low". These mirrored the US model of best, moderate and worst case scenarios. Current UK thinking assumed "medium (patchy) consent turning to high as the basis for Phase IV planning at this stage but recognises that there will be areas where low consent is more likely, possibly for some time."

³³⁴ Minute COSSEC to PSO/CDS, 25 March 2003, 'OP COS Paper: Subject – Op TELIC – Phase IV (Post Conflict): Military Planning Guidance'.

³³⁵ Minute DCDS(C) to COSSEC, 25 March 2003, 'Op TELIC Phase IV (Post Conflict): Military Planning Guidance' attaching Paper [draft] DCDS(C), 25 March 2003, 'Op TELIC Phase IV (Post Conflict): Military Planning Guidance'.

556. Lt Gen Reith listed six components of the UK military's approach to Phase IV:

"a. Phase IV UK Strategy. While our Phase IV contribution will be governed largely by immediate events in theatre, it is essential that our Phases IVb/c contribution is set within a wider 'Ends' driven strategy ...

b. Improved International Support. We need to create the conditions for improved international engagement for Phase IV. An outline strategy has already been developed for this ... While looking for early support in Phase IVa we should not make premature assumptions that it will be easily forthcoming.

c. Early Reduction. (May/Jun 03 tbc). We should identify and be prepared to withdraw at speed (tbc) any capabilities which have Phase III utility only ...

d. Staged Draw Down. (Jun–Sep 03 tbc). We should then plan to draw down the balance of components to the autumn 03 steady state against clear criteria.

e. Enduring Steady State. (Sep 03–Mar 05). Subsequently, we should be prepared to maintain the steady state until at least Spring 04 and scope out to Spring 05.

f. Branch Planning. A strategic estimate should be conducted to consider large scale presence continuing through Mar 04 reducing then to medium scale until Mar 05."

557. Sir Kevin Tebbit commented on the draft Phase IV military planning guidance:

"Creeping larger commitment. I am not clear where the idea of a large scale force until April 04 comes from – as distinct from large scale until the autumn."³³⁶

558. It is not clear to whom Sir Kevin addressed his comments, but he was present when the paper was discussed by the Chiefs of Staff on 26 March.³³⁷

559. The Chiefs of Staff discussed the tensions between the UK's desire to reduce troop levels to a divisional headquarters and one brigade by the autumn, the potential scale of the Phase IV task and US expectations about the size of the UK contribution.

560. Lt Gen Pigott briefed the Chiefs of Staff on his Phase IV planning guidance paper on 26 March.³³⁸

561. ACM Squire commented that Lt Gen Pigott's paper "highlighted the possibility that Phase IV would be a larger political and military task than had been originally envisaged".

³³⁶ Manuscript comment Tebbit on Minute COSSEC to PSO/CDS, 25 March 2003, 'OP COS Paper: Subject – Op TELIC – Phase IV (Post Conflict): Military Planning Guidance'.

³³⁷ Minutes, 26 March 2003, Chiefs of Staff meeting.

³³⁸ Minutes, 26 March 2003, Chiefs of Staff meeting.

562. Gen Jackson agreed, adding that “the desire to draw down in accordance with departmental assumptions could run counter to the UK’s moral responsibility to Iraq”.

563. The minutes of the meeting recorded that there were “a significant number of Phase IV papers in circulation, with more in prospect”. Adm Boyce instructed Lt Gen Pigott to update the planning guidance and Mr Lee to provide Ministers with a summary of Phase IV issues and progress with planning by 1 April.

564. Mr Drummond briefed Sir David Manning that the Chiefs of Staff discussion had:

“... led on to thinking that Phase IVa might be much longer than expected and the need to consider longer term military options. The Chiefs are still determined to reduce by 10,000 or so by the autumn. (No harm in thinking this through now, but there is a lot that can change ...).”³³⁹

565. Admiral Sir Alan West, Chief of the Naval Staff and First Sea Lord, commented on the draft Operational Concept on 27 March. He registered concern about “mission creep and the possibility of taking on too many provinces bearing in mind the forces available” and requested a discussion in a COS(I) [Chiefs of Staff (Informal)] meeting after a regular meeting of the Chiefs of Staff.³⁴⁰

566. On 28 March, Gen Jackson commented that some of the assumptions in the draft Operational Concept about levels of consent and the extent to which the UK could use the remnants of the Iraqi administration “may have been optimistic”.³⁴¹ The aspiration to draw down to a divisional headquarters and one brigade remained, but “the situation may demand more of us”. He recommended that “we should be prepared to constantly review our assumptions and the deductions they lead to, and we should approach detailed plans with caution until we can be sure they are robust”.

567. The Chiefs of Staff discussed the draft Operational Concept for Phase IV and the size of the UK military contribution to Phase IV, on 31 March.³⁴²

568. In discussion, the Chiefs of Staff commented that Lt Gen McKiernan “had established that the force level requirement for the region would be three manoeuvre brigades and an aviation brigade in reserve, implying a potential UK commitment significantly in excess of ‘a medium scale effort by autumn 03’.” Although operational conditions were likely to be different in each province, “it was likely that any extension of UK responsibility beyond Basra province would only be possible with support from other Coalition partners”.

³³⁹ Minute Drummond to Manning, 26 March 2003, ‘Chiefs Meeting’.

³⁴⁰ Minute NA/1SL to MA/CJO, 27 March 2003, ‘OP TELIC Phase IV – The Joint Commander’s Draft Operational Concept’.

³⁴¹ Minute MA2/CGS to MA/CJO, 28 March 2003, ‘An Operational Concept for Phase IV’.

³⁴² Minutes, 31 March 2003, Chiefs of Staff meeting.

569. The Chiefs of Staff also agreed that the UK should adopt the Joint Commission approach to local government proposed by Lt Gen Reith in the draft Operational Concept.

570. Adm Boyce directed that the draft Operational Concept be amended to reflect the discussion. It should also be circulated to the Chiefs of Staff and UK representatives in the Pentagon and CENTCOM “for use as a vehicle to engage the US”.

571. Adm Boyce also repeated his 26 March request that Mr Lee prepare briefing on Phase IV progress for Mr Hoon.

572. The Inquiry has not seen any record of whether or how the draft Operational Concept was used by UK representatives in the Pentagon and CENTCOM.

573. Sir David Manning was advised on 31 March that there was “likely to be a serious shortfall in military forces for Phase IV and building a coalition to undertake some of these operations is complicated by the absence of a UNSCR”.

574. The Cabinet Office reported to Sir David Manning on 31 March:

“There was some discussion [at the Chiefs of Staff meeting] of whether we should agree to the informal US request to take on four provinces. This would almost certainly require more than the medium level of force that the MOD intend to leave behind in Iraq from the autumn. The difficulty is that there is likely to be a serious shortfall in military forces for Phase IV and building a coalition to undertake some of these operations is complicated by the absence of a UNSCR ... You might want to encourage MOD to share its thinking on force sizes, perhaps at COBR(R) initially, once it has crystallised. In the meantime there is a danger of a rising expectation in Washington that we’ll be able to contribute more than we can manage in Phase IV.”³⁴³

The relationship between the UK military and ORHA

575. In early April, Ministers were advised that ORHA was planning to administer the whole of Iraq and it would therefore not be feasible for 1 (UK) Div to operate autonomously in the UK AOR.

576. Concerns were expressed about the implications, in those circumstances, of differences between US and UK interpretations of the rights and obligations of Occupying Powers.

577. On 31 March, Mr Huw Llewellyn, an FCO Legal Counsellor, reported to Mr Dominick Chilcott, Head of the Iraq Planning Unit (IPU), that UK military lawyers based in Kuwait were becoming alarmed at ORHA’s activities.³⁴⁴ ORHA had issued three

³⁴³ Minute Gibbons to Manning, 31 March 2003, ‘Iraq: COS meeting – Monday 31 March 2003’.

³⁴⁴ Minute Llewellyn to Chilcott, 31 March 2003, ‘Iraq: ORHA: Current Activity’.

orders in relation to the port of Umm Qasr, including the application of US labour and customs laws, for which there was no clear legal authority. The position of UK forces, if asked to participate in related activities, was therefore uncertain.

578. Mr Llewellyn concluded:

“If it cannot be sorted out, we may well need a decision from Ministers about whether UK forces should decline to take part in actions that we consider unauthorised or unlawful.”

579. The IPU sent recommendations on the UK’s future engagement with ORHA to Mr Straw on 1 April.³⁴⁵

580. The IPU advised that the UK objective of an Interim Iraqi Administration (IIA) acting under UN authorisation was unlikely to be in place sooner than 90 days after the end of hostilities.³⁴⁶ Until then, mechanisms were needed to deliver humanitarian assistance and, within the relevant legal constraints, civil administration. Without such mechanisms, those tasks would fall on the military, which had other priorities and limited resources.

581. Because ORHA would administer the whole of Iraq as part of an integrated US-led approach and had large resources at its disposal, it would not be viable for 1 (UK) Div to operate “autonomously” in its AOR:

“We may wish to support 1 Div’s capacity to carry out specific actions (eg repairing the water supply) in areas where we are responsible for maintaining security. But the logic of ORHA – a nation-wide approach to Phase IV – limits the UK’s responsibilities and exposure. Carving out a separate approach in a UK sector would make no sense.”

582. Depending on the circumstances, the UK could quite quickly be faced with “a grey area of possible activities which could move ORHA beyond the UK’s understanding of an Occupying Power’s rights and obligations”.

583. The IPU concluded that, while ORHA was “in many ways a sub-optimal organisation for delivering the UK’s Phase IV objectives”, it was “the only game in town”.

584. Section 9.1 addresses UK concerns about the legality of ORHA activities in Iraq in greater detail.

585. The debate about the scale of the UK contribution to ORHA is addressed in Section 10.1.

³⁴⁵ Minute IPU to Private Secretary [FCO], 1 April 2003, ‘Iraq: ORHA’.

³⁴⁶ Paper IPU, 28 March 2003, ‘Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)’.

586. ORHA was discussed at an MOD briefing for Mr Hoon on 1 April.³⁴⁷ Mr Watkins reported that:

“Considerable concern was expressed about the modus operandi of the ORHA: this could cut across the UK Armed Forces’ so far successful ‘hearts and minds work’ within our AO. One possibility would be to invite ORHA to ‘phase in’ their operations within our AO in a controlled way. There would need to be an early conversation between the Secretary of State and Donald Rumsfeld ...”

587. Mr Lee was commissioned to prepare a speaking note for Mr Hoon to use with Secretary Rumsfeld.

588. Mr Lee briefed Mr Hoon on Phase IV issues on 2 April.³⁴⁸ He advised Mr Hoon to note that:

- the Chiefs of Staff had endorsed the draft Operational Concept on 31 March;
- the Joint Commission concept was well tested in the Balkans and would be adapted to the particular circumstances of Iraq;
- levels of consent and Phase IV tasks “remain undetermined and thus the geographic scope of British responsibility cannot yet be decided”; and
- until ORHA’s plans were clearer, particularly in relation to future governance structures, the relationship with ORHA needed to be managed “pragmatically and without long-term commitment”.

589. Mr Lee explained that:

“To a degree, initial ‘Phase IV’ operations have already begun in Iraq with humanitarian assistance and low level civil contacts being conducted by UK forces. There is thus a pressing need to define an operational concept for the employment of UK forces in early Phase IV operations in Iraq ...

“It is, however, early days. The strategic background to Phase IV operations remains uncertain and changeable. Very significant decisions – eg about Iraqi governance and the legal basis for Phase IV operations – remain to be taken. How any ‘Joint Commissions’ will relate to Iraqi governance structures remains undecided: care will be required that their establishment does not prejudge the development of governance structures by ORHA. While acknowledging the merits of the ‘Joint Commission’ model, we also need to be sympathetic to Iraqi culture and wishes. Commanders on the ground are already implementing what has been called a ‘town hall’ process. The key point is that ‘Joint Commissions’ should not become an alien imposition or, in any way, a rival power base to an Interim Authority; their role should be obviously temporary and advisory.

³⁴⁷ Minute Watkins to Policy Director, 2 April 2003, ‘Iraq: Ministerial Briefing: 1 April 2003’.

³⁴⁸ Minute Lee to PS/Secretary of State [MOD], 2 April 2003, ‘Op TELIC – Draft Operational Concept for Phase 4’ attaching Paper [unattributed and undated], ‘Speaking Notes for Call to Rumsfeld on ORHA’.

“The precise tasks that will fall to UK forces in Phase IV remain to be determined. These will depend very largely on the circumstances that obtain at the end of Phase III ... It is thus not possible to make a firm determination of the final geographic scope of UK responsibility that will be possible within the upper scale of effort approved by Ministers. For the moment, planning guidance, based on the ‘Ministerial Guidance’ received refers to a focus in Basra province with extension beyond that dependent on events and Coalition support.”

590. Conditions for ORHA’s deployment were “not yet right at many levels”:

- there was “no prospect” of an early “fourth” resolution endorsing arrangements for post-conflict Iraq;
- the US Department of Defense (DoD) and the State Department had not agreed on the composition of ORHA and the IIA;
- 1 (UK) Div was the de facto authority in most of South-East Iraq, albeit subordinate to the CFLCC, but the relationship between Maj Gen Brims and ORHA was not clear; and
- the pressing tasks were “humanitarian and low-level administration (eg opening schools and hospitals)”; ORHA’s political baggage might be “counterproductive to our efforts to win the confidence of local people”.

591. Mr Lee recommended that, in the light of indications that ORHA might soon move to “an operational and public posture that the UK would find unhelpful”, Mr Hoon should telephone Secretary Rumsfeld to suggest a pragmatic approach to ORHA’s rapidly developing plan to deploy into southern Iraq.

592. The attached speaking notes for Mr Hoon were listed “in increasing order of candour”. They included:

- Struck by the success of ‘local’ and ‘prototyping’ approach we’ve taken to clearing villages and towns (az-Zubayr) while developing situation in Basra.
- Don’t believe the situation is ready in (our bit of) Iraq for all dimensions of ORHA but a ‘toe in the water’ or prototyping with the humanitarian and initial reconstruction elements could be very helpful.
- End state we’re looking for is a supportive high consent population so that we can get forces out and allow Iraqis to run their own affairs; getting the transitional arrangements right is vital for this.
- President and Prime Minister agreed to a ‘softly softly’ approach on the big political questions about Phase IV and the form of UN endorsement and involvement; ORHA big bang would run counter to that.
- Concerned about how it would relate to (destabilise?) our 1 (UK) Div effort.
- ...
- The Iraqis are traumatised and the regional neighbours are suspicious gusting hostile; now is not the time to launch something so politically controversial; let’s win the war first.”

593. Mr Lee's advice was copied to Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat (OD Sec) and Mr William Ehrman, FCO Director General Defence and Intelligence.

594. Mr Hoon agreed to Mr Lee's recommendations on 3 April, noting that the Chiefs of Staff would "provide advice in due course on the geographical area that UK forces should cover".³⁴⁹

595. Mr Hoon tried without success to engage Secretary Rumsfeld on the question of ORHA during their conversation on 3 April.³⁵⁰

596. Mr Hoon told Secretary Rumsfeld that the oil infrastructure in the South had been secured with very little damage and it was possible that pumping would restart soon. There was no reason why the Coalition could not leave Iraq in a better state than it had found it, but he was "keen not to have British troops tied down in Iraq for too long". UK forces had made good contacts with local municipalities and were introducing the well-tryed concept of Joint Commissions. Mr Hoon suggested that ORHA should focus on its humanitarian role and "go cautiously on the political/governmental dimension".

Extension of the UK AO

597. On 7 April, the Chiefs of Staff took the view:

- that the boundaries of any extension of the AO should be clearly defined;
- that the UK should not be over-committed; and
- any move north should be dependent on the successful conclusion of operations in Basra.

598. On 11 April, the UK AO was extended to al-Amara in Maysan province.

599. Lt Gen Reith circulated a revised draft Operational Concept on 4 April. The revised text reflected comments made by the Chiefs of Staff on 31 March and was to be approved out of committee if no further comments were received by 10 April.³⁵¹

The revised draft recommended that:

"Any extension of UK responsibility beyond Basra province should preferably be achieved through support from Coalition partners, who would deploy forces to operate under a UK two-star divisional HQ."

600. The Inquiry has seen no evidence of any further comments on the draft.

³⁴⁹ Minute Watkins to DG Op Pol, 3 April 2003, 'Iraq: Draft Operational Concept for Phase 4'.

³⁵⁰ Minute Watkins to DG Op Pol, 3 April 2003, 'Iraq: Conversation with Rumsfeld: 3 April 2003'.

³⁵¹ Minute SECCOS to PSO/CDS, 4 April 2003, 'OP COS Paper: Subject – Op TELIC Phase 4 – The Joint Commander's Draft Operational Concept' attaching Paper Reith, 3 April 2003, 'Operation TELIC Phase IV: The Joint Commander's Draft Operational Concept'.

601. It is not clear precisely when the draft was finalised, but the revised Operational Concept had been agreed by 14 April.³⁵²

602. The Chiefs of Staff were informed on 7 April that Lt Gen McKiernan was considering the use of UK forces to secure the northern Rumaylah oilfields and Route 6 (which ran north from Basra, through al-Amara (in Maysan province) and al-Kut (in Wasit province) to Baghdad).³⁵³ The Chiefs of Staff took the view that the boundaries of any extension to the AO would need to be clearly defined; that the UK should not be over-committed; and that any move north should be dependent on the successful conclusion of operations in Basra.

603. The COBR round-up on 8 April recorded that US forces had been given the task of ensuring the capitulation of al-Amara.³⁵⁴

604. The 9 April round-up reported that US forces had found little resistance and had withdrawn, “leaving a small liaison presence”.³⁵⁵ The round-up also stated that UK forces would “push north toward al-Amara, possibly as early as tomorrow”.

605. By 9 April, 16 Air Assault Brigade had deployed north of Basra to al-Qurnah (15km inside the northern boundary of Basra province), with the Pathfinders (an element of the Parachute Regiment) located 15km further north.³⁵⁶

606. The UK AO was extended north to al-Amara on 11 April, when Pathfinders from 16 Air Assault Brigade entered the city. The remainder of the force entered on 12 April.³⁵⁷

607. On 12 April, in line with the military plan approved by Mr Blair on 14 March (see Section 6.2), Mr Hoon approved the extension of the UK AO to include the whole provinces of Basra and Maysan.

608. Mr Hoon was advised that Lt Gen McKiernan had asked the UK “initially” to take responsibility for two provinces in Phase IV, with the possibility of a request to extend the post-conflict AOR to further provinces in due course.

609. On 12 April, Lt Gen Reith recommended that Mr Hoon approve the extension of the UK AO to include all of Basra and Maysan provinces, “in preparation for Phase IV”.³⁵⁸

610. Mr Hoon was invited to note that:

“a) in line with previous authority,³⁵⁹ CJO plans to move forces to the northern limit of the extended UK Area of Operation, flushing out any Iraqi forces encountered en route;

³⁵² Paper Reith, 14 April 2003, ‘Phase IV Roulement/Recovery of UK Land Forces’.

³⁵³ Minutes, 7 April 2003, Chiefs of Staff meeting.

³⁵⁴ Briefing [MOD], 8 April 2003, ‘Annex to Evening Sitrep 8 April 2003: Military’.

³⁵⁵ Briefing [MOD], 9 April 2003, ‘Annex to Evening Sitrep 9 April 2003: Military’.

³⁵⁶ Minutes, 9 April 2003, Chiefs of Staff meeting.

³⁵⁷ Minutes, 12 April 2003, Chiefs of Staff meeting.

³⁵⁸ Minute D/PJHQ to PS/Secretary of State [MOD], 12 April 2003, ‘Expansion of the UK AOR’.

³⁵⁹ Set out in the 18 March Execute Directive for Op TELIC Phases III and IV.

b) CFLCC has, initially, asked CDS for the UK to initially take responsibility for two provinces of Iraq during Phase IV.”

611. On that basis, Mr Hoon was asked to agree that:

“c) UK forces may exploit further north to take all of the Maysan province into the UK Area of Operations, once al-Amara is secure, allowing GOC 1 Div to begin the process of engaging local leaders in the same way as he has in Basra province and allowing elements of [US] I MEF to be re-allocated to operations in Baghdad.”

612. Lt Gen Reith explained that:

“Given the current progress UK forces have made in Basra, with work beginning to set up conditions for Phase IV, CJO believes that the time is right to be able to release forces northwards ... The US Task Force Tarawa has already explored al-Amara and found that it had been self-liberated and [is] currently stable.

“Once this task is complete, we will wish to begin work to aid reconstruction of the region. Secretary of State should note, that although a final agreement has not been made on the number of provinces that the UK will support during Phase IV, CFLCC has already asked CDS to take responsibility for both Basra and Maysan provinces. Whilst the initial UK AO boundary made operational sense during war-fighting in terms of co-ordination with the US, if the process of reconstruction is to start, it makes sense to include the whole of Maysan province at the earliest opportunity. This will allow locals to become exposed to UK forces, enabling the necessary rapport and trust to be built up ...

“Our assessment of this additional area is that it is relatively quiet and therefore should not add any unmanageable burden on UK forces – the only real resistance has been in al-Kut, further to the north-west. It is on this basis that we wish to seek approval to extend the UK AO as far as the northern Maysan provincial border in advance of any overt Phase IV activity.

“... we may be asked by the US to extend our Area of Responsibility to further provinces in due course.”

613. Lt Gen Reith advised that the UK response to a US request to extend the UK’s AOR would depend on the permissiveness of the areas concerned and the response to requests for additional Coalition members to offer support during reconstruction. The issue was being discussed by the Chiefs of Staff. Further advice would follow.

614. Lt Gen Reith did not address directly the potential risks associated with expansion to two provinces that had been raised during initial discussion of the extension of the UK AO in early March (see Section 6.2). Those risks included the possible consequences for other parts of government.

615. Mr Hoon agreed Lt Gen Reith's recommendation to take the whole of Maysan province into the UK AO once al-Amara was secure.³⁶⁰

616. Mr Hoon also noted the US request to Adm Boyce for the UK to take responsibility for Basra and Maysan provinces during Phase IV. Mr Hoon expected to discuss the UK's Phase IV AOR with Secretary Rumsfeld on 15 April.

617. Mr Watkins informed Mr Lee that Mr Hoon wanted an initial discussion of the US request "to head up a division" during Phase IV on the morning of 14 April, before Secretary Rumsfeld's call.³⁶¹ Mr Watkins wrote:

"This [US] approach is not, of course, entirely unexpected and Mr Hoon will wish to give an encouraging – if not necessarily definitive – response. It would therefore be helpful if the following preparatory work could be set in hand:

- Informal soundings of the US over the weekend on the likely nature of the request (ie when, for how long, where?) and how it fits with wider US thinking (total number of divisions?).
- Initial assumptions on the extent of likely contributions from other countries to a UK-led division.
- Initial assessment of the feasibility of the task and its implications for other commitments.
- Any conditions (or counter-requests) that we should attach to our taking on this task. (As with the ISAF in Kabul, presumably we would want assurances of ... support from the US.)"

618. Dr Simon Cholerton, Acting Head of the MOD Iraq Secretariat, replied on 13 April.³⁶² He advised that:

"US thinking ... on when, how long and where remains immature. But we expect a six-month period, beginning in the summer, will be the focus, with the UK AOR ... in SE Iraq. The US are looking for the UK to head a division operating around four provinces, with UK forces covering two provinces and the remainder being dealt with [by] Coalition partners ...

"UK thinking ... The current working assumption is that we should scale down our contribution to a division HQ and a brigade, as soon as this is feasible, but by September. This could then be maintained until spring 2004. Work is in hand now to scope our potential contribution until spring 2005. But the question is not simply one of what force levels are available, but what tasks those forces are expected to carry out. This requires further work. It may, for example, be possible to establish a model based on gendarmerie security forces, confining the military to more specialist areas

³⁶⁰ Minute Watkins to CJO, 12 April 2003, 'Iraq: Expansion of the UK AOR'.

³⁶¹ Minute Watkins to DG Op Pol, 12 April 2003, 'Iraq: Phase IV'.

³⁶² Minute Cholerton to PS/SofS [MOD], 13 April 2003, 'Iraq: Phase IV Coalition'.

such as dealing with EOD [Explosive Ordnance Disposal] and WMD, together with continued military operations to root out ongoing resistance and security threats.

“Potential Contributions to UK-led Division. We have begun the ‘bottom-up’ process of sounding out potential Coalition partners ... but this has so far not produced many firm or militarily significant offers ...

“UK conditions. In the absence of an agreed set of tasks, and knowledge of Coalition contributions, the level of support we will require from *US* is difficult to determine. The aim should be for Coalition partners to be as self-sustaining as possible, but outside established European partners, this is difficult to conceive. In most scenarios we can say therefore that we shall need support from US or Coalition partners in areas such as medical support, engineering, support helicopters, logistics and reconnaissance. Politically, we also need to bottom out the ‘vital role’ for the UN.”

619. Adm Boyce informed the Ad Hoc Meeting on Iraq on 14 April that the military campaign was coming to an end.³⁶³ Consideration was being given to the security management of the post-conflict phase, where the UK Division might take charge of two provinces and supervise a further two with other troops joining the Coalition for that purpose.

620. Adm Boyce’s other points are set out earlier in this Section.

621. On 14 April, Lt Gen Reith recommended to the Chiefs of Staff that the UK AOR should be “based on” Basra and Maysan provinces.

622. Expansion into other provinces should be subject to extra Coalition support and a US request.

623. Levels of consent in the South-East were expected to rise from “medium” to “high” as Phase IV progressed, but would be kept under review.

624. Lt Gen Reith recommended to the Chiefs of Staff on 14 April that:

- the UK AOR should be “based on” Basra and Maysan provinces;
- with a divisional headquarters deployed, the UK had the potential to expand the AOR to include two other provinces, “probably Dhi Qar and Wasit, subject to Coalition support, and a US request”;
- “operational situation permitting”, the Chiefs of Staff should approve the early extraction of land forces “needed for roulement [the rotation of combat units] in the mid-term”.³⁶⁴

625. Lt Gen Reith explained that, because most troops had deployed between January and March and fighting had continued for several weeks in demanding environmental

³⁶³ Minutes, 14 April 2003, Ad Hoc Meeting on Iraq.

³⁶⁴ Paper Reith, 14 April 2003, ‘Phase 4 – Roulement/Recovery of UK Land Forces’.

conditions, the Chiefs of Staff had “directed PJHQ to recover deployed formations, where possible, before the summer”. It remained the UK’s strategic intent “to draw down to nearer a medium scale of effort – a Div[isional] HQ and a B[rigade] – by Autumn 03”, sufficient to run two provinces, but there was a clear US expectation that the UK would take responsibility for up to two more provinces “as the Coalition grows”.

626. Lt Gen Reith warned that, without a UN mandate and with few nations able to generate forces quickly, the UK “should not plan on substantial early Coalition augmentation of UK resources”. He also advised that the level of Iraqi consent in the South-East was “assumed to be medium (patchy) turning to high as Phase IV develops”, but would be kept under review. A brigade of four battlegroups would be needed to perform the military tasks anticipated in the two provinces and to provide a secure environment for other activities.

627. The Inquiry has seen no record of a meeting to discuss the UK AOR chaired by Mr Hoon in the MOD on 14 April, but speaking notes for Mr Hoon’s conversation with Secretary Rumsfeld were prepared on 14 April.

The military Statement of Requirement for a UK AOR

628. In the military Statement of Requirement (SOR) for a UK AOR, Lt Gen Reith:

- estimated the force requirements for six provinces that might form part of the UK AOR, all on the assumption that levels of consent would continue to rise;
- recommended that the UK “should not assume responsibility for more than two provinces until additional and appropriate Coalition Forces are deployed. This needs formal US/UK agreement”; and
- advised that the SOR might need to change, but was “a starting point for discussion with potential troop contributing nations”.

629. The SOR did not directly address two issues raised in the Phase IV planning guidance and the Concept of Operations with strategic implications for the UK’s commitment in the South:

- the risk that low levels of consent might persist for some time in certain areas; and
- the scale of the post-conflict task, in particular the steps, military and non-military, needed to secure high levels of Iraqi consent.

630. Adm Boyce concluded that “urgent clarification” of the potential requirement for the UK to take responsibility for four provinces was needed.

631. Lt Gen Reith sent a first version of the SOR for a UK AOR to the Chiefs of Staff on 15 April.³⁶⁵ He explained that:

- the Chiefs of Staff had already been asked to agree that “the initial UK AOR” should be “based on” Basra and Maysan provinces;
- with the deployment of a divisional headquarters and the “probability of additional Coalition troops”, the UK had the potential to expand the AOR to include two other provinces;
- the additional provinces would probably be Dhi Qar and Wasit, but that had not been agreed formally with Lt Gen McKiernan;
- the UK “should not plan on substantial early Coalition augmentation”;
- the US had accepted that it should “hold the risk” in areas of potential UK responsibility while waiting for the Coalition force to grow, but there was no formal agreement with the US on the issue; and
- initial discussions had begun with some countries, but all “desire to know where they will be asked to operate and the forces required”.

632. Lt Gen Reith advised that the UK “should not assume responsibility for more than two provinces until additional and appropriate Coalition Forces are deployed. This needs formal US/UK agreement”.

633. In the SOR, Lt Gen Reith set out estimated force requirements for Basra, Maysan and the four other provinces that might be included in an extended UK AOR:

- Basra: a brigade HQ and three battlegroups with appropriate integral Combat Support (CS) and Combat Service Support (CSS);
- Maysan (grouped with Basra): a single battlegroup, supported by a Formation/Light Reconnaissance (FR) Company;
- Wasit: a brigade HQ and two battlegroups with appropriate CS and CSS;
- Dhi Qar: a brigade HQ and two battlegroups with appropriate CS and CSS;
- Diyala: a brigade HQ and three battlegroups with appropriate CS and CSS;
- Muthanna: a brigade HQ and one battlegroup supported by an FR Company with appropriate CS and CSS.

634. Lt Gen Reith explained that the SOR offered “a starting point for discussion with potential troop contributing nations”. It was “early days”:

“... Coalition Forces do not yet fully control all areas in SE Iraq. Thus, the SOR may change and we will need to remain flexible. Much will depend on detailed ground reconnaissance and the GOC’s intent.”

³⁶⁵ Minute Reith to PSO/CDS, 15 April 2003, ‘The Statement of Requirement (SOR) for SE Iraq’.

635. Lt Gen Reith recommended that there were “logistic advantages” in including Dhi Qar as the third province if the UK AOR were expanded. Wasit and Muthanna were the likely options for the fourth. Muthanna was “mostly desert ... undemanding and potentially unrewarding, although it includes the area of a potential oilfield”. It was the “simpler task, requiring less troops”. Wasit was “more demanding, requires more troops, but offers a significant role”. Lt Gen Reith advised that: “On the basis of logistic complexity and concern over long term consent levels, Diyala is the only province of the six that the UK should actively seek to avoid.”

636. The SOR included one-page summaries of conditions in each of the six provinces, including assessments of “residual threats” and level of consent:

- Wasit. “A medium-term threat from small groups of irregulars will continue to exist whilst they have any residual support from the local civilian population. As the restructuring work post-war gains momentum and law and order and governmental institutes begin to function again, expect this threat to diminish ... **Low-High levels of consent**. Revenge and retribution between communities potentially high; large Sunni population.”
- Basra. “Iranian-backed/influenced groups will continue to try to exert influence in the region; this is expected to be a short- to medium-term threat. The extent of threat from PMF [Popular Mobilisation Forces] will be influenced by the tolerance of the community; as confidence in the Coalition’s presence builds this threat is expected to diminish ... **High level of consent**. Strong economy with potential for rapid growth. Anti-regime. Border province – Iranian influence.”
- Maysan. “Aside from small groups of irregulars, expect a relatively low level of residual threat in this governorate. As for other areas, the ability of these groups to continue to influence and to blend in with the civilian population will diminish as the post-war reconstruction gathers momentum ... **Medium-High levels of consent**. Tensions between MEK [Mujahideen e Khalq] and local population high. Border province – Iranian influence. Tribes are anti-regime.”
- Dhi Qar. “Aside from small groups of irregulars, we expect a relatively low level of residual threat in this governorate. As for other areas, the ability of these groups to continue to influence and to blend in with the civilian population will diminish as the post-war reconstruction gathers momentum ... **Medium-High levels of consent**. Poor region. Tribal insurrection since 1991. Tensions between MEK and local population high.”
- Muthanna. “A largely benign area of Iraq which is sparsely populated and bordered by Saudi Arabia. There is a possibility that the long-running border dispute with the Saudis could re-emerge in the aftermath of the war, but this is unlikely to pose a direct threat to Coalition activities. That aside, we assess that there is no discernible threat, residual or otherwise to Coalition Forces ... **High levels of consent**.”

- Diyala. “One MEK camp is located north of Baqubah; the current status of the camp is unknown. There is liable to be a degree of Iranian influence due to the proximity of the border, but Shia does not dominate the ethnic mixture in this region, thus any influence exerted by the Iranians will be limited. It is assessed that there is no discernible residual threat to Coalition Forces ... **Medium level of consent.**”

637. The Chiefs of Staff discussed the UK AOR on 15 April.³⁶⁶ Lt Gen Pigott stated that it was anticipated that the UK would be asked to administer Basra and Maysan provinces, “together with two-star supervision of two further provinces, probably Wasit and Dhi Qar or Diyala”.

638. Adm Boyce concluded that: “The potential requirement for the UK commitment to extend to four provinces needed urgent clarification.”

639. Sir David Manning was informed that, on the basis of emerging levels of consent, the Chiefs of Staff believed that a divisional headquarters and a brigade of four battlegroups could look after Basra and Maysan provinces and, subject to Coalition support, supervise two additional provinces.

640. Mr Bowen summarised the discussion for Sir David Manning:

“The general idea is to provide a divisional headquarters and a brigade (of four battlegroups). On the basis of the emerging level of consent in southern Iraq, they believe that this brigade could look after, in security terms, the provinces of Basra and Maysan. The divisional headquarters would enable the British to supervise two additional provinces, provided two brigades’ worth of troops (and two headquarters) were made available by either the Americans or other Coalition partners ...

“There was some debate about which other provinces it was reasonable to assume security responsibility for ... There was concern that the civilian boundaries of ORHA might not coincide with those of the military structure ... Some of this will become clearer after Mr Hoon speaks to Mr Rumsfeld today.”³⁶⁷

641. The speaking note prepared for Mr Hoon’s conversation with Secretary Rumsfeld suggested that Mr Hoon state:

- We [the UK] are assuming that we will reduce to a Divisional HQ and one brigade in Iraq by July/August, if possible. Very difficult to imagine we could offer more.
- We need clear understanding of envisaged requirement for July and beyond – not just troop numbers, but what is the task and the concept? How many provinces do you want us to cover?”³⁶⁸

³⁶⁶ Minutes, 15 April 2003, Chiefs of Staff meeting.

³⁶⁷ Minute Bowen to Manning, 15 April 2003, ‘Chiefs of Staff Meeting: 15 April’.

³⁶⁸ Paper MOD, 14 April 2003, ‘Phone Call with Donald Rumsfeld: Phase 4’.

642. Mr Watkins' record of the conversation between Mr Hoon and Secretary Rumsfeld on 15 April stated that, as expected, Secretary Rumsfeld had said he was approaching the UK and Poland to ask if each could lead a division in Phase IV.³⁶⁹ In response:

“Mr Hoon said that we were aiming to reduce our forces in Iraq to one divisional headquarters and one brigade by the late summer. The balance [perhaps two brigades] would need to be provided by other countries ... Mr Hoon pointed out that, for constitutional reasons, a number of countries needed some form of UN cover before they could deploy major contingents.”

Alignment of the UK AOR with ORHA's southern region

643. In early April, Mr Blair approved the creation of a new Cabinet committee, chaired by Mr Straw, to formulate UK policy for post-conflict Iraq.

644. Shortly afterwards, Ministers considered the need to align military sectors and ORHA regions.

645. The UK remained concerned that US policy in Iraq would not be consistent with the UK's understanding of the rights and responsibilities of an Occupying Power.

646. In early April, Mr Blair agreed that a new Cabinet committee should be established “to formulate policy for the rehabilitation, reform and development of Iraq”.³⁷⁰ Mr Straw would chair; other members would be the Chancellor of the Exchequer, the Defence Secretary, the International Development Secretary and the Trade and Industry Secretary.

647. The committee would be supported by a group of officials, chaired by Mr Bowen.

648. Mr Straw chaired the first meeting of the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 10 April.³⁷¹ The meeting agreed that the UK should increase its support to ORHA.

649. The creation of the AHMGIR and Mr Straw's responsibilities as Chair are addressed in Section 10.1.

650. On 15 April, Mr Straw recommended to Mr Blair that the UK should significantly increase its political and practical support to ORHA.³⁷² Mr Straw explained that the US's intention was:

“... that ORHA will oversee the Phase IV humanitarian and reconstruction effort and restore normal functioning of Iraqi ministries and provinces, with the aim of phased

³⁶⁹ Letter Watkins to Manning, 15 April 2003, 'Iraq: Conversation with Rumsfeld'.

³⁷⁰ Letter Turnbull to Straw, 7 April 2003, 'Iraq: Rehabilitation'.

³⁷¹ Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁷² Letter Straw to Prime Minister, 15 April 2003, 'Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)'.

restoration of full control of government to the Iraqis themselves ... The US also envisage the establishment of ORHA 'regional offices' in the provinces."

651. Mr Straw advised that "whatever its shortcomings, ORHA will be the essential element in the ability of the Coalition to carry its military successes into the post-conflict phase".

652. Sir David Manning advised Mr Blair that the UK should take responsibility for ORHA's regional office in the area for which the UK military had responsibility.

653. Mr Blair took the view that the UK should take a regional lead in ORHA, unless a scoping study determined that was impossible.

654. On 16 April, the AHMGIR, chaired in Mr Straw's absence by Mr Hoon, commissioned advice on whether the UK should lead one of ORHA's regional offices.³⁷³

655. In response, Mr Drummond chaired a meeting of officials, after which he sent Sir David Manning an IPU paper recommending that the UK defer making a commitment until a scoping study had been carried out to determine the practical implications (see Section 10.1).³⁷⁴

656. The IPU paper reported that the US had not yet decided on the number of ORHA regional offices. One possibility was a four region structure consisting of Baghdad, northern and eastern border provinces, central Iraq and southern Iraq.

657. The UK remained concerned that US policy in Iraq would not be consistent with the UK's understanding of the rights and responsibilities of an Occupying Power. If a UK-led ORHA region included within it areas occupied by US forces, the UK would have legal responsibility for their actions but no practical way to control them.

658. The IPU advised that the UK therefore needed to decide whether in principle it wanted to lead a regional office covering a region coterminous with that in which 1 (UK) Div was responsible for maintaining security. If Ministers wanted to pursue that option, a number of fundamental questions needed urgent answers, including how the UK-led regional office would relate to UK forces.

659. Sir David Manning advised Mr Blair:

"I think you will have to give firm direction. My own view is that we should accept the risks and lead a regional office to cover area for which we have military responsibility."³⁷⁵

³⁷³ Minutes, 16 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁷⁴ Minute Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office' attaching Paper IPU, 16 April 2003, 'Iraq: ORHA Regional Offices'.

³⁷⁵ Manuscript comment Manning to Prime Minister on Minute Drummond to Manning, 16 April 2003, 'Iraq: Support for ORHA Regional Office'.

660. Mr Blair chaired the Ad Hoc Meeting on Iraq on 17 April.³⁷⁶ He concluded that ORHA:

“... was important in getting Iraq back on its feet. We should have influence inside it. He was sympathetic to the British taking a regional lead in the Office, and wanted the scoping study completed quickly so that final decisions could be made on our participation.”

661. Mr Rycroft wrote to Mr Simon McDonald, Mr Straw’s Principal Private Secretary, later that day to confirm Mr Blair’s view that the UK should increase support for ORHA and that it should take on responsibility for an ORHA regional office “unless the scoping study concludes that this is impossible”.³⁷⁷

662. The realignment of UK forces for the transition from Phase III to Phase IV began in mid-April 2003.

663. On 17 April, Adm Boyce informed Ministers that Coalition Forces were deploying to five post-conflict divisional areas, including a “British area”.

664. The UK continued to seek clarification from CENTCOM on the boundaries of the UK AOR.

665. On 18 April, Adm Boyce and Lt Gen McKiernan agreed that, if at all possible, Iraqi regions, military sectors and ORHA regions should be coterminous.

666. On 16 April, Mr Johnson updated Mr Hoon on plans for the drawdown and roulement of forces for Phase IV.³⁷⁸ Mr Johnson explained that:

“The realignment of forces for Phase IV will need to be a dynamic process and kept under review, and we will provide further advice to the Secretary of State as necessary ... [C]urrent indications are that the US would like the UK to cover two provinces, and – subject to the availability of suitable Coalition partners – to supervise two more. The precise requirement for forces that this arrangement would generate is still being established, but in broad terms, it should enable us to draw down from three manoeuvre brigades to one. To maintain this level of commitment, it will be necessary for some force elements currently in theatre to be withdrawn, subsequently to re-deploy as part of the roulement process.”

667. Adm Boyce informed the Ad Hoc Meeting on Iraq on 17 April that US forces were deploying into their post-conflict divisional areas. There would be five such areas, including “the British area”. US forces would be withdrawn where possible, “just as the

³⁷⁶ Minutes, 17 April 2003, Ad Hoc Meeting on Iraq.

³⁷⁷ Letter Rycroft to McDonald, 17 April 2003, ‘Iraq: ORHA’.

³⁷⁸ Minute Johnson to PS/Secretary of State [MOD], 16 April 2003, ‘Iraq: realignment of UK forces for Phase IV’.

British were doing”. In the South, UK forces were working in Joint Commissions to get town councils back in operation and people back to work. The restoration of the southern oilfields was also in hand.³⁷⁹

668. Gen Franks met Adm Boyce in London on 18 April to discuss the timing of the announcement of transition from Phase III to Phase IV.³⁸⁰ The meeting included “a lengthy discussion about the allocation of regions, provinces and sectors”. Gen Franks and Adm Boyce agreed that, if at all possible, Iraqi regions, military sectors and ORHA regions should be coterminous.

669. Lt Gen Reith advised the Chiefs of Staff that many of the civilian tasks emerging in the UK AOR were outside the normal competence of the military.

670. He stated that there was a threat to the credibility of the UK if no “overarching national direction” was given to non-military tasks.

671. Lt Gen Reith took stock of Phase IV planning in a minute to the Chiefs of Staff and MOD officials on 22 April.³⁸¹ With Phase III “war-fighting” being replaced in Phase IV by “the requirement to administer Iraq in the broadest sense”, it was becoming clear that many issues arising in the UK AO were “outside the normal competence of the MOD in general and of PJHQ in particular”.

672. Lt Gen Reith advised:

“The position in the UK AO is now sufficiently developed that direction is required on a whole variety of Civil/Military affairs ... As ORHA is not yet in a position to give such direction, there is a significant risk that momentum will be lost, leaving the UK vulnerable to charges that it has been unable to turn military success into coherent governance. The implications for UK standing with the Iraqi population and the international community, not to mention for the Prime Minister’s required exemplary performance are potentially very serious.

“At present the MOD is the only UK government department actively engaged in Iraq. It is clear ... that many of the issues now facing Iraq in general and the UK AO in particular, are not military tasks and sit more comfortably with other government and non-government agencies. There is currently no overarching national direction being applied to ensure such organisations are actively or usefully engaged to deal with these issues ...

“The Iraqi community is beginning to make it clear that it feels that the military has completed its task. What they want now is long term non-military assistance in rebuilding their infrastructure.”

³⁷⁹ Minutes, 17 April 2003, Ad Hoc Meeting on Iraq.

³⁸⁰ Minute PSO/CDS to PS/SofS, 18 April 2003, ‘Op TELIC: Gen Franks Call on CDS – 18 Apr 2003’.

³⁸¹ Minute Reith to PSO/CDS, 22 April 2003, ‘Development of UK Policy for Op TELIC Phase IV’.

673. Lt Gen Reith recommended that “cross-governmental support” be sought to deal with the range of outstanding tasks and that:

“... a ‘No.10 Special Unit for the Reconstruction of Iraq’ be established. This unit should be headed by a high calibre, lateral thinking, nationally recognised individual, with the ability to galvanise and draw upon the huge and diverse reserves of UK talent, know-how and finance which exist. As yet these reserves have not been brought to bear and it is beyond the capability of PJHQ to do so.”

674. The Chiefs of Staff discussed the size of the UK AOR on 22 April.³⁸² CENTCOM was expected to respond to a UK request for clarification of the extent of the UK Phase IV AOR by 26 April. It was likely to have Basra and Maysan provinces at its core, together with Dhi Qar and Muthanna, an area coincident with an ORHA region. There was also “a possibility that the UK’s success in attracting Coalition partners would result in a fifth province being added”.

675. Adm Boyce reiterated the importance of the boundaries of the UK AOR matching an ORHA region, whatever the outcome. He also directed Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, to brief the Chiefs of Staff on “the key geopolitical issues associated with each of the provinces within the potential UK AOR”.

676. The DIS report on the provinces in the UK AOR was produced on 28 April and is described later in this Section.

677. Gen Jackson informed the Ad Hoc Meeting on Iraq on 23 April that UK forces considered the South to be “secure”. The roulement of UK forces was “likely to start in June, providing difficulties relating to the commitment of troops to deal with potential fire fighters’ strikes were overcome”.³⁸³

678. **On 24 April, against the background of indications that a number of potential Coalition partners were considering offering military contributions, Ministers endorsed the assumption that the UK AOR would comprise four provinces, subject to the permissiveness of the environment and other nations’ contributions.**

679. Mr Watkins informed No.10 on 23 April that there were “Encouraging signs of interest from potential Coalition partners”, including Italy, which had secured parliamentary approval for deployment of a brigade headquarters, one battalion, 400–500 Carabinieri and a number of specialist capabilities.³⁸⁴ Taken together, offers of contributions provided a promising basis for a UK-led multilateral division and might

³⁸² Minutes, 22 April 2003, Chiefs of Staff meeting,

³⁸³ Minutes, 23 April 2003, Ad Hoc Meeting on Iraq.

³⁸⁴ Letter Watkins to Cannon, 23 April 2003, ‘Iraq: Phase IV Contributions and Coalition-building’.

produce some surplus capability. Multilateral meetings were scheduled on 30 April and 8 May to take things forward.

680. Mr Watkins advised that discussions with the US on the size of the UK AOR were continuing:

“The US aspire for us to supervise an additional two provinces, probably Dhi Qar and Muthanna (the latter now seems more likely than Wasit), although we have stressed the need to ensure that our area is coterminous with an ORHA region. Each additional province will need to be covered by a brigade headquarters, although both provinces, in particular Muthanna, should be manageable with much less than a full brigade’s worth of military capability.”

681. Adm Boyce advised the 24 April meeting of the AHMGIR that the US planned to divide Iraq into five sectors.³⁸⁵ The UK would lead one sector, comprising four provinces in south-eastern Iraq. That was “manageable ... provided that other countries offered troops to work with us”. The UK could take on a fifth province “if others contributed the necessary forces for it”. The southern region of ORHA would follow the boundaries of the UK’s sector.

682. 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”. The MOD was instructed to report progress at the next meeting.

683. When Ministers endorsed the assumption that the UK AOR would comprise four provinces coterminous with the southern region of ORHA, they did so against the background of continuing concern about civilian-military co-ordination, ORHA’s capabilities and the implications of both for the achievement of the UK’s objectives in Iraq.

684. As Chief of the Defence Staff, it was Adm Boyce’s responsibility to ensure that military advice on the UK AOR was based on robust analysis of the military’s ability and capacity to meet the UK’s likely obligations to provide security and maintain law and order in the South, taking full account of the wider strategic implications and contingent liabilities.

685. Adm Boyce’s advice to the AHMGIR on 24 April on the size of the UK AOR was given at a time of considerable uncertainty in UK policy towards ORHA. It is not clear that his advice took account of the possible impact on the military’s capacity to support the UK’s potential obligations in the South should the UK decide to engage more actively in ORHA.

³⁸⁵ Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

686. There is no indication that Mr Blair or Ministers sought or received further advice on:

- the geographical extent of the UK AOR;
- the implications of the assumption that the boundaries of AOR should be coterminous with an ORHA region; or
- the UK's contingency plan for responding to a less permissive environment.

687. The Inquiry has seen no evidence that Ministers took a formal decision on the geographical extent of the UK AOR before the establishment of Multi-National Division (South-East) (MND(SE)) on 12 July 2003.

688. Ministers approved 19 April as “R Day”, when recovery, roulement and redeployment activity formally commenced.³⁸⁶

689. On 21 April, Secretary Rumsfeld cancelled the deployment of 50,000 additional US combat troops scheduled to arrive in Iraq shortly and ordered the withdrawal of the 3rd Infantry Division as soon as 1 (UK) Div arrived.³⁸⁷

690. *Hard Lessons*, Mr Stuart Bowen's account, as US Inspector General for Iraq Reconstruction, of the US experience of reconstruction between 2002 and 2008, described the impact:

“Rumsfeld's decision shocked some commanders on the ground, including CFLCC Commander Lieutenant General McKiernan, who were counting on the additional manpower to provide a secure environment for post-conflict stabilization. The reversal also dumbfounded McKiernan's CFLCC staff, that had just sat through two video conferences with senior Pentagon officials who had affirmed the decision to continue deploying forces. [The Head of ORHA, US Lieutenant General (Retired) Jay] Garner called Rumsfeld and said, ‘You've got to stop this. You can't pull troops out. In fact, we probably need more right now.’”

691. The UK AO was declared “permissive”, first by UK forces on 22 April,³⁸⁸ and a few days later by the UN Security Co-ordinator.³⁸⁹

692. On 24 April, PJHQ sought Mr Hoon's approval of the first substantial withdrawal of ground troops from Iraq with effect from Sunday 27 April.³⁹⁰ The briefing explained that:

- of the 3,500 troops who would return, about 1,500 personnel were due to redeploy to Iraq as part of future Phase IV operations;

³⁸⁶ Report Burrige to CJO, 8 May 2003, ‘NCC Operation TELIC Hauldown Report’.

³⁸⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

³⁸⁸ Briefing [MOD], 23 April 2003, ‘Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003’.

³⁸⁹ 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.

³⁹⁰ Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, ‘Op TELIC: Realignment of UK Forces’.

- a further 1,000 were “required in the UK as soon as possible for other reasons”; and
- a further 1,000 were “staff officers and other support personnel deployed for the war fighting phase ... [whose] jobs are now redundant”.

693. Mr Watkins commented to Mr Hoon that, although he, Mr Hoon, had been told about the proposed drawdown “in very broad outline” in an earlier briefing:

“... what is now proposed involves an acceleration by about a week and a reordering. (It is also something of a bounce.) While it is right and proper to bring people back when they are not needed, we do need to be careful not to leave the impression that we are rushing for the exit leaving chaos behind; queering our pitch with Coalition contributors for Phase IV ...”³⁹¹

694. Mr Watkins suggested to Mr Hoon that he might want to defer taking a final view on this until he had spoken to the Deputy Prime Minister (Mr Prescott) about plans for Operation FRESCO³⁹² and had received further details from PJHQ explaining the rationale for the accelerated drawdown.

695. In late April, Lt Gen McKiernan asked the UK to take responsibility for five provinces.

696. Lt Gen Reith stated that the UK’s response would depend on the extent of other nations’ contributions.

697. Lt Gen Reith visited the UK AO in Iraq from 24 to 28 April. During the visit, Gen Franks requested that the UK occupy five southern provinces: Basra, Muthanna, Maysan, Dhi Qar and Wasit.³⁹³ Lt Gen Reith responded that:

“UK resources would only populate Basra and Maysan and if we could only populate two further provinces with other nations’ contributions then we would only take responsibility for four ... [Lt Gen Reith] would expect that ORHA boundaries be adjusted to ensure all five provinces would be in one ORHA region if we took a fifth on.”

698. ACM Squire informed the Ad Hoc Meeting on Iraq on 28 April that security in the South continued to improve. A meeting of future troop contributors would take place in London on 1 May.³⁹⁴

³⁹¹ Manuscript comment Watkins to Hoon on Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, ‘Op TELIC: Realignment of UK Forces’.

³⁹² The use of military forces to provide cover in the event of a strike by the Fire Brigades’ Union.

³⁹³ Minute MA/CJO to PSO/CDS, 28 April 2003, ‘CJO visit report to TELIC AO 24-28 April’.

³⁹⁴ Minutes, 28 April 2003, Ad Hoc Meeting on Iraq.

699. The DIS produced an assessment of Basra, Maysan, Dhi Qar, Muthanna and Wasit provinces on 28 April.³⁹⁵ The paper stated that:

- the overwhelming majority of tribes welcomed the overthrow of Saddam Hussein, but some remained suspicious of Coalition intentions;
- there was potential for inter-tribal conflict between pro- and anti-regime tribes, but traditional tribal enmity in the UK AOR was “unlikely to be destabilising”;
- a number of religious leaders were vying for influence over the Shia population, although most local clerics in the UK AOR were believed to be followers of Grand Ayatollah al-Sistani;
- there was strong evidence that Iranian-backed groups were attempting to increase their influence in southern Iraq; and
- further outbreaks of violence were likely as Shia factions attempted to gain political and social influence.

700. The DIS advised that there was insufficient detail available for a complete picture of Iraq infrastructure. It assessed that:

- Four airfields in the UK AOR, including Basra Airport, were being cleared of obstructions; the remaining 16 would require “varying but significant effort” to restore full operating capability.
- Major clearance operations were needed in the Shatt al-Arab waterway before Basra would be available for major port operations.
- Roads were “generally in good condition”.
- There were no reports of damage to railways.
- Telecommunications and broadcasting networks were in “various stages of degradation”.
- Little southern oil infrastructure had been damaged during Op TELIC, but most facilities had ground to a halt.
- Damage during the 1991 Gulf Conflict and subsequent lack of maintenance had reduced electricity generation and transmission to 40–50 percent of capacity. Power cuts continued to be “widespread and prolonged”. There might be additional problems with transmission caused by conflict damage to power lines.
- The water and sewerage system had been severely degraded by the Gulf Conflict, poor maintenance and problems caused by sanctions; 60 percent of the water distribution system for Basra had been restored, but sewage treatment plants were “barely functioning”. It was doubtful that a reliable service could be restored without “extensive investment of money, time and equipment”.

³⁹⁵ Minute PS/CDI to APS/SofS [MOD], 28 April 2003, ‘A Study of the Provinces within the UK AOR’ attaching Paper [unattributed], 28 April 2003, ‘General Assessment of Provinces within UK AOR’.

- Pre-conflict shortages of medical supplies had been aggravated by looting. NGOs had restored stocks to most major hospitals, but there remained the problem of persuading health professionals to return to their posts.

701. Separate assessments of the five provinces provided more detail, but all with the caveat that information on the region remained limited. Information on Muthanna and Wasit provinces was particularly sparse.

702. No assessment was made of the comparative advantage of including particular provinces in the UK AOR.

703. In a statement to Parliament on 30 April, Mr Hoon announced that:

“Decisive combat operations in Iraq are now complete, and Coalition Forces are increasingly focusing upon stabilisation tasks. It will therefore be possible to make further force level adjustments over the coming weeks while continuing to meet our responsibilities to the Iraqi people.”³⁹⁶

704. In addition to the substantial withdrawal of Royal Navy and RAF personnel and many of the Army war-fighting units, Mr Hoon explained that he had extended the tour of one unit to enable it “to continue in their key role of ensuring security in the region of Zubayr”. He concluded that:

“While details continue to be clarified, we envisage that by mid-May 25,000–30,000 UK Service personnel will remain deployed in the Gulf region, continuing to fulfil our responsibilities towards the Iraqi people. The planned replacement of forces is clear evidence of our commitment to them.

“Our aim is to leave an Iraq that is confident, secure and fully integrated with the international community. The planning process to establish the precise level of the continuing UK presence needed to achieve this aim is a dynamic one, and is kept under review. We will also need to take account of the contributions of Coalition partners. We will continue to withdraw assets and personnel from the region where possible, but we will maintain an appropriate military presence for as long as necessary.”

705. On 1 May, President Bush declared major combat operations in Iraq to have ended (see Section 9.1).

706. Cabinet was told on 1 May that British troops had done an excellent job in restoring security in the South of Iraq. The problem was now one of criminality which did not require UK troops on the streets but police, and a judicial process. Persisting in patrolling with foreign troops “was not a good idea”.³⁹⁷

³⁹⁶ House of Commons, *Official Report*, 30 April 2003, columns 15-16WS.

³⁹⁷ Cabinet Conclusions, 1 May 2003.

707. Overnight on 1/2 May, the UK military AO was adjusted to be coterminous with the boundaries of Basra and Maysan provinces.³⁹⁸

708. On 2 May, Mr Rycroft gave Mr Blair a set of papers on the UK contribution to ORHA (see Section 10.1).³⁹⁹ None addressed the issue of coterminous boundaries for the UK military AOR and ORHA's southern region.

709. The Inquiry has seen no indication that Mr Blair subsequently raised the issue.

710. During May, ORHA was subsumed into the Coalition Provisional Authority (CPA) (see Sections 9.1 and 10.1).

711. Resolution 1483 confirming the UN's role in post-conflict Iraq was adopted on 22 May.

712. On 14 June, Ministers "noted" that it had been decided that the UK AO would expand to four provinces at the end of July and that substantial Italian and Dutch military forces were expected to have deployed to the South by mid-July.

713. The Inquiry has seen no indication of when the decision on the expansion of the UK AO had been taken or by whom.

714. United Nations Security Council resolution 1483 (2003) was adopted on 22 May.⁴⁰⁰

715. The resolution, described in more detail in Section 9.1, confirmed that there would be a role for the UN, exercised through a Special Representative to the Secretary-General, but made it clear that the UN would not have the lead responsibility for the administration and reconstruction of Iraq, which would fall to the CPA. The resolution also called for help in the reform, rebuilding, stabilisation and security of Iraq, including from international financial institutions.

716. An internal PJHQ briefing on 12 June reported that there was "a trend of intelligence reporting from the UK AOR showing increasing dissatisfaction of the civil populace".⁴⁰¹ The briefing attributed the deterioration in the relationship between UK forces and the local population to a lack of food, failure to ensure essential services "such as water, electricity and security", a general increase in anti-Coalition rhetoric from Shia clerics, a lack of accurate information/news reporting and a lack of progress in the political process.

³⁹⁸ Letter Burrige to CJO, 8 May 2003, 'NCC Op TELIC Hauldown Report'.

³⁹⁹ Minute Rycroft to Prime Minister, 2 May 2003, 'Iraq: ORHA'.

⁴⁰⁰ UN Press Release, 22 May 2003, *Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General's Special Representative (SC/7765)*.

⁴⁰¹ Minute DACOS J3(Ops Sp) and DACOS J2(Int) to MA/DCJO(Ops), 12 June 2003, 'Relations with the Basrah Population'.

717. The Annotated Agenda for the 12 June meeting of the AHMGIR advised that security in the South remained fragile.⁴⁰² Iraqi frustration with the pace of progress could cause the situation to deteriorate. The UK's ability to "push the pace" would be constrained by the reduction in UK military force strength following the transition to 3rd (UK) Mechanised Division in July.

718. The Annotated Agenda also stated that the UK AO would expand to four provinces at the end of July, to match the area of CPA(South), and that substantial Italian and Dutch military forces were expected over the next four to six weeks.

719. The meeting of the AHMGIR on 12 June also considered a joint DFID/MOD paper entitled 'UK Support to the CPA South Area – Next Steps'. The paper assessed that:

"CPA(South) is unable to deliver in terms of determining priority needs, overseeing implementation, or supporting the political transition. There is a lack of vision; CPA(South) is severely undermanned; and has almost no systems or resources in place to deliver any tangible improvements soon. In consequence, 1 (UK) Div retains almost all executive authority in the UK area of operations (AO). In turn, locals look to the British military, not CPA(South), to address local problems. To the extent that these functions are being carried out at present, it is due to the unstinting efforts of 1 (UK) Div, the few UK secondees in the South, and, more importantly, the high quality of the Iraqi counterparts they are working with."

720. At the meeting, Ministers noted that it had been decided that the UK area of military operations would be expanded to cover four provinces (Muthanna, Dhi Qar, Maysan and Basra), to match the area of CPA(South).⁴⁰³

721. Mr Straw, as Chair of the AHMGIR, the body responsible for determining UK policy on post-conflict Iraq, should have ensured well before June that the AHMGIR agreed a position on the UK's AOR in Iraq that took full account of wider strategic implications and contingent liabilities, and sought Mr Blair's formal endorsement of the AHMGIR's conclusions. There is no indication that he did so.

722. MND(SE) was established formally on 12 July.⁴⁰⁴ Its creation coincided with the handover from 1 (UK) Div to 3 (UK) Div.

723. The boundaries of MND(SE) matched those of CPA(South).

⁴⁰² Annotated Agenda, 12 June 2003 Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper DFID/MOD, 11 June 2003, 'UK Support to the CPA South Area – Next Steps'.

⁴⁰³ Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁰⁴ Report Lamb, 30 January 2004, 'Post Operational Tour Report – Version 1 Operation TELIC 2/3 11 July to 28 December 2003'.

724. When asked exactly when the decision was made that the UK would take responsibility for the South and who was involved in that decision, Mr Blair told the Inquiry:

“... from January 2003 it was obvious – not obvious, sorry – it was agreed we would be going in through the south ... So we would be, as it were, with de facto responsibility for that area. I think. Mike Jackson gave evidence to you which said really in a sense our responsibility for the aftermath in that sector grew out of the fact that this was our area of operations in the conflict.

“We then ... had a meeting on 6 March ... I didn’t resolve that finally then.

“There was then a Cabinet Office note of 19 March ... saying, ‘We should decide on sectors, and then a joint Foreign and Defence Secretary minute is coming to you ...’

“So we didn’t take a final view then, but their note to me was, the expectation is the UK forces would be responsible for a task focused on Basra. I then had that meeting with them.

“On 21 March Matthew Rycroft then notes out to the Foreign Office and Ministry of Defence: ‘The Prime Minister ... agrees with the Foreign and Defence Secretaries’ proposals, provided there is a satisfactory resolution’, and then I list certain issues.

“Then again the Foreign Office write to Matthew Rycroft, and then what happens is that we establish at some point then the Ad Hoc Committee [the Ad Hoc Ministerial Group on Iraq Rehabilitation], capital ‘A’, capital ‘H’ this time, with Jack Straw in charge, and out of that comes the view we should be responsible for that sector and this should be part of a joint Occupying Power and responsibility. I have to say, though, it was always pretty obvious that’s where we would end up.”⁴⁰⁵

725. Asked whether, during that period, there had been a specific decision on taking responsibility for the South, Mr Blair replied:

“I think the specific decision ultimately was taken when we then got resolution 1483. Most of the discussion here was not really about whether we should be responsible for the South or not. It was about the UN role. Then what happened was there were these Ad Hoc Committee meetings that Jack was chairing ... They were going through all this in an immense amount of detail, legal advice and so on. Peter Goldsmith was on it. Then we got 1483, reported it to Cabinet and agreed it.”⁴⁰⁶

726. The UK military plan approved by Mr Blair on 14 March defined the UK’s Phase IV AOR as an area broadly equivalent to the single province of Basra.

⁴⁰⁵ Public hearing, 21 January 2011, pages 117-119.

⁴⁰⁶ Public hearing, 21 January 2011, page 119.

727. Four months later, on 12 July, the UK assumed military responsibility for four provinces.

728. For the next six years, the UK was responsible for maintaining security in those provinces, initially as an Occupying Power and, from June 2004, in support of the Iraqi Government.

729. Sections 6.4 and 6.5 consider the reasons for the Government's failure to prepare a flexible, realistic and fully resourced post-conflict plan integrating UK civilian and military resources in a single national effort.

730. The process leading to the creation of the UK AOR followed that pattern, even after the creation of the AHMGIR.

731. Section 10.1 considers the impact of the AHMGIR in greater detail.

Lessons

732. The military plan for the invasion of Iraq depended for success on a rapid advance on Baghdad, including convincing the Iraqi population of the Coalition's determination to remove the regime.

733. By the end of March, the Government had recognised the need for sustained communication of key strategic messages and improved capabilities to reach a range of audiences in the UK, Iraq and the wider international community. But there was clearly a need for more robust arrangements to integrate Coalition efforts in the UK, US and the forces deployed in Iraq.

734. The reaction of the media and the Iraqi population to perceived difficulties encountered within days of the start of an operation, which was planned to last up to 125 days, might have been anticipated if there had been more rigorous examination of possible scenarios pre-conflict and the media had better understood the original concept of operations and the nature of the Coalition responses to the situations they encountered once the campaign began.

735. The difficulty and complexity of successfully delivering distinct strategic messages to each of the audiences a government needs to reach should not be underestimated. For any future military operations, arrangements tailored to meet the circumstances of each operation need to be put in place in both London and on the ground before operations begin.

736. When the UK acceded to the US request that it assume leadership of a military Area of Responsibility (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.

737. A step of such magnitude should be taken deliberately and having considered the wider strategic and resource implications and contingent liabilities.

738. That requires all government departments whose responsibilities will be engaged to have been formally involved in providing Ministers with coherent inter-departmental advice before decisions are taken; the proper function of the Cabinet Committee system.

SECTION 9.1

MARCH TO 22 MAY 2003

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Introduction

1. This Section addresses:

- the evolution of the UK's non-military relationship with the US, including the processes for making decisions for which there was joint responsibility;
- political developments within Iraq;
- changing circumstances in Iraq after the main war-fighting phase of the invasion concluded; and
- the adoption of resolution 1483 (2003).

2. This Section does not address:

- the role of the UK in the combat phase of military operations and the establishment of the UK's post-conflict Area of Responsibility in the South, both of which are described in Section 8;
- planning and preparation for what would follow once the Coalition was in Occupation (known as Phase IV), including the UK's post-conflict objectives, which are described in Sections 6.4 and 6.5; and
- the reconstruction of Iraq, which is covered in Section 10.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

March 2003

4. The invasion of Iraq began on the night of 19/20 March 2003.

5. Mr Jonathan Powell, Mr Blair's Chief of Staff, and Sir David Manning, Mr Blair's Foreign Policy Adviser and Head of the Cabinet Office Overseas and Defence Secretariat, sent "strictly personal" notes to Mr Blair on 21 March about influencing the US "post-war agenda".

6. Mr Powell proposed that Mr Blair should write a note to President Bush, to "serve as an agenda" for their meeting at Camp David – the US President's country retreat – a few days later.¹ He identified three major objectives:

- "To unpick the Kissinger aphorism that has lodged in their heads (to ignore the Germans, punish the French and forgive the Russians)";
- "To make Bush think further about why it was that the US ended up with such a bad diplomatic defeat ..."; and
- "To agree a way forward on the MEPP [Middle East Peace Process] with Bush."

¹ Minute Powell to Prime Minister, 21 March 2003, 'Bush Discussion'.

7. Mr Powell suggested that Mr Blair should “corral” President Bush into some general principles about the role of the UN in post-conflict Iraq, observing that the US desire to confine that role to managing non-governmental organisations “won’t do”. He advised: “We do not want to give the UN control of the military or the government, but there has to be some international legitimacy.”
8. In his own note, Sir David Manning agreed with Mr Powell’s points and commented that President Bush should also be encouraged to analyse the reasons behind a “strong current of anti-Americanism” around much of the world.²
9. A US draft of a new Security Council resolution for the post-conflict phase in Iraq was shared with the British Embassy Washington on 21 March.³
10. The two key points of difference between it and the UK draft were the relationship between the UN Special Co-ordinator and a transitional civilian authority, and the question of who would establish an Iraqi Interim Administration (IIA).⁴
11. The US draft also included three options for a funding mechanism to cover post-invasion costs; there was not yet a firm US view on which option was preferred.
12. Mr Tony Brenton, Deputy Head of Mission at the British Embassy Washington, reported that some in Washington “still do not think that any form of UN resolution is legally necessary”.
13. In a telephone call on 22 March, Mr Blair raised the UN’s role with President Bush.⁵
14. Mr Blair said that it was essential to get a UN ‘badge’ for post-conflict efforts and that, while the Coalition did not want to hand over the results of its efforts to the UN, a Security Council resolution on post-conflict administration would help the Coalition get access to UN funding, including from the International Financial Institutions (IFIs).
15. Mr Blair proposed that different parts of the draft resolution should proceed on different timescales; a resolution on the Oil-for-Food programme (OFF)⁶ should move quickly, with one covering administration after the conflict to follow.⁷

² Minute Manning to Prime Minister, 21 March 2003, ‘Bush Discussion’.

³ Telegram 367 Washington to FCO London, 21 March 2003, ‘Iraq Day After: US Draft Resolution for Post-conflict Administration’.

⁴ The terms Iraqi Interim Authority and Iraqi Interim Administration are used interchangeably in contemporary documents.

⁵ Letter Cannon to McDonald, 22 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 22 March: Post-Conflict Issues’.

⁶ The OFF allowed for the export of Iraqi oil, the deposit of oil revenues into a UN-controlled account and the use of those revenues to procure food, medicine and other goods approved by the UN.

⁷ Letter Cannon to McDonald, 22 March 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 22 March: Post-Conflict Issues’.

16. In parallel, Mr Brenton explained the UK's concerns about the US draft resolution to Mr John Bellinger and Mr Elliott Abrams from the US National Security Council (NSC).⁸

17. Mr Brenton observed that:

“... the text had not been well received in London. If that was the initial reaction there, then we could expect much worse in Paris and Moscow.”

18. On 23 March, Mr Blair told the Ad Hoc Meeting on Iraq that “British and American positions were not so far apart” on the draft resolution.⁹ He believed that the US was misreading the implications of what UN authorisation meant and added: “It was more a matter of timing than substance.”

19. Mr Blair concluded that the UK “needed to bring in the Russians and the French as well as the Americans to resolve this issue”.

20. Since January 2003, National Security Presidential Directive 24 had consolidated all US post-conflict activity in the Department of Defense-owned Office of Reconstruction and Humanitarian Assistance (ORHA), headed by retired Lieutenant General Jay Garner.¹⁰

21. On 23 March, Major General Tim Cross, the senior UK secondee to ORHA working for Lt Gen Garner, and a visiting colleague provided the Iraq Planning Unit (IPU) with an update which said:

“The UN role in the handover process [to an Iraqi Administration] is little discussed within ORHA, it being understood that this is an issue for capitals, and that Washington will not accept a UN flag over the whole operation.”¹¹

22. The Ad Hoc Meeting on Iraq was held at 0830 on Tuesday 25 March. At Ms Short's suggestion, Mr Blair commissioned urgent advice from the Attorney General on the legal framework needed to authorise both reconstruction activity and the creation of an IIA.¹²

23. On the same day, the Private Office of Mr Jack Straw, the Foreign Secretary, wrote to Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, with “further urgent advice on the size of any UK sector, the length of time of our commitment and the exit strategy”.¹³ The advice was:

“There is ... a substantial risk that if we fail to obtain a UNSCR, we will not be able to build the Coalition under overall US leadership. We would become trapped into

⁸ Telegram 378 Washington to FCO London, 22 March 2003, ‘Iraq Phase IV; Authorising UNSCR: US Views’.

⁹ Minutes, 23 March 2003, Ad Hoc Meeting on Iraq.

¹⁰ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹¹ Minute Cross and Goledzinowski to Chilcott, 23 March 2003, ‘ORHA Overview, 23 March 2003’.

¹² Minutes, 25 March 2003, Ad Hoc Meeting on Iraq.

¹³ Letter Owen to Rycroft, 25 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.

maintaining a higher level of commitment for longer, with all that this would mean in terms of cost and for the long-term health of the Armed Forces.”

24. On 25 March, the FCO in London received a report from Sir Jeremy Greenstock, UK Permanent Representative to the UN in New York, of a conversation with Mr Kofi Annan, Secretary-General of the UN.¹⁴ Mr Annan was due to meet Dr Condoleezza Rice, President Bush’s National Security Advisor, that day.

25. Sir Jeremy said that he “assumed that the UN would not want to run Iraq nor its security sector”. Mr Annan told him that “Coalition respect for Iraqi sovereignty, territorial integrity and political independence would be a precondition for a UN role” and that he “would not wish to see any arrangement subjugating UN activity to Coalition activity”.

26. After meeting Mr Annan, Sir Jeremy spoke to Ambassador John Negroponte, US Permanent Representative to the UN, who observed that the focus within the Security Council on “no legitimisation of Coalition military action” might make it impossible to secure its authorisation. Sir Jeremy reminded him that without a resolution there would be no IFI or other international funding for reconstruction and it would be “hard to drum up troop contributors to permit an exit strategy for US/UK forces”.

27. Mr Desmond Bowen, Deputy Head of the Cabinet Office Overseas and Defence Secretariat, sent a draft paper setting out ‘British Post-Conflict Objectives’ to the FCO, the MOD, DFID and the Cabinet Office on 25 March.¹⁵

28. 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.”

29. The paper on objectives stated:

“We have made plans with our international partners to assist the Iraqi people in the process of transition. With others, we will assist in the return to full Iraqi sovereignty by:

- seeking a UN mandate for the international community’s continued presence in Iraq;
- working to establish an Iraqi Interim Authority, mandated and facilitated by the UN, and supported by the coalition and the international community; and
- indicating a pathway to the restoration of a sovereign, accountable and representative Iraqi government and facilitating a political process, with UN

¹⁴ Telegram 526 UKMIS New York to FCO London, 25 March 2003, ‘Iraq Phase IV: UN Dynamics’.

¹⁵ Letter Bowen to Chaplin, 25 March 2003, ‘Iraq: Post Conflict Objectives’ attaching Paper, 25 March 2003, ‘Iraq: British Post-Conflict Objectives’.

involvement, whereby Iraqis can choose a new constitution for their country within its present borders.”

30. Mr Peter Ricketts, FCO Political Director, sent the UN Department and others a copy of an IPU briefing describing what the UK was legally able to do in the absence of a further resolution.¹⁶

31. In a covering minute he observed:

“It [the briefing] brings out that the Coalition would have quite extensive powers (as well as responsibilities) as Occupying Powers. We would in practice have the authority to do everything which a transitional administration and security presence would be capable of doing in the early weeks: humanitarian and welfare work; law and order; immediate rehabilitation of infrastructure. The real constraints are not so much legal as practical. It would be very difficult to get support from the EU, IFIs or donor countries in the absence of an authorising resolution ...

“This suggests that it may not be necessary to seek a resolution which authorises an international security presence, at least in the early stages.”

32. Mr Ricketts commented: “it is worth considering a less ambitious resolution, perhaps to be adopted later in the process”.

33. Mr Dominick Chilcott, Head of the IPU from January to June 2003 and author of the briefing, told the Inquiry that he had:

“... reasons to hesitate about the day after, which was to do with the legality of ORHA’s ambition. ORHA had quite a high degree of ambition in the amount of reform and reconstruction it was proposing, and we felt without specific Security Council authorisation this would go beyond what we were allowed to do as Occupying Powers on the basis of the Geneva Convention and The Hague Regulations.”¹⁷

34. On 25 March, Mr Huw Llewellyn, a Legal Counsellor in FCO Legal Advisers, wrote to Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, at her request, with a note on why a further resolution was needed.¹⁸ Attached to his letter were his own note on the main principles applicable during military occupation, and a note on the administration of justice.

35. Mr Llewellyn wrote that it was:

“... important to keep in mind that the legal basis for the Occupation of Iraq by Coalition forces will depend on the legal basis for the use of force. That legal basis is

¹⁶ Minute Ricketts to Pattison, 25 March 2003, ‘UNSCR: Reconstruction Phase’, attaching Briefing IPU, 24 March 2003, ‘Post-conflict activity: what is possible without an authorising resolution’.

¹⁷ Public hearing, 8 December 2009, page 23.

¹⁸ Letter Llewellyn to Adams, 25 March 2003, ‘Iraq: Why is a ‘Fourth’ Resolution Necessary?’

Security Council authorisation to enforce Iraq's WMD [weapons of mass destruction] and related obligations under the relevant Security Council resolutions. The longer an occupation continues, therefore, and the further the tasks undertaken depart from this objective, the more difficult the Occupation would be to justify in legal terms."

36. In a section on the administration of Iraq during Occupation, Mr Llewellyn explained that "limitations on the ability of the Occupying Power to change existing governmental and administrative structures based in Article 43 of the Hague Regulations, mean that Security Council authorisation will be needed for any such reform".

37. In preparation for Mr Blair's meeting with President Bush at Camp David, Mr Straw's Private Office provided Mr Rycroft with a negotiating brief for a new UN Security Council resolution written by the IPU.¹⁹

38. The brief said:

"Without a UNSCR, other countries, international organisations, the IFIs, UN agencies and NGOs [non-governmental organisations] will be comparatively limited in what they can do ... That would leave US/UK with no viable exit strategy from Iraq and a huge bill."

39. The brief set out the case for a resolution which included the following key principles, on which the US and UK were agreed:

- For the first few weeks the Coalition, through ORHA, would be responsible for the administration of Iraq.
- The UN should not be asked to run Iraq.
- The objective should be to get Security Council authorisation or endorsement for an international presence that will include the UN.
- For as long as they were needed, Coalition troops would provide security on the ground.
- As soon as possible, Iraqis should begin to govern themselves, through the creation of an IIA, under appropriate supervision.

40. The brief also identified the key issues on which there remained differences between the US and UK:

- The US desire for a new UN resolution to endorse ORHA, which the UK was certain would not obtain Security Council agreement.
- The UK belief that the Iraqis themselves, assisted by a UN Special Representative, should establish the IIA, not the Coalition.
- The role of the IIA, which the UK believed needed to be independent of the Coalition/ORHA and to have genuine executive authority.

¹⁹ Letter Owen to Rycroft, 25 March 2003, 'Prime Minister's visit to Washington: Iraq: UN Security Council Resolution on Phase IV' attaching Briefing IPU, 25 March 2003, 'Iraq: Phase IV: Authorising UNSCR'.

- The arrangements for dealing with Iraqi oil revenue which the US proposed should be used for meeting the costs of their administration of Iraq as well as for reconstruction. The UK feared this would provoke criticism for reneging on the promise to use oil revenues exclusively for the benefit of Iraq.
- The role of the UN Special Co-ordinator, which the UK believed should not be limited to co-ordination.

41. The brief explained that there was a need for “more realism about what the Security Council would be willing to approve and what the Iraqis’ reaction is likely to be”.

42. The IPU set out a number of “propositions” which it hoped Mr Blair and President Bush would agree, including:

- “(a) ... we should not attempt retrospective UNSC authorisation of our military action ...
- (b) ... We can’t expect the Security Council to accept overt US/UK control of the civilian administration ...
- (c) As quickly as possible, we should aim to set up an Iraqi interim authority with genuine executive powers, not subordinate to the Coalition ...
- (d) How we establish the IIA ... will be crucial ... our role should be behind the scenes with the UN visibly out in front ...
- (e) The UN or the Iraqis, not the Coalition, should manage oil revenues.
- (f) We should encourage Kofi Annan to appoint a UN Special Co-ordinator who would play an important role in facilitating the emergence of the Iraqi interim authority and in supervising, with a light touch, its decisions.”

43. On 26 March, Lord Goldsmith, the Attorney General, wrote to Mr Blair with advice he had requested at the Ad Hoc Meeting the previous day.²⁰ It covered:

“... the need for UN Security Council authorisation for the Coalition or the international community to establish an interim Iraqi administration to reform and restructure Iraq and its administration.”

44. Lord Goldsmith’s view was that:

“... a further Security Council resolution is needed to authorise imposing reform and restructuring of Iraq and its Government. In the absence of a further resolution, the UK (and US) would be bound by the provisions of international law governing belligerent Occupation ... the general principle is that an Occupying Power does not become the government of the occupied territory. Rather, it exercises temporary de facto control ...”

²⁰ Minute Attorney General to Prime Minister, 26 March 2003, ‘Iraq: Authorisation for an Interim Administration’.

- 45.** Mr Llewellyn sent Lord Goldsmith's advice to Mr Chilcott on 27 March.²¹
- 46.** Mr Blair and Mr Straw met President Bush, Mr Colin Powell (US Secretary of State) and Dr Rice at Camp David from 26 to 27 March.
- 47.** In his published diaries Mr Alastair Campbell, No.10 Director of Strategy and Communications, recorded that Mr Blair worked on "on a long note for Bush" during the flight to the US.²² Mr Campbell considered that:

"The main message in TB's note, when you boiled it down, was that there was a lot of support for the aims of the campaign, and we totally believed the policy was right, but there was real concern at the way the US put over their views and intentions and that rested in people's fears about their perceived unilateralism. He was urging him to do more to rebuild with Germany, then Russia, then France, and saying he should seize the moment for a new global agenda, one to unite the world rather than divide it."

- 48.** Mr Blair's Note to President Bush, which covered a broad range of issues, began:

"This is the moment when you can define international priorities for the next generation: the true post-cold war world order. Our ambition is big: to construct a global agenda around which we can unite the world rather than dividing it into rival centres of power."²³

- 49.** Mr Blair went on to define "our fundamental goal" as:

"... to spread our values of freedom, democracy, tolerance and the rule of law, but we need a broad based agenda capable of unifying the world to get it. That's why, though Iraq's WMD is the immediate justification for action, ridding Iraq of Saddam is the real prize."

- 50.** In Mr Blair's view "a ludicrous and distorted view of the US is clouding the enormous attraction of the fundamental goal", for which the solution was to "keep the policy; broaden the agenda and change the presentation".

- 51.** At dinner on the first evening at Camp David, Mr Blair told President Bush that he did not want his visit to focus primarily on a UN resolution to deal with post-conflict Iraq.²⁴ The question about what sort of resolution was needed for the administration and reconstruction of Iraq should be parked. Mr Blair said that:

"The time to debate this would come when we had secured victory, and were in a position of strength."

²¹ Minute Llewellyn to Chilcott, 27 March 2003, 'Iraq: Attorney General's Advice: Authorisation for an Interim Administration'.

²² Campbell A & Stott R. *The Blair Years: Extracts from the Alastair Campbell Diaries*. Hutchinson, 2007.

²³ Note [Blair to Bush], [26 March 2003], 'Note: The Fundamental Goal'.

²⁴ Letter Manning to McDonald, 28 March 2003, 'Prime Minister's Meeting with President Bush at Camp David: Dinner on 26 March'.

52. In his account of discussions on Phase IV the following day, Mr Rycroft recorded that Mr Blair had identified the main issue as whether the UN formed the future Iraqi Government or whether the Coalition did so with UN endorsement, but had said that “it was not helpful to expose this distinction yet”.²⁵

53. Mr Rycroft recorded that the US and UK would “play this negotiation long”, until after the conflict, when they would be “in a stronger position to ensure the right arrangements”.

54. After returning to the UK, Mr Blair told members of the Ad Hoc Meeting on Iraq that in relation to the post-conflict administration of Iraq:

“He intended to calm down the debate and engage in subterranean diplomacy so that we reached the right outcome.”²⁶

55. Mr Blair also said:

“A new United Nations Security Council resolution would be required. The tactics to achieve that was through quiet and effective diplomacy.”

56. FCO Legal Advisers were asked to give rapid consideration on 28 March to the draft text of a ‘Freedom Message’ and ‘Proclamation’ addressed to Iraqi citizens which it was intended that General Tommy Franks, Commander in Chief US Central Command (CENTCOM), would issue.

57. In his advice to Mr Chilcott, Mr Llewellyn observed that if General Franks were to speak on behalf of the Coalition, “we should be given a full opportunity to comment on its content in detail”.²⁷

58. On the content of the draft, Mr Llewellyn advised that “there are a number of elements in it which raise concerns regarding their compatibility with the authority of an Occupying Power”. Specifically:

- the length of Occupation should be based on time taken for WMD disarmament, not the creation of a representative government;
- references to free elections went beyond the remit of an Occupying Power;
- the phrase “powers of government” implied that the Coalition Provisional Authority (CPA) described in the message had more than the temporary administrative powers of an occupying force;
- requiring Iraqis to provide information on the conflict with Iran was outside the lawful basis for Occupation; and

²⁵ Letter Rycroft to McDonald, 27 March 2003, ‘Prime Minister’s meeting with President Bush at Camp David: Iraq Phase IV’.

²⁶ Minutes, 28 March 2003, Ad Hoc Meeting on Iraq.

²⁷ Minute Llewellyn to Chilcott, 28 March 2003, ‘Proposed US ‘Freedom Message’ to the People of Iraq’.

- powers to place the public sector under Coalition Provisional Authority direction were too broad.

59. On 31 March, Ms Vivien Rose, MOD Head of the General and International Law Team, spoke to Mr Llewellyn and agreed to write a letter outlining what the MOD considered to be legal issues that needed to be addressed.²⁸

60. Ms Rose reported that Mr Llewellyn had expressed concern that he was receiving disjointed requests for advice about specific activities in Iraq and was not “getting a grip of the whole picture”.

61. On 31 March, Mr Llewellyn wrote to Mr Chilcott to report that UK military lawyers based in Kuwait were becoming alarmed at ORHA’s activities.²⁹

62. ORHA had issued three orders in relation to the port of Umm Qasr,³⁰ including the application of US labour and customs laws, for which there was no clear legal authority. The position of UK forces, if asked to participate in related activities, was therefore uncertain.

63. Mr Llewellyn’s minute concluded:

“If it cannot be sorted out, we may well need a decision from Ministers about whether UK forces should decline to take part in actions that we consider unauthorised or unlawful.”

64. The IPU provided advice to Mr Straw’s Private Office the following day, including a speaking note for a conversation with Maj Gen Cross, which took account of Mr Llewellyn’s concerns.³¹

65. The IPU proposed that Mr Straw should brief Maj Gen Cross that:

“Government’s legal advice is very clear: there are real legal constraints on what we can and can’t do in Phase IV. I’ll need to be closely involved in decisions on what ORHA does ...”

66. The speaking note also proposed reminding Maj Gen Cross that:

“There’s a direct link between what you are doing and the difficult and complex negotiations which will start in due course on the Phase IV Security Council Resolution.”

²⁸ Email LA2-S to LA11-S, 31 March 2003, ‘Phase IV and War crimes: next steps’.

²⁹ Minute Llewellyn to Chilcott, 31 March 2003, ‘Iraq: ORHA: Current Activity’.

³⁰ As described in Section 8, UK forces had taken control of the port of Umm Qasr by the early hours of 23 March.

³¹ Minute Bristow to Chaplin, 1 April 2003, ‘Iraq: ORHA’ attaching Briefing ‘ORHA: speaking note for use with General Cross’ and Paper IPU, 28 March 2003, ‘Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)’.

67. In relation to his own position, the IPU suggested that Maj Gen Cross should be told that he would be formally appointed as a deputy to the Head of ORHA only once a resolution authorising its activity had been agreed.

68. Alongside the speaking note, the IPU also provided a four page review of UK policy on ORHA. In it the IPU recommended that the UK should continue to commit resources, on the basis that ORHA remained “the only game in town”, but noted that “a situation could arise where ORHA was acting illegally”. That would have “implications” for both UK secondees and ORHA operations in areas held by British forces. The IPU did not offer a solution or recommendation if the situation did arise.

69. At the end of March, Mr Straw’s Private Secretary provided Mr Rycroft with an IPU paper covering UK, European and US positions on post-conflict arrangements and the role of the UN.³² The covering letter said that:

“... our views are almost certainly very close to those of France and Germany ... I say almost certainly because we have yet to test ... views in detail.”

70. The letter also said:

“One of the lessons from negotiating UNSCR 1441 is that we need to share our initial thinking with France, Germany and Russia at an early stage. We will need their support if a UN resolution is to pass. We should not negotiate texts, nor seek a collective position.”

71. The IPU paper included an assessment that EU member states were likely to want a central role for the UN that was not subordinate to the Coalition and that did not legitimise military action. The UN’s main contributions would be to building a new Iraqi Government and managing Iraq’s natural resources.

72. The FCO proposed a series of bilateral meetings between UK Ministers and officials and their counterparts to “share our thinking”, including a conversation between Mr Straw and Secretary Powell. The IPU assessed that Security Council endorsement was desirable rather than essential to the US; agreement on a resolution was unlikely to be reached if the US retained the degree of control they wanted.

73. On 31 March, Mr Ricketts wrote to Mr Brenton about dialogue with European countries on a resolution. He said:

“The Prime Minister wants us to take our time over the issue of a post-conflict resolution. The right time to bring this to a head is likely to be once we have reached, or are near to, an end to the military conflict. That will be our moment of greatest leverage in the Security Council.”³³

³² Letter Owen to Rycroft, 31 March 2003, ‘Iraq: Phase IV’ attaching Paper IPU, 31 March 2003, ‘Iraq: Post-Conflict Administration’.

³³ Letter Ricketts to Brenton, 31 March 2003, ‘Iraq Reconstruction’.

74. Mr Ricketts also observed that, as a draft resolution had yet to be agreed with the US, the series of meetings about to begin across Europe would not be negotiating resolution text. Mr Straw would nonetheless be meeting his German, Russian, French and Spanish counterparts.

75. Mr Blair sent President Bush two Notes on 31 March, one on communications, which is described in Section 8, and one entitled ‘Reconstruction’.³⁴

76. The Note on reconstruction covered the two funds proposed by the US to administer oil revenues/unblocked Iraqi assets and donor funds, run by the IMF and World Bank respectively. Mr Blair wrote that using IFIs was sensible but that this arrangement would run into problems because:

- channelling oil revenues to IFIs rather than the IIA could be “misrepresented” and the proposal would need to be included in the next resolution;
- without UN agreement the IFIs were unlikely to agree and this would “replicate UN problems inside those two organisations”;
- the UK, Japan and others could only unblock assets with UN authority; and
- “our posture should be for the IIA to take on responsibility as soon as possible, ie Iraq for the Iraqis, not us or the UN”.

77. Mr Blair described an amended proposal submitted by the Treasury, in which some oil revenues went into the OFF programme, and the remainder (plus assets and donor funds) into a reconstruction account handled by the IMF and World Bank. Funds from both accounts would be “directed to the IIA”. Any proposals would need to be tailored in a way that could secure UN endorsement. Mr Blair wrote that he did “not think we can dodge this point” and said that the key to achieving that was “getting the right Special Co-ordinator” in order to avoid becoming bogged down in UN bureaucracy.

78. In response to a request from Mr Straw’s Private Office for material on Iraqi attitudes to the US and possible implications for UK policy, Mr Simon Fraser, FCO Director for Strategy and Innovation, wrote on 31 March:

“We need to understand the history and experiences of the people of Iraq as well as the nature of the regime ...

...

“Most ordinary Iraqis may loathe Saddam: but they may by now be so politically disorientated as not to believe that an alternative is possible.

³⁴ Letter Manning to Rice, 31 March 2003, [untitled] attaching Notes [Blair to Bush], [undated], ‘Reconstruction’ and ‘Communications’.

“We should not underestimate the force of Iraqi nationalism ... The divisions and loyalties within Iraq are complex. Iraqi Shia are both Arabs and Iraqis: they are certainly not Persians. The Persians are the historical enemy. I believe that the Iraqi national identity is stronger and more rooted in shared experience than many pundits think. Saddam Hussein has played on this sense of national pride – Iraqis used to be nicknamed the ‘Prussians of the Middle East’ ...”³⁵

79. Mr Fraser advised that distrust of the US ran deep:

“For 35 years and more (even when the US was supporting Saddam) Iraqis have been pumped full of propaganda that the US is hostile to Arabs and supports Israel and Zionism. There is no doubt American policies towards Arab/Israel generate deep hostility. Iraqis may long to be freed from Saddam Hussein, but being liberated by the Americans will be deeply humiliating. I doubt, too, that they have much confidence in what will come next. I cannot see how there would be much appetite for an American-led Administration.”

80. Attitudes to the UK were described by Mr Fraser as “ambivalent”:

“As so often with the former colonial power, it has been love-hate. As recently as the early 1980s Iraqi students were the most numerous group of overseas students in Britain. But we have lost our contacts since then, and our siding with the US on sanctions and NFZ [No-Fly Zone] policy over recent years, culminating in this campaign, has presumably affected popular attitudes to Britain.”

81. Mr Fraser concluded that any overtly US-led administration would be “untenable” and Iraqis “may find it deeply humiliating”. There would almost certainly be attacks on US personnel. It was therefore “critically important that we continue to press for legitimisation of interim and longer-term arrangements in Iraq through an effective UN presence”. There was also “an even greater premium on a real change of heart in Washington on the MEPP”.

82. That presented the UK with a dilemma over withdrawal:

“We will need to stay to support a long term, viable political settlement in Iraq (and have a clear idea of what that entails). Failure by us and the Americans to see through the peace would compound the problem. But if the Americans insist on the sort of model for Iraq that they currently seem to envisage, being closely aligned with them may have political and security costs for us. Putting some distance between us and them, where we can afford to, may be no bad thing.”

83. Mr Straw’s Private Office informed Mr Fraser on 1 May that Mr Straw had read the paper “and kept it in his useful papers pack for the last several weeks”.³⁶

³⁵ Minute Fraser to McDonald, 31 March 2003, ‘Iraqi Attitudes to the Americans and British’.

³⁶ Note McDonald, 1 May 2003, on Minute Fraser to McDonald, 31 March 2003, ‘Iraqi Attitudes to the Americans and British’.

The legal framework for the Occupation

It was widely understood by both the US and UK that once they had displaced the regime of Saddam Hussein, Coalition Forces would exercise authority over – and, under international law be occupiers in – Iraq. FCO lawyers confirmed on 2 April 2003 that by that date, UK forces were an Occupying Power in that part of Iraq in their physical control.³⁷

The basic principles of International Humanitarian Law as they apply to military action, in particular in relation to targeting and the Rules of Engagement, are set out in Section 6.1.

This Box explains the main principles applicable to the occupation of one state by another, a process which makes it the “Occupying Power”.

As Occupying Powers, the UK and USA were bound by international law on belligerent Occupation. Its rules are set out in the 1907 Hague Regulations (Articles 42 to 56), the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War of 1949 (Articles 27 to 34 and 47 to 78) and the 1977 First Protocol to the Geneva Conventions of 1949 Relating to the Protection of Victims of International Armed Conflicts.

Article 42 of the Hague Regulations defines an Occupation:

“Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised.”

In Iraq in April 2003 this meant that, at a minimum, the UK was considered the Occupying Power in that part of South-East Iraq where its forces were physically present and exercised authority. The UK’s role alongside the US in ORHA (and then the CPA) raised questions about whether the UK was also jointly responsible for the actions of those organisations throughout Iraq.

Article 43 of the Hague Regulations provides that the Occupying Power “shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety while respecting, unless absolutely prevented, the laws in force in the country”. Sir Michael Wood, a former FCO Legal Adviser, told the Inquiry: “While some changes to the legislative and administrative structure may be permissible if they are necessary for public order and safety, more wide-reaching reforms of governmental and administrative structures are not lawful. That includes the imposition of major economic reforms.”³⁸

The Fourth Geneva Convention defines “protected persons” as those who “find themselves ... in the hands of a party to the conflict or Occupying Power of which they are not nationals”. It sets out a number of detailed provisions on status and treatment of protected persons; and a number of responsibilities and restrictions that apply to the Occupying Power in relation to the occupied territory. The provisions of particular relevance to the UK’s involvement in Iraq are:

- Article 54, which prohibits any alteration in the status of public officials should they abstain from fulfilling their functions for reasons of conscience. It does not affect the right of the Occupying Power to remove public officials from their posts.

³⁷ Minute Llewellyn to Bristow, 2 April 2003, [untitled].

³⁸ Statement Wood, 15 January 2010, pages 2-3.

- Article 64, which requires that the penal laws of the occupied territory must remain in force except where they constitute a threat to security or an obstacle to the application of the Convention itself. In addition, with limited exceptions, the courts in the occupied territory must be allowed to continue to operate.
- Article 78, which empowers the Occupying Power, if it is necessary for reasons of security, to intern nationals of the occupied state, and other nationals within the occupied state. Procedures for review and appeal of internment should be put in place, including review every six months by a competent body set up by the Occupying Power. The Article also sets out detailed provisions for the treatment of internees.

Insofar as the provisions of the Convention allow an Occupying Power to exercise functions of government in occupied territory, Article 6 provides that they should continue to have effect for as long as its military Occupation continues. Other provisions, however, cease to apply “one year after the general close of military operations”. Article 64 therefore continued to apply. But when military operations ended Article 54, Article 78 and the regulations governing internment in Articles 79 to 141 ceased to apply.

April 2003

84. On 1 April, the first ORHA staff entered Iraq (having previously been stationed in Kuwait) at the port of Umm Qasr in Basra province.³⁹

85. On the same day, Mr Blair closed the Ad Hoc Meeting on Iraq by explaining that: “It was as important to win the diplomatic and political campaign as it was to achieve military success.”⁴⁰

86. Although the minutes of that meeting contain no reference to post-conflict administration, Mr Suma Chakrabarti, DFID Permanent Secretary, wrote to Sir Andrew Turnbull, the Cabinet Secretary, that Ms Short had “welcomed the emerging consensus ... on what the core principles for a UNSCR (or UNSCRs) for rehabilitation, reform and development in Iraq should be”.⁴¹

87. Mr Chakrabarti described the core principles as:

- rapid, UN-led movement to an IIA; and
- a resolution supported by the international development community, especially the IFIs and the UN development agencies.

88. Mr Chakrabarti argued that UN involvement need not wait until a resolution had been passed. He cited as an example resolution 1378 (2001), which established the process for creating an interim administration in Afghanistan. A UN Special

³⁹ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

⁴⁰ Minutes, 1 April 2003, Ad Hoc Meeting on Iraq.

⁴¹ Letter Chakrabarti to Turnbull, 1 April 2003, ‘Iraq: Rehabilitation, Reform and Development’.

Representative had been at work before the resolution had passed, and before the creation of the UN Assistance Mission in Afghanistan.

89. On 2 April, Mr Llewellyn wrote again to the IPU about the legality of ORHA actions.⁴²

90. Activity around Umm Qasr, which was under UK control, pointed to the fact that ORHA was acting on behalf of Coalition forces jointly. That made it increasingly important that the UK Government was consulted on its plans. Mr Llewellyn urged the IPU to exert whatever influence it had to ensure that happened.

91. Mr Straw and Secretary Powell met in Brussels on 3 April. The Government has been unable to provide the Inquiry with a record of their discussion. But in advance of the meeting, the IPU provided Mr Straw with advice on how an IIA might be created, for him to share with Secretary Powell.⁴³

92. In its advice, the IPU set out concerns about the legal constraints in creating an Iraqi administration:

“Without UN authorisation, any bodies set up or decisions taken on issues other than delivery of humanitarian relief, rehabilitation of existing infrastructure, security or public order, whether by the Coalition or others, would not fall within the authority of Occupying Powers and would therefore be illegal. This applies to the formation of an interim administration and any constitutional changes and reform programmes. The US have a different interpretation of the legal position. They need to be clear about the constraints which apply to UK activity, including our participation in ORHA. The strongest argument is however political: we need a UN-authorised process to provide the right people to participate in the interim authority and to gain maximum support from Iraqis and internationally. We see the UN Special Co-ordinator/ Representative visibly facilitating the process leading to the IIA’s establishment with the Coalition in the background. The US view, across government, is the opposite.”

93. A paper attached to the IPU advice described the possible steps in the process of political reconstruction in Iraq as:

- “• The establishment of a Consultative Council at a national level and Joint Commissions at a local level to advise and act as the interface with the Coalition transitional military and civil administration.
- A process to select an IIA, such as a conference similar to the Bonn Conference for Afghanistan.
- Formation of an IIA.
- A constitutional review process.

⁴² Minute Llewellyn to Bristow, 2 April 2003, [untitled].

⁴³ Minute IPU [junior official] to PS [FCO], 2 April 2003, ‘Post-Conflict Iraq: Iraqi Interim Authority’ attaching Paper FCO Research Analysts, ‘Post-conflict Iraq: Iraqi Interim Authority’.

- Preparations for and holding of free and fair elections.
- A new representative government.”

94. Mr Brenton was relaying the same view of the political process to the US Administration.⁴⁴

95. The British Embassy Washington reported some optimism that views in the National Security Council were close to those of the UK, and were gaining traction with President Bush. But there were some areas of disagreement between the US and UK, in particular on how the IIA would be formed and the precise role the UN would play. The fact that they were “not ready, having lost lives to liberate Iraq, to hand control of it over to the UN” was described as a “US red line”.

96. Reporting from New York, Sir Jeremy Greenstock described a US vision for an IIA which would “advise and assist” a Coalition which continued to run Iraq.⁴⁵

97. At the Ad Hoc Meeting on Iraq on 3 April, Mr Blair told attendees that the IIA:

“... had to be a genuinely representative body irrespective of how it was brought into being. He intended to put forward an alternative to the ideas coming out of Washington at present.”⁴⁶

98. On 4 April, Ms Rose sent Mr Llewellyn the letter she had promised on MOD concerns regarding potential ORHA actions, “with a view to identifying legal issues for further consideration”.⁴⁷ She wrote that it was “of paramount importance” to clarify the legal issues regarding ORHA activity.

99. Ms Rose explained that the MOD expected that “at the national level” ORHA would “direct Coalition action throughout Iraq”. Ms Rose identified a need to consider the UK’s position on that role, and on the relationship between ORHA and “the civil administrations in the areas of the country for which the UK will be responsible”. Ms Rose explained that the MOD was discussing use of “the Joint Commission model” in those areas to enable “effective civil-military crisis co-ordination”.

100. The letter from Ms Rose listed a number of ORHA’s proposed activities that were “likely to be illegal”, including:

- installing Coalition nominees as “shadow Ministers”;
- filling vacated posts in the Iraqi criminal justice system;
- appointing a US contractor to run Umm Qasr and opening a customs facility; and
- any management or exploration of Iraqi oilfields that went beyond their repair.

⁴⁴ Telegram 428 Washington to FCO London, 3 April 2003, ‘US/Iraq: Phase IV’; Telegram 448 Washington to FCO London, 4 April 2003, ‘Iraq: Post-Conflict’.

⁴⁵ Telegram 614 UKMIS New York to FCO London, 5 April 2003, ‘Iraq: Post-Conflict’.

⁴⁶ Minutes, 3 April 2003, Ad Hoc Meeting on Iraq.

⁴⁷ Letter Rose to Llewellyn, 4 April 2003, ‘Iraq: ORHA’.

101. In preparation for a meeting between Mr Blair and President Bush to be held at Hillsborough Castle near Belfast, Mr Rycroft chaired talks between US and UK officials on 4 April.⁴⁸

102. The US team was led by Mr John Bellinger, Legal Adviser to the National Security Council.⁴⁹

103. Before the talks, Mr Brenton wrote to Sir David Manning to provide “the clearest possible view of where the Americans are”.⁵⁰ Mr Brenton said that clarity on that had been obscured by “intense Washington departmental infighting”, but he suspected that at the talks:

“... key areas of disagreement between us will boil down to how to ensure the proper balance between external and internal Iraqis is [sic] the IIA, and precisely what role the UN will play in putting the IIA together.”

104. In Mr Brenton’s opinion those were “important points but ought not to be deal breakers”.

105. Mr Brenton warned that the UK was in danger of being “left behind by events” in the staffing of ORHA; lists of officials to shadow Iraqi Ministries were almost complete, and the UK had not made a bid.

106. Mr Brenton wrote:

“Following our significant military efforts we surely have an interest in following through to the civilian phase. If so, given the advanced state of US preparation, it will be important that we vigorously pursue the point ...”

107. In addition to Mr Brenton’s advice, on 3 April the IPU provided Mr Rycroft with a minute containing an annotated version of the agenda for the talks and a commentary on the latest US draft resolution, which Mr Chilcott had just seen.⁵¹

108. The commentary described the UK’s problems with the US draft as being that it:

- envisaged a UN Special Co-ordinator with a limited role in creating the IIA, which would in turn be subordinate to the Coalition;
- implied endorsement of military action, something the Security Council was unlikely to agree;
- lifted all sanctions against Iraq without requiring WMD disarmament to be demonstrated; and
- placed oil revenues under Coalition control.

⁴⁸ Minute Rycroft to Prime Minister, 4 April 2003, ‘Future of Iraq’.

⁴⁹ Minute O’Brien to Private Secretary, 4 April 2003, ‘Iraq: Phase IV Discussions’.

⁵⁰ Letter Brenton to Manning, 3 April 2003, ‘Post Conflict Iraq’.

⁵¹ Minute Chilcott to Rycroft, 3 April 2003, ‘Iraq: Phase IV: Meeting with US Officials’ attaching Paper IPU, [undated], ‘Comments on US draft Post conflict Iraq resolution’.

109. Since the US draft did not meet UK requirements, Mr Chilcott proposed the talks should focus on principles, which could then be turned into text at a later stage.

110. Issues for discussion at the talks were:

- arrangements for the immediate post-conflict period, including providing advisers to Ministries rather than giving Iraqi exiles or Coalition officials an executive role;
- establishing the IIA, facilitated by a UN Special Co-ordinator rather than the US;
- economic issues, including the control of oil revenues by the UN or the IIA, but not the Coalition; and
- the tactical approach to a further resolution, recognising that a large resolution covering all aspects of activity in Iraq was less likely to succeed than a series of smaller ones.

111. Mr Chilcott proposed that Mr Blair and President Bush should discuss a strategy for building international support which took into account that it was not realistic to expect “the UN Security Council to endorse an American designed plan for Iraq”.⁵²

112. Mr Brenton reported to the FCO in London on both 3 and 4 April.

113. In his first telegram, he reported conversations with US officials at the Departments of State and Defense and in the NSC.⁵³

114. The Department of Defense had made clear that the UN could not have a role in selecting candidates for the IIA. US interlocutors had said that there was likely to be an Iraqi conference, possibly in Southern Iraq in the following week, which would set out ideas for establishing the IIA. Mr Brenton had emphasised the need for the UK to be consulted on setting up the IIA and on the conference.

115. Mr Brenton’s telegram the following day sought to clarify US positions on Phase IV.⁵⁴ He emphasised that the NSC was close to the UK position on most of the Phase IV agenda. There was considerable common ground between the US and the UK, including on the need for a “significant UN role” and that oil revenues should be “in the hands of” Iraqis and spent by the Coalition only for tasks authorised by a UN resolution.

116. On 4 April, Mr Nicholas Cannon, Mr Blair’s Private Secretary, wrote to Mr Simon McDonald, Principal Private Secretary to Mr Straw, describing the talks between US and UK officials.⁵⁵

⁵² Letter Chilcott to Rycroft, 3 April 2003, ‘Iraq: Phase IV: Meeting with US Officials’.

⁵³ Telegram 438 Washington to FCO London, 3 April 2003, ‘US/Iraq: Phase IV’.

⁵⁴ Telegram 448 Washington to FCO London, 4 April 2003, ‘Iraq: Post Conflict’.

⁵⁵ Letter Cannon to McDonald, 4 April 2003, ‘Iraq, Post-Conflict Administration: US/UK Talks, 4 March [sic]’.

117. Mr Rycroft had opened the talks by describing common ground between the UK and the US, including the principle that the UN should have a role and that a further resolution would be sought. It was too early to discuss negotiating tactics.

118. Mr Cannon reported that the US delegation had said that a resolution was politically and diplomatically useful and legally beneficial, but not absolutely necessary. The US delegation was clear that it did not want the UN's role to include being in charge of establishing the IIA.

119. UK officials explained that, without a resolution, they had legal difficulties with making changes to Iraqi institutions; the US legal interpretation was different.

120. The US delegation proposed that Iraqi oil revenues should be under the supervision of ORHA (if necessary with a “double-signature” arrangement with the IIA). Treasury officials in the US delegation said that the UN should not manage Iraq's budget.

121. Mr Cannon reported that on balance UK officials found the US approach reassuring; although there were policy differences in a number of important areas, there were also signs of flexibility.

122. On 4 April, Mr Rycroft wrote an account of the talks for Mr Blair in which he judged: “There remain differences between us and much still to do, but it was moderately encouraging.”⁵⁶ The main differences between the US and UK were:

- the legal interpretation of how much the Coalition could do, through ORHA, as an Occupying Power;
- how to set up the IIA;
- the UN's relationship with the IIA; and
- negotiating tactics – the US preferred to “aim high at this stage and water down our text only later”.

123. Mr Straw told the Ad Hoc Meeting on Iraq on 4 April that he felt renewed optimism about achieving a UN framework for Phase IV activity in Iraq, following a meeting of NATO and EU Foreign Ministers:

“He had registered with these colleagues that domestic politics and expectations had been changed by the fact of having British troops in Iraq. The reality was that the Coalition would have to retain some control in the wake of conflict, but the United Nations should also be involved.”⁵⁷

⁵⁶ Minute Rycroft to Prime Minister, 4 April 2003, ‘Future of Iraq’.

⁵⁷ Minutes, 4 April 2003, Ad Hoc Meeting on Iraq.

124. Mr Blair spoke to President Bush, joined by Dr Rice, Vice President Dick Cheney and Mr Andy Card, President Bush's Chief of Staff, by video conference on the afternoon of 4 April.⁵⁸

125. Mr Blair commented that reports from discussions with European partners indicated that they would like to "find a way back". He thought that getting the right "framework of principles" for Phase IV should help.

126. On 5 April, Sir Jeremy Greenstock sent an update on post-conflict discussions with the US to the FCO in London.⁵⁹ Sir Jeremy observed that the latest US draft resolution "suggests continuing UK/US differences that will be fundamental to whether or not we can secure post-conflict UN resolutions". He suggested that "piecemeal resolutions", as opposed to a single "omnibus" version, might be the right tactic, as it would allow drafting to be responsive to conditions on the ground and for positive momentum to build.

127. Ms Short wrote to Mr Blair on 7 April, copied to Mr Straw and others, urging him to "agree with the US, proper limits to ORHA's mandate and a process for inviting the UN to lead on IIA preparations".⁶⁰

128. Ms Short identified four UK "bottom lines":

- limiting ORHA's mandate to Geneva and Hague Convention obligations;
- the process for appointing the IIA should be facilitated by the UN;
- involving International Financial Institutions in the reconstruction effort, which would require a new resolution; and
- revenues from Iraq's oil remaining under UN Security Council stewardship.

129. On the same day, Mr Straw responded to a request from Mr Blair for advice on whether UK secondees' positions in ORHA should be formalised.⁶¹ His response was copied only to Lord Goldsmith.

130. Mr Straw said that his instinctive reaction was that the UK ought to be fully involved in ORHA. He had consulted officials and the Attorney General, and relayed the latter's initial reaction that if the UK formalised the position of UK secondees "then the risk of the United Kingdom being jointly responsible for *all* ORHA's actions increases (including in the 75 percent-80 percent of Iraq which will be under US and not UK de facto control)".

⁵⁸ Letter No.10 [junior official] to McDonald, 4 April 2003, 'Iraq: Prime Minister's Video Conference with President Bush'.

⁵⁹ Telegram 614 UKMIS New York to FCO London, 5 April 2003, 'Iraq: Post-Conflict'.

⁶⁰ Letter Short to Prime Minister, 7 April 2003, 'Post Conflict Iraq'.

⁶¹ Minute Straw to Prime Minister, 7 April 2003, 'Iraq: OHRA' attaching 'Annex E: Draft Memorandum of understanding between the UK and US on OHRA'.

131. To avoid this risk, Mr Straw suggested agreeing a Memorandum of Understanding (MOU) with the US which would specify full consultation with the UK and joint decision-making on policy decisions about ORHA's activities. He attached a draft. Mr Straw also observed that greater clarity about the role of the UN would reduce anxieties about ORHA.

132. Mr Straw's Private Secretary also sent Mr Rycroft a briefing for Mr Blair to use at the Hillsborough meeting, written by the IPU.⁶²

133. The briefing described the task for Hillsborough as:

“... to expand the extent of US-UK agreement, particularly on the role of the UN in accompanying and facilitating the political process leading to the establishment of an Iraqi interim authority.”

134. The best outcome would be an agreed set of principles governing activity in post-conflict Iraq.

135. Concerns remained about how the IIA would be established and supervised to ensure it was supported by all sectors of Iraqi society. In particular, the UK was concerned about US plans for “rushing ahead” with the appointment of the IIA “with no regard for Iraqi buy-in”. The timing of the proposed Iraqi conference (12 April) was far too soon; as there would not be many “liberated Iraqi leaders from inside Iraq”, Iraqi exiles would be bound to dominate.

136. The IPU suggested instead that an IIA should take immediate responsibility for “innocuous” Iraqi Ministries, with the more complex ones added once its capacity had increased, and the most sensitive once they were “well on the path of reform”.

137. The IPU proposed that Mr Blair should raise the requirement for ORHA to stay within the bounds of international law with President Bush, observing that US and UK lawyers still did not have a shared interpretation of the powers of Occupation.

138. In a note for Mr Blair covering the briefing for Hillsborough, Mr Rycroft explained that Dr Rice would give a presentation on ORHA, and that the UK needed clarity on what the organisation would actually do with each ministry.⁶³ He observed that ORHA should field “technical advisers, not shadow Ministers”.

139. Mr Rycroft highlighted agreeing a “partnership” with the UN as the key issue for the talks.

⁶² Letter Owen to Rycroft, 7 April 2003, ‘Hillsborough: Iraq’ attaching Briefing IPU, 6 April 2003, ‘Iraq: Phase IV: Authorising UNSCR’.

⁶³ Minute Rycroft to Prime Minister, 7 April 2003, ‘Hillsborough’.

UK troops enter Basra

As described in Section 8, by 7 April UK troops had entered the city of Basra.⁶⁴

The Chiefs of Staff were informed on 8 April that the troops clearing the old city area of Basra had been “met by a jubilant population”.⁶⁵

A report on the evening of the same day stated that: “The situation in the city has stabilised ... although looting will remain a problem until normal policing is restored.”⁶⁶

The overnight report from COBR informed Sir David Manning that Major General Robin Brims (General Officer Commanding 1st (UK) Armoured Division) had identified a potential local leader in Basra “with whom he can do business” and had begun the process of establishing a joint commission.⁶⁷ Looting was “not as bad as reported in the media”.

Discussion of Basra at the Ad Hoc Meeting on Iraq on 9 April and at Cabinet on 10 April is covered in Section 8.

In his book *Losing Iraq*, Mr Stephen Pelletière, a former CIA senior political analyst on Iraq described the public response to the arrival of UK troops in Basra as “surprising” because:

“Instead of being welcomed joyously, the British practically were ignored. Indeed they were forced to look on helplessly as *the Basrawis indulged in an orgy of looting*.”⁶⁸

Major General Graham Binns, Commander of the 7 Armoured Brigade until April 2003, told the Inquiry:

“We reached the conclusion that the best way to stop looting was just to get to a point where there was nothing left to loot ... we could either try and stop the looting, in which case we would have to shoot people, or we could try and prevent it but knowing that we weren’t going to prevent it and take a pragmatic view ... and then when we are ready we will restock it and guard it. But actually trying to interpose ourselves was difficult.”⁶⁹

140. Mr Rycroft wrote to Mr McDonald on 8 April to report discussions on post-conflict Iraq at Hillsborough.⁷⁰

141. Mr Blair had stressed to President Bush the importance of a “joint strategy for the next phase” and of ensuring “legitimacy at every stage”; keeping the UN representative involved would help to ensure UN endorsement.

142. Discussions had also covered a US proposal for a conference to start the process of establishing the IIA. Sir David Manning and Mr Blair argued for slowing down the formation of the IIA to ensure that it was properly representative.

⁶⁴ Public hearing Burrige and Brims, 8 December 2009, page 35.

⁶⁵ Minutes, 8 April 2003, Chiefs of Staff meeting.

⁶⁶ Paper [unattributed], 8 April 2003, ‘Annex to Evening Sitrep, 8 April 2003: Military’.

⁶⁷ Minute Gibbons to Manning, 9 April 2003, ‘Iraq: COBR Overnight Sitrep 8/9 April’.

⁶⁸ Pelletière, SC. *Losing Iraq*. Praeger Security International, 2007.

⁶⁹ Private hearing, 2 June 2010, page 11.

⁷⁰ Letter Rycroft to McDonald, 8 April 2003, ‘Iraq: Prime Minister’s Meeting with Bush, 7-8 April’.

143. Mr Blair emphasised the importance of having the UN involved, in order to engage IFIs and bilateral donors, and to “secure our own exit”. Discussions also covered whether a UN resolution, on which both sides were in principle agreed, should be an “omnibus” resolution or cut into smaller slices.

144. Mr Straw’s suggestion that a first resolution should pass as – or shortly after – the IIA was established was accepted; it would endorse the new body as legally representing Iraq. Secretary Powell and Mr Straw would start the process in the relevant capitals, before discussions began in New York.

145. Mr Blair told the Inquiry:

“... the issue between the two of us there at Hillsborough was over the United Nations’ role, because again America did not want the UN in. We were clear that the UN had to be in, and I got a paper from the Iraq Planning Unit saying in essence that Iraq couldn’t be run by the UN and the UN didn’t want the lead role, but the UN had to have an important role, and this was raised with President Bush and finally resolved.”⁷¹

146. Mr Blair also said:

“I can’t say there were things where I was ringing the alarm bell with President Bush and he was not doing anything. On the contrary when I met him and went through item by item the things that had to happen ... and again his system was completely resistant to this, to get the UN into Iraq, they did come in.”⁷²

147. A public statement made jointly by President Bush and Mr Blair after the Hillsborough meeting said:

“The United Nations has a vital role to play in the reconstruction of Iraq ... we plan to seek the adoption of new United Nations Security Council Resolutions that would affirm Iraq’s territorial integrity, ensure rapid delivery of humanitarian relief and endorse an appropriate post-conflict administration for Iraq.”⁷³

148. In the statement, President Bush and Mr Blair welcomed the appointment by the UN Secretary-General of a Special Adviser for Iraq and stated that:

“The day when Iraqis govern themselves must come quickly. As early as possible, we support the formation of an Iraqi Interim Authority, a transitional administration, run by Iraqis, until a permanent government is established by the people of Iraq. The Interim Authority will be broad-based and fully representative, with members from all Iraq’s ethnic groups, regions, and diaspora.”

⁷¹ Public hearing, 21 January 2011, pages 139-140.

⁷² Public hearing, 21 January 2011, page 147.

⁷³ Statement Bush and Blair, 8 April 2003, *Joint statement on future of Iraq*.

149. Mr Blair and President Bush also confirmed that:

“Coalition forces will remain in Iraq as long as necessary to help the Iraqi people to build their own political institutions and reconstruct their country, but no longer.”

150. Sir Jeremy Greenstock told the Inquiry that:

“We would have liked the UN to be described as playing a leading political role with the US and the UK in administering Iraq as a triumvirate. That was too much for the United States and President Bush came out between his own advisers and the Prime Minister in describing the role that they wanted from the UN as being vital ... without the Prime Minister’s input we wouldn’t have got the word ‘vital’. I think it was something that President Bush, as it were, gave to the Prime Minister rather than an American recognition that actually the UN would be so useful that we must make sure that they are encouraged to be useful.”⁷⁴

151. As discussions were concluding in Hillsborough, the IPU in London was raising concerns about the language of Gen Franks’ proposed messages to the Iraqi people, to be issued once Baghdad had fallen.⁷⁵

152. A further US draft of the Freedom Message had been supplied to Mr Llewellyn. He commented to Ms Rose that it had “hardly changed from the one that I commented on on 28 March” and observed that the new draft contained reference to the creation of “a duly authorised court”.⁷⁶ Without agreement on the jurisdiction or power of such a court this provision remained unsatisfactory.

153. A note prepared by the IPU advised that references to the Coalition Provisional Authority temporarily exercising the powers of government was not considered to be consistent with the Hague Regulations or the Fourth Geneva Convention. The IPU advised that “at a minimum” these references should be deleted if text was to be issued on behalf of the Coalition as a whole.⁷⁷

154. On 9 April, Mr Rycroft asked for the IPU Note to be faxed to members of the NSC.⁷⁸

155. On 10 April, Mr Llewellyn advised the IPU that the main problem with the draft Proclamation was that “political statements and legal requirements are jumbled up”.⁷⁹

⁷⁴ Public hearing, 15 December 2009, pages 47-48.

⁷⁵ Minute IPU, 8 April 2003, ‘Iraq: Proclamation by General Franks’ attaching Minute Franks ‘Freedom Message to the Iraqi People’ and Order ‘Instructions to Citizens of Iraq and military forces’.

⁷⁶ Letter Llewellyn to Rose, 8 April 2003, ‘Iraq: Proclamation by General Franks’.

⁷⁷ Note IPU, 8 April 2003, ‘Iraq: Post-conflict; Franks Declaration and Instructions to Citizens of Iraq’.

⁷⁸ Manuscript comment Rycroft, 9 April 2003 on Note IPU, 8 April 2003, ‘Iraq: Post-conflict; Franks Declaration and Instructions to Citizens of Iraq’.

⁷⁹ Minute Llewellyn to Bristow, 10 April 2003, ‘Freedom Message to the Iraqi People’.

156. Cabinet met at 1000 on 10 April.⁸⁰ Its discussion of the military campaign is described in Section 8.

157. Mr Straw reported that in discussions at Hillsborough President Bush had “taken a forward position on ... the vital role of the United Nations in post-conflict Iraq”.

158. Ms Short told Cabinet that “world opinion was divided over Iraq and the vindication of our action would be the new Iraq which emerged”. She reported that the International Committee of the Red Cross was doing an excellent humanitarian job, but was worried about lawlessness and violence in Baghdad.

159. In relation to political reconstruction, Mr Straw said that “the process of arriving at representative government had to be respectable and legitimate. President Bush was clear that exile figures were not to be parachuted in.”

160. Summing up the discussion, Mr Blair said that “joint commissions would operate from the bottom up to allow new Iraqi leadership to come forward”. The proposed Iraqi conference was to generate discussion, after which “we would then work towards establishing an Iraqi interim authority”. He reported that Mr Annan was keen for the UN and the Coalition to “achieve a solution in which neither side predominated”.

161. Concluding the discussion, Mr Blair said that the military campaign in Iraq was going extremely well, but there were challenges ahead on the humanitarian front, in dealing with post-conflict arrangements and bringing together the international community in the UN Security Council. Mr Blair reiterated his conclusion at the previous meeting of Cabinet that making the lives of ordinary Iraqis better was key to success.

162. Later on 10 April, the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) met for the first time, with Mr Straw as Chair.⁸¹ The decision to create the AHMGIR is addressed in Section 2.

163. Ms Short, Lord Goldsmith, Mr Hoon and Ms Patricia Hewitt, Trade and Industry Secretary, attended, along with senior officials from their own departments, No.10 and the Treasury.

164. Mr Straw briefed the meeting that:

“The prospects for further UN Security Council resolutions were uncertain and negotiations were very likely to take weeks.”

165. Lord Goldsmith said that he was content for ORHA to undertake humanitarian, security and public order duties and to restore civilian administration but “it must be careful not to impose reform and restructuring without further legal authority”. US and UK lawyers would try to agree an MOU to define how the UK would be consulted.

⁸⁰ Cabinet Conclusions, 10 April 2003.

⁸¹ Minutes, 10 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

166. Summing up the discussion, Mr Straw described the meeting's agreement that "the UK should retain a right of veto in extremis" on ORHA activities. It was agreed that UK support to ORHA should be increased and formalised; Mr Straw would write to Mr Blair on this point.

167. Mr Blair spoke to President Bush on the evening of 10 April and welcomed the fact that the IIA would not be created until after the Iraq conference.⁸² He underlined the importance of "getting the presentation right". Mr Blair also warmly welcomed the NSC's plans to create a "quantified baseline" of life in Iraq before the conflict so that changes made by the Coalition would be visible.

168. As described in Section 6.5, the Defence Intelligence Staff (DIS) had established a Red Team in February 2003 to provide the military Chiefs of Staff and others across Whitehall with an independent view of current intelligence assumptions and key judgements.⁸³

169. On 11 April, the Red Team published a report assessing the prospects for governance in Iraq after the end of hostilities. They considered that "international and regional acceptance of the IIA" would be essential, as OFF corruption scandals had discredited the UN within Iraq.⁸⁴ But as a result of returning waves of exiles with experience of Western politics, "it may be ... that serious political debate will commence more quickly than expected".

170. The Red Team concluded that "the odds are probably even for the emergence of a genuinely democratic society or one nominally so, but dominated by the power of patronage and the military".

171. The Red Team also stated that the current "lawlessness in the 'liberated' areas" was:

"... exacerbated by the disappearance of the civil police and administration in some towns, residual fear of the 'shadow' regime and the possible emergence of new militias in the face of apparent Coalition compliance."

172. The Red Team judged that in the short term the "most pressing need" would be for "Coalition forces to satisfy their legal obligations by restoring a peaceful and secure environment". In the medium term, they warned that there was "a real danger that where there is no Coalition presence anarchy will result".

173. On 11 April, Legal Advisers to the MOD, FCO and Attorney General had a "helpful interchange" by video conference with their US and Australian counterparts.⁸⁵

⁸² Letter Rycroft to McDonald, 10 April 2003, 'Prime Minister's Conversation with Bush, 10 April'.

⁸³ Minute PS/CDI to APS2/SofS [MOD], 25 February 2003, 'Iraq: Red Teaming in the DIS'.

⁸⁴ Minute PS/CDI to APS2/SofS [MOD], 11 April 2003, 'Iraq Red Team – The Future Governance of Iraq' attaching Paper 'Iraq Red Team: The Future Governance of Iraq'.

⁸⁵ Minute [unattributed], [undated], 'American Summary Points, Video Link: Friday 11 April'.

174. A note of the discussion recorded that, on the Franks Proclamation, the US felt “a lot of our [UK] concerns have been addressed”. A new version of the Proclamation used “verbs that make clear to the people of Iraqi [sic] – what is legally binding and what is not”.

175. Ms Rose wrote to Mr Llewellyn on 11 April to “be sure that we are all clear as to the process of making comments [on ORHA proclamations and instructions] and the principles which should underlie the changes we propose to the US”.⁸⁶ Those principles included that the document:

- should not suggest it had legislative authority unless creating “Occupation type offences” as allowed by the Geneva Convention;
- should refer to “dissolving” not “disestablishing” the Ba’ath Party;
- should not refer to the CPA exercising legislative, judicial and executive authority or the powers of government;
- should not deny that the Coalition forces are Occupiers; and
- should not cut across the Joint Commission concept.

176. The process for providing UK input described by Ms Rose was that Permanent Joint Headquarters (PJHQ) lawyers would respond in rapid time to documents sent from UK officials in theatre, but that this was “not intended to be the last word on the UK’s response to the documents” and should not constrain the IPU from offering its own substantive comments.

177. When the Ad Hoc Meeting on Iraq convened on 12 April, Ms Short informed attendees that “the legal issues were being managed such that British inhibitions would be respected”.⁸⁷

178. General Sir Mike Jackson, Chief of the General Staff, told the meeting that “lawlessness was the main problem” but:

“The situation in Basra was being brought under control and the British division intended to start joint military/[Iraqi] civil police patrols within 48 hours.”

179. Mr Blair spoke by telephone to President Jacques Chirac on 12 April.⁸⁸ In her note of the call, Ms Liz Lloyd, Adviser to Mr Blair on Foreign Policy, recorded President Chirac’s view that establishing the IIA could only be the UN’s responsibility. He had also shared indications from some key international institutions that a “UN decision” was necessary for them to contribute.

180. Both President Chirac and President Bashar al-Assad of Syria raised the looting of culturally significant sites, including museums and archaeological remains, in

⁸⁶ Letter Rose to Llewellyn, 11 April 2003, ‘Iraq: ORHA Proclamations and Instructions’.

⁸⁷ Minutes, 12 April 2003, Ad Hoc Meeting on Iraq.

⁸⁸ Letter Lloyd to Owen, 12 April 2003, ‘Iraq: Prime Minister’s conversation with President Chirac’.

conversations with Mr Blair on 12 April.⁸⁹ Ms Lloyd commissioned a report on the looting from the MOD, in consultation with the FCO.

181. On 13 April, Mr Blair asked No.10 staff: “What are now the UNSCRs that we need and, on the assumption we go piecemeal, in what order and within what timing?”⁹⁰

182. The MOD advised Mr Blair on 14 April that “UK forces will provide support to those Iraqis who are trying to control the looting where they can”.⁹¹ There were signs of the locals taking responsibility for their own property, and attempts by the public to stop looting taking place. Advice on damage to culturally significant sites during the invasion is covered in Section 6.2.

183. On 14 April Mr Cannon briefed Mr Blair that:

- in Baghdad the US military were reporting “while some looting is still going on, it is exaggerated by the media”;
- UK forces had “announced a ‘zero tolerance’ policy for looters” in Basra, where the situation was “targeted crime (e.g. bank robberies) rather than generalised looting”;
- there were “signs of locals [in Basra] taking responsibility for [their] own property, and attempts by the public to stop looters”; and
- in Az Zubayr, looting was “reported to be in decline” and it had ceased in Al Amara.⁹²

184. In a statement on 14 April Mr Blair told the House of Commons, “the regime of Saddam is gone, the bulk of Iraq is under Coalition control and the vast majority of Iraqis are rejoicing at Saddam’s departure”.⁹³ Mr Blair’s assessment of the situation in Iraq is set out in Section 8.

185. Looking ahead, Mr Blair told the House of Commons:

“Shortly, we shall begin formally the process of Iraq’s reconstruction. We see three phases in this. In the first phase, the Coalition and the Office of Reconstruction and Humanitarian Assistance will have responsibility under the Geneva and Hague conventions for ensuring that Iraq’s immediate security and humanitarian needs are met. The second phase, beginning a few weeks after the end of the conflict, will see the establishment of a broad-based, fully representative Iraqi Interim authority. Working with the UN Secretary-General, Coalition military leaders and others will help the Iraqi people to identify which leaders might participate in that interim

⁸⁹ Letter Lloyd to Owen, 12 April 2003, ‘Iraq: Prime Minister’s conversation with President Chirac’ and Letter Lloyd to Owen, 12 April 2003, ‘Iraq: Prime Minister’s conversation with President Bashar’.

⁹⁰ Minute Blair to Powell, 13 April 2003, ‘Note’.

⁹¹ Letter Williams to Hallam, 14 April 2003, ‘Protection of significant sites in Iraq’ attaching Report, 14 April 2003, ‘Protection of significant sites in Iraq’.

⁹² Minute Cannon to Prime Minister, 14 April 2003, ‘Iraq: Law and Order Situation’.

⁹³ House of Commons, *Official Report*, 14 April 2003, columns 615-617.

authority. Once established, the interim authority will progressively assume more of the functions of government. The third phase will then bring into being a fully representative Iraqi government, once a new constitution has been approved, as a result of elections which we hope could occur around a year after the start of the interim authority.”

186. Mr Blair went on to describe the need for “intense diplomacy” to rebuild relationships so that the international community was able to “work together for a stable and prosperous Iraq and for a peaceful middle east”.

187. President Bush and Mr Blair spoke on the telephone on 14 April.⁹⁴ In his report of their conversation, Mr Cannon wrote that Mr Blair had advised proceeding more slowly on the formation of the IIA and that this was now US policy.

188. Mr Blair had suggested that it might take a year to establish a “full Iraqi government”. They discussed the approaching formal end of hostile action, and that the US was awaiting legal advice on the implications of being an Occupying Power.

189. On 14 April, Lieutenant General John Reith, Chief of Joint Operations, reported to the Chiefs of Staff that:

“Rightly, there is a degree of pressure from within Theatre to return those forces no longer gainfully employed on Op TELIC as soon as possible. But, equally we need to ensure that we leave in place the correct force composition for the medium term with an eye to our longer term disposition and commitment to the region.”⁹⁵

190. Lt Gen Reith anticipated the drawdown happening between April and early August, by which time he expected the campaign to have reached “some form of ‘steady-state’”. He explained that the intention was to draw down to nearer a medium scale of effort – a divisional headquarters plus a brigade – by “autumn 2003”. That would enable the UK to take on responsibility for the provinces of Basra and Maysan and, subject to the availability of supporting troops from elsewhere within the Coalition, a further two provinces, Dhi Qar and Wasit.

191. Lt Gen Reith’s detailed recommendations on the UK’s Area of Responsibility (AOR), and its evolution, are described in Section 8.

192. On 15 April, Mr Straw wrote to Mr Blair to propose a significant increase in UK support to ORHA, as agreed by the AHMGIR on 11 April.⁹⁶ In return, the US should commit to transparency and joint decision-making.

⁹⁴ Letter Cannon to McDonald, 14 April 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 14 April’.

⁹⁵ Minute Reith to SECCOS, 14 April 2003, ‘Phase 4: Roulement/Recovery of UK Forces’ attaching Paper CJO, 14 April 2003, ‘Phase 4 – Roulement/Recovery of UK Land Forces’.

⁹⁶ Letter Straw to Prime Minister, 15 April 2003, ‘Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA)’.

193. Mr Straw explained that:

“Our lawyers are working urgently with the Americans to concert positions on the legal basis for ORHA’s activity, making clear that this is essential to our longer-term commitment.”

194. Mr Straw reiterated Lord Goldsmith’s advice that the UK must be able to veto ORHA activities, especially in areas controlled by UK forces. He also stated that:

“We would need to reconsider our involvement if the US tried to use it [ORHA] to impose radical restructuring in the absence of UN authorisation.”

195. The UK’s need for an MOU containing “clear ground rules” was reinforced by Mr Brenton to Mr Bellinger in Washington.⁹⁷ In response to US concerns that an MOU could be misinterpreted as a “secret pact”, Mr Brenton advised that “there was a real political need for the MOU in London”.

196. Mr Bellinger also observed that the US administration had not yet decided between the omnibus and “smaller chunks” approaches to the new Security Council resolution.

197. On 15 April, a DFID official visiting Iraq reported to Ms Short that ORHA was “failing; and incapable of delivering to our timeframes”.⁹⁸

198. At the meeting of the AHMGIR on 16 April, Ms Short reported that a recent DFID mission to consider further support for ORHA had reported “serious organisational weaknesses”.⁹⁹ She would discuss it with the team on their return.

199. At the same meeting, Mr Hoon commissioned urgent advice on whether the UK should lead one of ORHA’s regional offices.¹⁰⁰

200. Later that day, the IPU produced a note on the issue. The note again described the UK’s legal concerns, including that “we might be regarded as responsible for Coalition actions in areas where there are no UK forces present”.

201. The IPU’s advice was to defer any commitment until the practical implications had been fully understood.

202. In his statement to the Inquiry Maj Gen Cross wrote:

“... it had become very clear to me that there were still serious concerns relating to potential political and legality issues. The only clear instructions I received throughout this period therefore was that I should not commit the UK to financial or any other responsibilities which might tie us into any ORHA plans.”¹⁰¹

⁹⁷ Telegram 504 Washington to FCO London, 15 April 2003, ‘US/Iraq: Phase IV’.

⁹⁸ Minute PPS to Secretary of State [DFID], 15 April 2003, ‘Foreign Secretary/Tim Cross meeting’.

⁹⁹ Minutes, 16 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁰⁰ Minute Drummond to Manning, 16 April 2003, ‘Iraq: Support for ORHA Regional Office’ attaching Note IPU, 16 April 2003, ‘Iraq: ORHA Regional Offices’.

¹⁰¹ Statement Cross, 7 December 2009, page 18.

203. Maj Gen Cross also told the Inquiry:

“I’m well aware of the debate that went on about the legality and a reluctance to be seen at this stage to be endorsing ORHA or formally placing people within ORHA on the basis that we, the UK, would become liable under the umbrella of international law and so forth if we were a part of it. So at that stage, the correspondence that I have seen coming out of DFID, coming out of the FCO, coming out of the MOD, was a recognition that ORHA needed far more than it had, but not yet an agreement that we, the UK, should be prepared to fill any of those slots.”¹⁰²

204. Mr Edward Chaplin, FCO Director Middle East and North Africa, attended a regional meeting set up by ORHA in Nasiriyah on 15 April to begin a dialogue with Iraqi leaders.¹⁰³

205. On the flight home he wrote to his counterpart in the US State Department enclosing two papers: ‘Setting up the Iraqi Interim Authority: Issues for Discussion’ and a longer paper on the UK’s broader views on the creation, composition and powers of the IIA and its relationship with ORHA.

206. The first paper set out the UK’s assumption that a national conference would be needed to set up the IIA and establish constitutional review and electoral processes. The paper emphasised the need for selection of representatives to be Iraqi-led. While the UK wanted to set up an IIA as soon as possible, they wanted to give the process enough time to make the Iraqi people feel they had been properly consulted. The key tasks for the so called “Baghdad conference” were to:

- establish the IIA;
- set up processes for the review of the Constitution; and
- create processes for the preparation of elections.

207. The first paper stated that the way in which members of the IIA would be selected was crucial, arguing that the individuals needed to be technocrats with no political affiliations, and suggesting ways in which the conference could appoint IIA members. The second paper set out the process the UK envisaged would be used to form a new representative government for Iraq, replicating the same steps set out in the paper prepared for Mr Straw to use in discussion with Secretary Powell on 3 April.

208. On 16 April, the European Council met in Athens.¹⁰⁴ Mr Blair represented the UK. A private bilateral meeting between Mr Blair and Mr Annan was organised in the margins of the main event.

¹⁰² Public hearing, 7 December 2009, page 28.

¹⁰³ Letter Chaplin to Crocker, 17 April 2003, ‘Setting up the Iraqi Interim Authority: Issues for Discussion’ attaching Paper FCO, 2 April 2003, ‘Post conflict Iraq: Iraqi interim authority’.

¹⁰⁴ Letter Rycroft to McDonald, 16 April 2003, ‘Iraq: Prime Minister’s Meeting with UN Secretary General, Athens, 16 April’.

209. During their conversation, Mr Blair described to Mr Annan a three stage process for post-conflict Iraq. First, ORHA would stabilise Iraq and start work on the basic infrastructure. Second, the Iraqi-run IIA should progressively assume responsibility from ORHA. Third, after a constitutional process and elections, a full Iraqi Government would be set up.

210. Mr Blair was clear that the UK wanted the UN to be part of the process at each stage, and that each stage should progress as quickly as possible to the next. There was discussion of the need for a strategic vision, including of the role for a UN Special Representative, and a future UN role. Mr Annan was explicit that he was not arguing for a UN lead.

211. Mr Blair sought Mr Annan's advice on future process within the UN and was advised that the Security Council accepted that initially the Coalition would be in charge. Thereafter, a resolution (or a series of smaller resolutions) would be necessary to define the UN's role in the political process and in reconstruction. This required careful handling.

212. Commenting on the discussion, Mr Rycroft wrote: "In our view it should be possible, now that Bush has accepted that the UN should have a vital role, for the UN system to start to become involved on the ground in a way that helps to define its future role."

213. By 16 April, the UK had produced a draft MOU and sent it to the US and Australia for comment. Ms Adams showed a copy to Lord Goldsmith, observing that it could be made more effective by establishing precisely how consultation would work.¹⁰⁵ She also reported "indications that the US may be getting cold feet", based on concern that if it reached the public domain the MOU may be seen as "carving up Iraq in a colonial way".

214. Reporting discussion at the Ad Hoc Meeting on Iraq on 17 April, Ms Short told DFID officials that Mr Blair had directed that "if ORHA was going to be big, we should be in it".¹⁰⁶

215. Minutes of the meeting record that Mr Blair asked for quick action on the UK's contribution, insisting "there should be no bureaucratic hold up in sorting out this priority".¹⁰⁷

216. Mr Rycroft wrote to Mr McDonald on 17 April to convey Mr Blair's strong agreement to proposals for increased support for ORHA.¹⁰⁸ Mr Blair felt that "as a general rule, our role in humanitarian aid and in the reconstruction of Iraq should be commensurate with our contribution to the military phase". That was to include "British officials ... present

¹⁰⁵ Minute Adams to Attorney General, 16 April 2003, 'Iraq: Draft MoU'.

¹⁰⁶ Minute PPS [DFID] to Miller, 17 April 2003, 'Iraq Cabinet Readout: 17 April'.

¹⁰⁷ Minutes, 17 April 2003, Ad Hoc Meeting on Iraq.

¹⁰⁸ Letter Rycroft to McDonald, 17 April 2003, 'Iraq: ORHA'.

and prominent at all levels of ORHA” and “unless the scoping study concludes that this is impossible” a UK-led ORHA regional office.

217. Steps to increase UK support for ORHA are described in more detail in Section 10.1.

218. On 16 April, Gen Franks issued his ‘Freedom Message to the Iraqi People’.¹⁰⁹ The message stated:

“Our stay in Iraq will be temporary, no longer than it takes to eliminate the threat posed by Saddam Hussein’s weapons of mass destruction, and to establish stability and help Iraqis form a functioning government that respects the rule of law and reflects the will, interests, and rights of the people of Iraq.

“Meanwhile, it is essential that Iraq have an authority to protect lives and property, and expedite the delivery of humanitarian assistance to those who need it. Therefore, I am creating the Coalition Provisional Authority to exercise powers of government temporarily, and as necessary, especially to provide security, to allow the delivery of humanitarian aid and to eliminate weapons of mass destruction.”

219. Gen Franks’ Freedom Message also contained the first public statement about the treatment of the Ba’ath Party:

“The Arab Socialist Renaissance Party of Iraq (Hizb al-Ba’ath al-Arabi al-Ishtiraki 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. All those with custody of the records of the Ba’ath Party or the Government of Iraq should ... turn them over to the Coalition Provisional Authority.”

220. The policy of de-Ba’athification and its implications is considered in Section 11.

US force levels

Gen Franks issued orders on 16 April to withdraw US war-fighting units within 60 days and to use the incoming US forces for only up to 120 days, reducing the US military presence in Iraq from 175,000 troops to 30,000 by the start of August.¹¹⁰

Lieutenant General Ricardo Sanchez, Commander of Combined Joint Task Force – 7 from 15 June (see Box, ‘US command structures and the SBMR-I’), recalled that Gen Franks “explicitly stated that military leaders should take as much risk coming out of Iraq as we did going in – which meant that we were going to try to get by with the smallest number of ground troops possible”.

¹⁰⁹ Statement Franks, 16 April 2003, ‘Freedom Message to the Iraqi People’.

¹¹⁰ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

The figure of 30,000 contrasts with what was understood in PJHQ in late April, when Gen Reith reported that Gen Franks had told him that he still expected the US “to have to provide between 120,000 and 150,000” personnel.¹¹¹

At around the same time as Gen Franks’ order, Mr Donald Rumsfeld (US Secretary of Defense) cancelled the deployment of a further 50,000 combat troops who had been scheduled to arrive in Iraq shortly.¹¹²

According to *Hard Lessons*:

“Rumsfeld’s decision shocked some commanders on the ground, including Coalition Forces Land Component Commander Lieutenant General David McKiernan, who were counting on the additional manpower to provide a secure environment for post-conflict stabilization.”

Lt Gen Sanchez’s view was that “overall, the concurrence of Franks’ drawdown orders and Rumsfeld’s ... directive created havoc throughout the forces ... Confusion was the order of the day”.¹¹³

Earlier in 2003, giving evidence to the US Senate Armed Services Committee, General Eric Shinseki, Chief of Staff of the US Army, had commented that, in his view, any Occupation of Iraq would require “several hundred thousand” troops.¹¹⁴

At the time, Gen Shinseki’s comment was dismissed publicly by the Pentagon, and Mr Paul Wolfowitz, US Deputy Secretary of Defense, told the US House of Representatives’ Budget Committee that the number was “wildly off the mark” and that the figure was closer to 100,000.¹¹⁵

In his account of his time in Iraq, Ambassador L Paul Bremer recalls having been shown a draft report prior to his deployment to Iraq which suggested that, for a population the size of Iraq, around 500,000 ground troops would be required for the stabilisation operation. This was “more than three times the number of foreign troops now deployed to Iraq”.¹¹⁶ Ambassador Bremer sent a copy of the report to Secretary Rumsfeld, but did not receive a reply.

221. The issue of deploying the Headquarters of NATO’s Allied Rapid Reaction Corps (ARRC) to Iraq was first raised as a possibility after the invasion in mid-April.

222. Mr Hoon’s Private Office explained to No.10:

“From a military perspective, use of HQ ARRC would impact upon the size of role we could play in Southern Iraq ... Even if this problem could be resolved ... for the UK

¹¹¹ Minute MA/CJO to PSO/CDS, 28 April 2003, ‘CJO Visit Report to TELIC AO 24-28 April’.

¹¹² Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹¹³ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

¹¹⁴ *USA Today*, 25 February 2003, *Army Chief: Forces to occupy Iraq massive*; Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

¹¹⁵ *USA Today*, 27 February 2003, *Ex-army boss: Pentagon won’t admit reality in Iraq*.

¹¹⁶ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

to attempt to run HQs in Iraq at Corps, Divisional and Brigade levels simultaneously would be, to say the least, a very ambitious undertaking. It is unlikely (at best) in these circumstances that we could command at Divisional level more than one brigade in addition to our own, and this would limit the number of provinces we could supervise. Even then, recuperating from such an effort would be a major challenge, and it would be years before the Armed Forces recovered the 'steady state' capability which our planning assumptions say they should provide. Finally, we could not enter into such a commitment without having absolute certainty about who would replace us and when."¹¹⁷

The Allied Rapid Reaction Corps (ARRC)

The ARRC is a ready-formed and trained HQ, commanded by a three-star officer, which can deploy within five to 30 days.¹¹⁸ It was created in 1992 in Germany as an operational HQ. It does not have fighting capability, but its approximately 1,000 staff are able to command up to four multi-national divisions (around 100,000 personnel). The ARRC is able to deploy the communications systems necessary for a command role of this size, and the support services needed to take care of its own personnel.

The UK is the 'framework' or lead nation for the ARRC and provides around 60 percent of its staff; other members of NATO provide the remaining 40 percent. To deploy the ARRC without NATO staff, the UK would need to backfill those posts.

The ARRC is deployable once every two to three years. Its first deployment was to Bosnia in December 1995.

223. Major General Adrian Bradshaw, who succeeded Major General Graham Binns as Commander of 7 Armoured Brigade, told the Inquiry "things were relatively calm" when he first arrived in Iraq in April 2003 but "it was clear that we had an urgent task to rebuild security structures".¹¹⁹

224. At the request of the FCO, the Joint Intelligence Committee (JIC) provided an Assessment titled 'The Initial Landscape Post-Saddam' on 16 April.¹²⁰ In it the JIC judged that:

"The situation in Iraq is complex, fast-moving and confused. In the very near term, remnants of the regime will continue to present a limited threat to the re-establishment of peace and stability in Iraq. But other threats to either Coalition forces or the longer term post-Saddam political process are emerging."

¹¹⁷ Letter Watkins to Manning, 17 April 2003, 'Iraq: Possible Role for the ARRC'.

¹¹⁸ www.rrc.nato.int

¹¹⁹ Private hearing, 2 June 2010, pages 5-8.

¹²⁰ JIC Assessment, 16 April 2003, 'Iraq: the Initial Landscape Post-Saddam'.

225. The Assessment said that:

“There has been jubilation at the fall of Saddam Hussein’s regime. But we judge that this is likely to dissipate quickly. Most of the Iraqi population is ambivalent about the role of the Coalition and uncertain about the future. Initial reporting shows that concerns arise quickly about the break-down of law and order and the need for food and water. Some pre-war reports suggested that the Iraqi population has high, perhaps exaggerated, hopes that the Coalition will rapidly improve their lives by improving their access to clean drinking water, electricity and sanitation. However, even without any war damage, there are severe shortfalls in the infrastructure of these sectors, and in healthcare. Looting has made matters worse.

“Initial Iraqi responses to the Coalition will be on a local basis. There is no sign yet of widespread popular support for opposition to the Coalition. We judge that, at least in the short term, the details of the post-Saddam political process will be less important for many Iraqis than a restoration of internal security and the start of reconstruction. But the Iraqi population will blame the Coalition if progress is slow. Resentment of the Coalition also could grow quickly if it is seen to be ineffective, either politically or militarily. Such resentment could lead to violence. But we judge that at present there is no Iraqi social or political structure which could co-ordinate it.”

226. In the same document the JIC updated its pre-invasion assessment of the role of Al Qaida (AQ) within Iraq:

“... intelligence shows that AQ-associated extremists are now in Baghdad, but we remain uncertain as to their role. We judge that AQ’s aspirations to conduct anti-western attacks remain undiminished.”

227. In its final report on 18 April the Red Team wrote that:

“The initial surge of lawlessness seen since the fall of the major Iraqi cities is likely to be a short-term phenomenon. The re-engagement of most of the former regime police force personnel in the immediate future will, along with the use of Coalition troops, re-establish law and order on the streets.”¹²¹

228. The Red Team also wrote that there was “an immediate requirement to re-institute the rule of law”.

229. A JIC Assessment of 30 April addressed the post-war threat from international terrorism.¹²² It said that:

“Coalition action has deprived Al Qaida and its associates of safe haven in Northern Iraq ... The Northern Iraq-based Al Qaida associate group Ansar al Islam has been

¹²¹ Minute PS/CDI to APS2/SofS [MOD], 18 April 2003, ‘Iraq Red Team – the strands of the rope’ attaching Paper ‘Iraq Red Team: the strands of the rope’.

¹²² JIC Assessment, 30 April 2003, ‘Iraq: the Initial Landscape Post-Saddam’.

seriously disrupted by Coalition strikes, although it is likely that remnants of the network could try to re-group in Northern Iraq and attempt attacks against Coalition interests ... And in mid to late April, terrorists continued to be active in Baghdad. We have no intelligence on the specific intent of these terrorists, but judge that **they will remain in place, and attempt attacks against Western interests.**”

230. *Hard Lessons*, the US Government’s account of reconstruction in Iraq, records that Gen Garner and his senior ORHA staff deployed to Baghdad on 21 April.¹²³ When they arrived:

“Outside the gates of the Republican Palace where ORHA was trying to set up shop, anarchy reigned ... Many government buildings had been destroyed.

...

“The looting quickly changed into organized theft by gangs of Iraqi criminals and insurgents trying to destabilize the country.”

231. In late April, the UK Area of Operations was declared “permissive”, first by UK forces on 22 April,¹²⁴ and a few days later by the United Nations Security Co-ordinator.¹²⁵

232. The Coalition defined “permissive” environments as ones to which humanitarian assistance organisations could have access but should use all precautionary measures and notify the Coalition Forces.¹²⁶

233. Drawdown of UK troops in fact had begun before South-East Iraq was formally declared “permissive”.

234. The UK maritime and air presence had begun to reduce by 9 April.¹²⁷

235. Mr Hoon advised Parliament on 11 April that:

“As the pattern of Coalition operations in Iraq changes, it will be possible for a number of units to proceed with other tasking or return to the United Kingdom.”¹²⁸

236. Mr Hoon described the planned withdrawal of air and maritime assets, and said:

“It is our policy to deploy personnel on operations for no longer than is necessary to achieve our military objectives. We will therefore continue to adjust our forces

¹²³ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹²⁴ Note [unattributed], 23 April 2003, ‘Iraq: Update for the Number 10 Sitrep – As at 0630 on 23 April 2003’.

¹²⁵ 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.

¹²⁶ *Report of The Independent Panel on the Safety and Security of UN Personnel in Iraq*, 20 October 2003.

¹²⁷ Report BurrIDGE to CJO, 8 May 2003, ‘NCC Operation TELIC Hauldown Report: 07 Feb 03 – 08 May 03’.

¹²⁸ House of Commons, *Official Report*, 11 April 2003, columns 38-39WS.

deployed to the Gulf as appropriate, withdrawing units whose tasks are complete, and in due course replacing those whose tasks continue ... As previously stated, we have no plans to deploy significant additional forces.”

237. On Thursday 24 April, PJHQ asked Mr Hoon to approve the first substantial withdrawal of ground troops from Iraq with effect from Sunday 27 April.¹²⁹ The briefing explained that, of the 3,500 troops who would return, about 1,500 personnel were due to redeploy to Iraq as part of future Phase IV operations; a further 1,000 were “required in the UK as soon as possible for other reasons”; and a further 1,000 were “staff officers and other support personnel deployed for the war-fighting phase ... [whose] jobs are now redundant”.

238. Mr Hoon’s Private Secretary commented that, although Mr Hoon had been told about the proposed drawdown “in very broad outline” in an earlier briefing:

“... what is now proposed involves an acceleration by about a week and a reordering. (It is also something of a bounce.) While it is right and proper to bring people back when they are not needed, we do need to be careful not to leave the impression that we are rushing for the exit leaving chaos behind; queering our pitch with Coalition contributors for Phase IV ...”¹³⁰

239. The Private Secretary also suggested that Mr Hoon might want to defer taking a final view until he had spoken to Mr John Prescott, the Deputy Prime Minister, about plans for Operation FRESCO (the deployment of the military during a planned firefighters’ strike in the UK) and until he had received further details from PJHQ explaining the rationale for the accelerated drawdown.

240. On 24 April, an FCO official told the AHMGIR that there was a good chance the UN Security Council would agree that week to continue the OFF programme until 3 June, and agree within a fortnight that the Secretary-General should appoint a Special Representative for Iraq “with a mandate including engagement in the process of setting up an Iraqi Interim Authority”.¹³¹ The use of oil revenues beyond 3 June remained to be decided but an FCO paper with policy proposals was being written.

241. At the same meeting of the AHMGIR, Admiral Sir Michael Boyce, Chief of the Defence Staff, told attendees that US plans were to divide Iraq into five sectors. The UK would lead one sector, comprising four provinces in southeastern Iraq. This would be “manageable ... provided that other countries offered troops to work with us” and the UK could take on a fifth province “if others contributed the necessary forces for it”. The southern region of ORHA would follow the boundaries of the UK’s sector.

¹²⁹ Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, ‘Op TELIC: Realignment of UK Forces’.

¹³⁰ Manuscript comment Watkins to Hoon on Minute Wallace to PS/Secretary of State [MOD], 24 April 2003, ‘Op TELIC: Realignment of UK Forces’.

¹³¹ Minutes, 24 April 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

242. Mr Straw and Secretary Powell spoke by telephone on 24 April.¹³² The latter explained that US thinking was to combine two draft resolutions – “one on principles and the other on lifting sanctions” – into one: “The market appeared able to bear that.” A combined resolution might be tabled the following week, but more work was needed in advance to align the US, UK and Spanish positions.

243. Mr Straw’s Private Secretary wrote to Mr Cannon on 25 April that:

“... we have seen a new draft US omnibus resolution on post-conflict Iraq that takes no account of our recent bilateral discussions and would be unnegotiable in the Security Council.”¹³³

244. The draft included endorsement for the Coalition’s presence in Iraq, the appointment of a UN Special Co-ordinator, lifting of sanctions and establishing the IIA. The FCO observed that “many of its details will be highly controversial” and suggested that Mr Cannon raise the UK’s issues with the text with Dr Rice.

245. Mr Straw had spoken to Secretary Powell earlier that day.¹³⁴ He told Secretary Powell that “Greenstock’s view was that the latest US draft SCR [Security Council resolution] would run into the buffers”, and added that he shared that view. Mr Straw continued: “We needed this resolution in a way that we had not needed the second resolution.” That was why the UK had proposed tackling the issues one by one. He promised to send Secretary Powell, who had not been persuaded that the prospects for the resolution were poor, a note detailing UK concerns with the omnibus US draft.

246. Mr Straw’s Private Secretary reported to Sir David Manning on 25 April that Mr Straw had raised concerns with Secretary Powell about rumours that the US was planning to appoint a group of Iraqi exiles as the IIA.¹³⁵ Secretary Powell said he would look into it.

247. The Private Secretary also reported that “we hear from ORHA that Garner has invited ... five prominent ‘free Iraqi’ politicians to form the core of the interim Iraqi authority”. The UK remained of the view that this would provoke an adverse reaction.

248. On 25 April, Mr Ricketts reported to Sir Paul Lever, British Ambassador to Germany, on a dinner attended by Mr Straw, Mr Joschka Fischer, the German Foreign Minister, Mr Dominique de Villepin, the French Foreign Minister and Mr Javier Solana, EU High Representative for Common Foreign and Security Policy.¹³⁶

¹³² Letter McDonald to Manning, 24 April 2003, ‘Foreign Secretary’s Conversation with US Secretary of State, 24 April’.

¹³³ Letter Owen to Cannon, 25 April 2003, ‘Iraq: Post-Conflict’.

¹³⁴ Letter McDonald to Manning, 25 April 2003, ‘Foreign Secretary’s Conversation with Colin Powell, 25 April’.

¹³⁵ Letter Owen to Cannon, 25 April 2003, ‘Iraq: Post-Conflict’.

¹³⁶ Letter Ricketts to Lever, 25 April 2003, ‘Iraq: Foreign Secretary’s Discussions with Villepin, Fischer and Solana’.

249. Discussion had been dominated by Iraq, and Mr Straw had explained UK priorities as:

“... having extended OFF, building up Security Council consensus for a heavyweight UN Special Representative, and tackling the range of issues linked to suspension of sanctions. On the question of supervising oil revenues, one possibility would be the UN Secretary-General. Another could be the World Bank before a genuine IIA could take this on.”

250. Mr de Villepin had responded that he could only envisage the UN overseeing oil sales with any credibility.

251. A further US draft of the Phase IV resolution was sent by Mr Bellinger to Sir David Manning on 28 April.¹³⁷ Its text included:

- Endorsement of the CPA's role in administering Iraq, including the destruction of WMD.
- A request that the UN appoint a Special Co-ordinator to co-ordinate humanitarian and reconstruction activities.
- Support for an Iraqi-led process for creating the IIA, helped by the CPA and working with the Special Co-ordinator.
- Creation of an Iraqi Development Fund, to be used by the CPA, and the transfer of unspent OFF programme funds into it.
- The resumption of oil sales at market price, with all proceeds deposited in the Iraqi Development Fund.

252. Sir David Manning and Dr Rice spoke on the afternoon of 28 April.¹³⁸

253. Sir David reported to Mr McDonald that he said “we were pretty clear here that the omnibus text as currently drafted was non-negotiable in New York”.

254. A further US draft was promised the following day, drafted so that it could be broken into separate components if necessary, and it was agreed that a video conference with “the experts to hand” would be arranged “to discuss the whole gamut of UN issues”.

255. Mr Blair and President Bush spoke by telephone during the evening of 28 April.¹³⁹

256. Mr Blair indicated that he was still considering the UN angle; an omnibus resolution would be fine if achievable, but if not the focus should be on areas where progress could be made. Mr Blair said that the Coalition “did not want to be the supplicants, just to obtain the maximum UN cover without jeopardizing the Coalition's achievements”.

¹³⁷ Letter Bellinger to Manning, 28 April 2003, [untitled] attaching Paper, [undated], ‘Resolution on post-conflict Iraq’.

¹³⁸ Letter Manning to McDonald, 28 April 2003, ‘Iraq: Conversation with Condi Rice’.

¹³⁹ Letter Cannon to McDonald, 28 April 2003, ‘Iraq: Prime Minister's Conversation with Bush, 28 April’.

257. A consultative conference took place in Baghdad on 28 April.¹⁴⁰ It was not the “Baghdad Conference” to create the IIA that the UK had envisaged.

258. Mr Mike O’Brien, FCO Minister of State for the Middle East, and Mr Chilcott attended for the UK. Mr O’Brien reported that the US had its own vision of how the IIA would shape up and wanted as little as possible to come out of the conference itself. The real political process would begin after the conference when Mr Zalmay Khalilzad, US Ambassador at Large for Free Iraqis, was due to meet with prominent Iraqi political leaders. These meetings were likely to frame the shape and composition of the IIA. The UK was not in the loop. Mr O’Brien attributed that to the UK’s failure to have someone sufficiently senior working with the US in Iraq.

259. In his report to Mr Straw, Mr O’Brien referred to ORHA as “the only game in town” and recommended that a senior UK official should be posted to it in Baghdad to take an active role in policy formation.

260. Mr O’Brien’s Assistant Private Secretary separately reported a meeting between Mr O’Brien and Air Marshal Brian Burridge, the UK National Contingent Commander who was collocated with CENTCOM in Qatar, whilst the former was in transit to Baghdad.¹⁴¹ He reported that:

“Burridge thought ORHA as an organisation was ... flawed – it was random, erratic, slow and lacked both cultural awareness and structural planning. However he acknowledged that it was the only show in town and that we had to work with it, regardless of its faults.”

261. RAND¹⁴² assessed in 2008 that:

“The possibility of a quick transfer to Iraqi governance remained in play in the immediate aftermath of the regime’s fall. Although Garner told Kurdish leaders ... that they would not be allowed to set up an interim government, he made a number of statements that appeared to downplay ORHA’s central role in the governance of Iraq ... The consultations ... appeared to be the first two steps of three to the formation of a temporary Iraqi government ... the 300 representatives at the Baghdad Conference ... called for another, larger conference in a month’s time to select the postwar transitional government.”¹⁴³

¹⁴⁰ Minute O’Brien to Foreign Secretary, 1 May 2003, ‘Central Iraq Conference: Are we properly engaged?’

¹⁴¹ Telegram 87 Doha to FCO London, 29 April 2003, ‘Baghdad Conference: Mr O’Brien’s call on Air Marshall [sic] Burridge’.

¹⁴² The RAND Corporation is a US research organisation/think tank which focuses on defence issues.

¹⁴³ Bensahel N, Oliker O, Crane K, Brennan RR Jr, Gregg HS, Sullivan T & Rathmell A. *After Saddam: Prewar Planning and the Occupation of Iraq*. RAND Corporation, 2008.

262. In a statement to Parliament at the end of April, Mr Hoon announced that:

“Decisive combat operations in Iraq are now complete, and Coalition forces are increasingly focusing upon stabilisation tasks. It will therefore be possible to make further force level adjustments over the coming weeks while continuing to meet our responsibilities to the Iraqi people.”¹⁴⁴

263. In addition to the substantial withdrawal of Royal Navy and Royal Air Force personnel and many of the Army war-fighting units, Mr Hoon explained that he had extended the tour of one unit to enable it “to continue in their key role of ensuring security in the region of Az Zubayr”. He concluded that:

“While details continue to be clarified, we envisage that by mid-May 25,000-30,000 UK Service personnel will remain deployed in the Gulf region, continuing to fulfil our responsibilities towards the Iraqi people. The planned replacement of forces is clear evidence of our commitment to them.

“Our aim is to leave an Iraq that is confident, secure and fully integrated with the international community. The planning process to establish the precise level of the continuing UK presence needed to achieve this aim is a dynamic one, and is kept under review. We will also need to take account of the contributions of Coalition partners. We will continue to withdraw assets and personnel from the region where possible, but we will maintain an appropriate military presence for as long as necessary.”

264. Mr Straw, Sir David Manning and Foreign Office officials discussed the draft post-conflict resolution by video conference with Secretary Powell and Dr Rice on 30 April.¹⁴⁵

265. It was agreed that the text:

- should recognise the Coalition as Occupying Powers, but not endorse military action after the fact;
- should reiterate President Bush’s commitment to a vital role for the UN; and
- need not make reference to UNMOVIC, which could be added later as part of the negotiation process.

266. The US and UK held different views on:

- whether the UN Special Co-ordinator should lead the formation of the IIA; and
- whether the UN or the CPA should have control of oil revenue, and for how long the OFF programme should continue.

¹⁴⁴ House of Commons, *Official Report*, 30 April 2003, columns 15-16WS.

¹⁴⁵ Letter Cannon to McDonald, 30 April 2003, ‘Iraq/UN: Video-conference with Condi Rice and Colin Powell, 30 April’.

267. During the video conference, Mr Rycroft and Mr Bellinger were tasked to go through the US draft in detail and produce a further version for discussion.

268. The next version was sent by Mr Bellinger on the same day.¹⁴⁶ It gave the UN a role working alongside the Occupying Powers on the creation of the IIA, but not leading the process.

269. It also recorded separate US and UK language on who would control the Iraqi Development Fund, and how it would be administered. The UK draft gave control to “the authorities in Iraq, including the Interim Iraqi Administration when established”, the US version to the Occupying Powers or CPA.

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270. A further video conference, with similar attendees to the last, was held on 1 May.¹⁴⁷

271. Mr Straw told participants that the UK had a “generic problem” with references to the CPA, and would prefer to be referred to as “Occupying Power” because “references to the CPA provided an unnecessary opportunity for dispute in the Security Council”.

272. A detailed discussion of drafting points followed, at the end of which there remained issues with references to disbursement of oil revenues and the OFF account. Mr Straw and Dr Rice agreed that outstanding points should be agreed within a few days so that a draft could be shared with permanent members of the Security Council during the following week.

273. General the Lord Walker told the Inquiry that when he visited Iraq shortly after becoming Chief of the Defence Staff, in May 2003:

“It was very much a honeymoon period at that stage. We walked through Sadr City, berets and no flak jackets. We walked down the markets in Basra, berets and no flak jackets, the usual sort of smiling citizens, some of them – certainly not hostile, some of them a bit sort of stand-offish.”¹⁴⁸

274. On 1 May, President Bush made a speech on board the US aircraft carrier *Abraham Lincoln*. In front of a sign bearing the words “Mission Accomplished” he said:

“Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed. And now our Coalition is engaged in securing and reconstructing that country.”¹⁴⁹

¹⁴⁶ Letter Bellinger to Rycroft, 30 April 2003 attaching draft ‘Resolution on Post-Conflict Iraq’.

¹⁴⁷ Letter Cannon to McDonald, 1 May 2003, ‘Iraq/UN: Video-conference with Condi Rice, 1 May’.

¹⁴⁸ Public hearing, 1 February 2010, page 16.

¹⁴⁹ *CNN News*, 2 May 2003, *Bush makes historic speech aboard warship*.

US command structures and the SBMR-I

The end of combat operations led to a change in the US command structure and military headquarters within Iraq. According to *Hard Lessons*:

“By May 1, 2003, CENTCOM had dismantled its forward command-and-control center in Qatar. Two weeks later, the Defense Department announced that Lt Gen McKiernan’s command would soon leave Iraq and that his large headquarters would be replaced by a much smaller Combined Joint Task Force 7 (CJTF-7), led by Lt Gen Sanchez.”¹⁵⁰

Lt Gen Sanchez arrived in Baghdad on 8 May and formally assumed command of CJTF-7 on 15 June.¹⁵¹ As well as having a significantly smaller headquarters, he was also newly promoted to this level of command, in contrast to his more experienced – and senior – predecessor (Lt Gen McKiernan) and successor (General George Casey). The reporter Mr Bob Woodward commented that Lt Gen Sanchez was the most “junior three-star general in the [US] Army. He had been given America’s most important ground command and had a small and inexperienced staff.”¹⁵²

In his memoir, Lt Gen Sanchez described the removal of the Coalition Forces Land Component Command headquarters staff as:

“... another monumental blunder that created significant strategic risk for America ... the foreseeable consequences were daunting. In country, we would no longer have the staff-level capacities for strategic- or operational-level campaign planning, policy, and intelligence. All such situational awareness and institutional memory would be gone with the departure of the best available Army officers who had been assigned to CFLCC for the ground war. The entire array of established linkages was dismantled and redeployed. Furthermore, V Corps had no coalition operations and ORHA/CPA-related staff capacity, which were departing the theater with CFLCC just at a time when the coalition and civilian administrator support missions were dramatically expanding.”¹⁵³

Lt Gen Sanchez observed that his headquarters had remained staffed at less than 60 percent of its required staffing levels (1,000) for the majority of his time in Iraq and commented that:

“With both CENTCOM and CFLCC leaving Iraq, V Corps was going to have to operate at the theater strategic level, for which it possessed no expertise, as well as the operational and tactical level across the country. Unfortunately, neither CENTCOM nor CFLCC was planning to provide any help to accomplish that task.”

¹⁵⁰ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁵¹ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

¹⁵² Woodward B. *State of Denial*. Simon & Schuster UK Ltd, 2006.

¹⁵³ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

From July 2003, a senior UK military officer was deployed in Baghdad, in the dual role of Deputy Commanding General within the Coalition military command and Senior British Military Representative, Iraq (SBMR-I).¹⁵⁴

This position, which existed until the eventual withdrawal of British troops from Iraq in July 2009, was initially filled by Major General Freddie Viggers, who served from May to September 2003.

Maj Gen Viggers reported to the Commander of CJTF-7, Lt Gen Sanchez; his reporting lines back to the UK ran directly to Gen Walker and Gen Reith.¹⁵⁵

CJTF-7 did not fall under Ambassador Bremer's control. Lt Gen Viggers explained to the Inquiry that the post was not based physically within the Corps headquarters but rather "it was the military element of the Coalition Provisional Authority".¹⁵⁶ He told the Inquiry that:

"My focus was on the military aspects of the reconstruction Plan being delivered by the CPA ... My task was to provide the link between military HQ in the CPA and the heads of various civil functions in the CPA. There was a separate Deputy Commander for Operations in the CJTF-7 HQ ... who was based in Corps HQ ... I provided military advice and information to the British Ambassadors ... inside the CPA ... I worked closely with Ambassador Bremer's Chief of Staff ... and with the key players involved in security functions, especially Walt Slocombe (responsible for building the new Iraqi Army) and with Bernard Kerik (responsible for building the Iraqi police)."¹⁵⁷

Although the SBMR-I did not command the majority of UK troops within Iraq, he did have command responsibility for the small number of UK military staff based in Baghdad.

275. On 1 May, Cabinet was told that British troops had done an excellent job in restoring security in the South of Iraq.¹⁵⁸ The problem was now one of criminality which did not require British troops on the streets but rather police officers and a judicial process. Persisting in patrolling with foreign troops "was not a good idea".

276. Summing up the meeting, Mr Blair said that "little time had elapsed since the fall of the Iraqi regime and much progress had been made".

277. On 1 May, a brief sent by Mr Hoon's Private Office to Mr Rycroft said:

"While ORHA has our broad support, it is not yet delivering in Iraq. It is too narrowly controlled by the Pentagon, and continues to lack proper strategic direction, the necessary grasp of cultural issues in Baghdad, and the requisite capabilities to make a rapid difference on the ground. In being encouraging of ORHA, we are counselling care against the Coalition appearing to appoint an Iraqi government."¹⁵⁹

¹⁵⁴ Joint Commander's Mission Directive to the UK Component Commanders, 21 August 2003, 'Operation TELIC Phase 4'.

¹⁵⁵ Statement Viggers, 8 December 2009, page 2.

¹⁵⁶ Public hearing, 9 December 2009, pages 3-4.

¹⁵⁷ Statement Viggers, 8 December 2009, pages 1-2.

¹⁵⁸ Cabinet Conclusions, 1 May 2003.

¹⁵⁹ Letter Watkins to Rycroft, 1 May 2003, 'Meeting with the US Defense Secretary – 2 May 2003'.

278. On 2 May, Mr Straw's Private Secretary wrote to Mr Rycroft to propose that Mr John Sawers, then British Ambassador to Egypt, should be appointed as the Prime Minister's Special Representative on Iraq to "take the lead for the UK in guiding the political processes leading to the establishment of an Iraqi Interim Authority".¹⁶⁰

279. On 2 May, Mr Hoon met Secretary Rumsfeld.¹⁶¹ Mr Hoon stressed the necessity for ORHA to make tangible progress. Secretary Rumsfeld was reported to have:

"... played down expectations somewhat, and cautioned against waiting for a fully formed organisation with a large pot of money. We should keep going pragmatically and keep scratching round for contributions where they were available. This could be done by the UK in their own area. Imposing order within the country would take time; it would take effort to get the Ministries up and running and the people back to work."

280. After a further video conference and comments from Sir Jeremy Greenstock, Mr Bellinger sent through another draft of the post-conflict resolution on 4 May.¹⁶²

281. The following day Mr Brenton spoke to Mr Bellinger and others about the text, which still crossed UK red lines on:

- the UN role, by not describing a clear role for the UN Special Co-ordinator in setting up the IIA;
- the Oil-for-Food programme, which was extended for just three months in the expectation that an IIA would be operating by this point; and
- oil sales, by introducing an "auditing" role rather than real-time monitoring.¹⁶³

282. The British Embassy Washington reported that US officials were optimistic that text acceptable to the UK could be agreed, but clear that a difficult and protracted negotiations might cause the US to walk away.

283. In a telephone conversation with Mr Straw the next day, Secretary Powell described continuing debate in the US system on the UN role and on the OFF programme.¹⁶⁴ Mr Straw wrote to Sir David Manning that the UK would need to "dig in" on these points and that he had reiterated that the current proposals "crossed red lines" for the UK.

¹⁶⁰ Letter Owen to Rycroft, 2 May 2003, 'Iraq: Appointment of a Special Representative'.

¹⁶¹ Minute Williams to Policy Director [MOD], [undated], 'Visit of the US Secretary of Defense – 2 May 2003'.

¹⁶² Letter Bellinger to Rycroft, 4 May 2003, [untitled] attaching Paper, [undated], 'Resolution on post-conflict Iraq'.

¹⁶³ Telegram 589 Washington to FCO London, 5 May 2003, 'Iraq: Draft UNSCR'.

¹⁶⁴ Minute Straw to Manning, 5 May 2003, 'Iraq: Draft UNSCR'.

Creation of the Coalition Provisional Authority

General Franks' 16 April message referred to a new body, the Coalition Provisional Authority (CPA).¹⁶⁵

Sir Jeremy Greenstock told the Inquiry that:

“London was not, in my view, although there was a lot of activity, sufficiently consulted on the setting of missions, on the change from ORHA to the CPA, from Garner to Bremer, on the early decrees, and on the setting of resources for the whole task.”¹⁶⁶

Hints that an organisation change was being considered emerged from the US from March 2003 onwards.

On 27 March, Mr Brenton had reported plans being drawn up in the US Department of Defense to restructure ORHA.¹⁶⁷

A month later, Secretary Powell told Mr Straw that the US was planning to appoint a former Ambassador to be deployed “between Franks and Khalilzad/Garner”.¹⁶⁸

On 2 May, Mr Rycroft told Mr Blair that “A State Department Ambassador, Bremmer [sic], is due to take over from Jay Garner”.¹⁶⁹

Mr Straw met Mr Richard Armitage, US Deputy Secretary of State, on 6 May, who confirmed that Ambassador Bremer's appointment would be announced that day and that he would “work to Rumsfeld”.¹⁷⁰

On 6 May, President Bush announced the appointment of Ambassador L Paul Bremer as Presidential Envoy to Iraq and head of the CPA.¹⁷¹

Ambassador Bremer told the Inquiry:

“The Secretary of Defense appointed me Administrator. His letter stated that in that position I was to exercise all executive, legislative and judicial authority over the government of Iraq. I was given to understand that these authorities derived from the Coalition's status as an ‘Occupying Power’ under international law, as recognized in the relevant UN Security Council resolution”¹⁷²

Ambassador Bremer arrived in Iraq on 12 May.

¹⁶⁵ Statement Franks, 16 April 2003, ‘Freedom Message to the Iraqi People’.

¹⁶⁶ Public hearing, 15 December 2009, page 98.

¹⁶⁷ Telegram 395 Washington to FCO London, 27 March 2003, ‘Iraq: Post conflict: ORHA restructuring’.

¹⁶⁸ Letter McDonald to Manning, 25 April 2003, ‘Foreign Secretary's Conversation with Colin Powell, 25 April’.

¹⁶⁹ Minute Rycroft to Prime Minister, 2 May 2003, ‘Iraq: ORHA’.

¹⁷⁰ Letter Sinclair to Manning, 7 May 2003, ‘Foreign Secretary's Meeting with US Deputy Secretary of State, 6 May’.

¹⁷¹ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹⁷² Statement Bremer, 18 May 2010, page 2.

On 14 May, officials advised members of the AHMGIR that:

“The US administration has appointed Paul Bremer as special representative, to bring order to ORHA and improve co-ordination with the US political track led by Khalilzad. John Sawers is working closely with Bremer. General Cross continues to work with Garner, who is unlikely to stay long.”¹⁷³

Secretary Powell told Mr Straw that the papers which meant “Bremer was now CPA” were signed by Secretary Rumsfeld on 14 May.¹⁷⁴

The names ‘ORHA’ and ‘CPA’ continued to be used interchangeably in documents seen by the Inquiry for some time after Ambassador Bremer’s appointment.

284. Mr Sawers’ appointment as the Prime Minister’s Special Representative on Iraq was announced to Parliament on 6 May by Mr Straw, who said that:

“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.”¹⁷⁵

285. Mr Sawers arrived in Baghdad on 7 May.¹⁷⁶ The deployment of Mr Segar and his team is described in Section 15.1.

286. Sir John Sawers told the Inquiry that, although he was “the senior Brit on the ground” he was not Ambassador Bremer’s deputy nor was he in the line management chain of the CPA. Rather, he was a representative of the British Government and so his role was one of “exerting influence rather than exercising power”.¹⁷⁷ The UK was not contributing very much to ORHA when he arrived, having just a handful of advisers, and was not providing funding, all of which was coming from the US.

287. Sir John told the Inquiry:

“I felt I was in a reasonably strong position to exercise influence. There were a range of areas where I was able to exercise influence in those months, but I didn’t seek and I wasn’t given a veto or decision-making power on CPA issues; those decisions rested with Bremer, he was the one who had the authority from the President of the United States, which was the leader of the Coalition.”

288. Mr Straw told Secretary Powell that he saw Mr Sawers’ role as “similar to Zal Khalilzad”: the UK thought it essential to have “someone handling the politics and also keeping an eye on ORHA, on the ground”.¹⁷⁸ Mr Straw passed on the observations about ORHA made by Mr O’Brien, and Secretary Powell offered a similar assessment.

¹⁷³ Annotated Agenda, 14 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁷⁴ Letter McDonald to Manning, 16 May 2003, ‘Foreign Secretary’s Conversation with Colin Powell, 15 May’.

¹⁷⁵ House of Commons, *Official Report*, 6 May 2003, column 515.

¹⁷⁶ Telegram 2 IraqRep to FCO London, 11 May 2003, ‘Personal: Iraq: What’s going wrong?’

¹⁷⁷ Public hearing, 10 December 2009, pages 56-58.

¹⁷⁸ Letter Straw to Manning, 6 May 2003, ‘Powell Calls 4 and 5 May 2003’.

289. On 6 May, Mr Michael Wood, FCO Legal Adviser, wrote to Mr Chilcott arguing that the Freedom Message appeared to create the CPA to exercise powers of government, but the UK had no idea what the CPA comprised and what its legislative, executive and judicial authority was.¹⁷⁹

290. Mr Wood was unclear what the CPA was: “Is it ORHA? Is it a combination of ORHA and General Franks? Where does the future Iraqi Interim Authority fit?”

291. Mr Wood identified a number of examples within the Freedom Message and the accompanying instructions to the Iraqi people that raised issues under international humanitarian law.

292. Mr Wood also highlighted that analysis of the Freedom Message suggested that armed conflict in Iraq had ended and therefore that prisoners of war should be released. This appeared to contrast with another section of the Message, which said prisoners should be held pending CPA orders. Mr Wood wrote:

“This means that it is possible that, within the UK’s area of control, prisoners whose prison sentence comes to an end may be held beyond the lawful date of their release. This would almost certainly be contrary to Article 5 ECHR.”

293. In his statement to the Inquiry, Sir Michael Wood explained:

“FCO legal advisers were concerned to avoid the UK being held jointly responsible for acts or omissions of the CPA, without a right to consult and a right of joint decision. A particular concern was if those acts went beyond the powers of an Occupying Power under the general law of Occupation or under the SCRs ... The aim was to have matters such as the territorial extent of the UK’s Occupation rights and responsibilities, the extent of its potential responsibility for acts and omissions of the CPA, and the UK’s role within the CPA (especially joint decision-making) set out in a Memorandum of Understanding (MOU) with the Americans.”¹⁸⁰

294. The next US draft of the post-conflict resolution was sent to Mr Rycroft and Sir David Manning on 6 May.¹⁸¹

295. Text on the UN’s role in establishing the IIA and on oil sales remained unchanged; the extension of the OFF programme had been increased by a month, to a total of four months.

296. Mr Straw chaired a video conference with Dr Rice, Secretary Powell, Sir Jeremy Greenstock and others to discuss the draft.¹⁸²

¹⁷⁹ Minute Wood to Chilcott, 6 May 2003, ‘Iraq: The McKiernan and Franks Proclamations’.

¹⁸⁰ Statement Wood, 15 March 2011, page 22.

¹⁸¹ Minute Bellinger to Rycroft and Manning, 6 May 2003, ‘Revised Draft: UNSCR’ attaching ‘Resolution on Post-Conflict Iraq’.

¹⁸² Letter Cannon to McDonald, 6 May 2003, ‘Iraq/UN: Video-Conference with Condi Rice and Colin Powell, 6 May’.

297. No.10 officials commented that “the atmospherics at this video conference were poorer than at previous discussions in this series”. They had agreed changes to make reference to the “Occupying Power” rather than solely to the CPA, and to include monitoring, as well as auditing, of oil sales. Agreement could not be reached on the description of the UN’s role in the political process or on extending OFF further.

298. The draft resolution was updated the same day.¹⁸³ It continued to reflect US views on the UN’s role in establishing the IIA, the control of oil proceeds (now designated the Iraqi Assistance Fund) and the continuation of the OFF programme.

299. Sir Jeremy Greenstock told the Inquiry that in the process of reaching agreement on the objectives for the resolution:

“... there were nuances between London and Washington ... We could see, rather as was the case in Resolution 1441 ... the United States was setting the bar quite high in terms of what it wanted from the United Nations ... they wanted the situation of the United States leading the Coalition with a unilateral decision-making capability for that Coalition with the United States very much the largest member of it, with the United Nations endorsing that situation and coming in with its ancillary services to help deal with the territory ... we went through a minor version of the same process as 1441, where we had to scale Washington’s more unilateral ambitions back down to something that was negotiable within the Security Council. The Security Council ... had, as always, a range of opinions, with the Russians in particular being very clear that they would not allow any resolution to pass that appeared to legitimise in any way what had already happened.”¹⁸⁴

300. Mr Blair and President Bush spoke by telephone on 7 May on a broad range of foreign policy issues.¹⁸⁵

301. They discussed taking a firm line in the Security Council; if NATO and the UN became involved, others would be drawn in. Mr Blair added that their involvement would also provide an exit strategy.

302. Mr Blair commented that ORHA “must grip the nuts and bolts of reconstruction, not just focus on politics”.

303. Mr Ricketts wrote to Mr Straw’s Private Secretary on 7 May, with a ‘Diplomatic Game-Plan’ for sharing the draft resolution with other Security Council members “now that we are almost at closure on an opening draft”.¹⁸⁶

¹⁸³ Minute Bellinger to Rycroft and Manning, 6 May 2003, ‘Revised draft UNSCR’ attaching ‘Resolution on Post-Conflict Iraq’.

¹⁸⁴ Public hearing, 15 December 2010, pages 32-33.

¹⁸⁵ Letter Cannon to McDonald, 7 May 2003, ‘US Foreign Policy Issues: Prime Minister’s Conversation with Bush, 7 May’.

¹⁸⁶ Minute Ricketts to Private Secretary [FCO], 7 May 2003, ‘Iraq Resolution: Diplomatic Game-Plan’.

- 304.** The Game-Plan proposed that draft text would be circulated on 9 May, enabling informal discussion at a “Security Council retreat” in the following days. A series of calls and visits by Mr Straw, Secretary Powell and officials would start the negotiation process.
- 305.** Sir David Manning spoke to Dr Rice on the same day, and reported that she “was broadly happy with our strategy for deploying it [the draft resolution] among the P5”, referring to the five permanent members of the UN Security Council: the US, UK, France, Russia and China.¹⁸⁷
- 306.** Following a conversation between Mr Straw and Secretary Powell, a UK draft of text which referred to “some form of international verification” was faxed to the US.¹⁸⁸
- 307.** Mr Straw told Sir David Manning that the absence of any reference to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) inspectors in the text of the omnibus resolution meant “we were very exposed on the question of why UNMOVIC was not on the bus”.¹⁸⁹
- 308.** Commenting on his series of conversations with Secretary Powell on 7 May, Mr Straw observed: “We had all accepted that at a later date we might want to cut the resolution into parts.”
- 309.** On 8 May, Mr McDonald reported that Secretary Powell told Mr Straw that Mr Annan’s first reaction to the draft had been “pretty good”, and that he had raised the absence of UNMOVIC.¹⁹⁰ Secretary Powell also told Mr Straw that US officials were considering whether UNMOVIC should be the subject of a separate resolution.
- 310.** Mr Straw told Cabinet on 8 May that, within the next few weeks, a national conference with a broad range of delegates should produce an Iraqi Interim Authority.¹⁹¹ The UK was working with the US on a draft UN resolution which would cover the appointment of a Special Co-ordinator, the lifting of sanctions, oil revenues and the trade in stolen Iraqi artefacts. He added that “No legitimisation of the Coalition military action was required, although some countries feared that we sought such cover.”
- 311.** Mr Blair said that the draft text was “offered as a solution to the way forward on Iraq”. He told Cabinet that once the Special Co-ordinator had been appointed the UN would become engaged in the political process.

¹⁸⁷ Letter Manning to McDonald, 7 May 2003, ‘Iraq: Conversation with Condi Rice’.

¹⁸⁸ Letter McDonald to Manning, 7 May 2003, ‘Iraq: Foreign Secretary’s Conversations with Colin Powell, 7 May’.

¹⁸⁹ Letter Straw to Manning, 7 May 2003, ‘Iraq: Conversations with Colin Powell, 7 May’.

¹⁹⁰ Letter McDonald to Manning, 8 May 2003, ‘Iraq: Foreign Secretary’s Conversation with Colin Powell, 8 May’.

¹⁹¹ Cabinet Conclusions, 8 May 2003.

312. Summing up the discussion, Mr Blair said that following progress in Iraq and on the MEPP “the question was how the Arab world itself would develop, shorn of its most brutal dictatorship”.

313. Later that day, Mr Straw told the AHMGIR that a draft resolution had been agreed, and “the text was satisfactory”.¹⁹²

314. An unidentified member of the AHMGIR observed that since there had been no success in negotiating an MOU, the UK “must therefore be particularly careful to ensure that we had legal cover for our efforts”.

315. The AHMGIR was told that Mr Sawers had been appointed as UK Special Representative and would work closely with “ORHA and the new US Representative, Bremer, on the political process”.

316. Sir Jeremy Greenstock and Ambassador Negroponte wrote jointly to the President of the Security Council on 8 May.¹⁹³

317. Sir Jeremy explained to the Inquiry that the letter “described what we were doing in administering Iraq and what our intentions were”.¹⁹⁴

318. An earlier draft of the letter had implied that Gen Franks was the entirety of the CPA, which led Mr Straw to protest to Secretary Powell that “although Franks may be Supreme Commander, we had our responsibilities too”.¹⁹⁵

319. The joint letter began by stating that the US and UK and their Coalition partners continued to act together to ensure the complete disarmament of Iraq of WMD in accordance with UN Security Council resolutions.¹⁹⁶ It went on to say that the Coalition:

- would abide strictly by their obligations under international law;
- would act to ensure that Iraq’s oil was protected and used for the benefit of the Iraqi people;
- had “created the Coalition Provisional Authority, which includes the Office of Reconstruction and Humanitarian Assistance (ORHA), to exercise powers of government temporarily, and ... especially to provide security, to allow the delivery of humanitarian aid, and to eliminate weapons of mass destruction”;
- would provide security, facilitate the return of refugees, maintain law and order, eliminate terrorist infrastructure and resources and promote accountability for crimes committed by the previous regime;

¹⁹² Minutes, 8 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁹³ Letter Negroponte and Greenstock to Akram, 8 May 2003, [untitled].

¹⁹⁴ Public hearing, 15 December 2009, page 31.

¹⁹⁵ Letter McDonald to Manning, 7 May 2003, ‘Iraq: Foreign Secretary’s Conversations with Colin Powell, 7 May’.

¹⁹⁶ Letter Negroponte and Greenstock to Akram, 8 May 2003, [untitled].

- would assume immediate control of Iraqi institutions responsible for military and security matters; and
- was facilitating the efforts of the Iraqi people to take the first steps towards forming a representative government.

320. The joint letter concluded by saying that the Coalition was ready to work closely with representatives of the UN and its agencies and looked forward to the appointment of a Special Co-ordinator by the Secretary-General.¹⁹⁷ The letter described the UN as “helping” with the formation of the IIA.

321. On the same day as the letter was sent, the FCO briefed British posts in countries that were members of the Security Council on the content of the resolution and the Security Council process.¹⁹⁸

322. The resolution would be sponsored by the UK, US and Spain and the text would be circulated on 9 May. The brief, sent in Mr Straw’s name, observed “we expect a tough negotiation” but also that “this is not a take it or leave it text”. The FCO anticipated criticism for:

- not giving the UN the lead role in political reconstruction;
- lifting sanctions before disarmament had been proven;
- giving the Coalition control of oil revenues;
- silence on WMD inspection;
- winding down the OFF programme more quickly than humanitarian needs suggested was wise; and
- vagueness about how the Iraq Assistance Fund would work.

323. Rebutting these criticisms, the brief stated that “a UN Special Co-ordinator can play a crucial role, including [in] the political process” and “we can see the merits of an eventual role for a reconstituted UNMOVIC/IAEA”.

324. By 9 May it was plain that negotiations for an MOU were unlikely to succeed.¹⁹⁹ Instead the IPU suggested that the UK send a letter to the US Administration, setting out the UK’s view of the principles on which ORHA would operate.

325. In conversation with Sir David Manning on 9 May, after the draft resolution was circulated, Dr Rice commented “that very early reactions looked promising”. It was clear that more specific mention of the IIA and something about verification of WMD would have to be added to the draft.²⁰⁰

¹⁹⁷ The original document says ‘Security-General’. This has been amended to ‘Secretary-General’ based on an understanding of context.

¹⁹⁸ Telegram 74 FCO London to Berlin, 8 May 2003, ‘Iraq: Post Conflict Resolution at the UNSC’.

¹⁹⁹ Minute Chatterton Dickson to Private Secretary [FCO], 9 May 2003, ‘Iraq: ORHA: MOU’.

²⁰⁰ Letter Manning to McDonald, 9 May 2003, ‘Iraq: Conversation with Condi Rice’.

326. Writing to Mr Ricketts, Mr Brenton recorded a US view of the UK as “driven by a wish to be attentive to the concerns of the UN, the French and the Russians”.²⁰¹ As a result he concluded that “we are going to have to be careful as the Security Council negotiation proceeds, not to uselessly expend the huge credit we have built up with the US over the past few months”.

327. After visiting Paris and Berlin to discuss the resolution, Mr Ricketts reported on 9 May a “desire in both capitals to co-operate and find solutions. Neither seemed to see insuperable difficulties with the draft.”²⁰²

328. Gen Jackson visited Iraq from 7 to 10 May.²⁰³ He reported:

“The situation in the UK AOR is dramatically different from that further north and in particular in Baghdad for understandable reasons ... The ethnic and political environment in southern Iraq has facilitated our role ... These almost exclusively Shia provinces have been persecuted for almost 20 years, driven to living in miserable conditions, repressed by the regime ... A security vacuum still exists ... [in Baghdad] particularly at night. Looting, revenge killing and subversive activities are rife ... Should a bloody and protracted insurgency establish itself in Baghdad, then a ripple effect is likely to occur.”

329. Gen Jackson also observed that the Coalition’s ability to “hold onto the consent in the South” would only be possible if Baghdad remained secure and stable. He advised that:

“... we should at least look at direct UK military involvement in order to win ‘hearts and minds’ and create a more secure environment ... I do not believe we can influence the situation in Baghdad without engagement. Nor do I believe that committal of HQ ARRC alone will address what is essentially a tactical problem, albeit one with strategic overtones. If we make the decision to become tactically engaged in Baghdad then this may well provide much greater strategic focus for the rest of government to support, more strongly, efforts on reconstruction ... The bottom line is that if we choose not to influence Baghdad we must be confident of the US ability to improve [its tactics] before tolerance is lost and insurgency sets in. If we choose to influence it we must be confident of improving the situation and not being over-engaged in both the south and the north.”

330. Gen Jackson concluded by observing that:

“We must not throw away these substantial achievements [those of the UK forces in South-East Iraq] by processes that are failing to deliver, and we must ensure a secure environment throughout the theatre – not least in Baghdad – to enable successful reconstruction.”

²⁰¹ Letter Brenton to Ricketts, 9 May 2003, ‘Iraq at the Security Council’.

²⁰² Letter Ricketts to Pattison, 9 May 2003, ‘Iraq: Key Points from French and Germans’.

²⁰³ Minute CGS to CDS, 13 May 2003, ‘CGS Visit to Op. TELIC 7-10 May 2003’.

331. In his second report from Baghdad, on 11 May, Mr Sawers wrote:

“No progress is possible until security improves. Crime is widespread (not surprising as Saddam released all the criminals last autumn). Car-jackings are endemic, with the cars driven to Iran for sale. Last week the Ministry of Planning was re-kitted out ready to resume work; that night it was looted again. The evening air is full of gunfire. There is still a climate of fear on the streets, because of the level of crime, and that is casting a shadow over all else.”²⁰⁴

332. On 12 May, reporting to the FCO on the political process, Mr Sawers observed:

“Iraq’s emerging political leaders are working together surprisingly well and the process is gaining momentum. The Leadership Group of five has expanded to seven or eight embracing two more important constituencies ... They have a Joint Secretariat, and their thinking is coalescing around plans for a National Conference which are close to our own. They want an Interim Authority to be more like a transitional government.”²⁰⁵

333. The Leadership Group comprised Iraqi politicians drawn from identifiable political and regional groups and had been established by Gen Garner after his arrival in Baghdad. It included both former exiles who had returned to Iraq after the fall of Saddam, and those who had remained in Iraq.²⁰⁶

The resignation of Ms Short

On 12 May, Ms Short resigned from the Government. In her letter of resignation to Mr Blair she said that she thought the run-up to the conflict had been mishandled, but had agreed to stay to support the reconstruction effort.²⁰⁷ However:

“... the assurances you gave me about the need for a UN mandate to establish a legitimate Iraqi government have been breached. The Security Council resolution that you and Jack have so secretly negotiated contradicts the assurances I have given in the House of Commons and elsewhere about the legal authority of the Occupying Powers, and the need for a UN-led process to establish a legitimate Iraqi government. This makes my position impossible.”

Mr Blair responded, thanking Ms Short for her valuable work and rebutting her accusation regarding the resolution:

“We are in the process of negotiating the UN resolution at the moment. And the agreement on this resolution with our American and Spanish partners has scarcely been a secret. As for who should lead the process of reconstruction, I have always

²⁰⁴ Telegram 2 Baghdad to FCO London, 11 May 2003, ‘Iraq: What’s Going Wrong?’

²⁰⁵ Telegram 3 IraqRep to FCO London, 12 May 2003, ‘Iraq: Political Process’.

²⁰⁶ The membership of the ‘Leadership Group’ in early May 2003 included Mr Masood Barzani (Kurdistan Democratic Party); Dr Jalal Talabani, (Patriotic Union of Kurdistan); Dr Ahmed Chalabi (Iraqi National Congress); Abdel Aziz al Hakim (Supreme Council for the Islamic Revolution in Iraq); Dr Ayad Allawi (Iraqi National Accord); Dr Ibrahim al Jaafari (Dawa Party) and Dr Adnan Pachachi (Iraqi Independent Democrats).

²⁰⁷ Short C. *An Honourable Deception: New Labour, Iraq and the Misuse of Power*. The Free Press, 2004.

been clear that it is not a matter of the UN leading, or the Coalition leading. The two should work together. That is exactly what the resolution stipulates.”

In a statement to Parliament that day, Ms Short explained:

“The Coalition does not have sovereign authority and has no authority to bring into being an Interim Iraqi Government with such authority or to create a constitutional process leading to the election of a sovereign Government. The only body that has the legal authority to do this is the United Nations Security Council ... the UK Government ... are supporting the US in trying to bully the Security Council into a resolution that gives the coalition power to establish an Iraqi Government and control the use of oil for reconstruction, with only a minor role for the UN ... I am ashamed that the UK Government have agreed the resolution that has been tabled in New York and shocked by the secrecy and lack of consultation with Departments with direct responsibility for the issues referred to in the resolution.”²⁰⁸

Mr Stephen Pattison, Head of the FCO’s UN Department in London, who was involved in negotiating the resolution, told the Inquiry that:

“When it was clear that Clare Short’s position in Cabinet was I think more uncomfortable than one might have expected, which was towards the end of the negotiation of this resolution, a decision was taken not to involve them [DFID]”.²⁰⁹

Mr Straw told the Inquiry that he had taken that decision, and thought that it had happened after he had understood that Ms Short intended to resign: “I think that I got wind of this, and I think the reason was that I had decided we had settled the policy. We knew what the parameters were. We just had to get on with it. So that was the reason.”²¹⁰

334. Sir David Manning visited Washington and discussed the post-conflict resolution with Dr Rice and Mr Bellinger on 13 May, both of whom were reported to be “optimistic that we can push the UNSCR to a vote next week”.²¹¹

335. Mr Bellinger briefed on the Security Council experts’ discussion of the resolution text, in which they had raised questions on the IIA (and the UN’s role in establishing it), the use of the Iraq Assistance Fund (but not Coalition control of it), funding of UN costs and the absence of UNMOVIC from the disarmament process.

336. Dr Rice explained that the US was working on text covering disarmament to add into the resolution. It was agreed that Ambassador Negroponte and Sir Jeremy Greenstock should brief the Security Council on Coalition activity in Iraq the next day.

²⁰⁸ House of Commons, *Official Report*, 12 May 2003, columns 36-39.

²⁰⁹ Public hearing, 31 January 2011, page 100.

²¹⁰ Public hearing, 2 February 2011, page 135.

²¹¹ Telegram 643 Washington to FCO London, 13 May 2003, ‘Iraq: Meetings with Rice and Cheney, 13 May’.

337. On 14 May, the Security Council met to discuss the draft resolution circulated on 9 May.²¹² Ambassador Negroponte, Sir Jeremy Greenstock and the Spanish representative Ambassador Inocencio F Arias attended and answered questions.

338. The debate centred on the creation of the IIA and clarity about the UN's role, on whether the OFF programme was to close and if so how, and on the legal underpinning of reconstruction activities. Sir Jeremy "agreed we needed to be clearer about the political process".

339. Following the discussions, the US faxed to the FCO a revised draft of the resolution. This included some minor drafting amendments (including the Iraqi Assistance Fund reverting to its original title of Development Fund), removed UN immunity from the Development Fund (which had been unpopular with several Security Council members) and proposed new language which gave the Government of Iraq a shared role in deciding whether 5 percent of oil profits should continue to be paid into the Compensation Fund.

340. Sir Jeremy Greenstock briefed the FCO that the revised version "contains a few helpful changes, but will not be seen as much of a step forward by the Council". In Sir Jeremy's view negotiations had been constructive but there was "a long way to go on substance".

341. Mr Straw told Cabinet on 15 May that both the UK and the US "accepted the need for improvements to the text" of the resolution in the light of discussions in the Security Council.²¹³

342. Mr Blair said that the resolution recognised the vital role of the UN, and called for the appointment of a Special Co-ordinator who would be "involved in every aspect of activity". Although political progress was being made in Iraq, the immediate priorities were security, health care, power and sanitation.

343. Mr Llewellyn reported to Mr Pattison on 15 May that informal contact between FCO and State Department lawyers had resulted in an "emerging view" that the draft resolution "takes us beyond the laws of Occupation".²¹⁴

²¹² Telegram 838 UKMIS New York to FCO London, 15 May 2003, 'Iraq: 14 May Council; Part two of two'.

²¹³ Cabinet Conclusions, 15 May 2003.

²¹⁴ Minute Llewellyn to Pattison, 15 May 2003, 'Iraq: Draft Security Council Resolution: Occupying Powers'.

From a short to a long Occupation

Hard Lessons records Ambassador Bremer saying:

“... the President’s instructions to me ... when I had lunch with him alone on May 6th, were that we’re going to take our time to get it right ... The President had effectively, though perhaps not formally, changed his position on the question of a short or long Occupation, having before the war been in favour of a short occupation. By the time I came in, that was gone.”²¹⁵

The thinking behind the shift away from a short Occupation was recorded by Secretary Rumsfeld, in a “pre-decisional” memo of 8 May 2003, which RAND described as laying out a rationale for “an extended and deeply engaged American Occupation”.²¹⁶

The RAND report records that both the participants in the NSC process and the US military were taken by surprise by the decision. In the views of the RAND analysts, this change in US approach to the post-invasion governance of Iraq had serious consequences:

“First, it left the CPA bereft of plans, the preparations done by ORHA having been premised on an entirely different and a much more abbreviated vision of America’s responsibility for the country’s post-war governance. Second, and arguably more important, it left Iraqis with the impression that the United States had initially intended to hand over sovereignty quickly and then had gone back on its word, sowing the seeds of distrust between Iraqis and Americans.”

Hard Lessons reports:

“Ordinarily, a political-military plan would have clearly articulated a detailed strategy for engaging with the leaders of Iraqi factions in postwar Iraq. But because Defense officials intended to transfer control rapidly to an interim Iraqi authority, ORHA was told it would not need such a plan. ‘The expectations derived from policy set in Washington were that the establishment and devolution of authority to an Iraqi entity would proceed quickly’, an ORHA planner wrote, obviating the need for a governance strategy.”²¹⁷

The RAND analysts found that:

“The growing chaos on the ground in Iraq seems to have caused the administration to retreat from this plan and choose what had earlier been the lead option, the creation of an American occupational authority led by a senior political figure.”²¹⁸

²¹⁵ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²¹⁶ 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.

²¹⁷ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

²¹⁸ 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.

In his statement to the Inquiry, Mr Blair wrote:

“The shift from ORHA to the CPA was not controversial, neither was the appointment of Ambassador Bremer. I do not recall exactly when both were decided. It was widely accepted that ORHA, at the beginning, was not geared up to the task. Bremer was, in my view, a very effective operator and given the scale of the task, the CPA made considerable strides forward.

“I do not accept there were differing assumptions between the US and the UK about the three stage plan for the aftermath: military government; transition to civilian led administration; and then to a proper Iraqi Government. There was a difference over the UN role that was debated and decided. Inevitably, it was impossible to pin down the precise details of how and more important when, each stage of transition would occur, until we were in and could judge according to the reality. But the basic principles of transition were agreed and actually, in the event, implemented.”²¹⁹

344. When Chief Constable Paul Kernaghan²²⁰ visited Baghdad and Basra between 13 and 20 May he observed that in the UK’s Area of Responsibility nearly all buildings used by the criminal justice system had been destroyed. CC Kernaghan’s assessment of the damage was:

“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.”²²¹

345. In a telegram sent on 14 May, Mr Sawers reported that the Iraqi Leadership Group had expanded.²²² It was being pressed by the UK and US to grow further and to agree that an Interim Authority would be chosen by a National Conference at which there would be representatives of all parties, professions and ethnic groups alongside “strong women’s representation”.

346. On 18 May, Mr Segar reported from the British Office in Baghdad that:

“Looting continues. In recent days the Interior and Information Ministries have been revisited by looters ...

“Nights in Baghdad are regularly punctuated by the sound of gunfire, but in the daytime shooting is sporadic and people have returned to the streets to shop and sit in cafes.”²²³

²¹⁹ Statement, 14 January 2011, pages 17-18.

²²⁰ CC Kernaghan had lead responsibility for international policing missions within the Association of Chief Police Officers of England and Wales and Northern Ireland (ACPO). His findings in relation to Security Sector Reform are covered in Section 12.1.

²²¹ Report Kernaghan to Blunkett, 23 May 2003, ‘Iraq – visit by Chief Constable PR Kernaghan’.

²²² Telegram 9 IraqRep to FCO London, 14 May 2003, ‘Iraq: Political Process towards an Interim Authority’.

²²³ Telegram 029 Baghdad to FCO London, 18 May 2003, ‘Baghdad Today’.

347. Lt Gen Viggers told the Inquiry that:

“The 1st Armoured Division entered Baghdad 16 days after it left its start line. That was a stunning military operation. But in so doing, it caught everyone by surprise, because we arrived at Baghdad Airport and looked round and said, ‘Now what are we going to do?’ Part of the planning was assumed to be have been able to take place during the advance ...

“So we arrived in the capital with a hugely celebratory population and the honeymoon lasted a few days and then we were the guilty bastards. We were not laying on everything that we were supposed to do. They were saying to us, ‘You people put a man on the moon and now you are saying we can’t have electricity? We don’t believe you. You are now my opponent’. All that lack of understanding was what Bremer and his civil military team was trying to deal with whilst building itself.”

348. Lt Gen Viggers observed:

“We had no prisons to put people in, or judges, we had no courts. So merely arresting people and throwing them into pens wasn’t actually going to improve the sense of security and wellbeing and confidence in the international community.

“So ... the first three or four months was in effect making the plan in contact.”²²⁴

349. Ambassador Bremer told the Inquiry that:

“... although there were some 40,000 Coalition troops in Baghdad when I arrived, since the collapse of the Saddam regime looters had pillaged at will for more than three weeks undisturbed by Coalition forces. Coalition troops had no orders to stop the looting and the Iraqi police in all major cities had deserted their posts.

“The looting was done out of rage, revenge, and for profit.”²²⁵

350. Consequences of the looting included economic damage, destruction of a large part of the government’s physical infrastructure and the transmission of a message that the Coalition was unable to provide security.

351. General Sir Peter Wall, who had been based in Qatar as Air Marshal Burridge’s Chief of Staff during the invasion, took over as the General Officer Commanding MND(SE) in mid-May.²²⁶

352. Gen Wall told the Inquiry that:

“... the main threats at that time were tribal score settling, which we weren’t involved in – that worked around us – looting, criminality, and ... one or two other sort of

²²⁴ Public hearing, 9 December 2009, page 20.

²²⁵ Statement Bremer, 18 May 2010, page 2.

²²⁶ Public hearing Riley and Wall, 14 December 2009, page 34.

inconvenient nihilistic activities that weren't really an overarching threat to security ... there were some particularly frustrating [issues], not least the propensity for people to want to pull down the power cables so they could smelt the cables into copper ingots and sell them."²²⁷

353. Gen Wall told the Inquiry that it was nonetheless possible for UK troops:

“... to get out and about and interact with people, and the people on the street would tell you that if you could be part of a military force that could bring about the end of this regime, then it was but a few days' work to sort out the rest of the issues in a place like Basra. Such was the relief.”²²⁸

354. In New York, the Security Council discussed a revised draft on 15 May.²²⁹ Sir Jeremy observed that “many of the same problems remain”. The focus of discussion was again on strengthening the role of the UN Special Co-ordinator, as well on the need for UNMOVIC and on the legal position of countries assisting the Occupying Powers.

355. Cabinet Office officials reported to the AHMGIR on 15 May that initial discussions of the new resolution in the Security Council had been as positive as could be expected.²³⁰ The UK/US/Spanish draft text was not as contentious as the ‘Second Resolution’, and Ministers were advised that the UK should press the US to be patient while the Security Council deliberated, while encouraging other Council members to seize the opportunity to re-engage the UN in Iraq.

356. Concerns had focused on a need for clarity in three areas:

- The extent of the UN role and how the Special Co-ordinator would interact with the Coalition and IIA.
- The political process, in particular the exact nature of the IIA: whether it would be a transitional government and, if not, when and how it would become one.
- Arrangements for oversight of oil sales and disbursement of oil revenue, as well as the fate of existing contracts under the OFF programme.

It was also reported that the US wanted the resolution to be adopted by 22 May, as this was the date by which they wished to start exporting oil to avoid a lack of storage capacity affecting production and so the local supply of gas and petrol.

357. Sir Jeremy Greenstock told the Inquiry that:

“The other members of the Security Council were more constructive than I was expecting at this stage, I think for one, perhaps two, overwhelming reasons. One was that they wanted the United Nations to come back into the picture. They wanted the unilateralism of what they saw as having happened in the invasion to be corrected

²²⁷ Public hearing, 14 December 2009, pages 46-47.

²²⁸ Public hearing, 14 December 2009, page 47.

²²⁹ Telegram 841 UKMIS New York to FCO London, 16 May 2003, ‘Iraq: Discussions on the Resolution’.

²³⁰ Annotated Agenda, 15 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

back to an internationally approved and organised situation for Iraq, with the United Nations playing its proper part in it. And secondly, they wanted to minimise the overall ... geopolitical damage that had been done by the invasion of Iraq.”²³¹

358. On 15 May, Mr de Villepin spoke to the Foreign Affairs Committee of the House of Commons, which was visiting Paris.²³² Reporting on his “tirade”, the British Embassy Paris commented “the bottom line is that France will not veto, but may well abstain if there are not major changes to the current draft”.

359. Mr Blair and President Bush spoke the following day.²³³ Action in the UN seemed to be going well and Mr Blair proposed two areas (a UN “Special Representative” rather than “Special Co-ordinator”; and greater transparency of oil sales) in which the resolution might be amended if tactically necessary.

360. During the conversation, Mr Blair confirmed that Mr Sawers was working closely with Ambassador Bremer. Although there were many differences between Basra and Baghdad, Mr Blair offered “whatever help we could give for Baghdad”.

361. On 16 May, CPA Order No.1 ‘de-Ba’athification of Iraqi Society’ was issued. It was Ambassador Bremer’s first formal act as Head of the CPA.²³⁴

de-Ba’athification

The UK’s role in the development and implementation of de-Ba’athification policy is described in detail in Section 11.1.

Many witnesses told the Inquiry that the extent of the CPA’s de-Ba’athification policy had significant implications.

Mr Straw described the twin decisions to de-Ba’athify and disband the military as “the single greatest errors that were made post-war”.²³⁵ He accepted that a degree of de-Ba’athification was required but argued that that “what we had wanted was a greater level of intelligence applied, distinguishing between who was in the Ba’ath Party because they had to be because they wanted to make a living, and who was in the Ba’ath Party because they were enthusiasts”.

Mr Blair told the Inquiry:

“I’m not sure in my own mind about this even now ... it was going to be really difficult to prevent a certain level of de-Ba’athification. The question is: should it have gone down to the level it did? ... I got on to President Bush pretty much straight away on this ... as a result of the conversation I had with George Bush, literally days after this, they were then scaling back. They scaled back further, and in respect of the army, they were always intending to re-recruit and then they corrected this pension problem that they had with the army pretty quickly.”²³⁶

²³¹ Public hearing, 15 December 2009 page 34.

²³² Telegram 224 Paris to FCO London, 15 May 2003, ‘Iraq: Villepin Tirade to the FAC Part 1’.

²³³ Letter Cannon to McDonald, 16 May 2003, ‘Iraq: Prime Minister’s Conversation with Bush, 16 May’.

²³⁴ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

²³⁵ Public hearing, 8 February 2010, pages 102 and 116-118.

²³⁶ Public hearing, 29 January 2010, pages 200-201.

Mr Hilary Benn, Minister for International Development from May to October 2003, commented that more should have been done to understand the difference between “ideological Ba’athists” and those who had “joined the Ba’ath Party because that’s what you needed to do to get on”.²³⁷

Sir Suma Chakrabarti told the Inquiry that the de-Ba’athification decision was “madness”.²³⁸

Sir Kevin Tebbit, MOD Permanent Under Secretary from 1998 to November 2005, told the Inquiry that:

“We didn’t assume that the Americans were going to de-Ba’athify as fundamentally as they did ...

“I thought we had an undertaking from the American administration that they were just going to do very light de-Ba’athification ... and that the army ... other than the very top, would be used and brought into the system.”²³⁹

Sir Jeremy Greenstock, who served as the Prime Minister’s Special Representative on Iraq from September 2003 to March 2004, told the Inquiry that there were strong arguments in favour of the de-Ba’athification policy; the error was in implementing them before arrangements had been thought through for replacing the individuals who were removed and, later, in handing over responsibility for implementing the administration of the scheme to Dr Ahmed Chalabi and his Commission.²⁴⁰

The view of Maj Gen Cross was that the decision to de-Ba’athify was “flawed”.²⁴¹ SIS1 told the Inquiry that Ambassador Bremer had been acting under political direction on de-Ba’athification policy but:

“Initially you’re talking about decapitating the regime and leaving the structures in place. He went a lot further, and frankly, to this day, I don’t really know why.”²⁴²

Mr Edward Chaplin, British Ambassador to Iraq from July 2004 to May 2005, observed that:

“... it is easy to underestimate with hindsight how powerful the feelings were amongst those who had suffered most from Saddam Hussein’s regime, that the idea that anybody who had served really at any level of responsibility in the organisation that served Saddam Hussein was acceptable in a post-Saddam Hussein situation was simply anathema and I think, if you talk to the military commanders in the South, you will find that we suffered from that ourselves – somebody who appeared to be, actually perfectly competent ... was simply not acceptable to the local population because he was too closely identified with the previous regime. So de-Ba’athification was driven largely by the forces that were now in charge, or potentially in charge; it wasn’t just a decision by outsiders.”²⁴³

²³⁷ Public hearing, 2 February 2010, page 18.

²³⁸ Public hearing, 22 January 2010, page 46.

²³⁹ Private hearing, 6 May 2010, pages 33-34.

²⁴⁰ Public hearing, 15 December 2009, pages 73-74.

²⁴¹ Public hearing, 7 December 2009, page 67.

²⁴² Private hearing, 2010, page 95.

²⁴³ Public hearing, 1 December 2009, pages 101-102.

Mr Martin Howard, MOD Director General Operational Policy from 2004 to 2007, told the Inquiry:

“... the Coalition rightly wanted to sort of involve Iraqis from the outset and, as it were, start to build up the seeds of an Iraqi administration. Inevitably the people that tended to be part of that were violently anti-Ba’athist. They were very keen that Ba’athism should be completely removed, and I think that actually did influence some decisions that were made in the middle of 2004 about the Iraqi bureaucracy, about the army, which I think with hindsight were probably the wrong decisions. But there was very strong political pressure from the people who ultimately were going to be part of the government.”²⁴⁴

362. On 16 May Ambassador Bremer also issued CPA Regulation No.1.²⁴⁵ It opened:

“Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant UN Security Council resolutions, including resolution 1483 (2003), and the laws and usages of war”.

Regulation No.1 continued:

“1. The CPA shall exercise powers of government temporarily in order to provide for the effective administration of Iraq during the period of transitional administration, to restore conditions of security and stability, to create conditions in which the Iraqi people can freely determine their own political future, including by advancing efforts to restore and establish national and local institutions for representative governance and facilitating economic recovery and sustainable reconstruction and development.

“2. The CPA is vested with all executive, legislative and judicial authority necessary to achieve its objectives, to be exercised under relevant UN Security Council resolutions, including resolution 1483 (2003), and the laws and usages of war. This authority shall be exercised by the CPA Administrator.”

The organisation of the CPA

All functions in the CPA reported to Ambassador Bremer.²⁴⁶

The “line offices” run by seven Directors covered oil, civil affairs, economic policy, aid, regional operations, security affairs and communications. Under these “line offices”, senior advisers were assigned to every Iraqi ministry and charged with running those ministries until August 2003. Once Iraqi Ministers were appointed in August, it was intended that the advisers would act as counsellors, but Ambassador Bremer would retain veto authority over Ministerial decisions, and senior advisers would retain considerable authority over spending.

By July 2003 the CPA had established branch offices in each of Iraq’s 18 provinces. It took six months to staff those offices.

²⁴⁴ Private hearing, 18 June 2010, page 45.

²⁴⁵ Coalition Provisional Authority Regulation No.1, 16 May 2003.

²⁴⁶ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

363. In a telephone call with Mr Blair on 19 May, Mr Gerhard Schröder, the German Chancellor, asked for four amendments to the draft post-conflict resolution, which would:

- give the UN control of oil revenues;
- re-name the UN Special Co-ordinator the UN Special Representative;
- allow UNMOVIC's mandate to continue; and
- lift sanctions for just one year, at which point the Security Council would discuss them further.²⁴⁷

364. On the first, Mr Blair highlighted plans for a monitoring board, which would include the Secretary-General's representative. He suggested that the second and third points could be accommodated, leaving his office to deal with the fourth.

365. Reporting the conversation to the FCO, Mr Rycroft observed that "this was a positive signal ... that Germany is close to a vote in favour of the draft resolution".

366. A revised version of the resolution was presented to the Security Council on 19 May and "went down fairly well".²⁴⁸ A vote was expected on 21 May, but was delayed until the following day.

367. Sir David Manning and others met representatives of all seven Iraqi political parties in Baghdad on 20 May.²⁴⁹ The Iraqi representatives objected strongly to references to Occupying Powers in the draft resolution and said that "the SCR offered Iraqis less freedom than had the 1920 structure which established the British colonial regime". Sir David responded that the phrase was a technical requirement.

368. One of the Iraqi representatives was reported to have commented that, while the security situation in Baghdad was poor and not likely to improve in the next month or so, the situation in Basra was also deteriorating, as the "rabble" got the measure of the British forces.

369. Reporting on his visit to Iraq more generally, Sir David judged that "Baghdad remains key; and the key to Baghdad is security".²⁵⁰ But his view was that:

"... things did not seem as bad as painted by the media ... There was no sense of being under immediate threat. The mood still seems cautiously welcoming or at least acquiescent – never hostile. But this could turn fast, if the security situation is not sorted out fast. Breaking the pattern of lawlessness and looting at night is particularly critical."

370. Sir David considered that police training "could have a disproportionate impact" and:

²⁴⁷ Letter Rycroft to Owen, 19 May 2003, 'Iraq: Prime Minister's Conversation with Schröder, 19 May'.

²⁴⁸ Minute Rycroft to Prime Minister, 20 May 2003, 'Kofi Annan: Iraq'.

²⁴⁹ Letter Cannon to Owen, 22 May 2003, 'Iraq: Meeting with Leadership Group'.

²⁵⁰ Minute Manning to Prime Minister, 22 May 2003, 'Iraq: Visit to Baghdad and Basra'.

“A quick win would be moving 16 Air Assault Brigade to Baghdad with the task of providing police training for six weeks ... The Chiefs will let you [Mr Blair] have advice today or tomorrow ... I have no doubt that the impact of British troops training with, and working alongside, Iraqis would be considerable ... The hard pressed Bremer is very keen to have them.”

371. A UK military report from Basra on 19 May recorded that “widespread looting ... has ceased, but there has been an increase in theft and scavenging”.²⁵¹ The port of Umm Qasr had been handed back to Iraqi control.

372. Sir David’s presence in Iraq overlapped with a visit by Major General David Richards, Assistant Chief of the General Staff, who visited Iraq from 17 to 21 May at the request of Mr Hoon and Gen Walker to scope the potential for a UK role in improving the proposed Security Sector Reform (SSR) programme.²⁵²

373. Maj Gen Richards reported:

“Despite US Occupation of the city [Baghdad] for the last four weeks, the law and order situation is fragile. The indigenous police service has not returned to work in any coherent manner. 3 ID [the US Third Infantry Division] are clearly tired and wrongly configured to conduct joint military/police patrolling ...

“... the immediate requirement is clearly to restore law and order in Baghdad. Two key areas have been identified for the UK to make a contribution. First, and supported strongly by Bremer, Slocombe, Sawyer and US and UK military, is the rapid deployment of 16 Air Asslt Bde (-)²⁵³ to create the nucleus of an effective police force in Baghdad. It should achieve this through galvanising and taking control of ORHA’s creation of a functioning police force and effective guard service. Second, and in the longer term, to place UK personnel in key appointments within the organisations responsible for delivering SSR.”

374. Maj Gen Richards’ recommendation was that 16 Air Assault Brigade should be “deployed at best speed to Baghdad”.

375. On 20 May, Mr Sawers reported to the FCO in London on the impact of Ambassador Bremer’s arrival in Baghdad, which he judged had “made a big difference”.²⁵⁴ He summarised his assessment as:

“Security in Baghdad remains the most urgent issue. The military are being pressed hard to change their modus operandi, and are starting to adjust. Our ideas for building up the Baghdad Police are greeted with keen interest. The problems

²⁵¹ Minute Cannon to Prime Minister, 19 May 2003, ‘Iraq: Latest Developments’.

²⁵² Minute ACGS to CDS/PSO, 20 May 2003, ‘ACGS’ Trip to Iraq (17-21 May 03) – Initial Findings and Recommendations’.

²⁵³ This minus symbol indicates that some elements of the brigade would not be included in the deployment.

²⁵⁴ Telegram 18 IraqRep to FCO London, 20 May 2003, ‘Iraq: Bremer’s Impact’.

facing the Coalition are many, and there is still doubt over how quickly Washington and the UN will be able to move money and people to Baghdad to really start rebuilding services and laying a base for economic reconstruction. Resentment will grow daily if life does not become easier soon. But Bremer is getting a grip. We will not always agree with him, e.g. on the role of the UN and the threat from Tehran. But his energy, intelligence and management skills mean we are much better served now he is here.”

376. In terms of financing the reconstruction effort, Mr Sawers judged that:

“Passing the UNSCR will be a great boon, especially by freeing up Iraqi assets and allowing oil to be sold without controversy. But the road ahead will be a long slog.”

377. Mr Sawers reported positively on working relations with Ambassador Bremer, who “arrived thinking ‘US’ but with me at his elbow he quickly switched to ‘Coalition’”, and reported being given “a near equal hand in the political process”.

378. Mr Sawers’ views were echoed by Sir David Manning, who told Mr Blair in the report of his visit that “ORHA is the shambles already described by John Sawers ... A huge, disorganised, dysfunctional outfit ... But I found Bremer impressive. He will get a grip, and wants our help.”²⁵⁵

379. Gen Walker briefed the Chiefs of Staff at their meeting on 21 May, observing that “senior US military and ORHA figures in theatre were seeking to import the model of the UK’s success in Basra to the Capital to help stabilise the situation”.²⁵⁶

380. Three options had been identified, of which the recommended one was the short-term deployment of 16 Air Assault Brigade to Baghdad. The minutes record that Gen Walker “directed PJHQ to conduct an estimate” of the proposal “to inform COS [Chiefs of Staff] advice to Ministers”.

381. Specific questions that should be addressed included: what effects were required on the ground; what intelligence was available in Baghdad; what was the threat in Baghdad to UK troops; was the proposal a sound military plan; would the morale of the Brigade withstand the re-tasking and extended tour; would this option deliver the necessary effect; what was the exit strategy; and how would this option impact on operations in the UK Area of Operation?

382. The Chiefs of Staff noted that the US was “unlikely to be able to deploy a suitable unit to Baghdad in the timescale required” but it was also:

“... necessary for the UK not to establish a reputation with the US of being the follow-up country of choice and, therefore, it was important for the US to request the UK undertake the role rather than to volunteer the capability.”

²⁵⁵ Minute Manning to Prime Minister, 22 May 2003, ‘Iraq: Visit to Baghdad and Basra’.

²⁵⁶ Minutes, 21 May 2003, Chiefs of Staff meeting.

383. In a bilateral meeting with Secretary Rumsfeld on 21 May, Mr Hoon raised the security situation in Baghdad and said:

“UK Armed Forces would be happy to help if needed, for example by providing advisers: our experience in Sierra Leone – training a security forces essentially from scratch – was highly relevant.”²⁵⁷

384. The following day, on 22 May, the Chiefs of Staff considered the issue of deploying 16 Air Assault Brigade further.²⁵⁸

385. Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), who had visited Baghdad with Maj Gen Richards, reported that:

“... at best, the law and order situation was stable or slightly deteriorating, and the key judgement was whether the UK could bridge the gap until the new US forces arrived and were effective ... His view was that [the proposal to deploy 16 Air Assault Brigade] would provide the effects required.”

386. Mr Sawers explained to attendees that both Ambassador Bremer and General John Abizaid, Commander US Central Command (CENTCOM), were “aware that the Coalition was succeeding outside Baghdad, but was failing in the Capital”. They knew what was required, but were “unable to deliver them with the force package currently to hand and would welcome a demonstration of effect to initiate the necessary change”. Mr Sawers was:

“... confident that the US would achieve the desired effect in due course. The key issue was the immediate future and deterioration in the intervening period.”

387. Major General Robert Fry, the Deputy Chief of Joint Operations, reported to the Chief of the Defence Staff that PJHQ was not certain, without a reconnaissance visit, where the UK could achieve effect.²⁵⁹ PJHQ considered it was “likely, while 16 AA Bde could provide two battle groups to Baghdad, that the enablers required would have to be drawn from Basra with a consequent increased risk to success there”. He also noted that 16 Air Assault Brigade would need external assistance in order to provide instruction in policing.

388. The MOD Legal Adviser observed that “a number of difficult legal issues would arise should UK forces deploy to a new area, Baghdad, under US command”. The minutes concluded that:

²⁵⁷ Letter Watkins to Policy Director [MOD], 22 May 2003, ‘Bilateral with US Defense Secretary: 21 May 2003’.

²⁵⁸ Minutes, 21 May 2003, Chiefs of Staff meeting.

²⁵⁹ Minute ACGS to CDS/PSO, 20 May 2003, ‘ACGS’ Trip to Iraq (17-21 May 03) – Initial Findings and Recommendations’.

“... it was agreed that while deploying 16 AA Bde to Baghdad ... would be useful, it was not clear that it was strategically essential as the US would achieve the aim in time.”

389. Cabinet Office officials provided an Annotated Agenda to members of the AHMGIR for their meeting on 22 May.²⁶⁰ It said:

“ORHA’s efficiency and ties to Washington have benefitted significantly from Bremer’s arrival. He is changing ORHA’s top management. Virtually all of Garner’s team are likely to go soon. Bremer is working closely with John Sawers. His changes have yet to lead to significant improvement in ORHA’s performance on the ground in Baghdad and elsewhere ... ORHA’s capacity is increasing. It now has just over 1,000 personnel.”

390. The Annotated Agenda also recorded that the Leadership Group was “becoming more assertive” in the process of organising the “Baghdad Conference” that was intended to select the IIA. The timing of the conference looked likely to slip from May to July and the Leadership Group was proposing that it should be convened by a Committee of 35 individuals, drawn from across the Governorates of Iraq.

391. Cabinet Office officials wrote, “our view is that ... the political process must be Iraq-owned if it is to have legitimacy in and outside Iraq” but that the US was “uneasy about losing control of the selection process and, through it, the Baghdad Conference”.

392. The Leadership Group was also reported to have disagreed with Ambassador Bremer on what status the IIA should have. In its view, it should have real executive power rather than act in support of the Coalition.

393. Mr Straw told the AHMGIR that Ambassador Bremer had delayed the establishment of the IIA, with the result that it was likely to have more members from within Iraq and fewer exiles. In his view this “should make it more legitimate in the eyes of the Iraqi people”.²⁶¹

394. When the new resolution was in near-final form, on 21 May FCO Legal Advisers asked the Attorney General for advice on whether it would authorise the Coalition to undertake action going beyond their authority as Occupying Powers.²⁶²

395. Resolution 1483 (2003) was adopted on 22 May.²⁶³ There were 14 votes in favour and Syria abstained.

²⁶⁰ Annotated Agenda, 21 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁶¹ Minutes, 22 May 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁶² Letter Adams to Llewellyn, 9 June 2003, ‘Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers’.

²⁶³ UN Press Release, 22 May 2003. ‘Security Council lifts sanctions on Iraq, approves UN role, calls for appointment of Secretary-General’s Special Representative’ (SC/7765).

396. Mr Straw briefed a meeting of Cabinet the same day that:

“This Security Council resolution would put the Coalition’s work in Iraq on a firm basis, including for oil sales ... The Attorney General’s advice ... had been followed. For example, no change in institutions was being imposed before the resolution was passed.”²⁶⁴

397. The resolution confirmed that there would be a role for the UN, exercised through a Special Representative to the Secretary-General, but made it clear that the UN would not have the lead responsibility for the administration and reconstruction of Iraq, which would fall to the CPA.²⁶⁵

398. The key sections of the resolution:

- called for help in the reform, rebuilding, stabilisation and security of Iraq, including from International Financial Institutions;
- called upon the CPA to administer Iraq effectively and create “conditions in which the Iraqi people can freely determine their own political future”;
- required Member States to help the safe return of Iraqi cultural property (such as looted artefacts) and to prevent it being sold;
- lifted all sanctions except those related to arms;
- established the Development Fund for Iraq (DFI), to be controlled by the CPA, and gave it limited immunity (excepting the costs of oil spills);
- established new arrangements for the sale of oil, the proceeds of which would go into the DFI, along with any assets of the previous regime held by a Member State;
- extended OFF by up to six months, by which time the programme should be closed down; and
- made provision for a review after 12 months.

399. The resolution asked the Secretary-General to appoint a Special Representative for Iraq, with a co-ordinating role focused on reconstruction and humanitarian support, reporting regularly to the UN. Their role in political reconstruction was to work with the CPA and people of Iraq, but not to lead the process. The relevant section of the resolution said that the Security Council:

“Supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority.”

²⁶⁴ Cabinet Conclusions, 22 May 2003.

²⁶⁵ UN Security Council resolution 1483 (2003).

400. The Special Representative was also given a role in promoting the economy and human rights, and encouraging reform of the police and criminal justice system.

401. Sir Jeremy Greenstock told the Inquiry that resolution 1483:

“Made it appear that the Special Representative of the Secretary-General was going to be at the apex of a relationship which, in truth, on the ground he was not. He was, as I saw it, one of an equal triangle of responsibility, and the UN and the UK were subordinate to the United States in terms of the physical presence on the ground of resources and capability.”²⁶⁶

Joint Occupying Powers

The Preambular Paragraphs (PPs) of resolution 1483 contained statements about the status of the members of the Coalition, noting the letter of 8 May 2003 from the Permanent Representatives of the US and UK, and “recognising the specific authorities, responsibilities, and obligations under international law of these states as occupying powers under unified command (‘the Authority’)”. The following paragraph noted further “that other States that are not Occupying Powers are working now or in the future may work under the Authority”.

Sir Jeremy Greenstock told the Inquiry that the use of the phrase “Occupying Powers” had been deliberate:

“... there were people in Washington and, indeed, I think in London, who didn’t want any mention of Occupation or Occupying Powers ... and also the image of an Occupation, which was obviously in the context of the Middle East going to be compared with the Israeli Occupation of Palestine and, indeed, was by Al Jazeera and the man on the street in the Arab world. And I remember advising London that it was sensible to have a mention of Occupying Powers because that made it clear under what body of international legislation we would be acting, and without that clarity, we might be confused ourselves and our fellow Security Council members might resist agreeing to a resolution unless there was a clear mention of what the status was of the people in charge of the territory. And London and Washington decided that they would be the two that took the responsibility for that status of our presence in Iraq.”²⁶⁷

Sir Jeremy explained to the Inquiry that he:

“... wanted clarity of status, and ... an incentive for us to make this period of occupying in Iraq as short as possible ... [because] it might make the Americans realise what they were taking on, because it was inevitable that it would be thought of as an Occupation, and I thought it was better to be realistic about this than to try to cover it up, because you wouldn’t cover it up.”²⁶⁸

²⁶⁶ Public hearing, 15 December 2009, page 44.

²⁶⁷ Public hearing, 15 December 2009, pages 37-38.

²⁶⁸ Private hearing, 26 May 2010, pages 42-43.

Sir Jeremy also argued that the term “Occupying Powers” did not have a negative connotation for the Iraqi people when resolution 1483 was adopted, but acquired it later when they were “emotionally encouraged to think of this as an Occupation, in parallel with Palestine” by television stations such as Al Jazeera. He added “they weren’t angry because this was called an Occupation. They were angry because foreign boots were on their soil and life had not been made better.”

A number of the Inquiry’s Iraqi interlocutors emphasised how much the inclusion of the term “Occupying Powers” within resolution 1483 was resented.²⁶⁹

A US official who worked within the CPA explained to the Inquiry that in the US the term “Occupation” had benign connotations of the US’ role in Germany and Japan, but for Iraqis it was very different. There had been a failure on the part of the US and UK to understand the baggage that was associated with the term.²⁷⁰

The Inquiry asked a number of witnesses about their understanding of whether the UK was legally responsible only for the area of the South-East of Iraq, where it was physically in Occupation, or whether it was jointly responsible for the whole of Iraq; and whether the Government had taken a positive decision that it wished to be considered a joint occupier of the whole of Iraq.

Mr Blair told the Inquiry that:

“... it was going to be to our advantage to make sure we were joint partners with the US, because that both gave us a locus in Baghdad but also meant that they had some responsibility for our area too. So I think this was a perfectly satisfactory way of resolving it.”²⁷¹

Mr Straw gave the Inquiry a contrasting view that:

“... it was desirable, if legally possible, for us to have authority over that area which we controlled and not more widely ... We judged there might be some advantage from that [joint responsibility] for whoever was sitting alongside the Garner and then the Bremer figure in terms of having joint power as well ... It would have been desirable if we had had a clear area for which we were responsible without the Americans and got on with it, but you know, it wasn’t to be.”²⁷²

When asked whether there had been a decision by the UK Government to become a joint Occupying Power, Mr Straw said that it followed from the legal advice and came out of a process that would have included conversations with the Attorney General.

Sir Michael Wood commented in his statement to the Inquiry that:

“The matter was far from clear. From the outset of the Occupation, US military commanders started making declarations to the Iraqi people, in the name of ‘Coalition’, that were not properly (or at all) cleared with the United Kingdom. They soon established the ‘Coalition Provisional Authority’, an entirely American creation in respect of which the United Kingdom had some (variable) influence but no control. There was thus the appearance of a joint Occupation throughout Iraq, despite the fact that the United Kingdom had no actual authority outside the South-East ...

²⁶⁹ Private meetings with Iraqi interlocutors.

²⁷⁰ Private meeting with US interlocutor.

²⁷¹ Public hearing, 21 January 2011, page 143.

²⁷² Public hearing, 2 February 2011, pages 128-132.

“As a matter of law ... there was a distinction between (i) the rights and responsibilities of the United Kingdom as an Occupying Power in the area of Iraq under the actual authority of UK armed forces and (ii) the potential liability of the United Kingdom for acts or omissions of the CPA. This distinction was a real one, notwithstanding that the CPA was an instrument through which the Occupying Powers sought to exercise certain of their respective rights and responsibilities (including as extended in due course by the Security Council).”

Sir Michael continued:

“As to (i) there was a proper concern that the UK might be regarded as being a joint Occupying Power throughout the whole of Iraq, *inter alia* because of the CPA ... As to (ii), it was considered likely that, if the matter were ever tested, the CPA could be found to be a body constituted by the US and the UK for which the two States had a degree of joint responsibility ... So far as I recall, the question whether the CPA, despite its name, was in reality an emanation of the United States, not of ‘the Coalition’ as such (US, UK and possibly others) was an unresolved issue throughout its existence.”²⁷³

²⁷³ Statement, 15 March 2011, pages 21-22.

SECTION 9.2

23 MAY 2003 TO JUNE 2004

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Introduction

1. This Section addresses:

- UK analysis of and attempted response to the deteriorating security situation, including the development of a sectarian insurgency and the emergence of Al Qaida and of the Jaysh al-Mahdi militia in the South;
- consideration of the deployment of UK military assets and HQ ARRC;
- the UK's role in the political development of Iraq under the Coalition Provisional Authority, including appointment of the Governing Council, the Transitional Administrative Law and 15 November Agreement and handover to the Iraqi Interim Government; and
- the impact of the first US offensive in Fallujah and the revelations of abuse by US soldiers in Abu Ghraib.

2. This Section does not address:

- the exclusion of Ba'athists from positions of power in Iraq, which is described in Section 11; or
- the UK contribution to the reconstruction of Iraq and reform of its security sector, which are covered in Sections 10 and 12.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

May 2003: after resolution 1483

4. On 23 May 2003, Ambassador L Paul Bremer, Head of the Coalition Provisional Authority (CPA), issued CPA Order No.2.¹

5. The Order dissolved Saddam Hussein's military and security structures, including the Ministries responsible for Defence, Information and Military Affairs; the intelligence agencies; the armed forces; and paramilitary forces. It also announced that the CPA planned to create a new Iraqi Army, which is described in Section 12.1.

6. Following a visit by Sir David Manning, Mr Blair's Foreign Policy Adviser, to Iraq (see Section 9.1) the Chiefs of Staff had been asked to consider whether the UK should move 16 Air Assault Brigade to Baghdad (16 AA Bde) with the task of providing police training for six weeks.

¹ Coalition Provisional Authority Order No.2, 23 May 2003.

7. A Private Secretary to Mr Geoff Hoon, the Defence Secretary, wrote to Sir David on 23 May to advise that:

“... the Chiefs of Staff judge that the deployment [of 16 AA Bde] ... is likely to have only a marginal effect. It would carry significant risks – of our forces being tied down in Baghdad and of an adverse impact on our exemplary approach in the South.”²

8. The letter explained that the US military did not lack capacity to deal with security in Baghdad and that it was “safe to assume” that if the situation worsened to a point where strategic failure seemed possible “they would deploy the resources necessary to deal with it”.

9. The Chiefs of Staff were therefore of the view that the deployment of 16 Air Assault Brigade “would, at best, not ensure Coalition success but would rather provide only temporary and limited assistance, the gains from which are likely to be similarly limited”. It would not have a “strategic impact”.

10. The Private Secretary’s letter also said that “the United States does not view such a deployment as necessary”.

11. Sir David Manning wrote to Mr Blair on 25 May that he considered most of the arguments advanced by the MOD to be “spurious”.³

12. Sir David suggested that the MOD appeared to have “ventriloquised” discussions with the US; the views expressed to him by Ambassador Bremer had been different. Nonetheless, he did not think it worth challenging the advice, suggesting instead that Mr Blair “urge DFID to press ahead with plans to set up the police training school”.

13. Sir David wrote to Mr Hoon’s Private Secretary on 27 May, reporting Mr Blair’s decision to accept the MOD’s advice.⁴ His letter noted that Ambassador Bremer had suggested that UK forces would be welcome in Baghdad, in apparent contradiction to US views quoted by the MOD.

14. Mr Blair was reported to hope that “US troops will now tackle the issues with the urgency and efficiency indicated by your letter”. Sir David asked for a report by the end of the week on “what the Americans are doing to deal with the security in Baghdad, and the steps they are putting in hand to deal with police training”.

15. In his memoir, General David Richards, Assistant Chief of the General Staff in May 2003, reported that Sir David Manning told him that this letter “included the biggest bollocking by the Prime Minister in writing that he had ever seen”.⁵

² Letter Watkins to Manning, 23 May 2003, ‘Security in Baghdad’.

³ Minute Manning to Prime Minister, 25 May 2003, ‘Security in Baghdad’.

⁴ Letter Manning to Watkins, 27 May 2003, ‘Security in Baghdad’.

⁵ Richards D. *Taking Command*. Headline, 2014.

16. Mr Blair's letter pointed out that advice from the Chiefs of Staff was "at odds with what Paul Bremer had told John Sawers, David Manning and David Richards' a few days earlier" and had "reminded the MOD that the stakes in Iraq were very high, given the danger that we might be approaching a point of 'strategic failure'".

17. On 27 May, Mr Kofi Annan, the UN Secretary-General, named Mr Sérgio Vieira de Mello as his Special Representative to "lead the United Nations effort in Iraq for the next four months".⁶

18. Prior to his appointment, Mr Vieira de Mello was the UN High Commissioner for Human Rights and Mr Annan explained that he would return to that post at the end of four months.

19. Reporting from Baghdad on 27 May, Mr John Sawers, the Prime Minister's Special Representative on Iraq, explained that:

"The Americans are going off the idea of an early National Conference, as are many of the Iraqi parties. Bremer has recommended to Washington that he appoints the Interim Administration. I have warned him of the danger of veering away from the SCR [resolution 1483], and have suggested a two stage process – an appointed Advisory Council soon, transforming into the Interim Administration once it can be approved by a representative Iraqi gathering."⁷

20. Mr Sawers reported that Ambassador Bremer proposed that the drafting of a new Constitution should be directed by another, Iraqi-led, body. His ideas were "with Washington" for consideration.

21. Mr Sawers commented that:

"There are practical arguments for Bremer's approach, and we do need the Coalition to keep tight control at this stage. We also need to find a way of staying within the terms of the SCR and keeping Vieira de Mello with our plans; and of providing for a progressive transfer of responsibilities from the Coalition to the Iraqis."

22. On 29 May, Mr Simon McDonald, Principal Private Secretary to Mr Jack Straw, the Foreign Secretary, wrote to Mr Nicholas Cannon, Mr Blair's Assistant Private Secretary for Foreign Affairs, in preparation for a visit to Iraq by Mr Blair.⁸

23. Mr McDonald advised that a core requirement for the UK was for the political process to be compatible with operative paragraph 9 of resolution 1483 (2003). That meant the Iraqi Interim Administration (IIA) should be set up by the Iraqi people, with the help of the CPA and working with the UN Special Representative.

⁶ UN Press Release, 27 May 2003, 'Transcript of Press Conference by Secretary-General Kofi Annan and Special Representative for Iraq, Sérgio Vieira de Mello, 27 May'.

⁷ Telegram 20 IraqRep to FCO London, 27 May 2003, 'Iraq: Political Process'.

⁸ Letter McDonald to Cannon, 29 May 2003, 'Iraq: Political Process'.

24. Mr McDonald explained that although the FCO saw some grounds for US concern that a National Conference appointing an IIA would open the process up to extremist groups, there was:

“... a risk too that overt Coalition manipulation of the political process will rob it of legitimacy and boost popular support for extremist groups ... while attracting a lot of criticism in the region and elsewhere”.

25. The FCO instead agreed with Mr Sawers that the Coalition could appoint an Advisory Council to agree a list of prospective members of an IIA, which would then be formally approved by the Coalition.

26. Mr McDonald’s letter said that the Advisory Council’s role would be essentially technocratic: to work with the Coalition to ensure provision of basic services. The other tasks (review of the Constitution, legal and economic reform) were a central part of the political process, and should emerge from a credible process of consultation with a representative body of Iraqis. A National Conference remained the best instrument for this. It was essential that Mr Vieira de Mello be allowed to play a full role, both to comply with the letter and the spirit of resolution 1483, and to counter allegations that the post-conflict arrangements were a Coalition fix.

27. Mr Blair travelled to Iraq on 29 May to meet members of the UK Armed Forces and “thank them for their part in the successful military campaign ... and for their continuing work on humanitarian and rehabilitation tasks”.⁹

28. The MOD briefed Mr Blair in advance of his visit that the “situation in Iraq is increasingly safe and secure in the North, and permissive in the South”.¹⁰

29. Mr Blair’s meeting with Ambassador Bremer during his visit to Basra is described in Section 10.1.

June 2003

30. Sir David Manning gave an account of Mr Blair’s visit to Iraq to Dr Condoleezza Rice, US National Security Advisor, and to Mr Andy Card, President Bush’s Chief of Staff, on 1 June.¹¹

31. Sir David reported his own and Mr Blair’s views that there should be someone in the White House, as well as someone in No.10, to whom Ambassador Bremer could turn when he needed help:

“... administering post-war Iraq through DOD [Department of Defense] was the wrong profile and the wrong message ... politically, it was vital that the lead was

⁹ Letter Watkins to Cannon, 27 May 2003, ‘Prime Minister’s Visit to Iraq’.

¹⁰ Letter Watkins to Cannon, 27 May 2003, ‘Prime Minister’s Visit to Iraq’ attaching Brief [MOD], Prime Minister’s Visit to Iraq: 29 May 2003’.

¹¹ Letter Manning to McDonald, 1 June 2003, ‘Iraq: Conversation with Condi Rice’.

seen to come from the White House in the US with support from the Prime Minister's office in the UK. It must be clear to everyone that Bremer had direct access to the President and the Prime Minister and was not obliged to channel everything through [Defense Secretary] Rumsfeld."

32. Sir David told Dr Rice that when Mr Blair met President Bush he would "be urging quick and decisive support of Bremer ... he was in no doubt that we must now get a grip and very quickly".

33. On 1 June, Mr Sawers reported to the FCO on emerging thinking within the CPA about how to implement plans for an IIA.¹² He wrote that: "we have been closely involved and much of the thinking is ours".

34. The sequence of events was likely to be:

- Creation of a 30-strong, politically and regionally representative Political Council, the members of which would propose themselves to the CPA. The Council would be mainly advisory, but would have powers to appoint interim ministers, set up special commissions and initiate certain projects as well the right to be consulted on major policies.
- Creation of a Council of Interim Ministers, to ensure inter-ministry co-ordination.
- Commissions created by the Political Council would make recommendations on specific issues (eg a new currency, reform the legal code) to be agreed by the CPA.
- Creation of a Constitutional Convention of between 100 and 200 members to prepare a new Constitution.

35. The idea of a National Conference was being "kept in reserve for now".

36. Mr Sawers explained that the proposed sequence had received a "quietly positive" response from the Leadership Group.¹³ The next step would be to bring Mr Vieira de Mello on board, but "as we are now demonstrably within the terms [of] SCR 1483 that should not be too difficult".

37. After reading Mr Sawers' telegram, Mr Huw Llewellyn, a Legal Counsellor in FCO Legal Advisers, wrote to the IPU to warn that he was not so confident that Mr Vieira de Mello would be satisfied the proposals fell within the terms of resolution 1483 because:

"The scrapping (or delay) of the conference will give him both substantive and presentational problems, and I would anticipate a cautious attitude."¹⁴

¹² Telegram 028 IraqRep to FCO London, 1 June 2003, 'Iraq: Political Process'.

¹³ The Leadership Group was comprised of Iraqi politicians drawn from identifiable political and regional groups and had been established by Gen Garner after his arrival in Baghdad. It included both former exiles who had returned to Iraq after the fall of Saddam, and those who had remained in Iraq.

¹⁴ Minute Llewellyn to Bristow, 2 June 2003, 'Iraq: Establishment of the IIA: John Sawers Telegram of 1 June 2003'.

38. Sir John Sawers told the Inquiry that Mr Vieira de Mello had identified that, as well as an interim administration, there might be a need for some form of transitional government, because a new Constitution would take time to prepare.¹⁵ Iraqi politicians were concerned that the Constitution “should not be something that emanated from the United States and Britain; it should be something that they created themselves”.

39. Sir John also told the Inquiry that it had been agreed by early June that a Political Council, “an advisory body but with real powers”, was required.¹⁶ This needed to be “genuinely accepted by the Iraqis” as representative. Over 100 individuals were considered for membership. Party leaders were told that they should not delegate membership to their subordinates.

40. Sir John assessed that the UK had “quite a lot of influence” on the selection of members, on which Ambassador Bremer was happy for him to take a leading role.¹⁷ This was an area in which he thought that he personally and the British political team added value because:

“I was able to work with both Bremer and de Mello in a way which was probably closer at a personal level than they were able to work with one another.”¹⁸

41. On 2 June, Mr Blair sent a personal Note to President Bush.¹⁹

42. Sir David Manning provided copies to Mr Straw, Mr Hoon, Mr Hoon’s Private Secretary and Mr Jonathan Powell (Mr Blair’s Chief of Staff) but instructed “It must not go wider”.

43. In his Note, Mr Blair wrote that:

“I met Jerry Bremer and others in Iraq. He is very impressive, got a real grip and is doing a great job. But 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.

“We start from a really backward position. In time, it can be sorted. But time counts against us ...

“My sense is: we’re going to get there but not quickly enough. And if it falls apart, everything falls apart in the region.”

44. Mr Blair suggested that:

- security in Baghdad had to be dealt with at once and police training was vital and urgent;

¹⁵ Public hearing, 10 December 2009, pages 91-92.

¹⁶ Public hearing, 10 December 2009, pages 92-93.

¹⁷ Public hearing, 10 December 2009, page 95.

¹⁸ Public hearing, 10 December 2009, page 97.

¹⁹ Letter Manning to McDonald, 2 June 2003, ‘Iraq: Prime Minister’s Note’ attaching Note [Blair to Bush], [undated], ‘Note’.

- contracts to rebuild infrastructure had to be let much more quickly;
- the Coalition’s communications strategy had to be put on a more energetic footing; and
- in general, the CPA needed greater administrative capacity.

45. Mr Blair proposed a small US/UK team “with one of our people from our own circle” to act as a rapid conduit to the President and himself, enabling them to clear the bureaucratic obstacles immediately.

46. Mr Blair concluded his Note by explaining that he would be “going back to almost a war footing” in order to “restore focus” on issues in Iraq.

47. On 3 June, Mr Blair chaired a meeting on Iraq attended by Mr Hoon, Baroness Amos (the International Development Secretary), Sir Michael Jay (FCO Permanent Under Secretary), and No.10 officials.²⁰

48. Mr Blair said he had returned from Iraq convinced that “an enormous amount needed to be done”. He told those present that:

- The CPA lacked grip and organisation, rather than money or staff.
- The UK should “beef up” its involvement in the CPA.
- There should be a White House/No.10 team to work alongside Mr Sawers and Ambassador Bremer.
- There should be a strong civilian team in the South.
- The CPA and US decision-making processes were too slow – contracts needed to be processed faster.
- British companies needed to be energised to take up opportunities in Iraq.

49. Mr Blair also said that he believed Whitehall should go back to a “war footing” for the next two to three months, in order to avoid “losing the peace in Iraq”.

50. Following the meeting, Mr Cannon commissioned a number of papers to be ready before a further meeting on 6 June, including:

- a list of 10 to 15 outstanding practical issues for Mr Blair to raise with President Bush that would “make a big difference to the people of Iraq if they are resolved”;
- a note from the FCO on what the UK wanted Mr Vieira de Mello to do;
- advice on how to improve the Iraqi media; and
- advice on a high-calibre replacement for Mr Sawers when his term of appointment ended.

²⁰ Letter Cannon to McDonald, 3 June 2003, ‘Iraq: Prime Minister’s Meeting, 3 June’.

51. On 3 June, Sir Kevin Tebbit, MOD Permanent Under Secretary, sent a “quick note of impressions” to Mr Hoon based on a visit he and General Michael Walker, Chief of the Defence Staff, had undertaken to Basra and Baghdad.²¹

52. Sir Kevin wrote:

“The first impression ... is an overwhelming sense of the scale and complexity of the reconstruction effort required – political, security, infrastructure – and the continuing lack of the integrated strategy and plans to carry this forward. Although there are indications that Bremer really is beginning to get to grips with this (and he agrees with us about the solution to many, but not all, of the problems) the jury is still out on whether Washington will give him the authority needed ... It also means that the UK has to direct its own limited resources to best effect. This amounts to two things: assistance with the conceptual planning in Baghdad for the country as a whole, plus practical contribution where we can ... and delivering ‘our’ area in the South as an exemplar.”

53. Sir Kevin reported that:

“The most immediate thing Bremer wants from us – and he is probably right – is still in the law and order field/police training. He said he was disappointed about 16AAB, and CDS explained why we felt this was the wrong answer. But we went on to explore how best we might help in a more considered way.”

54. Mr Matthew Rycroft, Mr Blair’s Private Secretary for Foreign Affairs, used responses to the commissions he issued after Mr Blair’s meeting of 3 June to write a minute for Mr Blair (copied only within No.10) setting out the “big picture but concrete points” for him to put to President Bush.²² They were:

“(a) SECURITY. This is the top priority.

- Get US forces in Baghdad out on foot patrols.
- Deploy a 3,000 strong international police force.
- Re-employ some ex-servicemen to provide guards for infrastructure and ministries to prevent looting.

(b) SORT OUT THE CPA’S ORGANISATION. The only way to get round the ... problem is for you to raise directly with Bush.

- Install proper phones and IT.
- Delegate more decision-making to the CPA, to avoid ... wrangling.
- Sort out the communications strategy.

²¹ Minute Tebbit to Secretary of State [MOD], 3 June 2003, ‘Visit to Basrah and Baghdad’.

²² Minute Rycroft to Prime Minister, 5 June 2003, ‘Iraq: Meeting at 0800 on Friday’.

(c) INFRASTRUCTURE PROJECTS. This is where we will be judged by ordinary Iraqis.

- Get Bechtel to conclude their sub-contract with Siemens UK asap, so Siemens can help restore power capacity.
- Set up the national phone network.
- Get UNDP [United Nations Development Programme] and UNICEF [United Nations Children's Fund] to sort out the power and water supplies.

(d) RESTORING NORMAL LIFE.

- Sort out the currency.
- Open the airports to civil flights.
- Appoint x to sort out the Iraqi media.
- Press on with security sector reform.”

55. Mr Rycroft also summarised Ambassador Bremer's plan for the political process, which was understood to be:

“– Political Council to form itself by July ... will appoint interim ministers in consultation with the CPA.

– ... this will then set up a number of Commissions to carry out longer term political reforms ...

– A Convention of 100-200 members ... to prepare a new Constitution ...

– This would then lead to the full post-election government.

– Alternatively, there could be an additional phase of transitional government ... which could be chosen by National Conference.”

56. Mr Rycroft added that “De Mello is broadly happy with this”.

57. In a separate email, Mr Rycroft explained to Mr Dominick Chilcott, Head of the Iraq Policy Unit (IPU), that Mr Blair was “looking for some really big ticket items to push”, along the lines of:

- “1. Get x people in to sort out the police.
2. Move y US forces from a to b to improve security.
3. Get Bechtel to build by x date a new power station in place y.
4. Ask x big figure person to go to Iraq to sort out the TV.
5. currency
6. CPA internal
7. setting up IIA
8. Basra – give CPA Basra \$x million, and ... etc etc.”²³

²³ Email Rycroft to Chilcott, 4 June 2003, 'Draft paper for the PM'.

Mr Rycroft wrote that Mr Blair needed “things that are concrete and ambitious enough so that if/when they happen they really transform the place”.

58. Mr Chilcott replied that he could not produce a “serious paper” with the specific detail required:

“To offer advice on where to build big infrastructure projects ... requires a lot more knowledge than we have in the IPU about local conditions ... and some sense of an overall development plan for Iraq ...

“In my view, the two most important things the PM should raise with the President now are (a) security and (b) the functioning of the CPA. Until these are solved, there is little chance of any infrastructure work making much impact.”²⁴

59. The Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) met on 5 June, chaired by Mr Straw.²⁵

60. During the meeting, officials from the FCO reported that Ambassador Bremer was proposing to create an Interim Administration in July which would provide a framework of different institutions including a Political Council.

61. The FCO’s view was that, to strengthen legitimacy, it would be important that as wide a group of Iraqis as possible joined the process and that the UN Special Representative agreed that it was consistent with resolution 1483.

62. Mr Straw wrote to Mr Blair the same day to report discussion at the meeting:

“We [members of the AHMGIR] fully shared your view that an enormous amount of work remains to be done. We were concerned that the US was not showing the same energy, focus and drive in the reconstruction effort that they did in the military campaign.

“Colleagues also felt strongly that the US must not be allowed to take UK support for granted. Otherwise, as the US ultimately called the shots, we risked being caught in a position of sharing responsibility for events in Iraq without holding the corresponding power to influence them.”²⁶

63. Mr Straw attached a list prepared by the IPU of things that would make a big difference to the people of Iraq. He highlighted preventing looting and criminality, and turning the CPA into an efficient, functioning organisation, adding:

“Unless we put these two foundation stones in place, reconstruction will continue to falter.”

²⁴ Email Chilcott to Rycroft, 4 June 2003, ‘Draft paper for PM’ attaching Papers Iraq Policy Unit, 4 June 2003, ‘Projects in Basra’ and ‘Priorities for action on the reconstruction of Iraq’.

²⁵ Minutes, 5 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁶ Minute Straw to Prime Minister, 5 June 2003, ‘Iraq: Winning the Peace’.

64. Mr Straw asked Mr Blair to raise several issues with President Bush during their telephone call planned for later in the week. He urged Mr Blair to lobby on behalf of Siemens UK for access to power supply contracts and encouraged him to seek the President's agreement to "a good number of women, we think 20 percent, in Iraq's new political institutions".

65. Mr Straw also enclosed a paper written by the FCO United Nations Department which envisaged a leading role in the political process for Mr Vieira de Mello. It noted that "long term political stability in Iraq will depend [on] having political parties which are not drawn up wholly along ethnic/religious lines. Ensuring this will be a difficult task."

66. On the same day, Mr Straw sent a separate, personal letter to Mr Blair.²⁷ In it, he asked Mr Blair to raise a number of points "very forcefully" with President Bush.

67. The first of those was that the UK "must be fully involved in all decisions [made by the CPA] since the US has forced us to be jointly responsible for the effect of all Coalition decisions across Iraq". Since "the US refused" to agree a Memorandum of Understanding (MOU) saying that the UK was solely responsible for parts of southern Iraq:

"... as Peter Goldsmith [the Attorney General] advises (undoubtedly correctly) – we are jointly liable for all decisions – but many complaints that we are being sidelined in CPA, below Sawers' level".

68. Mr Blair told the Inquiry that, while consultation with the US was not perfect, and Mr Straw's letter was an expression of frustration, that was one of the reasons that he had sent people of the calibre of Mr Sawers and then Sir Jeremy Greenstock to Iraq to ensure that UK views were communicated effectively.²⁸

69. Mr Blair also said that if it had been possible to agree an MOU, that would not itself have made the relationship work, which instead was based on Mr Blair's relationship with President Bush, Mr Straw's with Mr Colin Powell (the US Secretary of State), and others.

70. Mr Blair held a further meeting on Iraq on 6 June.²⁹ It was attended by Mr Straw and Gen Walker as well as those who had been present on 3 June.

71. Mr Cannon reported the main points from the meeting to Mr McDonald. It had been agreed that Mr Blair should tell President Bush that the UK needed "the decision-making process on a different footing, so that problems are rapidly referred to the highest level and obstacles short-cut".

²⁷ Minute Straw to Prime Minister, 5 June 2003, 'Iraq'.

²⁸ Public hearing, 21 January 2011, pages 140-141.

²⁹ Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's meeting 6th June'.

72. It had also been agreed that Mr Blair would write to Mr Bush after the telephone call to reinforce the UK's concerns, and to Ambassador Bremer to list specific projects in the Basra area that required immediate CPA funding.

73. At the meeting, "US generals refusing to order troops to deploy on foot" had been identified as one factor compounding security problems in Baghdad. An unwillingness to operate at night, predictable patterns of deployment, an inadequate understanding of the security picture across the city, the impact of de-Ba'athification and a failure to co-ordinate international police assistance were also listed as contributory factors.

74. Mr Blair spoke to President Bush later on 6 June.³⁰ In his report of the conversation to Mr McDonald, Mr Cannon wrote that Mr Blair had said that his main concern was administration; Ambassador Bremer needed to be able to break through the bureaucratic obstacles that he faced.

75. Mr Blair raised the difficulty Ambassador Bremer was having accessing the funding he needed. UK projects in Basra had been affected and Mr Blair said that he would write to both Ambassador Bremer and President Bush setting out those projects.

76. Mr Blair also discussed the security situation with President Bush; General Tommy Franks, Commander in Chief US Central Command (CENTCOM), and Ambassador Bremer were of the view that it was improving.

77. In the course of the discussion, Mr Blair also raised the need for action on replacing Iraq's currency and the de-Ba'athification process, which are considered in Sections 10.1 and 11.1 respectively.

78. On 9 June, the MOD's Strategic Planning Group (SPG) submitted a paper to the Chiefs of Staff on the "strategic intent and direction" of the UK's contribution to Iraq.³¹ The SPG wrote that:

"The greatest concern remains lawlessness and there are signs that more organised opposition to the Coalition may be emerging. There are also signs of rising discontent amongst Iraqis at the Coalition's failure to deliver a safe and secure environment. This is most marked in Baghdad ...

"Baghdad is the key to success in Iraq ... Failures within the city will threaten a successful conclusion to the campaign. The US recognise this and are responding ... The UK is attempting to provide support and advice to this central effort, largely through the CPA ... But we must also protect our achievements in our southern AO [Area of Operations] and both the South and the Centre will require additional resources if we wish to see a sound and lasting strategy developed and implemented."

³⁰ Letter Cannon to McDonald, 6 June 2003, 'Iraq: Prime Minister's conversation with Bush, 6 June'.

³¹ Minute SECCOS to PSO/CDS, 10 June 2003, 'OP COS Paper: UK contribution to Iraq: strategic intent and direction' attaching Paper SPG, 9 June 2003, 'UK contribution to Iraq: strategic intent and direction'.

79. The SPG's key judgements included:

"The UK main effort should be our AO in southern Iraq. It is here we can have the most direct effect and achieve the exemplary effect HMG seeks.

"We must also assist in developing the wider Iraqi strategy through the CPA ... in order to adequately support our efforts in the South and to ensure they remain coherent with developments across Iraq. Our military engagement in the South gives us the equity in decision-making to enable this."

80. The SPG recommended increasing civilian support from the UK to help strengthen CPA(South), emphasising that:

"This should be a **cross-Government effort**. Currently the UK military is de facto in the lead in Southern Iraq, largely for reasons of simple capacity. We should seek to change this. Firstly the military is reaching the limit of its capacity to engage in reconstruction ... Secondly, but more importantly, it is crucial to transition away from quasi-military government to civil administration, to free military capacity for its primary task of providing security, to avoid the impression of a military Occupation and to hasten the eventual move to Iraqi self-government."

81. The paper also raised the possible deployment of NATO's Allied Rapid Reaction Corps (ARRC – see Box, 'The Allied Rapid Reaction Corps' in Section 9.1) to Iraq, noting that it was:

"... still a candidate in US minds for a future CJTF-7 [Combined Joint Task Force 7] but the acceptability of its use remains unresolved. At the operational level US commanders clearly still see it as a replacement for V Corps ..."

82. The SPG observed that the CPA and CJTF-7 were not directly linked:

"This effectively establishes two power bases answering independently to Rumsfeld. The UK should, therefore, keep a foot firmly in each camp, and consider the potential role of HQ-ARRC as a future CJTF-7."

83. On 9 June, Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, sent a reply to a letter of 21 May from FCO Legal Advisers seeking advice on resolution 1483.³²

84. Ms Adams explained that FCO Legal Advisers had suggested that the resolution amounted to a mandate to the Iraqi people to establish a representative government which limited their choices in determining their political future. Lord Goldsmith had concluded that this argument went too far.

³² Letter Adams to Llewellyn, 9 June 2003, 'Iraq: Effect of Security Council Resolution 1483 on the Authority of the Occupying Powers'.

85. Ms Adams' letter said that resolution 1483:

“... confers a clear mandate on the Coalition working with the Special Representative of the Secretary-General (SRSG), to facilitate a process leading to the establishment by the people of Iraq, first, of an Iraqi interim administration and subsequently of an internationally recognised representative government. The resolution clarifies the legitimate scope of activity of the Occupying Powers and authorises them to undertake actions for the reform and reconstruction of Iraq going beyond the limitations of Geneva Convention IV and the Hague Regulations. In some cases such actions must be carried out in co-ordination with the SRSG or in consultation with the IIA.”

86. The letter continued:

“The Attorney agrees, however, that the resolution does not give the Coalition any authority to control the political process nor engineer the outcome.”

87. If the IIA were to be controlled by the Coalition, Ms Adams explained that its authority would be limited to the powers of its master.

88. Ms Adams recorded Lord Goldsmith's concern, based on recent diplomatic reporting which suggested that the IIA might be a framework rather than a single institution, that existing plans might not be compatible with resolution 1483.

89. Ms Adams recorded that Lord Goldsmith was content that the resolution provided a clear mandate for the Coalition, working with the Special Representative, to facilitate the establishment of the IIA by the people of Iraq. But he was clear that the process would have to be undertaken in strict compliance with the terms of the resolution.

90. Since other elements of the resolution required consultation with the IIA:

“Questions therefore may be raised about the legitimacy of Coalition action under OPs [operative paragraphs] 13 and 16 if there is no IIA, or if it appears that the body which has been established is not an IIA as envisaged in OP9.”

91. Ms Adams' letter also advised on the effect of resolution 1483 on reconstruction. Lord Goldsmith considered that the resolution did “appear to” mandate the Coalition to engage in activity beyond the scope of an Occupying Power. Since the Special Representative's wider activities were to be carried out in co-ordination with the Coalition this:

“... must be read as implied recognition of the Coalition's authority to engage in such activities ... However, to the extent that the Coalition's involvement in activities falling under these headings is not otherwise authorised elsewhere in the resolution or under occupation law, then there is a clear requirement that the Coalition's action should be undertaken only in co-ordination with the SRSG.”

92. The letter noted that the resolution clearly imposed joint US/UK responsibility for spending the Development Fund for Iraq, and advised it was important to ensure the US Government did not take action in relation to the Fund that was incompatible with the resolution, explaining:

“The fact that the resolution imposes joint responsibility gives the UK a locus to argue with the US that we should be fully involved in the decision-taking process. Anything less would be legally risky.”

93. The letter concluded by saying that resolution 1483 authorised the Coalition to engage in the reconstruction and reform of Iraq to a greater degree than would be permissible under the provisions of international law in relation to Occupation alone:

“However, it is clear that the resolution does not grant the Coalition full legislative and executive authority in Iraq, so there is still a need to consider the legality of specific proposals against the requirements of occupation law and the terms of the resolution.”

94. In the Annotated Agenda for the 12 June meeting of the AHMGIR, Cabinet Office officials wrote that Mr Vieira de Mello was playing an active, though cautious, role.³³ There was general recognition that it would prove impossible at this stage to select candidates for the Political Council by democratic means. The aim remained to have a Political Council in place by mid-July and the Constitutional Convention shortly after.

95. The Annotated Agenda also said that security in the South remained fragile. There was a risk that Iraqi frustration with the pace of progress could cause the situation to deteriorate. The UK’s ability to “push the pace” would be constrained by the reduction in UK military force strength following transition to the 3rd (UK) Division.

96. The Chiefs of Staff discussed the SPG’s paper on the “strategic intent and direction” of the UK’s contribution to Iraq on 11 June.³⁴ They concluded that it was not possible to take a decision on the deployment of HQ ARRC until there was clarity from the US about future command and control arrangements in Iraq. The UK was “currently backward leaning on its deployment, pending clarification from the US”.

97. The minutes record that Mr William Ehrman, FCO Director General Defence and Intelligence, had “urged caution in arriving at a decision” given “the imperative for the UK to conduct exemplar operations in the South and the attendant risk of a deployment to Baghdad”.

³³ Annotated Agenda, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁴ Minutes, 11 June 2003, Chiefs of Staff meeting.

98. Mr Hoon told the House of Commons in a Written Ministerial Statement on 11 June that:

“Overall, 25,000 UK servicemen and women have returned from operations in the Gulf – more than half those originally deployed. Some 17,000 servicemen and women currently remain in the region.”³⁵

99. Mr Hoon said that following further withdrawals and roulements, including the replacement of HQ 1st (UK) Armoured Division by HQ 3rd (UK) Armoured Division, the number of UK land forces in Iraq would reduce to around 10,000 by mid-July.

100. In addition to land forces, the UK’s maritime presence would be retained at the existing level (two frigates, a nuclear-powered submarine and two support vessels) and its air presence would reduce to eight Tornados plus “a number of” supporting aircraft and 18 helicopters.

101. When the AHMGIR met on 12 June, Lord Goldsmith advised that:

“It was not clear whether the Interim Administration currently envisaged was entirely consistent with the resolution [1483] ... The resolution does not confer full legislative powers on the Coalition and therefore individual proposals must be judged on their merits. If the Interim Administration was under direct Coalition control its powers would be limited by the Geneva and Hague Conventions and resolution 1483.”³⁶

102. Lord Goldsmith undertook to speak to his US counterpart, and to write to Mr Blair explaining his concerns. He would also advise on the legality of currency reform.

103. In the course of the meeting, Ministers observed that UN engagement in the political process was vital (with DFID offering funding to strengthen Mr Vieira de Mello’s office) and that the US was still not fully committed to the involvement of women in the Iraqi political process.

104. The AHMGIR noted that it had been decided that the UK area of military operations would be expanded to cover four governorates, to match the area of CPA(South). Ministers agreed to take forward measures to improve the synergies between the UK-led military division in the South, and CPA(South).

105. Closing the meeting, Mr Straw commissioned for the next meeting “a short Iraq strategy paper agreed at UK official level prior to seeking agreement with the US”.

106. On 12 June, Mr Tony Brenton, Chargé d’Affaires at the British Embassy Washington, wrote to Sir David Manning in the context of “considerable concern around Whitehall that our views are not being taken sufficiently into account in the formulation of policy on governing Iraq”.³⁷

³⁵ House of Commons, *Official Report*, 11 June 2003, columns 51-52WS.

³⁶ Minutes, 12 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁷ Letter Brenton to Manning, 12 June 2003, ‘Iraq: UK/US Co-operation’.

107. Mr Brenton felt that “some new structures are needed” and recommended that the UK should:

“... beef up John Sawers’ (and his successor’s) office so that we have a mechanism in Baghdad which can make effective input on behalf of the UK into CPA decision-making. We cannot continue to rely on the Sawers/Bremer link alone. Secondly ... we need the Americans to establish a formal decision-making body within the CPA, on which a UK representative is included – given our responsibilities, we really should have a formal say, rather than having to depend on friendly influence and persuasion.”

108. On 12 June, a Permanent Joint Headquarters (PJHQ) briefing reported that there was “a trend of intelligence reporting from the UK AOR [Area of Responsibility] showing increasing dissatisfaction of the civil populace”.³⁸

109. The PJHQ attributed the deterioration in the relationship between UK forces and the local population to a lack of food, failure to ensure essential services “such as water, electricity and security”, a general increase in anti-Coalition rhetoric from Shia clerics, a lack of accurate information/news reporting and a lack of progress in the political process. The briefing said that:

“The Iraqis are ... used to having stability and security, albeit provided by a dictatorial regime ... If these services and a feeling of security fail to transpire ... then attitudes towards the Coalition may well harden ... An increase in political engagement by the Iraqi population, provided it remains short of violence and insurrection, should be taken as evidence of progress towards normality.”

110. On 16 June, a Cabinet Office official wrote to the IPU to propose that work on the Iraq strategy paper commissioned by the AHMGIR on 12 June should not continue because:

“It now transpires that the CPA is in the process of drafting its own strategy/vision document.”³⁹

111. The CPA document was due to be finalised by late June/early July. The Cabinet Office official recommended:

“Rather than developing a rival UK version, it would seem sensible to use the existing work we have done as a basis to feed into the US version.”

112. Within the CPA’s formal structure, the most senior UK official was Mr Andy Bearpark, CPA Director of Operations and Infrastructure, who arrived in Baghdad on 16 June.⁴⁰

³⁸ Minute DACOS J3(Ops Sp) and DACOS J2(Int) to MA/DCJO(Ops), 12 June 2003, ‘Relations with the Basrah Population’.

³⁹ Minute Dodd to Crompton, 16 June 2003, ‘Iraq: Ad Hoc Ministerial’.

⁴⁰ Briefing Cabinet Office, 18 June 2003, ‘Iraq: Update for Ministers’.

113. Although UK officials in Whitehall regarded Mr Bearpark as the UK's senior representative in the CPA, Mr Bearpark saw his primary loyalty as lying with the CPA and Ambassador Bremer. He told the Inquiry that when he was asked by the UK Government to go to Iraq:

“It was made very clear to me ... I would be expected to concentrate on what is my professional background ... economic reconstruction and physical reconstruction ... [What] I detected was that the British Government would have preferred... it if I was the deputy administrator. This was never going to be acceptable to Jerry [Bremer].”⁴¹

114. Mr Bearpark added:

“I had been given by the British Government to the CPA, but my allegiance was meant to be 100 percent to the CPA and it was very important that I demonstrated that allegiance every single day.”⁴²

115. On 18 June, Mr Sawers reported Ambassador Bremer's view that the main security threat in Iraq still came from former members of Saddam Hussein's regime and from Al Qaida.⁴³

116. Ambassador Bremer remained concerned about the risk of Iranian intervention in Iraq and the activity of a Shia militia known as the Badr Brigade, which had strong links to Iran, where many of its members had been exiled until the Coalition invasion of Iraq. However, in his view the priority was:

“... dealing with the Ba'athist remnants and possible al-Qaida elements in the Sunni areas, and he had no wish to open up a second front at this stage. So no action would be taken against the Badr brigade for now.”

117. In the absence of a meeting of the AHMGIR, on 18 June Cabinet Office officials provided a paper to bring Ministers up to date.⁴⁴ They reported that:

“Bremer's goal remains to convene the Political Council by mid-July, and the Constitutional Conference as soon as possible thereafter. Bremer's current plan is that Constitutional Conference members should be nominated by the Political Council and from the governorates, with Bremer making the final appointments and adding members as the CPA thinks necessary to ensure a balanced body.”

118. The update recorded progress on female participation, including a women's conference planned for 9 July, with a United Nations Development Fund for Women (UNIFEM) follow-up in August.

⁴¹ Public hearing, 6 June 2010, pages 3-4 and 17.

⁴² Public hearing, 6 June 2010, page 17.

⁴³ Telegram 042 IraqRep to FCO London, 18 June 2003, 'Iraq: the Badr Brigade and Iranian influence'.

⁴⁴ Minute Cabinet Office, 18 June 2003, 'Iraq: Update for Ministers, 18 June 2003'.

119. The lack of consultation by the CPA persisted, and the paper noted that UK officials had been unable to delay a recent announcement of a new Central Criminal Court long enough for the Attorney General to consider its legality.

120. It was expected that the immediate consultation problem would be eased by the return to Baghdad of Mr Sawers, who had been instructed to make clear the UK's need for effective co-decision-making.

121. The same paper confirmed that Sir Jeremy Greenstock would take over from Mr Sawers in September.

122. The update also said that a "threat of missile attacks is likely to delay the opening of Baghdad airport to commercial traffic".

123. Secretary Powell raised indications of "British unease about co-ordination and leadership in Iraq" with Mr Straw on 19 June.⁴⁵

124. Mr Straw said that the problems "all went back to our suggestion for an MOU which would have divided the country". Since that had not been acceptable to the US "we were now jointly and severely liable for everything that went on in all of Iraq". They agreed that a high level of consultation was needed.

125. Mr Blair told Cabinet on 19 June that despite negative media comment "progress was being made in Iraq".⁴⁶

126. The same day, Mr Sawers reported that "the security situation in the Baghdad area has taken a turn for the worse" with demonstrations against the Coalition, some of which resulted in fatalities among the US military.⁴⁷

127. Mr Sawers asked for the security threat assessment for UK civilian staff to be updated, observing as he did that "I would not want us to lose⁴⁸ UK civilians before we apply the necessary expertise to the issue".

128. On 24 June, Mr Hoon made a statement in the House of Commons describing two incidents in Majar al-Kabir, a town in Maysan province.⁴⁹

129. The first was an attack by Iraqi gunmen on members of the 1st Battalion the Parachute Regiment in which eight individuals were injured, two very seriously. There was then a subsequent attack on the helicopter sent to assist them.

⁴⁵ Letter McDonald to Manning, 19 June 2003, 'Foreign Secretary's Conversation with US Secretary of State, 19 June'.

⁴⁶ Cabinet Conclusions, 19 June 2003.

⁴⁷ Telegram 044 IraqRep to FCO London, 19 June 2003, 'Iraq: Security Situation'.

⁴⁸ Read in context, the Inquiry understands "lose" to mean depart the country rather than be killed.

⁴⁹ House of Commons, *Official Report*, 24 June 2003, column 996.

130. The second resulted in the deaths of six members of the Royal Military Police (RMP).⁵⁰

131. In his statement to Parliament Mr Hoon said he would:

“... caution against reaching any wider conclusions about the overall security situation in southern Iraq, particularly in the United Kingdom’s Area of Responsibility. Coalition Forces have worked hard to secure Iraq in the aftermath of decisive combat operations. They will not be deflected from their efforts by the enemies of peace.”

132. A minute provided to Sir David Manning by Mr Julian Miller, Chief of the Assessments Staff, described what had happened to the members of the RMP in Majar al-Kabir:

“On 22 June, house searches by British forces in the town had led to demonstrations and shots being fired. Subsequent discussion with the British military and local leaders resulted in an agreement to postpone the searches for one month, however this agreement was not widely known. As a result an RMP patrol of 24 June was assumed to indicate plans for further British house searches. A spontaneous demonstration against the RMP presence followed.”⁵¹

133. General Sir Peter Wall, former General Officer Commanding 1st (UK) Armoured Division, described the incident to the Inquiry as:

“... they were making a routine call in accordance with a plan, a planned patrol. And it is fair to say we had some difficulty with communications, of calling in reserves, general situational awareness, all of which has been taken account of in inquiries since the time, but they were subjected to a deliberate attack from a group of people from a nearby town. It then generated a riot in Majar al-Kabir and we don’t know the precise catalyst for it. Some of it may be to do with some tribal sensitivity about the way that we were operating at the time.”⁵²

134. On 25 June, Mr Annan called on Mr Blair.⁵³ Part of their hour-long discussion covered Iraq.

135. Mr Annan said that Mr Vieira de Mello had established good relations with Mr Sawers and Ambassador Bremer. The UN was “encouraging him [Bremer] to go as fast as possible, or at least set out a political vision, to avoid Iraqi frustration of an overly long Occupation” and Mr Annan said that Ambassador Bremer should engage more with the Iraqi public.

⁵⁰ Sergeant Simon Hamilton-Jewell, Corporal Russell Aston, Corporal Paul Long, Corporal Simon Miller, Lance Corporal Benjamin Hyde, Lance Corporal Thomas Keys.

⁵¹ Minute Miller to Manning, 25 June 2003, ‘Iraq: 24 June Attack on British Troops’.

⁵² Public hearing, 14 December 2009, page 57.

⁵³ Letter Rycroft to McDonald, 25 June 2003, ‘Prime Minister’s Meeting with UN Secretary General, 25 June’.

136. Mr Annan commented:

“Bremer was a centraliser – good at taking quick decisions, but there was a risk of reduced consultation.”

137. Mr Annan also warned that:

“... de-Ba’athification had gone too deep, since for most Iraqis it was Saddam, not Iraq, who had been defeated. We should find a way to reemploy many more former policemen, as the UN had done in Bosnia.”

138. Mr Blair said that de-Ba’thification needed to be implemented “pragmatically and flexibly” and that he would continue to raise the issue with President Bush.

139. The AHMGIR met again on 26 June.⁵⁴ The Annotated Agenda for the meeting, prepared by the Cabinet Office, stated that “the Iraqi Interim Administration will be composed of a number of elements, including a Political Council, a Constitutional Convention and reform Commissions”. It reported positive progress on appointing the Council, but that “finding the right women remains a challenge”.

140. Cabinet Office officials recorded that Ambassador Bremer:

- intended the Political Council to exercise increasing powers over time: its two immediate tasks would be to propose ministers, and to advise the Coalition on long-term issues such as regulation of political parties, and educational and judicial reforms;
- had given an undertaking that, once the Interim Administration was formed, the CPA would not take any major decisions without consulting it; and
- remained keen to establish a Constitutional Conference by the end of July, but Iraqi participants in the consultation process were undecided whether this should be elected or appointed, and how.

141. The Annotated Agenda said that the UN remained closely involved. The UK was trying to involve the UN in other aspects of the democratic process, such as holding a census and drawing up an electoral register.

142. The AHMGIR was given a draft of the CPA’s Strategic Plan which the Cabinet Office described as “a good basis for further work” but “still deficient” and “not in a form digestible to Iraqi and regional audiences”. It included the CPA’s planning assumptions that:

- Iraqi people will accept the legitimacy of the Interim Administration.
- The election of an accountable and representative government will be based upon a Constitution borne [sic] of a popular participative process.

⁵⁴ Annotated Agenda, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching ‘OCPA Strategic Plan’.

- The Iraqi people will embrace and remain committed to electoral reform.
- The Iraqi people will support a united national government structure.”

143. Cabinet Office officials commented that the plan did not include dates for the restoration of fully sovereign Iraqi government. It also lacked reference to macro-economic management, exaggerated the role of the free market, lacked reference to the environment and did not include proper linkage to resolution 1483.

144. In the course of the AHMGIR’s meeting on 26 June, an FCO official emphasised the importance of keeping Shia groups on board.⁵⁵ In discussion it was observed that CPA attention was focused on Baghdad at the expense of the South.

145. The AHMGIR agreed that the UK should continue to ensure the involvement of Iraqis and the UN in the formation of a viable, credible and representative Interim Administration in a manner consistent with resolution 1483.

146. Ministers agreed that officials should push for improvements to the CPA Strategic Plan, particularly on macro-economic issues and linkage to resolution 1483 but did not specifically address the absence in the plan of indicative dates for the restoration of a sovereign government.

147. Ministers also asked for a weekly assessment of progress in “each of the key areas” and a daily update. Reports should bring out what was being done in the South, what MOD and DFID could do and what would need CPA intervention.

148. Cabinet met immediately after the AHMGIR on 26 June.⁵⁶

149. Mr Straw told his Cabinet colleagues that Ambassador Bremer “intended to bring the Iraqi Political Council into being by the end of July, together with a Constitutional Convention”. Summing up the meeting, Mr Blair observed that “the coming months would show more clearly the improvements being made”.

150. Mr Hoon told Cabinet that the preliminary view was that the incidents in Majar al-Kabir were isolated and would not affect the way British forces undertook their security duties in southern Iraq. The issue of bringing to justice those responsible for the killings remained.

151. After Mr Straw had updated Cabinet on reconstruction in Iraq, Mr Blair summed up that the killings were “a tragic event, but the fact was that rebuilding Iraq was a difficult task”.

152. On 26 June, Grand Ayatollah al-Sistani, the most senior authority in the Iraqi Shia community, issued a fatwa stating that the CPA did not have jurisdiction to select the

⁵⁵ Minutes, 26 June 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁵⁶ Cabinet Conclusions, 26 June 2003.

members of the assembly that would draft the new Iraqi Constitution.⁵⁷ The fatwa said that the CPA plan was “unacceptable from the outset”, and that in its place:

“First of all there must be a general election so that every Iraqi citizen – who is eligible to vote – can choose someone to represent him in a foundational Constitution preparation assembly. Then the drafted Constitution can be put to a referendum.”

153. Grand Ayatollah al-Sistani concluded his fatwa:

“All believers must insist on the accomplishment of this crucial matter and contribute and contribute to achieving it in the best way possible.”

Grand Ayatollah al-Sistani

Grand Ayatollah al-Sistani is Iraq's senior Shia theologian.⁵⁸

Born in Iran, al-Sistani is considered to be the most senior of the four Grand Ayatollahs based in Najaf, although that position is not a formal one.⁵⁹ All four advocate the principle of a clear separation between religion and politics, in contrast to Grand Ayatollah Khomeini in Iran. They exercise their influence through a network of clerics and mosques, and through Shia political parties, in particular the Supreme Council for an Islamic Revolution in Iraq (SCIRI) and Dawa.

As religious leader of around 60 percent of the Iraqi population, al-Sistani has a very significant influence.⁶⁰

154. Sir David Manning raised concerns about the US lack of consultation with the UK with Dr Rice on 27 June.⁶¹ Dr Rice indicated that she had heard about the problems, and had “taken these on board”.

155. In a meeting with Mr Hoon on the same day, Dr Rice raised a US concern that the drawdown of UK forces in southern Iraq meant a lessening of UK commitment to the area.⁶²

156. Mr Hoon replied that force levels were based on an assessment of the security situation. In the South “a heavy hand might be a destabilising factor” but more troops were available “if the situation demanded”. It was important that “significant funds” for reconstruction flowed into the area if a successful outcome was to be achieved.

⁵⁷ Talmon S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council*. Hart Publishing, 2013.

⁵⁸ Minute Owen to Rycroft, 13 January 2004, ‘Iraq: Sistani’.

⁵⁹ Telegram 50 Baghdad to FCO London, 21 January 2005, ‘Iraq: Key Political Players: Shia: Part One of Two’.

⁶⁰ Minute Straw to Prime Minister, 13 January 2004, ‘Iraq: Sistani’.

⁶¹ Letter Rycroft to McDonald, 27 June 2003, ‘Iraq: Meeting with Condi Rice, 27 June’.

⁶² Letter Williams to McDonald, 27 June 2003, ‘Defence Secretary’s meeting with Condi Rice – 27 June 2003’.

157. Baroness Amos visited Iraq at the end of June. She provided her immediate impressions to Mr Blair on 27 June and a detailed report with recommendations for action on 2 July. Her Principal Private Secretary reported separately on meetings with Mr Vieira de Mello and Ambassador Bremer.

158. In her detailed report, Baroness Amos noted that security in Baghdad was fragile, with attacks on US troops on an almost daily basis, and remained a key concern for Iraqi people.⁶³ The situation appeared to be worsening; it was the overwhelming and immediate priority without which “little else will be possible”. Security concerns had reached such a level that the UN planned to scale back its representation in Baghdad by one third to a total of 200 staff. As a result, Baroness Amos recommended re-considering the case for additional troops on the ground – either Coalition or Iraqi.

159. The attached report said:

“... in CPA itself, there are still too many people with the wrong skill set – policy focus rather than operational expertise, and insufficient experience of post-conflict developing country situations.”

160. Baroness Amos therefore recommended:

“We need more UK people with political skills on the ground. These should be Arabic speakers, with knowledge of the region, to strengthen capacity in CPA South and CPA Baghdad.”

161. But this approach brought risk:

“UN workers reported that increasingly Iraqis were beginning to lump all foreigners together. It is just a matter of time before international civilians are caught up in these attacks [on US troops].”

162. In her report, Baroness Amos also highlighted the need to agree and communicate to the Iraqi people a clear timetable for the political transition to Iraqi self-government. She observed that:

“Until Iraqis can see that we are serious about handing authority back to them, and can see a defined process leading to the withdrawal of Coalition Forces, they will continue to doubt our intent and the reasons for our continuing presence.”

163. Baroness Amos asked Mr Blair to raise with President Bush in their telephone conversation scheduled for 3 July the urgent need to get a grip on the security situation as well as:

“... the need for a public and well communicated timetable for the political transition to Iraqi self-government. An immediate objective would be to transfer maximum authority to Iraqi ‘ministers’ appointed by the Governing Council – we should put Iraqis in charge of helping to sort out the problems that Iraq faces.”

⁶³ Letter Amos to Prime Minister, 2 July 2003, [untitled] attaching Paper, ‘Iraq: Visit Report’.

164. In her covering letter, Baroness Amos wrote that “the UK focus in security in the South, leaving security in Baghdad largely to the US, is not good enough”.

165. Baroness Amos’ Principal Private Secretary reported that Baroness Amos had asked Mr Vieira de Mello whether the establishment of a Political Council, followed by the drafting and agreement of a Constitution leading to elections in around two years would be acceptable to the Iraqi people.⁶⁴ Mr Vieira de Mello thought there was a danger that they would say it was too little, too late:

“But with a clear road map and timeframe, showing them that their humiliation was finite; and if the PC [Political Council] and interim ministers were given real, tangible responsibilities ... he thought they could be persuaded to be realistic. And if the PC was genuinely representative from across Iraq, he believed that the Secretary-General and he would be able to recommend the Security Council accept it as the Interim Authority set out in SCR 1483.”

166. Baroness Amos subsequently asked Ambassador Bremer if there was a timeframe for the political process. He indicated that the Political Council should be set up by mid-July, and the Constitutional Council shortly after that. Once the Councils had been established, Ambassador Bremer was reluctant to impose any deadlines, believing that responsibility for doing so should lie with the Iraqi people themselves.

July 2003

167. Reporting to No.10 on security and troop levels in Iraq on 1 July, Mr Hoon’s Private Secretary wrote:

“Security situation in Iraq varies from area to area: but we do not currently judge that Al Majar Al Kabir was the start of a trend, but rather a local incident.”⁶⁵

168. The Private Secretary reported that the security environment remained very difficult in places, particularly in and around Baghdad and Fallujah. The MOD had considered whether troop reinforcements would make a difference:

“... we continue to assess that we have the right size and shape of forces to do the job. The British Commander, General Wall, is aware that reinforcements could be generated if he judged that they were needed.”

169. General Sir Peter Wall told the Inquiry that the incidents in Majar al-Kabir:

“... turned out to be consistent with the broad mood across Maysan as it developed over time, and ... the events in 2004 in al-Amara ... were really linked to that sort of same resentment against our presence.”⁶⁶

⁶⁴ Minute Bewes to Malik, 28 June 2003, ‘Meeting with Sérgio De Mello’.

⁶⁵ Letter Williams to Rycroft, 1 July 2003, ‘Iraq: Security and Troop Levels’.

⁶⁶ Public hearing, 14 December 2009, pages 57-58.

170. On 1 July, in a letter to Sir Jeremy Greenstock, who would be succeeding Mr Sawers as the Prime Minister's Special Representative for Iraq, Mr Peter Ricketts, FCO Political Director, wrote that he hoped the close consultation between Mr Sawers and Ambassador Bremer could "be expanded to allow even greater access to the US machine in Baghdad".⁶⁷

171. Mr Ricketts continued that "we need to keep working on establishing mechanisms for more systematic US/UK consultation" and suggested that was a key priority for Sir Jeremy's first few weeks.

172. The Joint Intelligence Committee (JIC) reviewed the situation in Iraq on 2 July and concluded that:

"Numerous groups and individuals, including extremists, are competing for influence in post-war Iraq. A number of them have already demonstrated that they are prepared to use violence to achieve their ends, and all have easy access to weapons.

"For most Iraqis, the immediate concerns are security and living conditions. Most are, for now, acquiescent in the Coalition presence. But events in Iraq will depend heavily on Coalition action.

"Extremist groups currently pose a direct threat to Coalition Forces, and to ordinary Iraqis who work with the Coalition. For now, the activities of these groups are largely unco-ordinated. However, it is likely that the links between groups will become stronger.

"In the medium to long term, disagreements over political, economic and security issues also have the potential to escalate into conflict. Particular points of friction are likely to include:

- political representation, and the future direction of Iraq;
- access to property, revenue and employment;
- the composition of the new national army and the future role of militias."⁶⁸

173. Sir John Sawers told the Inquiry that:

"... what we were faced with increasingly through 2003 were a series of challenges to the Coalition's position that collectively represented an onslaught on us. There were the remnants of the Ba'athist regime, the elements of the presidential guard, the Fedayeen Saddam, all these specialist intelligence and security units that Saddam set up, who had dissolved into the mainly Sunni areas and were reconstituting and posing a terrorist threat to the Coalition. There was Al-Qaida linked groups, who saw Iraq as an opportunity for them to continue their global

⁶⁷ Letter Ricketts to Greenstock, 1 July 2003, 'Iraq: UK Special Representative'.

⁶⁸ JIC Assessment, 2 July 2003, 'Iraq: Potential Flashpoints'.

terrorist campaign. There were sundry Jihadists and Salafists and other extremists who were attracted to Iraq as a vehicle for having a pot shot at the Americans and the Brits.”⁶⁹

174. Mr Straw visited Iraq and met Ambassador Bremer at CPA Headquarters in Baghdad on 2 July.⁷⁰

175. Ambassador Bremer reported that he hoped to have a Governing Council of 20-30 “fairly representative Iraqis” within two weeks. The mechanism by which they would be appointed had not yet been finalised. The Council would be able to appoint ministers, examine the budget and establish Commissions on elements of reform.

176. Mr Straw urged Ambassador Bremer to articulate a calendar for the political process because:

“This would help dissipate some dissatisfaction, even if the milestones were some months away. It would change the dynamic of the debate and help get Iraqi buy-in for the process.”

177. In a private meeting with Mr Straw later the same day, Mr Vieira de Mello welcomed Ambassador Bremer’s commitment to:

“... get the Governing Council off the ground soon. This would alleviate some discontent ... Giving some Iraqi leaders visible responsibility for developments should also reduce criticism of the CPA’s efforts.”⁷¹

178. The day before a video conference with President Bush planned for 3 July, Sir David Manning sent a note to Mr Blair offering advice on the conversation.⁷² Sir David wrote:

“This is a key exchange.”

179. Of the messages that were vital to get across, Sir David identified security as the top priority and suggested (noting that the MOD would probably disagree) a surge of large numbers of troops into Iraq to get through the “security crisis”. This should be accompanied by an accelerated reconstruction programme and a “very vigorous political programme” plus an effective media strategy.

180. Sir David also highlighted that US analysis of Iranian involvement in Iraq differed from the JIC’s assessment and questioned the value of taking action.

⁶⁹ Public hearing, 10 December 2009, pages 79-80.

⁷⁰ 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’.

⁷¹ Telegram 25 FCO London to IraqRep, 4 July 2003, ‘Iraq: Foreign Secretary’s Meeting with UN Secretary General’s Special Representative for Iraq, 2 July’.

⁷² Minute Manning to Prime Minister, 2 July 2003, ‘Iraq: Your video conference with President Bush’.

181. Sir David emphasised that:

“Bush needs to hear the alarm now. He needs to focus, and to galvanise action, if we are not to find ourselves increasingly embattled in Iraq and unable to achieve a successful post-war settlement.”

182. The weekly meeting of Cabinet took place before Mr Blair and President Bush spoke on 3 July. In the course of the meeting Mr Straw, Baroness Amos and Mr Hoon all emphasised that security was the main issue.⁷³

183. Mr Hoon identified “greater organisation” in anti-Coalition forces and said that the vicious circle of opposition to the Coalition, which prevented improvements to the life of the average Iraqi citizen, must be broken.

184. Mr Blair concluded that we should make CPA(South) into “a model”. Political progress was essential to the stability of Iraq.

185. Mr Blair and President Bush spoke by video conference on 3 July.⁷⁴

186. Mr Hoon, Gen Walker, Mr Jonathan Powell and Sir David Manning joined from London, along with key White House officials, Secretary Rumsfeld and Vice President Cheney in the US. Ambassador Bremer, Mr Sawers and General Ricardo Sanchez (Commander of CJTF-7) dialled in from Iraq.

187. Mr Blair began by congratulating Ambassador Bremer on the “remarkable performance” of the CPA. He then set out areas of concern:

- Security. This was hampering CPA efforts at reconstruction; what more did the CPA need?
- Reconstruction. The power and water infrastructure needed to be rebuilt urgently; were there particular obstacles that needed to be removed?
- Communications. It was essential to improve the CPA’s capacity to communicate with the people of Iraq.
- WMD. The search needed to be redoubled and the atrocities of the Saddam regime documented and publicised.
- Politics. Was the political process on track?

188. On security, Mr Blair asked Mr Sawers and Ambassador Bremer to draw up a list of their requirements, telling them “whatever they needed, we would do our utmost to provide” and reiterating that the UK would “do our level best to meet any demand for additional resources”. Mr Blair added that if there were any obstacles that needed clearing, Mr Sawers and Ambassador Bremer should tell him.

⁷³ Cabinet Conclusions, 3 July 2003.

⁷⁴ Letter Cannon to McDonald, 3 July 2003, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 3 July’.

189. Ambassador Bremer told Mr Blair that in his view there were four security threats:

- former Ba'athists;
- international terrorists (Al Qaida and Ansar al-Islam);
- civil criminals (whose activities contributed to the sense of insecurity for the general public); and
- Iranian agents, particularly in the South and West.

190. The AHMGIR met after the video conference.⁷⁵

191. The Annotated Agenda for the meeting, written by Cabinet Office officials, described the security situation and observed that it was “constraining the reconstruction work of the CPA, the UN and other international actors”.⁷⁶ As a result of security concerns, UK CPA secondees were “operating a night-time curfew”.

192. The Annotated Agenda reported growing attacks on US forces, acts of economic sabotage and intimidation of Iraqis working with the CPA, all of which were beginning to have an effect on reconstruction. Tensions in the UK Area of Responsibility, however, had not worsened.

193. Cabinet Office officials described action being taken by the UK to improve security, including:

- training US soldiers in “urban peace support operations”;
- increasing police numbers and “standing up local guard forces”; and
- Security Sector Reform, which was “a long term process”.

194. Cabinet Office officials observed that “**real improvements will depend in part on wider progress on political reform and reconstruction**”.

195. In southern Iraq, the Annotated Agenda recorded that the UK was about to assume command of Multi-National Division South-East (MND(SE)), expanding by two the number of provinces over which it had command. Capacity in CPA(South) was being bolstered, and staffing numbers had reached 60, although “operational funding has still to arrive”.

196. The Annotated Agenda explained that the Political Council had been renamed the Governing Council (GC),⁷⁷ and was expected to convene “by the second half of July”. Members would “nominate themselves to the CPA, on the basis of a consensus emerging from the CPA-led political consultations”. It was expected that Mr Vieira de Mello would endorse the GC when he reported to the UN Security Council in mid-July.

⁷⁵ Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁷⁶ Annotated Agenda, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁷⁷ The Governing Council (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 chosen IGC.

- 197.** The Constitutional Convention had been postponed, and instead a Preparatory Commission on the Constitution would be created, to advise on how the Constitutional Convention should be established.
- 198.** During the meeting of the AHMGIR, officials from the FCO added that it was hoped the Constitution would be completed by May 2004 and that elections would then follow.⁷⁸
- 199.** Mr Hoon reported to the meeting on the video conference that had taken place earlier in the day, observing that the US was becoming concerned that Saddam Hussein had not yet been captured.
- 200.** Gen Walker, who had also taken part in the video conference, observed that “the US appeared to have no clear plan for security in the centre”.
- 201.** In discussion, the (unattributed) point was made that “there was no need, at present, to increase UK forces”. The Chair of the meeting, Mr Hoon, summed up the discussion stating “real improvements [in security] would depend in part on progress on political reform and reconstruction”.
- 202.** A telegram from Mr Sawers on 3 July containing points to follow up after the video conference with President Bush said:
- “It didn’t come up today, but our forces in the South are thinly stretched. I discussed this with the Foreign Secretary yesterday. 3 Div will be responsible for the four Southern provinces, as opposed to the two covered by 1 Div. We will have less than 10,000 troops to cover Basra and Maysan and provide a reserve for any problems in the other two provinces ...
- “It is not for me to recommend how many forces we need for our mission. But I expect the task facing our forces to get more difficult over the summer ... Seen from here, we would be better off putting extra capability in place now than rather than risking being exposed by events.”⁷⁹
- 203.** Sir David Manning marked the telegram for Mr Blair to see, and wrote “Reinforces my worries about troop numbers” on the document. Mr Blair replied “Can’t we leave 10,000 in + at least bolster with foreign troops”.
- 204.** A telegram from the IPU in London to Mr Sawers in Baghdad on 7 July stated “we are pleased with the progress on the Governing Council ... and continue to attach importance to a clearly articulated vision statement and a calendar against which Iraqis and the international community can judge us”.⁸⁰

⁷⁸ Minutes, 3 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁷⁹ Telegram 64 Sawers to FCO London, 3 July 2003, ‘Personal: Iraq: Follow up to the Bush/Blair VTC’, including Manuscript Comments Manning and Blair.

⁸⁰ Telegram 27, FCO London to IraqRep, 7 July 2003, ‘Iraq: Priorities’.

205. The IPU also welcomed news that the CPA Strategic Plan ('The Vision for Iraq') was almost ready for publication, and told Mr Sawers that they thought it had been "lost in the weeds".⁸¹ The IPU's view was that the document required "some more work ... and clarity".

206. On 8 July, Mr Blair gave evidence to the House of Commons Liaison Committee.⁸²

207. Mr Blair told the Committee that "the fact that we will probably have a political council up and running within the next few weeks, indicates that there is change and progress being made".⁸³

208. In response to a question from Mr Edward Leigh, the Committee Chairman, about his exit strategy for Iraq, Mr Blair replied:

"We stay until we get the job done. The job is to get the country back on its feet, to give it a proper functioning political system which means that the Iraqis themselves in a representative way control their country and to make sure that it has the ability to be a stable and prosperous partner in the region."⁸⁴

209. Mr Blair also told the Committee that:

"The British troop requirement ... is already just under a third of what it was at the height of the conflict, so we are not at the same troop strength as we were even two months ago."

210. On 9 July, Cabinet Office officials briefed members of the AHMGIR that:

"A **Governing Council** should be established within the next two weeks. The Council is likely to meet our core requirements: it will emerge by consensus among leading Iraqis; the main ethnic and religious groups will be represented in a balanced way; at least 4-5 women will be involved ... and it will have UN consent."⁸⁵

211. The same Annotated Agenda also reported the CPA's announcement of a new Dinar note, a 1:1 replacement for the Saddam Dinar, Iraq's pre-conflict currency.⁸⁶ But there were signs that the CPA's failure to consult had not been resolved. Cabinet Office officials reported:

"Bremer has also announced the independence of the Iraqi Central Bank ... the announcement has taken all by surprise. It is not clear if De Mello was fully consulted ... We are trying to clarify the situation."

⁸¹ Telegram 27 FCO London to IraqRep, 7 July 2003, 'Iraq Priorities'.

⁸² The Liaison Committee is appointed to consider general matters relating to the work of select committees and, amongst other duties, to hear evidence from the Prime Minister on matters of public policy.

⁸³ House of Commons, Select Committee on Liaison, *Minutes of Evidence*, 8 July 2003, Q168.

⁸⁴ House of Commons, Select Committee on Liaison, *Minutes of Evidence*, 8 July 2003, Qs189-191.

⁸⁵ Annotated Agenda, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

⁸⁶ The conversation rate was 150:1 for the Old Dinar (or Swiss Dinar) used in the Kurdish north.

212. On 9 July, Mr Rycroft wrote to Sir David Manning to recount a phone call from Mr Sawers in Baghdad.⁸⁷ He reported that Mr Sawers considered that troops in Basra were “badly stretched”. The answer to several of his questions (for example, about guarding specific sites) had been “we don’t have enough troops to do that”.

213. Mr Sawers described his main security concern as the border with Iran in Maysan Province, which might be seen as a soft target for attacks, and proposed that the UK should “go back to having a full brigade, and crucially the HQ that goes with it, rather than the battalion it now has”.

214. Mr Rycroft had explained the MOD view that “more troops weren’t the answer and that what was needed was progress on the political track”. Mr Sawers agreed this would help but “just as there could be no purely military answer to the security issue, so political progress would need to be underpinned by the military”.

215. Sir David Manning sent Mr Rycroft’s minute to Mr Blair, annotating it:

“I still think we have too few troops on the ground. This discussion which Matthew had with John Sawers in my absence confirms me in my views.”

216. On 10 July, Mr Hoon’s Private Secretary wrote to Mr Rycroft to explain that:

“As at 3 July, there were a total of **13,404** UK military and civilian personnel deployed in the Gulf region on activities relating to Operation TELIC ... A process of roulement is ongoing which is due to complete by 1 August. At that stage, the UK presence in theatre is due to have reduced from its peak of around 46,000 to some **12,000** ... By late August, it is expected that the number will fall ... to around **10,500** across the three Services.”⁸⁸

217. Mr Rycroft provided Mr Blair with a copy of the letter, noting on it that:

“Our new area, comprising four provinces, comes into being on 12 July. 5,500 foreign troops will come into it.”

218. At the meeting of the AHMGIR on 10 July, Mr Straw reported on his recent visit to Baghdad and Basra.⁸⁹ Iraqi political leaders he met had clearly welcomed the end of Saddam Hussein’s regime, but not the US military presence. Even opponents of the old regime felt that this was a humiliation for the Iraqis who had failed to remove Saddam Hussein themselves.

219. Ms Patricia Hewitt, the Trade and Industry Secretary, reported that she had also visited Baghdad and attended a Women’s Conference. She expressed disappointment that there were likely to be only four women in the GC. The political parties were refusing to nominate women.

⁸⁷ Minute Rycroft to Manning, 9 July 2003, ‘Iraq: John Sawers’ views’.

⁸⁸ Letter Williams to Rycroft, 10 July 2003, ‘UK force levels in Iraq’ including Manuscript comment Rycroft.

⁸⁹ Minutes, 10 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

220. Later that afternoon, Mr Straw told Cabinet that the GC would be a broadly inclusive body, incorporating “Iranian influenced Shia and communist elements”.⁹⁰ It would “progressively” take over authority for areas of government, subject to the CPA’s approval.

221. On 11 July, Mr Straw’s Private Secretary wrote to Mr Rycroft with a draft message for Mr Blair to send to the Governing Council when it met for the first time two days later.⁹¹ The Private Secretary’s letter recorded that:

“The last two weeks have seen intensive consultations with political leaders, religious figures, tribal leaders and civil society representatives ... Sérgio Vieira de Mello has been closely involved. He has expressed firm support for our approach ... Our approach is in accordance with UNSCR 1483.”

222. The letter went on to say:

“GC will be the Iraqi interface with the CPA and international community. It will nominate interim ministers and oversee day to day running of ministries. CPA will consult GC on all areas of policy. Only in exceptions would CPA act without GC support. GC will formulate new national reconstruction and security policies ... and submit these recommendations to the CPA ... Operational security matters will remain the responsibility of the CPA.”

New military structures

Multi-National Division (South-East) (MND(SE)) was formally established on 12 July.⁹² This coincided with a change of UK forces within the area as 1st (UK) Armoured Division handed over to 3rd (UK) Mechanised Division.

The senior UK military commander in MND(SE) – the General Officer Commanding (GOC MND(SE)) – reported to the US General in charge of CJTF-7, Lt Gen Sanchez. The first GOC MND(SE) was Major General Graeme Lamb, who held the position from July to December 2003.

Tour lengths

Throughout the course of Op TELIC, 11 different commanders held the post of GOC MND(SE), changing roughly every six months:

- July 2003 to December 2003: Major General Graeme Lamb
- December 2003 to July 2004: Major General Andrew Stewart
- July 2004 to December 2004: Major General William Rollo

⁹⁰ Cabinet Conclusions, 10 July 2003.

⁹¹ Letter Owen to Rycroft, 11 July 2003, ‘Iraq: Governing Council Launch’.

⁹² Report Lamb, 30 January 2004, ‘Post Operational Tour Report – Version 1 Operation Telic 2/3 11 July to 28 December 2003’.

- December 2004 to June 2005: Major General Jonathon Riley
- June 2005 to December 2005: Major General James Dutton
- December 2005 to July 2006: Major General John Cooper
- July 2006 to January 2007: Major General Richard Shirreff
- January 2007 to August 2007: Major General Jonathan Shaw
- August 2007 to February 2008: Major General Graham Binns
- February 2008 to August 2008: Major General Barney White-Spunner
- August 2008 to March 2009: Major General Andrew Salmon

A number of those who served as GOC MND(SE) gave the Inquiry their views about the length of their tour in Iraq.

Lt Gen Riley told the Inquiry that he was “firmly of the view” that GOCs needed “an extended period of duty” if they were “in any way to understand local societies” and gain the trust and confidence of those with whom they were working.⁹³ He said he believed that the six month rotation period was changing and said that his last tour in Afghanistan had been for 14 months.

The Inquiry asked Lt Gen Rollo and Lt Gen Cooper how much they were able to build on their predecessors’ success during a six month GOC MND(SE) posting.⁹⁴

Lt Gen Rollo said that he felt that six month postings were “too short” and that longer tours would have been “entirely sensible” given that MND(SE) was a “vastly complicated place, for commanders in particular”. He added that GOCs did, however, approach the role with “a common doctrine”, common background of experience and a desire “to achieve the same things”.

Lt Gen Cooper told the Inquiry that he felt that postings should last for at least 12 months. He said that he agreed with Lt Gen Rollo’s assessment that GOCs would look at key issues but observed:

“... clearly I looked at it slightly differently to my predecessor, and my successor looked at it slightly differently to me, his successor looked at it slightly differently to him”.

Lt Gen Dutton told the Inquiry that there was “no doubt” that six months was not long enough for a GOC to be in post, but that years in post were needed to develop the level of understanding necessary for the role.⁹⁵ He said that the duration should certainly be increased to a year.

Lt Gen Shirreff told the Inquiry that in his opinion divisional commanders “must do more than six months” and so senior commanders should do “much longer” because:

“... just as you are getting up to speed, just as you are establishing trust, confidence, with all your interlocutors, it is time to pull out, and, of course, your interlocutors have to start all over again ...”⁹⁶

⁹³ Public hearing, 14 December 2009, pages 20-21.

⁹⁴ Public hearing, 15 December 2009, pages 45-47.

⁹⁵ Public hearing, 12 July 2010, pages 51-52.

⁹⁶ Public hearing, 11 January 2010, page 46.

Lt Gen Shirreff observed, however, that for soldiers on the ground, six months was “about right”.

Maj Gen Shaw told the Inquiry that he thought it was an “illusion” that the six-month tour lengths created a lack of continuity:

“I think the problem ... is more a methodological one. It’s more that there is no laid-down methodology. There’s nobody that owns the campaign and takes the incoming commander and says, this is what we’re going to do, drive on.”⁹⁷

Maj Gen Shaw said that, during his time in Northern Ireland, there had been a clear long term vision so that commanders knew their place in the bigger picture but this was lacking from his experience in Iraq. As an example, he said that what he and Lt Gen Shirreff did during their respective postings as GOC MND(SE) “were diametrically opposite things” but that both were supported by the system because they were “allowed to do what we judged was the right thing to do”.

Lt Gen Binns told the Inquiry that he thought there was a need to improve “campaign continuity” and that one solution was for senior commanders to serve longer, where appropriate, but:

“... we have to be careful that this doesn’t become the default setting, because one can get very tired, if you are being rocketed every day, if you have got the responsibility of command during a very difficult period, then simply extending people’s period there isn’t necessarily the answer.”⁹⁸

Throughout the course of Op TELIC, 11 individuals held the post of Senior British Military Representative-Iraq, changing roughly every six months until September 2006:

- May to September 2003: Major General Freddie Viggers (also appointed as Deputy Commander of CJTF-7)
- September 2003 to April 2004: Major General Andrew Figgures
- April 2004 to October 2004: Lieutenant General John McColl
- October 2004 to April 2005: Lieutenant General John Kiszely
- April 2005 to October 2005: Lieutenant General Robin Brims
- October 2005 to March 2006: Lieutenant General Nicholas Houghton
- March 2006 to September 2006: Lieutenant General Robert Fry
- September 2006 to July 2007: Lieutenant General Graeme Lamb
- July 2007 to March 2008: Lieutenant General William Rollo
- March 2008 to March 2009: Lieutenant General John Cooper
- March 2009 to July 2009: Lieutenant General Chris Brown

Some of those who served as SBMR-I offered the Inquiry similar views to those who served as GOC MND(SE).

Lt Gen Brims told the Inquiry: “I would happily have stayed there for a year, and I think I could have done a good job.”⁹⁹

⁹⁷ Private hearing, 21 June 2010, pages 53-55.

⁹⁸ Public hearing, 15 January 2010, page 48.

⁹⁹ Public hearing, 14 December 2009, page 37.

Lieutenant General Sir John Kiszely went further, and said that six months was “manifestly not long enough”.¹⁰⁰ One risk of a six month tour was that Iraqi interlocutors might judge that the postholder was “passing trade”, and would not establish as a close a relationship with them as they would with an individual who would be in post for a year or more. He made similar points in 2005 in his end of tour report, which can be found in Section 9.3.

Lt Gen Lamb told the Inquiry that he agreed to extend the length of his tour because “it was exactly the right place to be”.¹⁰¹

The Inquiry asked Air Chief Marshal Sir Glenn Torpy to what extent the conduct of the campaign was determined by individual GOCs rather than by the CJO.¹⁰²

ACM Torpy replied:

“In terms of the overall campaign objectives set by CDS and then down through myself to the GOC ... that provided a degree of continuity but there is no doubt we had a debate over how long tour length should be ... There were army reasons for keeping it at six months. That’s what we stuck with. In hindsight and what we have now shifted to is much longer between nine months, a year, maybe even longer for certain key people.”

ACM Torpy said that he thought that commanders would have benefited from longer tours in Iraq because “it gives you an opportunity to build relationships, understand the environment” and that this was “an acknowledged lesson out of the campaign”.

General Sir Mike Jackson told the Inquiry that “six months seems to be self-evidently too short” given the importance of relationship-building.¹⁰³ He indicated that tour lengths for senior officers in Baghdad had begun to extend to nine or 12 months during his time as Chief of the General Staff (CGS).

General Sir Richard Dannatt, who succeeded Gen Jackson as CGS, told the Inquiry that he was “pretty convinced” that six months “in the front line” was as much as a soldier should be asked to do.¹⁰⁴ For some senior commanders and staff officers, and those engaging with local leaders and in training local forces, the circumstances were different. Consequently, “we have significantly changed the number of posts that go for nine months, 12 months and some even longer”.

General the Lord Walker told the Inquiry that he considered “a minimum tour length for operation, intelligence-type commanders should be a year long” but that six months was “a good time for people on the ground”.¹⁰⁵

Air Chief Marshal the Lord Stirrup told the Inquiry that:

“... there is a very clear view that a brigade needs to train, fight and recover together. So that presents you with a difficulty, since you would actually like your command team ... to stay there longer.

“The way we sought to balance this circle is to have more and more continuity posts that are in theatre for a year, and they run over from one brigade to another ... particularly in the areas of intelligence and cultural understanding.”¹⁰⁶

¹⁰⁰ Public hearing, 14 December 2009, pages 37-39.

¹⁰¹ Public hearing, 9 December 2009, page 34.

¹⁰² Public hearing, 18 January 2011, pages 100-101.

¹⁰³ Public hearing, 28 July 2010, pages 91-92.

¹⁰⁴ Public hearing, 28 July 2010, pages 39-40.

¹⁰⁵ Public hearing, 1 February 2010, page 59.

¹⁰⁶ Public hearing, 1 February 2010, page 73.

223. On 13 July, the Governing Council met for the first time.

224. Ambassador Bremer described its inauguration in his account of his year in Iraq:

“The choreography we had agreed upon with the UK, UN and GC members called for the twenty-five Council members to gather in a building not far from the palace ... The plan was for the group then to constitute themselves as the Governing Council. (This became known to us irreverently as the ‘immaculate conception’ option).”¹⁰⁷

225. Chairmanship of the Council would rotate on a monthly basis. According to the RAND report, Ambassador Bremer observed that a body that could not agree on its own Chairman could hardly be ready to rule.¹⁰⁸

226. The Chiefs of Staff discussed Iraq in their regular meeting on 16 July.¹⁰⁹ In discussion the point was made that:

“The level of Iraqi consent to Coalition Occupation had deteriorated and COS assessed that it might be lost by the end of 04 were the current trend to continue. Retention of Iraqi consent depended on an effective, culturally attuned information strategy to inform local people about the progress being made on governance and reconstruction. The CPA had a mature, albeit unpublished, long term strategy, but there was a need to develop measures to retain consent of the middle ground and avoid extremism in the short and medium term.”

227. Cabinet Office officials provided an Annotated Agenda for the meeting of the AHMGIR on 17 July.¹¹⁰

228. Attached to the Agenda was a copy of a document entitled ‘Authorities of the Governing Council’, which had been agreed between the CPA and GC as a description of the initial powers of the Council. It began:

“The Governing Council is the principal body of the interim administration of Iraq called for in Security Council Resolution 1483.”

229. The document set out that the CPA would be “required to consult” the GC on “all major decisions and questions of policy”. The GC had “the right to set policies and take decisions in cooperation with the CPA”.

230. The Annotated Agenda said:

- a bare majority of the GC members were Shia;

¹⁰⁷ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

¹⁰⁸ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

¹⁰⁹ Minutes, 16 July 2003, Chiefs of Staff meeting.

¹¹⁰ Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper, 13 July 2003, ‘Annex B: Authorities of the Governing Council’.

- there were 14 leaders of political parties, three women (a result of the Kurdish parties failing to put forward strong female candidates), and two from Basra;
- membership of the GC was agreed by consensus; and
- it declared itself to be a representative group of the Iraqi people and the Governing Council of the interim administration called for under resolution 1483.

231. In relation to Security Sector Reform (addressed in detail in Section 12.1) the Annotated Agenda said that:

“CPA plans are to develop policies in conjunction with emerging Iraqi authorities, to ensure that the major decisions on the size, shape and structure have full Iraqi involvement.”

232. Cabinet Office officials also explained that the newly-formed Basra Province Interim Council was not connected to the GC. A link would need to be established so that funding could move south from Baghdad.

233. Sir John Sawers told the Inquiry that the CPA denied itself the authority to appoint any ministers who were not nominated by the GC.¹¹¹ In the ‘Authorities’ document, the GC alone was given power to appoint, oversee and dismiss interim ministers, as well as appointing international representatives of Iraq, such as Ambassadors. Although the GC would appoint the Finance Minister, the budget for 2004 would be drawn up “with the CPA, and with the involvement of representatives of the IMF, World Bank and UNDP”.

234. Sir John also told the Inquiry that the GC itself agreed that it represented the ethnic composition of the country, and had the correct ethnic balance between Arabs and Kurds, representatives of all the major cities and provinces of the country; and a balance between Islamists and non-Islamists.¹¹² According to Sir John, the majority of members had lived in Iraq under Saddam Hussein.

235. The Cabinet Office Annotated Agenda for 17 July also informed members of the AHMGIR that:

“The CPA Strategic Plan has been finalised and circulated internally within the CPA. At present there are no plans to publish it. Although not perfect, it meets our basic requirements. Next steps: CPA staff will use the Strategic Plan to inform further work in planning and prioritisation of the CPA’s work. A revised, detailed implementation plan is due by 22 July. UK secondees in CPA will continue to try to shape this to ensure that it is coherent and commits the CPA to an ambitious but realistic timetable.”¹¹³

236. Cabinet Office officials described the CPA’s decision to create 18 CPA teams to match the 18 Governorate offices in the Iraqi administrative structure.

¹¹¹ Public hearing, 10 December 2009, page 93.

¹¹² Public hearing, 10 December 2009, page 94.

¹¹³ Annotated Agenda, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

237. The US would run 14 of them, and the UK four. No decision had been taken as to whether these four should all be within the South-East to match the UK area of military responsibility. Mr Andy Bearpark had advised against such a move, because of concern that the US might then expect the UK to fund the entire effort in the South-East, meaning that the South-East might not receive its proper share of CPA funds.

238. At the meeting of the AHMGIR on 17 July, FCO officials reported that:

“International reactions [to the GC] had been mixed, with some countries ... notably cautious. Bremer was beginning to think a further transitional step was necessary between the Governing Council and a fully representative government to provide cover for other countries to support reconstruction.”¹¹⁴

239. In discussion, a member of the AHMGIR made the point that a better communications strategy was needed to explain the role of the GC to the Iraqi people.

240. On 17 July, Mr Blair visited Washington to deliver a speech to a joint session of the US Congress,¹¹⁵ which had awarded him the Congressional Gold Medal. He also met the Congressional leadership and, separately, President Bush.¹¹⁶

241. Mr Blair told Congress that:

“... when we invade Afghanistan or Iraq, our responsibility does not end with military victory.

“Finishing the fighting is not finishing the job.

...

“We promised Iraq democratic government. We will deliver it.

“We promised them the chance to use their oil wealth to build prosperity for all their citizens, not a corrupt elite, and we will do so. We will stay with these people so in need of our help until the job is done.”¹¹⁷

242. Mr Rycroft suggested to Mr Blair that, in relation to Iraq, the aim of his meeting with President Bush should be:

“Agreement on a joint line on yellowcake [uranium] etc; public focus on the Governing Council; commitment to provide whatever resources are needed (a) to find the WMD, (b) to put Iraq on a stable footing, and (c) to resolve the communications problems dogging the CPA.”¹¹⁸

¹¹⁴ Minutes, 17 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹¹⁵ Comprising members of the House of Representatives and the Senate.

¹¹⁶ Letter [Private Secretary] to Adams, 18 July 2003, ‘Prime Minister’s Visit to Washington, 17 July’.

¹¹⁷ www.CNN.com, ‘Transcript of Blair’s speech to Congress’.

¹¹⁸ Minute Rycroft to Prime Minister, 16 July 2003, ‘Washington’.

243. In their meeting, Mr Blair urged President Bush to focus on a media strategy for communicating with the Iraqi people, to ensure they understood that the US and UK were there to help and were improving basic services.¹¹⁹ Mr Blair observed that if security could be improved, the pace of reconstruction could quicken.

244. In mid-July, the CPA sent its 'Vision for Iraq', the strategic plan in anticipation of which the UK had halted work on its own strategy in June, to Washington for approval.¹²⁰ By 18 July, senior officials in the Pentagon had approved it.

245. The 'Vision' defined the CPA's ultimate goal as working to achieve:

“... a unified and stable, democratic Iraq that: provides effective and representative government for the Iraqi people; is underpinned by new and protected freedoms for all Iraqis and a growing market economy; is able to defend itself but no longer poses a threat to its neighbours or international security.”¹²¹

246. The highest priority was to create a secure and safe environment through recruiting and training Iraqi police and armed forces. *Hard Lessons* describes its other goals as promoting a rapid transition to a market economy, establishing an effective rule of law system, and establishing programmes to develop democracy.¹²²

247. A plan for the implementation of the Vision, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People',¹²³ was circulated to members of Congress on 23 July.¹²⁴

248. The introduction to 'Achieving the Vision' by Ambassador Bremer said:

“This progressive plan is an overview of the strategy necessary for early restoration of full sovereignty to the Iraqi people. The strategy is driven by more detailed action plans (e.g. plans for the New Iraqi Army, the police, restoring electrical power, etc.).”¹²⁵

249. In his memoir Sir Hilary Synnott, who became Head of CPA(South) in July 2003, recalled:

“I forced myself to sit down and try to read the Vision's electronic manifestation ... If the Vision amounted to a goal, the Plan which accompanied it sought to make

¹¹⁹ Letter Rycroft to Adams, 18 July 2003, 'Prime Minister's Visit to Washington, 17 July'.

¹²⁰ Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹²¹ Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. IB Tauris & Co Ltd., 2008.

¹²² Bowen SW Jr. *Hard Lessons: The Iraq Reconstruction Experience*. U.S. Government Printing Office, 2009.

¹²³ Report Coalition Provisional Authority, 21 July 2003, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People'.

¹²⁴ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

¹²⁵ Report Coalition Provisional Authority, 21 July 2003, 'Achieving the Vision to Restore Full Sovereignty to the Iraqi People'.

progress towards five objectives: security; governance; essential services; the economy; and strategic communications.

“The trouble was that it did not amount to an operational plan of action, only a list of subsidiary objectives under each of these headings. There were no indications about how in practice they would be achieved: no details of funding, of personnel involved, of support systems or of timing. It was particularly notable that the ultimate objective, of handing full sovereignty back to the Iraqi people, had no timing attached to it at all.”¹²⁶

250. ‘Achieving the Vision’ is described in more detail in Section 10.1.

251. At the Chiefs of Staff meeting on 23 July Lieutenant General John Reith, Chief of Joint Operations, reported that Saddam Hussein’s two sons, Qusay and Uday, had been killed by US forces after a gun battle in Mosul.¹²⁷ The impact of their deaths would take some time to assess, although celebrations had been reported.

252. In the UK’s Area of Responsibility, an Italian brigade had assumed responsibility for Dhi Qar province.

253. Cabinet Office officials told the AHMGIR on 24 July that Mr Vieira de Mello had reported to the UN, welcoming the formation of the Governing Council.¹²⁸ He had called for a clear timeline for the transition to a representative government, and for an Iraqi-led constitutional process.

254. Views within the GC were divided on timelines for the constitutional reform process leading to elections: some wished to press ahead; others favoured a slower, more cautious approach.

255. On 24 July, Ministers agreed that the UK would offer to lead four Governorate teams, two in the South-East, one in the Kurdish area, and one elsewhere in the Sunni area “but not in the less stable central areas around Baghdad”.¹²⁹

256. On 28 July, Lt Gen Reith set out the results of a Force Level Review for Basra and Maysan provinces in a paper for the Chiefs of Staff.¹³⁰

257. As background to his conclusions, he wrote:

“Following the incident on 24 Jun, when six RMP were murdered at Al Majar al-Kabir, the level of tasking for UK forces in Basra and Maysan provinces has routinely exceeded that originally envisaged. GOC 1(UK) Armd Div conducted

¹²⁶ Synnott H. *Bad Days in Basra: My Turbulent Time as Britain’s Man in Southern Iraq*. IB Tauris & Co Ltd., 2008.

¹²⁷ Minutes, 23 July 2003, Chiefs of Staff meeting.

¹²⁸ Annotated Agenda, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹²⁹ Minutes, 24 July 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹³⁰ Paper CJO, 28 July 2003, ‘Op TELIC – UK Force Level Review in Maysan and Basrah Provinces’.

an initial force level review that identified the possible requirement for additional manpower. GOC MND(SE) has taken this work forward and produced a detailed force level review of UK tasks across MND(SE).”

258. Lt Gen Reith described a shift in the role of the military to one of support, in all lines of operation other than security, which remained primarily a military responsibility. In the UK’s area, he judged that there was no direct threat requiring a war-fighting capability, but armoured forces continued to be useful for “protection, over-match, presence and domination”. Other threats included paramilitary attacks, terrorism (including Improvised Explosive Devices) and a breakdown of public order.

259. Further calls on military resources were being generated by:

- the reconstruction effort (in particular the need to protect key sites and facilities);
- SSR activities;
- the need to provide security for the Embassy compound in Baghdad and a potential Consulate in Basra;
- plans to open border crossings;
- the need for river patrols to combat smuggling; and
- the need to fill personnel gaps in the CPA structure.

260. In addition, in the event of “localised resurgences in violence” Lt Gen Reith anticipated that the UK might come under pressure to conduct cross-boundary operations.

261. Lt Gen Reith wrote:

“The overall impact of these additional commitments is almost two companies of manpower. This can just be met from within current resources, but has the penalty of leaving absolutely no slack at all and no uncommitted reserve. The level of tasks is also beginning to bite hard, now that R&R [Rest and Recuperation] has started, and is assessed as being unsustainable.”

262. As a result, Lt Gen Reith recommended deployment of:

- an additional four-platoon¹³¹ infantry company as soon as possible;
- identification of a reserve capability that would allow for rapid reinforcement, the first part of which should be a four-platoon company already in Cyprus; and
- some additional specialist capabilities, including Arabic speakers.

¹³¹ A platoon comprises between 26 and 55 people.

263. Lt Gen Reith's recommendations were discussed by the Chiefs of Staff on 30 July. The minutes of that meeting record that:

"CJO [Chief of Joint Operations] had discussed the Review with GOC MND(SE) who was content that the adjustment to force levels would be adequate. CDS [Chief of the Defence Staff] invited CJO to investigate the merit in deploying the SLE [Spearhead Land Element] to Cyprus to acclimatise in order that they might be better prepared were they called upon for deployment to Iraq. COS [Chiefs of Staff] agreed to CJO's recommendations, and CDS directed DG Op Pol [Director General Operational Policy] to submit to Ministers."¹³²

264. On 30 July, Sir Hilary Synnott took up post as the Head of CPA(South). His appointment is described in Section 10.1.

265. Mr David Richmond succeeded Mr Sawers as the Prime Minister's Special Representative for Iraq on an interim basis at the end of July 2003, and remained in post until Sir Jeremy Greenstock arrived in September. Mr Richmond remained as Sir Jeremy's Deputy until Sir Jeremy left at the end of March 2004.¹³³

266. Asked about his key responsibilities, Sir David Richmond told the Inquiry:

"The first was really a thirst for information about what was going on. They wanted me to establish a good working relationship with Bremer and to find out as much as I could about what was going on and ensure that London were kept fully informed ...

"[the second] to ensure they [British secondees] fitted into the organisation, that they [were] able to operate effectively and look after their safekeeping and well being, which became an increasing burden as time went on.

"... [the third] to try to ensure an orderly transition to a ... sovereign representative Iraqi government and associated with that was obviously trying to hand over to them in the best possible condition, which meant the whole range of issues that the CPA dealt with ..."¹³⁴

267. Sir David considered that:

"... the area where we [Greenstock, Sawers and Richmond] could make the greatest contribution as representatives was to the political process. This is because as diplomats that's the sort of thing we know or are expected to know something about."¹³⁵

268. Mr Blair and President Bush spoke by telephone on 31 July.¹³⁶

¹³² Minutes, 30 July 2003, Chiefs of Staff meeting.

¹³³ Telegram 109 IraqRep to FCO, 26 March 2004, 'Iraq Valedictory: Six Months in the Cauldron'.

¹³⁴ Public hearing, 26 January 2011, pages 3-4.

¹³⁵ Public hearing, 26 January 2011, page 6.

¹³⁶ Letter Rycroft to Adams, 31 July 2003, 'Iraq: Prime Minister's Conversation with Bush, 31 July'.

269. During the conversation on Iraq, Mr Blair described the GC as a “complete antidote” to the view that Iraqis were not “delighted” that Saddam Hussein had gone.

270. The conversation turned to the media, and Mr Blair commented that better Iraqi media would make a difference in achieving accurate reporting of events in Iraq. They agreed that if there was no real improvement in a couple of weeks “top level US/UK media people” would be asked to work up and implement a plan.

Iranian activity and influence in Iraq

Throughout April and May, concerns were beginning to emerge within the US Administration about possible Iranian activity in Iraq.¹³⁷

The RAND report on the Occupation of Iraq records that the US authorities tracked the activity of the Iranian Revolutionary Guard Corps (IRGC) within Iraq and occasionally picked some individuals up for questioning.¹³⁸ There was suspicion, within the Coalition, that the Iranians were actively supporting and arming the Shia Badr Corps. On one occasion, UK and Danish patrols identified seven armed Iranian “border posts” located within Basra and Maysan Provinces, displaying the Iranian flag within Iraqi territory.

On 11 June 2003, the JIC issued an Assessment of Iran’s goals for Iraq, its activity in support of them and the level of its influence in Iraq.¹³⁹ The JIC judged that:

“Iran wants Iraq to be a stable, non-threatening neighbour with no long-term foreign, especially US, presence. It wants influence in a future Iraqi administration. It favours a unified State, but probably does not have a blueprint for how the administration should be structured. It does not expect the Iranian theocratic system to be a model for Iraq. But it believes that the Iraqi Shia population must have political representation broadly commensurate with its numbers in a democratic government ... Iran also wants resumed trade, a role in reconstruction, the repatriation of some 200,000 Iraqi refugees and Iraq’s formal recognition of the border. It still hopes, if possible, for reparations for the 1980-88 Iran/Iraq war and closure on missing prisoners-of-war ...

“Iran would have preferred a greater UN role in post-conflict Iraq and the early withdrawal of US forces ... The presence of large US forces adds to Iran’s sense of encirclement ... And a longer-term worry is that the resurgence of Najaf as a centre of Shia teaching, and the emergence of Iraq as a successful Shia state, could undermine the legitimacy of Iran’s theocratic system ...

“We judge that the Iranians instinctively see progress by the Coalition as detrimental to Iran, but pragmatically realise that chaos would ensue without the Coalition presence ... On the basis of Iranian activity so far, we judge this remains the broad thrust of Iran’s policy as implemented on the ground: to avoid direct conflict with the Coalition, to develop its influence, and to take advantage of the political process where possible. But it will retain the option of causing trouble for the Coalition if it is not satisfied by the outcome of events.

¹³⁷ Minute Reilly to Chaplin, 1 May 2003, ‘Iran: Their Iraq Policy: Next Steps’.

¹³⁸ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

¹³⁹ JIC Assessment, 11 June 2003, ‘Iraq: Iranian Activity and Influence’.

“Iran continues to be ... associated with the SCIRI leadership, but is also in touch with other Iraqi political groups and influential individuals.”

In early July, Mr Sawers briefed Mr Rycroft that his main security concern was the UK’s ability to patrol the border with Iran in Maysan Province:

“If we remain stretched there, we could end up being seen as the soft underbelly, and therefore at risk of even more attacks.”¹⁴⁰

Since the US had no diplomatic relations with Iran, Mr Sawers was sent to Tehran at the end of July to deliver “strong messages ... on [the] need to stop playing a malign role in internal Iraqi security”.¹⁴¹

His interlocutors denied that any such activity was taking place, but were “keen to stress that Iran shared the same goals as the Coalition”.¹⁴²

On 10 September, the JIC again considered Iranian activity and influence in Iraq.¹⁴³ It judged:

“Iran wants to exercise significant influence over the post-Saddam government. Much Iranian activity in Iraq is aimed at ensuring that Shia groups, particularly its main ally, the Supreme Council for the Islamic Revolution in Iraq (SCIRI) make progress in the political process ...

“Iran sees itself as competing with the Coalition for influence in Iraq. Tehran probably draws a distinction between stirring up trouble and authorising terrorist attacks on Coalition targets ...

“Recent events, including the arrest in the UK of the former ambassador to Argentina, Hadi Soleymanpur, have caused Iranian attitudes to harden. They could provoke violent protests against the UK.”

The JIC judged that the assassination on 29 August of SCIRI’s spiritual leader, Muhammed Baqir al-Hakim, represented a “serious blow to Iranian aspirations” in Iraq although it was difficult to assess the wider impact of his death on intra-Shia relations “which were already tense”.

The JIC observed:

“The loss of a more moderate Shia leader poses the risk that a more radical Shia leader, such as cleric Muqtada al-Sadr, will fill the vacuum.”

¹⁴⁰ Minute Rycroft to Manning, 9 July 2003, ‘Iraq: John Sawers’ views’.

¹⁴¹ Telegram 267 Tehran to FCO London, 30 July 2003, ‘Iran/Iraq: Visit of John Sawers: Security Issues’; Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

¹⁴² Telegram 267 Tehran to FCO London, 30 July 2003, ‘Iran/Iraq: Visit of John Sawers: Security Issues’.

¹⁴³ JIC Assessment, 10 September 2003, ‘Iraq: Iranian Activity and Influence’.

August 2003

271. On 1 August, Dutch troops assumed responsibility for the province of Muthanna within MND(SE).¹⁴⁴

272. On 4 August, Mr Hoon's Private Secretary wrote to Mr Rycroft to advise him that MOD Ministers had agreed that an additional (130-strong) infantry company and a small (30-strong) riverine capability were required in Iraq.¹⁴⁵

273. The letter stated:

“Paradoxically we are having to deploy more personnel partly because our reconstruction efforts are being successful (there is more worth securing and more civil activity to safeguard).”

274. Those additions would bring the total number of UK troops in theatre up to 10,000.

275. The Operational Update given to the Chiefs of Staff meeting on 6 August said:

“The levels of consent in Baghdad and the Baqubah and Fallujah corridors were ‘cautionary’, while the rest of Iraq was ‘compliant’. Daily attacks continued against US Forces in Baghdad; increasingly sophisticated IEDs were being used more frequently.”¹⁴⁶

276. The Chiefs were also told of “a slight increase in activity” in the UK's Area of Responsibility.

277. On 7 August, Mr Adam Ingram, Minister for the Armed Forces, told the AHMGIR that UK forces in Iraq would be “re-balanced” by the deployment of an additional infantry company.¹⁴⁷ This would mean a net increase of 120 personnel.

278. The situation was getting worse in the South, with riots in Basra in August over lack of fuel and electricity.¹⁴⁸

279. Minutes of the Chiefs of Staff meeting on 13 August recorded that:

“The toll of civilian casualties (one dead and five wounded throughout the AO) may have been higher had some 76 baton rounds not been fired to control crowd behaviour. GOC MND(SE) had initiated a range of measures to secure the delivery of fuel to the Basra area in the immediate term, and CPA subject matter experts planned to visit Basra and discuss the issue with GOC.”¹⁴⁹

¹⁴⁴ Minutes, 6 August 2003, Chiefs of Staff meeting.

¹⁴⁵ Letter Latham to Rycroft, 4 August 2003, ‘Iraq: Force Level Review’.

¹⁴⁶ Minutes, 6 August 2003, Chiefs of Staff meeting.

¹⁴⁷ Minutes, 7 August, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁴⁸ Public hearing, Stewart, Synnott and Lamb, 9 December 2009, pages 19 and 54-57.

¹⁴⁹ Minutes, 13 August 2003, Chiefs of Staff meeting.

280. Sir Hilary Synnott wrote in his memoir:

“With the rising summer temperatures and the sudden influx of funds from increased salaries and reconstruction contracts, the local people had been buying up newly available electrical goods, especially air conditioners. The demand for electrical power and fuel generators soared. Suddenly, the supply failed to keep pace. Generators tripped and the diesel fuel distribution chain broke apart. Riots erupted outside our Electricity Accounts building. Instead of just stones and rocks, there was now gunfire ... Within a day, however, the Army had stepped in to organise the fuel distribution network ... The violence subsided to a normal level as quickly as it had blown up.”¹⁵⁰

281. Cabinet Office officials reported on 14 August that “Daytime Improvised Explosive Devices (IEDs), followed up with sniper or rocket propelled grenade attacks, are becoming increasingly common”.¹⁵¹

282. Officials from the FCO reported “cautious progress” on the political process. Ambassador Bremer and Mr Richmond were “encouraging the Governing Council to make decisions”. A list of ministerial names was being drawn up but it was not clear how the Constitutional Preparatory Committee would be chosen. Foreign Ministers from the Arab League had announced that they would not recognise the Governing Council, but would work with it.

283. On 14 August, the UN Security Council adopted resolution 1500 (2003). There were 14 votes in favour. Syria abstained.

284. This short resolution welcomed the formation of the GC as “an important step towards” the creation of an internationally-recognised representative government in Iraq.¹⁵²

285. Operative paragraph 2 of the resolution created the United Nations Assistance Mission for Iraq, to support the Secretary-General in fulfilling the responsibilities he had been given in resolution 1483.

286. The Cabinet Office assessed that:

“The passage of UNSCR 1500 and UK lobbying have contributed to a more positive **regional attitude** to the Governing Council.”¹⁵³

287. On 14 August, Cabinet Office officials reported to members of the AHMGIR that the GC had announced the formation of “a 25-member, all male committee of technocrats to prepare for the Constitutional Convention”.¹⁵⁴

¹⁵⁰ Synnott H. *Bad Days in Basra: My Turbulent Time as Britain's Man in Southern Iraq*. IB Tauris & Co Ltd., 2008.

¹⁵¹ Briefing Cabinet Office, 14 August 2003, ‘Iraq: Update for Ministers, 14 August 2003’.

¹⁵² UN Security Council resolution 1500 (2003).

¹⁵³ Briefing Cabinet Office, 20 August 2003, ‘Iraq: Update for Ministers, 21 August 2003’.

¹⁵⁴ Minute Drummond to Owen, 14 August 2003, ‘Iraq: Update for Ministers’.

288. That committee had begun work by 21 August.¹⁵⁵

289. On 18 August, Lt Gen Robert Fry, who had become Deputy Chief of Defence Staff (Commitments) in July, briefed the Chiefs of Staff that there had been:

“... a decline in Iraqi consent to the Coalition in MND(SE) due to the failure by the Coalition to deliver improvements in essential services ...

“There is no doubt that across the MND(SE) the honeymoon period that followed the conflict is now over. The Shia leaders are suggesting that the Coalition now has a short period of grace before a significant deterioration in local consent. Without progress in infrastructure, MND(SE) is finding that work in security sector reform, political development, welfare provision and so forth is stalled.”¹⁵⁶

290. An update for the AHMGIR, produced on 20 August, said that:

“Basra is now calmer, following last week’s disturbances ... However ... the willingness of local leaders to issue, and the public to respond to, appeals for calm may be short-lived if the Coalition cannot maintain at least the current level of service delivery. Security across MND(SE) remains volatile ... Security concerns have led Japanese staff in CPA(South) to be withdrawn.”¹⁵⁷

291. In a meeting on the same day, the Chiefs of Staff were told that:

“There had been no deterioration of the situation in the UK AO, possibly as a result of the order for restraint from Ayatollah Sistani and possibly as a rejection of the call for action by the Shia against the Coalition from Saddam Hussein. Most of the MND(SE) contacts over the reporting period were related to criminal activity.”¹⁵⁸

292. Two days after that update, there was an attack on a Royal Military Police patrol, in which three were killed¹⁵⁹ and another seriously injured.¹⁶⁰ Up to five Iraqis were also understood to have been killed or seriously injured.

293. UK forces in theatre responded by restricting their movements to essential journeys only.¹⁶¹

294. The following week, another British soldier was killed¹⁶² in an incident in Maysan.¹⁶³

¹⁵⁵ Briefing Cabinet Office, 20 August 2003, ‘Iraq: Update for Ministers, 21 August 2003’.

¹⁵⁶ Minute DCDS(C) to COSSEC, 18 August 2003, ‘Essential services in MND(SE)’.

¹⁵⁷ Briefing Cabinet Office, 20 August 2003, ‘Iraq: Update for Ministers, 21 August 2003’.

¹⁵⁸ Minutes, 20 August 2003, Chiefs of Staff meeting.

¹⁵⁹ Major Matthew Titchener, Company Sergeant Major Colin Wall and Corporal Dewi Pritchard.

¹⁶⁰ Public hearing White, 21 July 2010, page 18.

¹⁶¹ Minute No.10 [junior official] to Prime Minister, 23 August 2003, ‘Update: Iraq; MEPP’.

¹⁶² Fusilier Russell Beeston.

¹⁶³ Letter Williams to No.10 [junior official], 28 August 2003, ‘Iraq: situation in UK area of operations’.

295. Mr Hoon's Private Secretary wrote to Mr Blair's office that the MOD did not see a link to previous incidents and there was "no reason ... to suppose that they represent a trend". He added:

"It is worth noting that the number of UK Servicemen killed by enemy action since the beginning of May is now greater than the number killed during major combat operations in March and April."

The UN bombing

On 19 August, a bomb exploded outside UN headquarters at the Canal Hotel, Baghdad. It killed 22 UN staff and visitors, including Mr Vieira de Mello.¹⁶⁴

No.10 officials told Mr Blair that "It was a large explosion – about a ton of explosives, probably in a truck".¹⁶⁵

Lieutenant General Andrew Ridgway, Chief of Defence Intelligence, told the Chiefs of Staff on 20 August that:

"Further attacks were expected. The bombing would affect coalition building, NGO confidence, and the reconstruction of utilities, which if not expedited could lead to a significant loss of consent."¹⁶⁶

There was a second bomb attack on the UN on 22 September.¹⁶⁷

One member of DFID staff was slightly injured in the first attack.¹⁶⁸

The FCO and DFID immediately reviewed security for staff in Iraq; security advisers said that they were "generally content" with security arrangements for UK staff in CPA Baghdad, but made a number of recommendations for improvement.

At the time, it was unclear who was responsible for the attack, but it was considered that the method and target suggested Islamist extremists rather than Ba'ath Party loyalists.¹⁶⁹

Sir John Sawers told the Inquiry that the attacks were subsequently attributed to Al Qaida.¹⁷⁰

¹⁶⁴ *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq*, 20 October 2003, page 13.

¹⁶⁵ Minute No.10 [junior official] to Prime Minister, 19 August 2003, 'Update on Baghdad UN Bombing: 19:45'.

¹⁶⁶ Minutes, 20 August 2003, Chiefs of Staff meeting.

¹⁶⁷ *Report of the Independent Panel on the Safety and Security of UN Personnel in Iraq*, 20 October 2003, page 16.

¹⁶⁸ Annotated Agenda, 29 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting; Minutes, 29 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁶⁹ Briefing Cabinet Office, 20 August 2003, 'Iraq: Update for Ministers, 21 August 2003'.

¹⁷⁰ Public hearing, 16 December 2009, page 36.

The JIC assessed in early September that:

“In most cases, we do not know who carried out specific attacks. The intelligence picture is incomplete. But intelligence indicates several categories of groups are responsible:

- supporters and officials of the former Iraqi regime;
- ‘Mujahedin’ (mainly foreign fighters, but also Iraqi Sunni extremists);
- Sunni Islamic terrorist organisations, mainly Ansar al-Islam;
- unaffiliated Iraqis, motivated by personal, local or tribal grievances or by payment from one of the groups listed above.”¹⁷¹

The JIC also judged that:

“The security environment will remain poor, and will probably worsen over the next year, unless the Coalition, in conjunction with Iraqis, can reverse current trends. There are likely to be more spectacular attacks.”

Tension in central Iraq increased after the bombing.¹⁷²

By 29 August, the World Bank and 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.¹⁷³

Lieutenant General Freddie Viggers told the Inquiry that the attack on the UN was:

“... a huge blow ... they knew precisely where to put that truck ... Of course it shook up the workers of the UN right across the country, and the threats kept coming, and it was of no surprise that within a few days they said ‘We can’t sustain this’.”¹⁷⁴

On 29 August, Sir Nigel Sheinwald, Mr Blair’s Foreign Policy Adviser, suggested to Mr Blair that a ‘next step’ for the UK should be to:

“... persuade the UN to adopt a realistic approach to security. Give more security advice and equipment to UNAMI [United Nations Assistance Mission in Iraq] so that it can continue with as many operations as possible in the greater threat environment. Where the UN operates, other international bodies and NGOs will follow.”¹⁷⁵

Mr Bearpark told the Inquiry:

“It is very difficult to overstate the chaos that [the UN bombing] caused for the CPA, because all your interlocutors suddenly vanished and you didn’t even know where they were.”¹⁷⁶

¹⁷¹ JIC Assessment, 3 September 2003, ‘Iraq: Threats to Security’.

¹⁷² Briefing Cabinet Office, 20 August 2003, ‘Iraq: Update for Ministers, 21 August 2003’.

¹⁷³ Minute Sheinwald to Prime Minister, 29 August 2003, ‘Iraq’ attaching Note Cabinet Office, ‘Iraq: Update 29 August 2003’.

¹⁷⁴ Public hearing, 9 December 2009, page 57.

¹⁷⁵ Minute Sheinwald to Prime Minister, 29 August 2003, ‘Iraq’ attaching Note Cabinet Office, ‘Iraq: Update 29 August 2003’.

¹⁷⁶ Public hearing, 6 July 2010, page 29.

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 [UN Special Adviser on Iraq] arrived, initially in the end of January 2004 and then again in April 2004, he was really working on his own.”¹⁷⁷

Sir David Richmond told the Inquiry that Mr Vieira de Mello would have played a very influential role in Iraq.¹⁷⁸ Firstly because of his personal qualities, and secondly because:

“... he had a direct link to Ayatollah Sistani, which neither Bremer nor the UK Special Representatives had. Indeed he had, so we are led to believe ... suggested to Ayatollah Sistani that elections could be held in Iraq really quite quickly. It was this fact that caused a huge amount of complications in the autumn of 2003 as we were trying to find a political process that would lead to the transition to a sovereign government. Had he not been killed he, of course, would have been the link with Sistani, and the problems we had with Sistani I think would have been far fewer. The fact he had that – because at the time in August you have to be clear we had not realised in the CPA that Sistani was going to be as influential as he was. We knew that he had issued this fatwa and so on but we did not know the fatwa was going to be an insurmountable obstacle. That became apparent as time progressed.”

296. The first Coalition update to the Security Council under the terms of resolution 1483 was provided on 21 August.¹⁷⁹

297. The US and the UK had planned to go into some detail about achievements in Iraq, but the UN bombing on 19 August meant Ambassador Negro Ponte, US Permanent Representative to the UN, and Sir Emyr Jones Parry, UK Permanent Representative to the UN in New York, instead delivered a much shorter and more downbeat report.¹⁸⁰

298. The report highlighted both the need for the international community to increase its contribution to building a secure future for Iraq and the vital role of the UN.¹⁸¹

299. Reporting on the Security Council’s reaction, Sir Emyr recorded that “responses were only preliminary. But all those that spoke expressed their willingness to work together on a new resolution, and welcomed the open approach we were taking.”

300. Mr Duclos, French Permanent Representative to the UN, said that the “UN could not be expected to share more of the burden without sharing more of the authority” and Mr Sergei Lavrov, Russian Permanent Representative to the UN, remarked on the need for clarity on the UN’s role before member states would contribute more.

¹⁷⁷ Public hearing, 26 January 2011, page 43.

¹⁷⁸ Public hearing, 26 January 2011, pages 41-42.

¹⁷⁹ Telegram 1208 UKMIS New York to FCO London, 22 August 2003, ‘Iraq: Coalition Update and New Resolution’.

¹⁸⁰ Telegram 1512 UKMIS New York to FCO London, 27 October 2003, ‘Iraq: Second Update Under 1483’.

¹⁸¹ Telegram 1208 UKMIS New York to FCO London, 22 August 2003, ‘Iraq: Coalition Update and New Resolution’.

301. Sir Emyr suggested in his message to London that “we need to clarify our thinking on what precisely we want to achieve on the various areas”. He recorded continued interest from the Security Council in the political timetable, and proposed:

“Possible ways forward might be to invite the Secretary-General to consult or to stimulate the Governing Council itself to work up a timetable which the Security Council could take note of.”

302. On 26 August, Mr Richmond reported from Baghdad that August had been “a difficult month” and described attacks on the Jordanian Embassy and on the UN’s headquarters as “major escalations”.¹⁸² He advised that the UK needed to hold its nerve; problems were being identified and fixed, but “we are in for a bumpy ride”.

303. On 28 August, the British Embassy Baghdad reported the number of significant security incidents reported by Coalition Forces in August as:

- 17 to 19 August: 71 incidents;
- 21 to 23 August: 94 incidents;
- 24 to 26 August: 72 incidents.¹⁸³

304. The August violence had not been confined to Baghdad. On 29 August a bomb attack on the Imam Ali mosque in Najaf killed 80 people, including Ayatollah Mohammed Baqir al-Hakim, the leader of the Shia political party the Supreme Council for an Islamic Revolution in Iraq (SCIRI).¹⁸⁴

305. Sectarian violence between Turkomen and Kurds broke out in Kirkuk, but was calmed by community leaders.¹⁸⁵

306. Mr Miller sent No.10 a brief on the GC’s membership, personalities and progress on 28 August.¹⁸⁶ Out of the 25 GC members he wrote that 13 were Shia, and there were five Sunni, five Kurds, one Turkoman and one Christian.

307. In the Annotated Agenda for the 28 August meeting of the AHMGIR, Cabinet Office officials advised that, since its creation on 13 July, the GC had:

“... made only limited progress. Unable to agree on a single chairperson, the IGC agreed a 9-man leadership council.”¹⁸⁷

308. Cabinet Office officials advised that internal wrangling was delaying the appointment of ministers, and that ministries were being allocated along sectarian lines, identical in number and balance to the GC itself.

¹⁸² Telegram 139 IraqRep to FCO London, 26 August 2003, ‘Iraq: How it Looks from Baghdad’.

¹⁸³ Telegram 129 Baghdad to FCO London, 28 August 2003, ‘Iraq Sitrep, 28 August’.

¹⁸⁴ *BBC News*, 29 August 2003, *Iraq holy city blast kills scores*.

¹⁸⁵ Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁸⁶ Minute Miller to Sheinwald, 28 August 2003, ‘Iraq: Key Groups’.

¹⁸⁷ Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

309. Cabinet Office officials also set out UK objectives for a new Security Council resolution. They were:

- to broaden the UN Special Representative’s role, especially on the political process;
- to ask the GC to set a timetable for elections;
- to encourage international engagement with the GC;
- to stimulate funding for reconstruction; and
- to encourage contributions of troops and police, “without undermining the legal basis of our current military presence (a significant caveat)”.¹⁸⁸

310. Mr Straw told the AHMGIR when it met on 28 August that:

“... the US and UK had seized the opportunity, provided by the international solidarity following the UN bombing, to work on a new UN resolution. There was UN consensus on the need for a strengthened UN mandate for military forces in Iraq, and that they should operate under single command but not be a blue-hatted operation.”¹⁸⁹

311. FCO officials told the meeting that secularists wanted a slow political timetable in Iraq but Islamists a quicker one, believing they would benefit from early elections. Mr Neil Crompton, who had succeeded Mr Chilcott as the Head of the Iraq Policy Unit, described progress as “limited”.

312. On 28 August Mr Crompton advised Mr Straw’s Private Secretary that:

“... there is a head of steam within the MOD about the lack of progress on reconstruction. As the military see it, CPA in general, and CPA(South) in particular, have failed to deliver. As a result, the Coalition is losing consent, the military are having to take on tasks which should be undertaken by civilians, and in the process the military are becoming over-stretched and vulnerable.”¹⁹⁰

313. A letter from Mr Hoon’s Private Secretary of the same date confirmed this assessment. It reported the MOD’s view that:

“The nub of the problem is the failure to deliver an adequate (even to pre-war standards) level of essential services ... electricity, water and fuel.”¹⁹¹

314. On 29 August, Sir Nigel Sheinwald, successor to Sir David Manning as Mr Blair’s Foreign Policy Adviser, updated Mr Blair on Iraq.¹⁹² He attached a Cabinet Office note incorporating the conclusions of the previous day’s meeting of the AHMGIR.

¹⁸⁸ Annotated Agenda, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁸⁹ Minutes, 28 August 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁹⁰ Minute Crompton to PS [FCO], 28 August 2003, ‘Ad Hoc Ministerial’.

¹⁹¹ Letter Williams to No.10 [junior official], 28 August 2003, ‘Iraq: Situation in UK Area of Operations’.

¹⁹² Sheinwald to Prime Minister, 29 August 2003, ‘Iraq’ attaching Note Cabinet Office, 29 August 2003, ‘Iraq: Update 29 August 2003’.

315. In relation to the political process, the Cabinet Office note said:

- the Governing Council had appointed a preparatory Constitutional Committee, which should mean a Constitutional Convention by the autumn;
- national elections were possible in summer 2004, followed by the establishment of a sovereign Iraqi Government in the autumn;
- the CPA was slowly transferring power to the GC;
- the nine-member Presidency of the GC was unwieldy and politically inexperienced; and
- decisions, including on the appointment of interim ministers, were being taken on ethnic and sectarian lines and were slow to emerge.

316. The Cabinet Office note said that the UK should:

- persuade the GC to choose ministers quickly, establish the Constitutional Convention and agree and announce a clear political timetable in consultation with the CPA;
- work on a new resolution; and
- persuade Mr Annan to choose a suitable successor to Mr Vieira de Mello.

317. In relation to security, the Cabinet Office note recorded that:

“The security situation in central and southern Iraq had worsened since July. It is likely to deteriorate into the autumn. Numbers of attacks in and around Baghdad remain broadly the same, but the **sophistication** has increased.”

318. The recommended next steps were to:

- broaden and increase Coalition Forces in Iraq, necessitating a new resolution;
- accelerate training of Iraqi Security Forces;
- gather more intelligence on Islamic groups to improve targeting; and
- persuade the UN to adopt “a more realistic approach” to security.

319. In his minute Sir Nigel Sheinwald gave Mr Blair his view of immediate priorities for Iraq.¹⁹³ They were:

- increasing UK resources, both military and civilian;
- improving utilities, especially electricity generation in the South;
- accelerating the arrival of police trainers;
- improving CPA media handling;
- a new UN Security Council resolution “to spread the military and reconstruction load”;

¹⁹³ Minute Sheinwald to Prime Minister, 29 August 2003, ‘Iraq’ including manuscript comment Blair.

- the investigation of crimes by the former Iraqi regime; and
- managing expectations on WMD in anticipation of “thin pickings” in the Iraq Survey Group’s report (see Section 4.4).

320. Sir Nigel recommended a “beginning-of-term talk to President Bush” and a meeting with the key players in London ahead of it.

321. Mr Blair wrote on Sir Nigel’s minute:

“This isn’t really working at present. I will have to reflect on how we progress ... I need a meeting next week.”

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322. After the UN bombing in mid-August, a “follow-on review” took place.¹⁹⁴ Its conclusions were sent to senior military figures and copied to Sir Nigel Sheinwald and others on 1 September. It listed the following as key requirements:

- “a. Surge forces amounting to around a battalion between now and late Nov to support current operations and to offer protection to the CPA; and
- b. Enduring requirement to increase force protection, commence ICDC [Iraqi Civil Defence Corps] training and to improve the ISTAR capability in MND(SE) amounting to around a battalion ...”

323. There were reports from MND(SE) of former regime loyalists returning to southern Iraq; they and terrorist groups (such as Ansar al-Islam and Al Qaida) were expected to operate in southern Iraq and to carry out terrorist attacks there “for the foreseeable future”.¹⁹⁵

324. The meeting Mr Blair requested in his note to Sir Nigel Sheinwald was held on 2 September.¹⁹⁶ It was attended by Mr Straw, Mr Hoon, Mr Hilary Benn (Minister of State for Development), Gen Walker, Sir Richard Dearlove (C), Mr John Scarlett (Chairman of the JIC), Sir Jeremy Greenstock, Mr Sawers (FCO Director General Political)¹⁹⁷ and No.10 officials.

325. A brief for the meeting provided to Mr Hoon’s Assistant Private Secretary by the MOD Assistant Director, Iraq said that Mr Straw was “likely to argue that what is needed is ... reinforcement of UK forces with a Brigade” and that, at the meeting, Gen Walker would “lead on whether this is possible and in what timescales”.¹⁹⁸

¹⁹⁴ Minute SECCOS to [Chiefs of Staff], 1 September 2003, ‘Op Cos Paper: Op TELIC – UK Force and Resources Review an Update’ attaching Paper DCJO(Ops), 2 September 2003, ‘Op Telic – UK Force and Resources Review – an Update’.

¹⁹⁵ Paper HQ MND(SE) [junior officer], 1 September 2003, ‘HQ MND(SE) Forces and Resources Review’.

¹⁹⁶ Letter Cannon to Adams, 2 September 2003, ‘Iraq: Briefing for Prime Minister’.

¹⁹⁷ The title of this post changed from Political Director to Director General Political. It is the role previously held by Mr Peter Ricketts.

¹⁹⁸ Minute AD Iraq to APS/SofS [MOD], 2 September 2003, ‘Post-Najaf; Meeting with the Prime Minister’.

326. The brief said that “the priority for the MOD is to underline to the Prime Minister the need for delivery on essential services in the South-East in the very near future” but stated that there was a need for “urgent measures that will relieve the military of tasks unrelated to security” because:

“... the military’s role should be to set the conditions for others to secure and regenerate Iraq’s basic utilities. While we can patch up utilities, we have neither the numbers, capabilities nor the money to overhaul Iraq’s infrastructure.”

327. In a handwritten comment, Mr Hoon’s Private Secretary added that while there might be a short-term need for:

“... a surge deployment of troops to protect the work – we should not agree to a major ‘symbolic’ deployment of troops over and above this.”¹⁹⁹

328. Gen Walker received a brief on the security situation in preparation for the meeting.²⁰⁰ A handwritten note from his Principal Staff Officer added that it appeared that the FCO was moving away from the view that responsibility lay with a cross-Government effort in Iraq. He relayed the MOD concern that if more troops were offered “the heat will be less on infrastructure requirements as driven by FCO/DFID”.

329. Sir Hilary Synnott sent a telegram entitled ‘Southern Iraq: What Needs to be Done?’ in time for Mr Blair’s meeting on 2 September. He wrote:

“The main immediate need is a vastly increased effort, well beyond the current capabilities of CPA(S) or MND(SE), to provide visible improvements in the provision of power, water and fuel in a short timescale.”²⁰¹

330. Sir Hilary concluded that:

“CPA(S) needs to do even more to organise itself into a more streamlined and effective organisation and we are doing this. In order to deliver the goods according to our terms of reference and be a true co-ordinating authority we must have ... more resources, a new location very soon and protective cover.”

331. In a separate telegram, Sir Hilary proposed “An Emergency Plan for Essential Services in Southern Iraq” which would require “extraordinary and rapid procurement, contractual and management arrangements, enhanced funding, more staff in theatre and the active engagement and involvement of CPA(Baghdad)”.²⁰²

¹⁹⁹ Manuscript comment Williams to Hoon on Minute AD Iraq to APS/SofS [MOD], 2 September 2003, ‘Post-Najaf; Meeting with the Prime Minister’.

²⁰⁰ Note PSO to CDS, [undated], [untitled] attaching ACDS(Ops) to PSO/CDS, 2 September 2003, ‘Iraq – Security Assessment’.

²⁰¹ Telegram 9 Synnott to FCO London, 1 September 2003, ‘Southern Iraq: What Needs to be Done?’

²⁰² Telegram 10 Synnott to FCO London, 1 September 2003, ‘An Emergency Plan for Essential Services in Southern Iraq’.

332. Sir Hilary observed that “formally” it was for CPA(Baghdad) to own and resource the plan “but that is not quite how things work in practice ... there is a certain expectation that the regions should take a lead to sort out their own problems”. He suggested that a “high level task force” should be established in Whitehall to provide the support he needed.

333. The Essential Services Plan is covered in detail in Section 10.1.

334. Immediately after the meeting on 2 September Mr Cannon wrote to the FCO with a request for eight pieces of advice, to be delivered two days later.²⁰³

335. The advice was to cover police and internal security, infrastructure in the South, CPA finances, oil and electricity, media, the political process, conditions of service for UK civilian staff, and Iraqi assets overseas.

336. Mr Cannon wrote that Mr Blair “wanted action on Iraq taken forward with a heightened sense of urgency”. He had observed that “the key to the security situation in Iraq is the rapid mobilisation of an effective Iraqi police force”.

337. In response to Sir Hilary’s telegrams, Mr Blair wanted “the maximum possible support given to Sir Hilary’s proposals for immediate infrastructure projects in the CPA(South) area, with appropriate military cover”.

338. Mr Cannon’s letter asked Sir Jeremy Greenstock to talk through the issues discussed with Ambassador Bremer, so as to avoid “cutting across [his] position in raising these issues with Bush”.

339. On 3 September, the JIC produced an Assessment of threats to security in Iraq.²⁰⁴ Its first three Key Judgements were:

I. The security environment will remain poor, and will probably worsen over the next year, unless the Coalition, in conjunction with Iraqis, can reverse current trends. There are likely to be more spectacular attacks.

II. The violent opposition comprises former regime officials, Sunni Iraqi extremists, Sunni ‘Mujahedin’ and Sunni Islamic terrorist organisations, mainly Ansar al-Islam. But we do not know who is responsible for specific attacks.

III. Sunni Islamic extremists/terrorists see Iraq as the new focus for Jihad. They are likely to present the main long-term threat to Coalition interests in Iraq, as they can draw on external recruits and finance.”

340. The JIC recorded daily attacks on the Coalition, including a recent increase in the South. The most significant attacks were vehicle bombs in Najaf and Baghdad and at the Jordanian Embassy and UN HQ. There had been attacks using mortars, man-portable surface-to-air missiles, small arms and – increasingly – small improvised explosive devices. Those conducting attacks had shown “growing competence, determination and sophistication”.

²⁰³ Letter Cannon to Adams, 2 September 2003, ‘Iraq: Briefing for Prime Minister’.

²⁰⁴ JIC Assessment, 3 September 2003, ‘Iraq: Threats to Security’.

341. The JIC assessed that:

“... many Mujahedin, willing to accept martyrdom, have come to Iraq since the war ... Most are probably not affiliated or connected with specific terrorist groups ... It appears that the networks see Iraq as the new focus for Jihad ... We do not know how many Mujahedin there are within Iraq, or how integrated they are ...

“The main organised Islamic terrorist group in Iraq is Ansar al-Islam (AI), which is closely associated with Al Qaida (AQ). The group suffered significant casualties in Coalition attacks, but about 450 members escaped ... AI has since reorganised, with some assistance from elements of the Iranian regime, and its members are now present in at least northern and central Iraq, with large quantities of weapons ... and explosives. Intelligence suggests Islamic extremists and possibly AI are also trying to establish themselves in southern Iraq, though with what success is uncertain. It seems that AI is becoming an important co-ordinator for Islamic volunteers from across the Arab world, possibly reflecting an ambition to become a significant international actor.”

342. The Assessment continued:

“... Mujahedin groups and AI have conducted some of the low-level attacks on Coalition Forces, but we cannot specify how many or which ones ...

“Bin Laden has called on Muslims to fight the Coalition and encouraged extremists to travel to Iraq. al-Zarqawi, closely associated with AI and AQ was reported before the war to be establishing cells that would conduct attacks in the event of a Coalition Occupation. Terrorists associated with al-Zarqawi probably remain in Iraq.

“Islamic extremists/terrorists can draw on external recruits and finance. We judge that they are likely to present the main long-term threat to Coalition interests in Iraq.”

343. The JIC also judged that:

“Attacks by Iraqi Shia groups have been limited to date ... reporting indicated supporters of militant Shia cleric Muqtada al-Sadr are acquiring weapons, planning attacks on Coalition targets and may have already attacked Iraqi officials.”

344. The JIC characterised Shia consent as “fragile and eroding” and judged that any attempt to disarm Shia militia groups such as al-Sadr’s Mahdi Army “could be a significant additional cause of friction”. The JIC assessed that:

“Hitherto, the general tenor of Shia clerical advice has been to give the Coalition a year in which to make a difference. But the recent attacks are likely to have shortened this timeline substantially. If the acquiescence of senior clerics and others with influence ... changes to hostility, it would have the most serious consequences for the security situation in southern Iraq.”

Muqtada al-Sadr and Jaysh al-Mahdi

Muqtada al-Sadr was descended from a long line of distinguished Shia clerics known for their political activism.²⁰⁵ His father, Grand Ayatollah Sadiq al-Sadr, was jailed under Saddam Hussein's regime and assassinated in 1999.

Muqtada inherited from his father a network of quasi-political offices in Baghdad and across the south of Iraq called "Offices of the Martyr Sadr" (OMS) which were used to spread the Sadrist message and provide social welfare.

After the bombing of the Imam Ali Mosque in Najaf by Al Qaida in August 2003, Muqtada al-Sadr established an armed militia, Jaysh al-Mahdi (JAM) or the Mahdi Army, to protect Shia religious establishments, counter the Badr Corps and resist the Occupation of Iraq.

345. Sir David Richmond told the Inquiry that concern about the problem of Sunni marginalisation was growing through August and September 2003.²⁰⁶ The problem had been "relatively easily diagnosed": the Sunnis had gone from having a very dominant role in all aspects of the Iraqi state under Saddam Hussein to having a very different future in a democratic state in which they made up approximately 20 percent of the population. The disbandment of the army and the de-Ba'athification process had also had a huge effect on employment in the Sunni provinces of Iraq.

346. A message from Baghdad on 4 September confirmed that Ambassador Bremer had no problem with the issues to be discussed with President Bush.²⁰⁷ He was reported to be requesting between US\$20bn and US\$22bn in additional funding to pay for investment in infrastructure as well as the daily running of Iraq.

347. The eight pieces of advice Mr Blair had requested were submitted the same day.²⁰⁸

348. The IPU's paper on security said that:

"Attacks on Coalition Forces, the UN and Iraqis working with the Coalition are undermining confidence and holding back efforts to restore basic services. The cumulative effect is to undermine the consent of the Iraqi people to the presence of Coalition Forces and raise the risk of strategic failure."²⁰⁹

349. The papers on security and essential services had been discussed by the AHMGIR earlier in the day. On security, Mr Straw as Chair had commissioned further work, in particular on addressing Iraq's "porous borders".²¹⁰

²⁰⁵ JIC Assessment, 12 July 2007, 'Muqtada al-Sadr: Keeping His Distance'.

²⁰⁶ Public hearing, 26 January 2011, pages 52-57.

²⁰⁷ Telegram 150 IraqRep to FCO London, 4 September 2003, 'Iraq: Briefing for Prime Minister'.

²⁰⁸ Letter Adams to Cannon, 4 September 2003, 'Iraq: Briefing for the Prime Minister'.

²⁰⁹ Letter Adams to Cannon, 4 September 2003, 'Iraq: Briefing for the Prime Minister' attaching Paper IPU, 4 September 2003, 'Iraq: security'.

²¹⁰ Minutes, 4 September 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

350. The AHMGIR also endorsed Sir Hilary’s plan for essential services and stated that it should be taken forward urgently.

351. A US draft of the proposed Security Council resolution was also provided to the meeting. Mr Straw explained that it “included a timetable for the transfer of sovereignty, expanding the United Nations role and calling for a multi-national force under unified command”. Mr Straw expected that the French and German governments would be “constructive”.

352. The AHMGIR was also made aware of a new senior officials group on Iraq, chaired by Sir Nigel Sheinwald, that would meet twice weekly. This group was known as the Iraq Senior Officials Group (ISOG).

353. Mr Hilary Benn wrote to Mr Blair on 4 September to explain that he had approved £20m of DFID funding in support of the essential services plan. The balance would need to come from the CPA in Baghdad. Mr Benn explained that he had:

“... held back from committing to meet the full cost, to avoid giving the impression to the CPA that HMG wants to take on full responsibility for the south of the country including the future funding of all infrastructure.”²¹¹

354. RAND reported that, in early September, Ambassador Bremer published a plan for the restoration of Iraqi sovereignty.²¹² The steps described by the plan were:

- (i) the creation of the GC;
- (ii) the formation of the Constitutional Preparatory Committee (CPC) to propose how to write the Constitution;
- (iii) increasing day-to-day responsibility of the GC;
- (iv) writing the Constitution;
- (v) ratifying the document;
- (vi) national elections to choose a government; and
- (vii) the dissolution of the CPA and the resumption of Iraqi sovereignty.

355. This ‘Seven Step Plan’ did not include a timescale.

356. On 4 September, Mr Straw’s Principal Private Secretary sent a paper to Mr Cannon to update Mr Blair on “the political process, including the possibility of an accelerated transfer of sovereignty to an Iraqi interim government”.²¹³

²¹¹ Letter Benn to Blair, 4 September 2003, ‘Iraq: Restoring Essential Services in the South’.

²¹² Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

²¹³ Letter Adams to Cannon, 4 September 2003, ‘Iraq: Briefing for the Prime Minister’ attaching Paper, ‘Political Process’.

357. The paper said that elections were not yet possible because there was no Constitution, no accurate electoral roll, no free media, and political parties were not well established. Realistically, the process of drafting a Constitution would take six to eight months. Elections might then happen within two months of the ratification of the Constitution, which would mean summer 2004.

358. The paper also recorded calls for an earlier transfer of sovereignty and suggested that Sir Jeremy Greenstock should explore with the GC and Ambassador Bremer whether there was a “credible or viable way to move to a provisional Government, with or without sovereignty, in advance of elections”.

359. On 4 September, Mr Hoon’s Private Secretary wrote to Mr Rycroft to report that:

“... in the light of the changing security situation in the South-East of Iraq and in view of likely next steps by the CPA, the Defence Secretary had concluded that there is an immediate requirement to deploy a further two infantry battalions and certain specialist capabilities to Iraq ... we intend to identify and put on reduced notice to move a Brigade HQ, Infantry battalion and engineer capability as a contingency to support the implementation of the CPA(S) plan for emergency infrastructure work ...”²¹⁴

360. In advance of a planned conversation between Mr Blair and President Bush on 5 September, Sir Nigel Sheinwald spoke twice to Dr Rice.²¹⁵

361. Sir Nigel emphasised “the need to reflect in our [security] strategy our assessment of the new and growing threats to the Coalition. There was a mood of considerable concern in London, requiring a response across the board.”

362. Dr Rice agreed that there was “reason for concern”, but there was also a sense on the US side that things were not going as badly as the media portrayed and that an effort should be made to inject more balance. Sir Nigel and Dr Rice “agreed that the level of overall concern in London was maybe a notch or two higher than in Washington”. They also agreed that the video conference between the Prime Minister and the President should concentrate on security, reconstruction, infrastructure and utilities, media, and prospects for international contributions.

363. Sir Nigel congratulated Dr Rice on the US draft of the new Security Council resolution. He observed that the UK “had some comments; but if we could get something like it agreed, it should make a substantial difference internationally”.

364. After their conversations, Sir Nigel sent Dr Rice a Note from Mr Blair for President Bush to see ahead of the video conference on 5 September.²¹⁶

²¹⁴ Letter Williams to Rycroft, 4 September 2003, ‘Iraq: UK Forces and Resources Review’.

²¹⁵ Letter Sheinwald to Adams, 4 September 2003, ‘Conversations with Condi Rice, 3 and 4 September: Iraq’.

²¹⁶ Letter Sheinwald to Rice, 5 September 2003, [untitled], attaching Note [Blair to Bush], [untitled].

365. In his Note, Mr Blair proposed doubling the number of Iraqi police and speeding up the process of letting reconstruction contracts. In the South, he wrote that he had “authorised” the CPA to “just spend the money and recoup later from CPA(Centre)”.

366. Mr Blair confirmed that an increase in the numbers of British troops would be announced in the following days. He expressed support for Ambassador Bremer, and queried whether he had all the administrative and technical support he needed.

367. On the developing resolution, Mr Blair wrote “I wouldn’t bet on too much help coming forward ... I suspect that unless we sort security, help will be hard to find”.

368. Mr Blair concluded:

“So my basic point is: the problem is not complex to identify: it is security. The best solution is not us or at least us alone but the Iraqis. It is speed in building their capacity – security, intelligence, infrastructure, media – that we need.”

369. Mr Cannon reported the video conference between Mr Blair and President Bush to Mr Straw’s Private Office on 5 September.²¹⁷ The conversation had followed Mr Blair’s Note closely.

370. Dr Rice and Sir Nigel had been asked to draw up a list of concrete measures that could be taken to improve the situation.

371. Sir Nigel and Dr Rice spoke later on 5 September and agreed that their report should cover:

- security;
- infrastructure – including the UK specifying problems with financial flows from the centre of the CPA;
- the media; and
- personnel – including a more precise set of requirements for the CPA in Baghdad and in CPA (South).²¹⁸

372. Mr Hoon informed Parliament on 8 September that there would be an increased deployment of UK troops to Iraq.²¹⁹ His statement said:

“While the full scale of the requirement, which will be largely driven by initiatives of the Coalition Provisional Authority and the Department for International Development (DFID) to accelerate reconstruction activities across Iraq, has yet to be fully developed, there is an immediate requirement for two battalions and some additional specialist personnel, vehicles and equipment to allow him [the UK Divisional

²¹⁷ Letter Cannon to Adams, 5 September 2003, ‘Iraq: Prime Minister’s video-conference with Bush, 5 September’.

²¹⁸ Letter Sheinwald to Adams, 5 September 2003, ‘Conversation with Condi Rice: 5 September: Iraq’.

²¹⁹ House of Commons, *Official Report*, 8 September 2003, columns 2-3WS.

Commander in theatre] to fulfil the expanding range of tasks for UK forces in Multi-National Division (South-East) ...”

373. To meet the immediate requirement, the rest of 2nd Battalion the Light Infantry – one company of which was already in Iraq – would be deployed from Cyprus along with 1st Battalion the Royal Green Jackets, plus some specialist personnel. They would remain in Iraq until around November.

374. By 11 September, reporting from Iraq suggested that the Constitutional Preparatory Committee would recommend to the GC that membership of the Constitutional Convention, which would lead the process of drafting Iraq’s Constitution, should be decided by nationwide elections.²²⁰

375. The report also said that the fatwa issued by Grand Ayatollah al-Sistani at the beginning of July was “exerting enormous influence” on their deliberations.

376. Elections would mean delay, which Mr Richmond anticipated might lead to a push for the early restoration of Iraqi sovereignty, through the GC. Ambassador Bremer did not consider that a viable option.

377. Mr Richmond commented that it was:

“... also impractical: a transfer of sovereignty which left – as it would have to do – security, and given the US financial investment, economic/financial issues in Coalition hands would be pretty meaningless.”

378. Mr Straw updated Cabinet on Iraq on 11 September.²²¹ He reported that the security situation was uncertain after the terrorist incidents of the summer; greater international involvement was required.

379. A new Security Council resolution was being negotiated, and Mr Annan was holding a meeting of Foreign Ministers to address outstanding issues. Mr Blair observed that improved Iraqi capacity to provide security for themselves was essential.

380. As requested by Mr Blair and President Bush, Sir Nigel Sheinwald sent Dr Rice a note “which seeks to define our objectives and specify ongoing and future actions” on 11 September.²²² It covered security, intelligence, infrastructure, media and personnel.

381. The objectives were:

- Security: stabilise the security situation quickly and achieve visible momentum before the onset of Ramadan in late October. Change the emphasis from static guarding to proactive operations.

²²⁰ Telegram 162 IraqRep to FCO London, 11 September 2003, ‘Iraq: Political Process’.

²²¹ Cabinet Conclusions, 11 September 2003.

²²² Letter Sheinwald to Rice, 11 September 2003, ‘Iraq’ attaching Note 10 Downing Street, 10 September 2003, ‘Iraq: UK/US Action Plan 10 September’.

- Intelligence: increased intelligence and better intelligence analysis in order to take the offensive against terrorists and “Ba’athist remnants”.
- Infrastructure: radical and rapid improvement in basic service provision (particularly water, electricity and fuel) to maintain Iraqi consent.
- Media: a “step change on media” to counter “distorted” reporting by Al Jazeera and other satellite channels. Better presentation for the CPA and Governing Council.
- Personnel: more specialist support for the CPA in Baghdad and in the provinces.

382. Sir Nigel and Dr Rice discussed the note during Sir Nigel’s visit to Washington on 11 and 12 September.²²³

383. Sir Nigel reported to Mr Blair:

“We share **objectives**; and there now appear to be detailed **plans** under development by the CPA in all the priority areas. Condi was particularly clear on the urgency of work on **electricity** (including imports from Iran), **police** and **CDC** [Civil Defence Corps] training, and confident that we were starting to develop a coherent strategy on the **media**.”

384. Sir Nigel and Dr Rice agreed that there would be regular video conferences between London, Washington and Baghdad “to ensure we are all working from the same script”.

385. Sir Jeremy Greenstock reported on the political process a few days later. He wrote that:

“An early transfer of sovereignty ... raises constitutional and practical problems and is unlikely to deliver our aim of a democratic and stable Iraq. The current political process still offers the best way forward and has not yet been derailed. Nevertheless we should be thinking about fallbacks.”²²⁴

386. Sir Jeremy explained that the Seven Step Plan had already run into trouble. Firstly, as Mr Richmond had set out, because of a desire for an elected Constitutional Convention.

387. Secondly, because of pressure from Members of the UN Security Council to accelerate the process of handing over sovereignty to the Iraqis.

388. Sir Jeremy observed that if sovereignty were handed to the GC “questions about legitimacy come to the fore”. Alternatively, it would be possible to:

“... hold ‘quick and dirty’ elections for a provisional assembly, which would then draft a Constitution and provide an interim but sovereign government. But holding

²²³ Minute Sheinwald to Prime Minister, 14 September 2003, ‘Visit to Washington’.

²²⁴ Telegram 165 IraqRep to FCO London, 15 September 2003, ‘Iraq: Political Process’.

elections begs questions about electoral method, constituency boundaries, allocation of seats, political party laws, relationship with Government [sic] Council etc.”

389. Sir Jeremy repeated that Ambassador Bremer was not supportive of an early handover of power. He assessed that:

“As long as the Coalition remains a major presence in Iraq, it is difficult to see how it could cede ultimate authority over policy decisions which would affect the Security of the Coalition Forces, the expenditure of Coalition resources or Iraq’s commitment to human rights, a free market and democracy. If we on the UK side think differently because we judge the Coalition does not have the time and the opportunity to deliver these wider goals, then we have a gap in perceptions and objectives with the US we need to resolve.”

390. Replying to Sir Jeremy the following day, Mr Sawers wrote:

“I welcome your confirmation that the political process we mapped out last July remains, in your and Bremer’s view, achievable. Sticking to that approach would be our best bet.”²²⁵

391. Mr Sawers explained that the UK’s priority should be to stick to the timescale leading to elections in mid-2004 that he and Ambassador Bremer had envisaged. He added:

“We are looking at fallback options, including the possibility of the sort of two stage transition that you were advocating earlier this year from New York ...

“We agree with your conclusion that we should explore this alternative route. But we will do so circumspectly, and only activate it if the existing plan has to be reviewed. We are not at the point where we and the Americans seriously differ; but we are more open than them to considering alternatives, should that be necessary.”

Mr Baha Mousa

On 14 September, soldiers of the 1st Queen’s Lancashire Regiment (1 QLR) arrested seven Iraqi citizens including Mr Baha Mousa, a 26 year old hotel receptionist, at the Hotel Ibn Al Haitham in Basra, during an operation to detain a number of individuals who had been identified as former regime loyalists.²²⁶

A Public Inquiry into the circumstances of Mr Mousa’s death on 15 September, and the treatment of nine others who were detained with him, was announced in May 2008 and published its findings on 8 September 2011.

²²⁵ Telegram 71 FCO London to IraqRep, 16 September 2003, ‘Iraq: Political Process’.

²²⁶ *The Report of the Baha Mousa Inquiry*, 8 September 2011, HC 1452-I, II, III.

392. Sir Jeremy Greenstock responded on 19 September to say that “discussion of possible timings for the political process needs to take more careful account of the variables”.²²⁷

393. Sir Jeremy reported that “indications that the CPC [Constitutional Preparatory Committee] would recommend elections to the Constitutional Conference ... are being tempered”, he did not sense that there was “real momentum” within the GC to press for the transfer of executive power quickly. Ambassador Bremer was encouraging the GC to come up with a timetable for the Seven Steps.

394. Sir Jeremy recommended that a “sensible strategy is to be serious about the Seven Steps, but to watch carefully, and try to affect the outcome of, the variables”. Those variables were, in his view: security incidents, Iraqi public reaction, Iraqi political developments and securing external resources.

395. When they spoke on 16 September, Mr Blair and President Bush agreed to hold regular video conferences, “usually weekly”.²²⁸

396. On 17 September, General Mike Jackson, Chief of the General Staff, sent a report of his visit to Iraq to Gen Walker.²²⁹

397. On troop numbers, Gen Jackson wrote:

“GOC MND(SE) ... does not require a third additional battalion ... at the moment and is confident that he can meet any potential tasks that arise from the essential services short-term plan. There is therefore no requirement for an additional brigade HQ at this stage. This may change and we need to remain responsive to the needs of the GOC. I see a requirement to establish a mechanism that earmarks forces ... at an appropriate notice to move.”

398. Gen Jackson reported:

“The threats to Coalition and indigenous security stem from a wide variety of sources including organised crime, former regime loyalists (FRL) and international terrorism. Attacks are focussed against both Coalition troops and infrastructure, whilst organised crime, looting and smuggling continue to erode essential services ... At every level the Coalition is finding it difficult to obtain a cohesive picture of these various threats.”

399. Gen Jackson proposed moving the focus of intelligence-gathering assets away from the search for weapons of mass destruction and towards counter-terrorism.

²²⁷ Telegram 175 IraqRep to FCO London, 19 September 2003, ‘Iraq: Political Process’.

²²⁸ Letter Cannon to Adams, 16 September 2003, ‘Iraq: Prime Minister’s Video Conference with Bush, 16 September 2003’.

²²⁹ Minute CGS to CDS, 17 September 2003, ‘CGS Visit to Op.TELIC 12-15 Sep 03’.

400. Mr Benn visited Baghdad from 17 to 19 September and reported that neither Ambassador Bremer nor the GC wanted to set a timetable for the transfer of power from the CPA to an Iraqi administration. He added, “Interestingly, none of the Iraqis we talked to raised this issue.”²³⁰

401. Mr Benn thought that the UK should continue to explore the potential for transition steps, as suggested by Sir Jeremy Greenstock. Interim Iraqi ministers had by now begun work. Ambassador Bremer talked about handing over power to them but seemed “reluctant to let go”.

402. Mr Benn’s experience contrasted with that of Secretary Powell, whose own visit was reported by Sir Jeremy Greenstock to have included “a meeting with the IGC during which IGC members made a strong pitch for immediate transfer of sovereignty”.²³¹

403. Sir Jeremy also reported that the GC had been “very active”. It had agreed a package of economic reforms (including bank regulations, measures to encourage foreign investment and new tax rates), approved a new nationality law and visited Najaf where it had taken action to protect holy shrines.

404. The activities of the GC’s High National De-Ba’athification Commission are recorded in Section 11.1.

The assassination of Dr Aqila al-Hashemi

On 20 September, Dr Aqila al-Hashemi, a member of the GC, was ambushed and shot while driving near her home in Baghdad.²³²

The GC’s Secretary General had been targeted in a similar – but unsuccessful – attack two days earlier.

Dr al-Hashemi died of her injuries on 25 September.²³³

Sir Jeremy Greenstock commented to the FCO in London that the attack on Dr al-Hashemi:

“... brings into sharp relief the need for professional and effective Iraqi security forces. An early UK gesture of help would be widely noticed and appreciated.”²³⁴

He explained that it seemed likely that Dr al-Hashemi had been deliberately targeted as she lived “in a neighbourhood surrounded by ex-Ba’ath party members and had received many warnings that she was being watched.” Sir Jeremy reported that Dr Ahmad Chalabi had expressed strong concerns to the CPA “over the personal security of all

²³⁰ Minute Benn to Prime Minister, 20 September 2003, ‘My visit to Iraq: 17-19 September’.

²³¹ Telegram 174 IraqRep to FCO London, 18 September 2003, ‘Iraq: Governing Council Roundup’.

²³² Telegram 176 IraqRep to FCO London, 21 September 2003, ‘Iraq: assassination attempt on Governing Council member’.

²³³ Telegram 181 IraqRep to FCO London, 25 September 2003, ‘Iraq: Governing Council roundup: death of Aqila Hashemi: security’.

²³⁴ Telegram 176 IraqRep to FCO London, 21 September 2003, ‘Iraq: assassination attempt on Governing Council member’.

GC ... members, explaining that standards varied widely” and had made a number of recommendations to improve the security provisions, which the CPA was taking forward.

Sir Jeremy Greenstock reported on 24 September that the attack on Dr al-Hashemi had “sharpened the angst in the GC ... more broadly, about whether they are on the right track in hitching themselves to a CPA which may be a dead end”.²³⁵

On 25 September, Sir Jeremy described the impact of the attack on GC members’ concerns about the overall security situation – “if IGC members were not safe, what about the general public? ... There were also questions about who was ultimately responsible for security.”²³⁶ Sir Jeremy had explained to the GC that “this was a collective effort. Neither of us could ensure security without the co-operation of the other.” He concluded his telegram by observing that the debate had increased interest in the idea of:

“... greater involvement of already present Iraqi militia forces (the Peshmerga, the Badr Brigade) in helping managing the security demands. Authorising militias to perform security tasks is clearly beyond the pale. But we may have to start thinking creatively – and I said this to the GC – about how we can use these forces within national, clearly controlled structures.”

405. A UK Iraq Strategy was considered by the newly established Iraq Senior Officials Group (ISOG), chaired by Sir Nigel Sheinwald, on 19 September, by which time the strategy was in its third draft.²³⁷

406. The ISOG had commissioned a short-term Action Plan, subordinate to the UK strategy, focused on “practical objectives where the UK can make a quantifiable difference up until the end of 2003”. Departments were tasked to populate a template.

407. Funding for the major initiative on infrastructure in the South still remained uncertain. Sir Hilary Synnott was “confident of obtaining further CPA funds ... although the processes by which these would be transferred to CPA(South) are unclear”.

408. Reporting from Basra on 22 September, Sir Hilary Synnott wrote that security was:

“... the main and constantly expressed concern of everyone we talk to ... Straight criminality may be developing into organised crime: a result of Saddam’s emptying of the jails and general amnesty and the lifting of his draconian controls ... Many, perhaps most, of the citizenry would like the Army to go in and shoot a few criminals and, if we insist that they follow due process of law, have them hanged.

“We prefer to use different methods, including the Maoist technique of depriving terrorists and others of the political water in which to swim ... Hence the crucial importance of the Emergency Infrastructure Plan and the other plans in hand

²³⁵ Teleletter Greenstock to Sheinwald, 24 September 2003, [untitled].

²³⁶ Telegram 181 Iraqrep to FCO London, 25 September 2003, ‘Iraq: Governing Council roundup: death of Aqila Hashemi: security’.

²³⁷ Minute Cabinet Office [junior official] to Sheinwald, 22 September 2003, ‘Iraq: Senior Officials Group’.

(education, agriculture, 13th month payment) to ensure a quiet Ramadan. The creation of Local Security Forces (described by MND(SE) Chief of Staff as 'Neighbourhood Watch with Attitude'), which is now being tried in a pilot scheme, should harness selected men under 19 Brigade control and, crucially, pre-empt the otherwise inevitable formation of uncontrolled militias if there were to be security crises in the future."²³⁸

409. On 24 September, Sir Jeremy Greenstock warned:

"... the UK has not yet put the intensity of resources into the civilian side of our operation, in terms of both personnel and project money, to convince the Americans that our analysis ... has to be listened to. If we watch our housekeeping too carefully in this respect, we may be forced down the wrong road ... I shall have to come back to this quite soon."²³⁹

410. On 25 September, the JIC produced its Assessment of the overall security situation in Iraq.²⁴⁰ It said that:

"Since the end of August there has been an increase in the number of attacks against Coalition Forces in Iraq ... In the large majority of cases we cannot attribute attacks to specific groups. Most of the attacks are against US forces in the centre and north of the country and casualties continue to be taken at a steady rate. We have no accurate figures for civilian casualties. The tactics of the armed opposition groups continue to evolve, including the increased use of more sophisticated IEDs and more elaborate attacks ... Intimidation of Iraqis working [for] or seen to be supporting the Coalition, criminal activity, and attacks against the police, have all continued ... There has been limited violence between Sunni and Shia communities in the aftermath of the al-Hakim murder and any further attacks against the Shia leadership [are] likely to lead to further inter-communal violence.

"Counter to the overall trend, the number of attacks against CF [Coalition Forces] in ... MND(SE) has reduced since mid-August and had reached its lowest level since June. Of the total of 1,025 incidents [across Iraq, in the period 10 June to 9 September] only 22 took place in the UK area."

411. On Shia attitudes, the JIC assessed that:

"Some Shia groups have demanded greater latitude to provide their own security and this has resulted in the emergence of militias supporting Shia parties, some with a capability to gather intelligence, conduct patrolling and mount vehicle check points ... However the militias are also carrying out illegal arrests, interrogations, and in some cases murder ... Any Coalition attempts to disarm the Shia militia groups could be a flashpoint for trouble."

²³⁸ Telegram 27 Basra to FCO London, 22 September 2003, 'South Iraq: Basra City'.

²³⁹ Teleletter Greenstock to Sheinwald, 24 September 2003, [untitled].

²⁴⁰ JIC Assessment, 25 September 2003, 'Iraq Security'.

412. The JIC assessed that there continued to be a significant volume of reporting on the flow into Iraq of extremists, whose affiliation was often unknown. It also remained unclear how many mujahedin were operating in Iraq. AI was privately claiming to be responsible for 80 percent of the attacks against Coalition Forces but the JIC concluded that those claims were probably exaggerated. The group:

“... appeared to have built on its local contacts and presence in the Kurdish Autonomous Zone to position itself as the main organised Islamic terrorist group in Iraq, and is likely to be working with other groups.”

413. The JIC assessed that AI was developing a long-term strategy which suggested that “future targeting should focus on infrastructure and strike as opposed to martyrdom operations”.

414. The JIC wrote that, in a new development since early September:

“AQ may be trying to establish an operational capability in Iraq ... There are some reports that al-Zarqawi ... is in Iraq.”

415. On 26 September, the UK Iraq Strategy was circulated to members of the AHMGIR for comment.²⁴¹

416. Major General Andrew Figgures, who succeeded Maj Gen Viggers as Senior British Military Representative-Iraq in September 2003, told the Inquiry that by October 2003 central Iraq was in the grip of a growing insurgency.²⁴² Understanding the insurgency took a considerable time because of a “severe lack of human intelligence” and the “lack of the ability to fuse it together to gain the understanding of the situation”.²⁴³

October 2003

417. On 2 October, Sir Jeremy Greenstock sent an update on the GC’s meeting the previous day.²⁴⁴ Many members (including the then President, Dr Ayad Allawi) were absent, the meeting was poorly organised and GC approval of the 2004 budget was delayed.

418. Ambassador Bremer had raised the GC announcing decisions without consulting the CPA as a problem because “if the CPA could not deliver what the GC announced, then the GC would lose credibility, which was in neither of our interests”.

²⁴¹ Minute Dodd to Sheinwald, 8 October 2003, ‘UK Iraq Strategy’.

²⁴² Public hearing, 9 December 2009, page 16.

²⁴³ Public hearing, 9 December 2009, page 52.

²⁴⁴ Telegram 195 IraqRep to FCO London, 2 October 2003, ‘Iraq: Iraqi Governing Council Update, 1 October’.

419. When the AHMGIR met on 2 October it did not discuss the draft Iraq Strategy.²⁴⁵ Attendees were provided with the, now populated, Short-Term Iraq Action Plan.

420. The Annotated Agenda for those attending the meeting observed that:

“The new UNSCR has lost momentum in the US administration with the Pentagon losing enthusiasm and little pressure for decision from Bremer.”²⁴⁶

421. The new resolution was unlikely to be passed until late October, shortly before a planned Iraq Donors’ Conference, to be held in Madrid. The UK’s objective for the conference was “to broaden international support for reconstruction in Iraq and secure the necessary funding”.

422. On 4 October, Sir Jeremy Greenstock reported that the CPA was developing ideas on how to reach out to the Sunni population in Iraq.²⁴⁷ Mr Richmond had been asked to play a leading role. Discussions at a senior level in CPA acknowledged that it had not spent much effort on involving the Sunnis. There needed to be a comprehensive political strategy to give them a stake in the process.

423. Sir David Richmond told the Inquiry that the CPA had consulted widely with Sunni community leaders, and with Coalition commanders and CPA Co-ordinators in the Sunni governorates.²⁴⁸ They drew up a programme with 30, 60 and 90 day targets covering employment, including recruitment into the Iraqi Civil Defence Corps, and talked about whether de-Ba’athification could be made more flexible. They also discussed trying to reconnect Sunnis with the political process.

424. Sir David concluded:

“... quite a lot happened. Did it make a difference? Sadly not. This all coincided with the marked increase in the insurgency towards the end of October.”²⁴⁹

425. Sir David said he had been very concerned that there was “too much stick and not enough carrot” and that aspects of the response to the Sunni insurgency were not well handled. Getting the Sunni involved in the political process had been extremely difficult because:

“... it wasn’t possible to go to the Sunnis and say ‘Here is a political process and your part in this is as follows. This is how you get involved and influence the process’. We were never able to do that.”²⁵⁰

²⁴⁵ Minutes, 2 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁴⁶ Annotated Agenda, 2 October 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁴⁷ Teleletter Greenstock to Buck, 4 October 2003, ‘Sunni Outreach’.

²⁴⁸ Public hearing, 26 January 2011, pages 52-58.

²⁴⁹ Public hearing, 26 January 2011, page 56.

²⁵⁰ Public hearing, 26 January 2011, pages 57-58.

426. On 5 October, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush.²⁵¹

427. In his Note Mr Blair suggested that he and the President had a common political problem; losses in Iraq plus the failure to find “enough on WMD” were leading the public to doubt the value of the invasion and the international community to “a sense of Schadenfreude”.

428. Mr Blair suggested that the solution was “a coherent strategy to get us back on the high ground and get the public, at home and abroad, to focus on the big picture”. That meant:

- getting a shared US/UK sense of what decisions on Iraq were vital and how to take them, plus what the blockages were and how to remove them;
- trying for a new UN resolution, but “only at the right price”;
- being unapologetic about the need to deal with the continued security threat from WMD; and
- tackling the wider agenda, including the MEPP, climate change and reactivating the World Trade Organization.

429. Mr Blair wrote that the way ahead should include a regular, perhaps weekly, stocktake on Iraq to “remove any blockages and give direction” and the need to “get our confidence in our story back. Iraq is better without Saddam.”

430. Mr Blair’s Note ended:

“And by this time next year, it better be going right, not wrong. For us and for the world!”

431. A video conference between Mr Blair and President Bush on 7 October, also attended by Vice President Cheney and Dr Rice, suggested that the US Administration was upbeat.²⁵² US Congressional visitors to Iraq from both American political parties had been struck by the extent to which the issue of Iraq was perceived in the US through the “biased filter” of the media.

432. Mr Blair told President Bush that he agreed with Ambassador Bremer that there should be no early handover of executive power in Iraq, observing that Iraqis themselves preferred stability under the Coalition umbrella to instability with an Iraqi government.

433. Mr Blair made the case for the new Security Council resolution, but concluded that it would not help much with extra troops or reconstruction. The US still wanted a further resolution.

²⁵¹ Letter Sheinwald to Rice, 5 October 2003, [untitled] attaching Note [Blair to Bush], [undated], ‘Note’.

²⁵² Letter Cannon to Adams, 7 October 2003, ‘Iraq: Prime Minister’s video-conference with President Bush, 7 October’.

434. Sir Nigel Sheinwald told the Inquiry that:

“... by and large, the American political assessment of what was going on in Iraq was more positive than our own. In conversations with Bush and in conversations with other people ... by and large the impression was not that things were going well, but they didn't have the same sense of foreboding and concern which was evident in London from the summer of 2003.”²⁵³

435. On 7 October, PJHQ reported a “major public order disturbance” in Basra, at the site where former Iraqi army conscripts were paid their stipend.²⁵⁴ It was thought to be the result of rumours that there was not enough money to pay all those who were eligible.

436. The protesters burned the records required to make the payments. PJHQ reported that “Iraqi police were present but were unable to control the incident and dispersed”.

437. During the incident, UK troops shot dead an Iraqi man. He was thought at the time to be a protestor, but later identified as an armed security officer in plain clothes.²⁵⁵

438. On 8 October, a final version of the UK Iraq Strategy was issued to members of the AHMGIR by Cabinet Office after “those Private Offices who responded indicated their Ministers' endorsement”.²⁵⁶

439. Sir Nigel Sheinwald annotated his copy: “I don't see a need for PM to see this.”

440. The Strategy acknowledged the CPA Strategy published in July 2003 and stated that this was a longer-term UK Strategy for Iraq that was broadly consistent with it, but which set the framework for specific UK activities towards a common objective.

441. The Strategy identified the UK objective as:

“Iraq to become a stable, united and law-abiding state, within its present borders, co-operating with the international community, no longer posing a threat to its neighbours or to international security, abiding by all its international obligations and providing effective representative government, sustainable economic growth and rising living standards to all its people.”

442. The Strategy defined a Stabilisation Phase up to December 2003, for which the objective was that Iraq should be restored to pre-conflict levels of development and order.

443. During 2004 there would be a Recovery Phase, during which the CPA would pass all its powers to a sovereign, representative Iraqi Government.

²⁵³ Private hearing, 3 September 2010, page 15.

²⁵⁴ Minute PJHQ-J9-POLOPS8 to PS/Secretary of State [MOD], 7 October 2003, ‘Op.TELIC: Unrest in Basrah and Death of Iraqi National’.

²⁵⁵ Telegram 33 Basra to FCO London, 9 October 2003, ‘South Iraq: The Political Scene’.

²⁵⁶ Minute Dodd to Sheinwald, 8 October 2003, ‘UK Iraq Strategy’.

444. From 2005, Iraq would enter a Normalisation Phase, when the Strategy assumed the UK's objective would have been met, Iraq would be largely self-supporting and Coalition Forces (apart from trainers) would have been withdrawn.

445. Analysis of the conditions in Iraq acknowledged both that the UK did “not wish to remain Occupying Power of Iraq for any longer than is necessary” and that “our influence over US policy is limited”.

446. The following risks were identified:

- The pace of political and reconstruction progress could fall.
- The resistance of forces opposing the Coalition could escalate significantly.
- Oil production could continue to lag.
- Iran and Turkey could increase their interference.
- Coalition support for the Occupation could collapse in the event of sustained high casualty levels.

447. The Strategy identified the highest threat as being a sustained insurgency, including frequent terrorist attacks. It also identified the “worst case scenario” as major Islamist terrorist groups, especially non-Iraqis, beginning to drive the opposition, as they would have no interest in engaging in the political process. The paper identified possible solutions:

“More security forces, particularly local. Greater intelligence collection and co-ordination, particularly in order to facilitate counter-terrorist operations. Greater co-operation with and pressure on neighbours to secure borders. Security package for UN to allow it to resume work.”

448. The Defence and Overseas Policy Committee (DOP) met on 9 October, chaired by Mr Blair.²⁵⁷ This was the first meeting of DOP in 2003 and the first to discuss Iraq since 1999. A background note on Iraq, a paper on political process by the IPU and a paper on the Madrid Conference were tabled.

449. The meeting began with an assessment of the security situation. Mr Scarlett reported that while attacks on the Coalition were rising, 80 percent of them were taking place in the “Sunni triangle”. Disillusioned Sunnis, who did not see a future for themselves in the new Iraq, were the principal source of concern.

450. Lt Gen Fry reported that the security situation in southern Iraq was very different from that in the Sunni triangle. He argued that the Shia were largely co-operative and the British approach to making balanced progress on governance, the economy and security was paying dividends.

²⁵⁷ Minutes, 9 October 2003, DOP meeting.

451. Mr Blair said that he wanted to see more progress on the delivery of better media output by the Iraqi network. Overall, he believed that the security situation could be turned around. The key to this was to deal with the Sunni triangle, where political disaffection generated support for those acting against the Coalition. He invited Mr Straw to draw up a strategy to tackle this urgently.

452. The IPU paper on political process said that the “Bremer plan” remained the best way forward.²⁵⁸ That view was shared in Baghdad.

453. IPU also reported that it remained likely that the GC would opt for elections to the Constitution Convention, resulting in a period of Occupation lasting two and a half years. Mr Annan was supporting a French/German proposal to create a provisional government, under a UN lead.

454. The IPU set out a new approach which inserted an interim “provisional government” to act as the repository of Iraqi sovereignty until the constitutional process was complete and an elected Iraqi Government in place, “modifying the Bremer plan, rather than redesigning it”.

455. IPU suggested that a provisional government might be formed by either bringing together the GC, ministers and the CPC or through “rough and ready” elections; or by a mixture of the two.

456. The paper asked members of DOP:

“... to agree that we should work to speed up the transfer of power to Iraqis; continue to work for a central UN role based on partnership; keep open that this process might make it possible to move to a Provisional Government once certain conditions are met; that we should explore such an approach with the US, if developments on the constitutional process dictate a change of tack.”

457. The minutes of DOP’s discussion show that Mr Blair concluded:

“The timetable conceived by the Bremer plan would deliver elections for a representative government in Iraq by this time next year. He looked forward to further advice on discussions between the Coalition Provisional Authority and the Governing Council about the handling of the political process in order to create greater stability in Iraq by next spring.”²⁵⁹

458. On 9 October, Sir Hilary Synnott reported to the FCO that:

“All observers close to the scene here detect markedly improved attitudes throughout the South over the last three months ... The overriding impression, backed by some firm evidence, is that the general population and its leadership have decided to give the Coalition the benefit of the doubt and thus to co-operate with us and to discourage opposition ...

²⁵⁸ Paper IPU, 7 October 2003, ‘Iraq: Political Process’.

²⁵⁹ Minutes, 9 October 2003, DOP meeting.

“The feedback from our interlocutors is positive (and we collectively have a great deal of direct contact with a wide range of Iraqis, at many levels) ... The weekly number of attacks against the Coalition has declined from 20 in August to two last week (none the week before).”²⁶⁰

459. Sir Hilary continued:

“Of course it is not all peace and tranquillity. Violence is endemic in the South, as it is in Iraq generally. Now that Saddam’s yoke has been lifted, some new manifestations are becoming apparent. As in many developing countries, the irreducible level of violence could end up being quite high. Tribal feuds are common ... and involve bloodshed as well as bravado.

...

“Also worrying is continuing sectarian violence, although this is still at a low level.”

460. Sir Hilary told the Inquiry that:

“... there was still this tendency among some to regard the South as the British fiefdom, but actually, of course, it was not insulated from external factors and these external factors were very important in terms of the security and level of violence.”²⁶¹

461. On 11 October, Sir Jeremy Greenstock reported that Ambassador Bremer was:

“... determined to stick to his preferred order of events – Constitution, referendum, national elections, transfer of sovereignty, if possible completed within the next 12 months – but is open to imaginative ideas along the way”.²⁶²

462. On 13 October, Lt Gen Fry put a paper to the Chiefs of Staff on the options for deployment of the ARRC HQ.²⁶³ He considered there were three options – a moderate role in Afghanistan from August 2004; a more extensive role in Afghanistan, also from August 2004; or taking over as the Coalition HQ in Iraq (fulfilling the role then filled by the CJTF-7 HQ) from March 2005. He commented that all of these would have “significant personnel impact across the Army”.

463. Specifically in relation to Iraq, Lt Gen Fry commented that:

“Since the end of Op TELIC Phase 3, Iraq has offered the potential for the most challenging and high profile employment for HQ ARRC ... However, the prospect of deployment into Iraq in 04/05 continues to look unlikely. It remains the assessment that while US casualties are being taken at a steady rate, internationalising the three-star command is doubtful. Importantly, against this backdrop, it is difficult for the UK to bring its influence to bear to encourage the necessary conditions for HQ

²⁶⁰ Telegram 33 Basra to FCO London, 9 October 2003, ‘South Iraq: The Political Scene’.

²⁶¹ Public hearing, 9 December 2009, page 63.

²⁶² Telegram 211 IraqRep to FCO London, 11 October 2003, ‘Iraq: A Long Way To Go’.

²⁶³ Minute DCDS(C) to COSSEC, 13 October 2003, ‘HQ ARRC – options for deployment’.

ARRC to be a genuine contender. Furthermore, given the pace of progress in Iraq, there is a risk that should deployment later be deemed appropriate, HQ ARRC could find itself employed as a stopgap between US commands rather than as part of a wider strategic shift as originally envisaged.”

464. On 13 October, Mr Richmond reported that Ambassador Bremer’s frustration with the GC, and in particular its ineffective decision-making processes, had led him to take steps to improve its operation. These were “focused on the need to make the current structures work” because he was “especially loathe to change the seven steps”.²⁶⁴

465. Sir Jeremy Greenstock called on Mr Blair in London on 15 October.²⁶⁵ During their meeting, Sir Jeremy said that, unlike in Baghdad:

“... a virtuous circle seemed to be building up in the South, with locals supporting the reconstruction process and turning in to the Coalition outsiders who disrupted it.”

466. Sir Jeremy also reported new security threats, which might include the risk of rioters storming their premises or of assassination by “suborning Iraqi support staff”. Sir Jeremy observed that the terrorists and supporters of Saddam Hussein “were ‘mutating’ in their structures and methods faster than Coalition intelligence could keep up”.

467. A response by the Coalition, in Sir Jeremy’s view, should include:

- Iraqisation, but “real capability” was a year away;
- combatting Sunni marginalisation;
- a more flexible approach to de-Ba’athification;
- internationalisation; and
- improved border control, requiring up to 20,000 troops.

468. In relation to the new resolution, Sir Jeremy said that:

“... the timing of this had been far from ideal from a CPA perspective: it would have had a greater impact in two months’ time. He urged closer co-ordination between London and IraqRep on such issues.”

469. On 15 October, the JIC assessed that:

“The security situation remains difficult in central Iraq. The upward trend in the number of attacks against the Coalition Forces shows no sign of abatement ... The vast majority of attacks (some 80 percent) occur in Baghdad and the surrounding Sunni Arab areas. The level of attacks elsewhere is significantly less, although Mosul in the north may be a developing hotspot ...

²⁶⁴ Telegram 217 IraqRep to FCO London, 13 October 2003, ‘Iraq: Political Process’.

²⁶⁵ Letter Cannon to Owen, 16 October 2003, ‘Iraq: Sir Jeremy Greenstock’s call on the Prime Minister’.

“There has been fighting in Karbala between [Muqtada] al-Sadr’s supporters and rival Shia militias, probably allied to Grand Ayatollah Ali al-Sistani.”²⁶⁶

470. On the same day, at the request of the FCO, the JIC issued an Assessment of the areas that Sunni Islamist terrorists were using or were likely to use as bases to coalesce, recruit, train and plan attacks in safety.²⁶⁷ It also considered the circumstances that terrorists might exploit in order to operate in this way.

471. The JIC judged:

“Iraq has already attracted significant numbers of mujahedin seeking jihad. It is possible that, if the security situation worsens, these mujahedin will be able to coalesce into relatively large groups in areas where the population is sympathetic to their causes, and where they can establish small training facilities and can co-ordinate terrorist activity both inside, and outside, Iraq.”

472. The JIC judged that some countries currently regarded as safe locations by Islamist terrorists would continue to improve their counter terrorism efforts, but that:

“... without significant Western support, others (eg ... Iraq) will be unable to prevent terrorists establishing a presence.”

473. At this point in October 2003, the MOD’s planning assumptions were:

“... [a] UK military presence in SE Iraq until at least the end of March 2006, at up to a 2-star HQ, a medium scale land contribution, and small scale naval and air contributions ... There are many variables whose effect on the outcome is very difficult to predict.”²⁶⁸

474. Those variables were:

- a stabilised security situation, with a functioning Iraqi criminal justice system;
- an Iraqi Government able to provide essential services; and
- the timetable for elections and the transfer of sovereignty.

475. On 16 October, Mr Hoon reported to Cabinet that there were increased attacks on Coalition Forces across Iraq as a whole, though there was a steady improvement in the security situation in the South.²⁶⁹ He believed Coalition Forces responding to attacks in the Sunni triangle were alienating Iraqi opinion, thereby reducing consent.

²⁶⁶ JIC Assessment, 15 October 2003, ‘Iraq Security’.

²⁶⁷ JIC Assessment, 15 October 2003, ‘International Terrorism: Bases for Sunni Islamist Terrorists’.

²⁶⁸ Minute Lee to Finance Director [MOD], 15 October 2003, ‘Op TELIC Planning Assumptions’.

²⁶⁹ Cabinet Conclusions, 16 October 2003.

476. On 16 October, Sir Jeremy Greenstock told Mr Hilary Benn, the newly appointed International Development Secretary, that Ambassador Bremer would not give up the Seven Steps.²⁷⁰ In Sir Jeremy's opinion that was too inflexible.

477. Mr Benn's Assistant Private Secretary reported to a senior DFID official Sir Jeremy's advice that:

“... the international community was shouting for a proper Iraqi Government, but this will not happen until there is a real election. In the interim, Bremer would be content for a front Government without real power.”

478. On 16 October, resolution 1511 (2003) was adopted by the UN Security Council.²⁷¹

479. The Security Council re-stated that the CPA's authority in Iraq “will cease when an internationally recognized, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority”.

480. The resolution confirmed that the GC and its ministers were the principal bodies of the Iraqi Interim Administration, which embodied the sovereignty of Iraq until a representative government was established which assumed the responsibilities of the CPA. It declared that “the day when Iraqis govern themselves must come quickly”.

481. In operative paragraph 13, the Security Council determined that “the provision of security and stability is essential to the successful completion of the political process ... and to the ability of the United Nations to contribute effectively to that process and the implementation of resolution 1483” and authorised “a multi-national force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq”.

482. On 17 October, Mr Llewellyn sent his preliminary views of the effect of resolution 1511 on “the pre-existing position of the UK in Iraq” to Ms Adams.²⁷² He concluded that the UK did not cease to be an Occupying Power because resolution 1511 authorised the presence of a multi-national force, but that the resolution did define the point at which the Occupation would come to an end as being “when an internationally recognised, representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority”.

483. Mr Llewellyn wrote that the resolution required “a progressive diminution in the CPA's authority”, without defining a specific timetable in which that should happen.

484. A conference seeking contributions to reform of the Iraqi Police Service was held in London on 20 October, and is covered in detail in Section 12.1.

²⁷⁰ Minute APS [DFID] to Drummond, 17 October 2003, 'Iraq: Meeting with Sir Jeremy Greenstock'.

²⁷¹ UN Security Council resolution 1511 (2003).

²⁷² Minute Llewellyn to Adams, 17 October 2003, 'Iraq: Security Council Resolution 1511'.

485. By 23 October, Mr Sawers was beginning to doubt that credible elections producing a good result, based on a legitimate Constitution, would be possible during the course of 2004 because of the length of time it was likely to take to produce a legitimate Constitution.²⁷³

486. Mr Sawers indicated in a letter to Mr Simon Webb, MOD Policy Director, that he had begun some new work on the political process in Iraq. The conclusion was that the UK should avoid its forces continuing as occupiers with a Bremer-type figure in control beyond 2004.

487. There was a case for a provisional government, with executive powers and full sovereignty, to provide more time in which to draw up a full Constitution. A provisional assembly would be chosen either by full elections or some form of indirect elections. FCO legal advice was that an interim Constitution would not be needed.

488. Mr Sawers set out how a provisional government could be stood up in six months:

- October: CPA begins discussions with the GC about possible formation of a Provisional Assembly, into which the GC and other institutions would be subsumed.
- 15 December: GC reports to UN Security Council and sets out a preference for a Provisional Assembly to last two years to allow time for drawing up a new Constitution.
- End January: UN Security Council agrees new resolution allowing the CPA three months for orderly handover.
- April/May 2004: Provisional Assembly inaugurated. CPA comes to an end.
- April/May 2004 to April May 2005: new Constitution drafted.
- April 2005: referendum on draft Constitution.
- Summer 2005: elections held, and internationally recognised Iraqi Government formed.

489. On 24 October, Sir Jeremy Greenstock supplied Mr Sawers with comments on his proposals. He explained:

“I agree that it is unlikely that, during the course of 2004, we will obtain both a permanent Constitution and the holding of credible elections. One or other is going to have to give.”²⁷⁴

490. Sir Jeremy did not think it necessary to complete a permanent Constitution before elections were held. Ambassador Bremer, however, felt that it was “the job of the

²⁷³ Letter Sawers to Webb, 23 October 2003, ‘Iraq: Political Process’ attaching Paper IPU, October 2003, ‘Iraq: Political Process: Possible Creation of a Provisional Government’.

²⁷⁴ Minute Greenstock to Sawers, 24 October 2003 ‘Iraq Political Process’.

Coalition period to establish a Constitution for Iraq which will guarantee the values for which the United States has gone to all this trouble”.

491. Rather than argue with the US, Sir Jeremy’s preference was to see how discussions with the GC went, as it was “much more satisfactory for the Americans to change their views under the harsh light of the realities than under the importunate arguments of the British”. But there was a certain amount of “seeding” the UK could do to indicate to the Americans “the unwisdom of aiming too high in all this”.

492. A major donor conference for Iraq was held in Madrid from 23 to 24 October and is addressed in Section 10.1.

493. On 24 October, Sir Jeremy told the FCO that Lt Gen Sanchez had ordered a:

“... comprehensive review of security to try to regain operational momentum ... [He] has come to recognise that Coalition operations are at a standstill and that there is a need to regain momentum. The review focuses on two questions: is the direction of the strategic and operational approach to Coalition objectives valid? Second, what can CJTF-7 do to improve progress? The up-to-date military assessment is that operations have now lost momentum, that rates of attrition of Foreign Fighters and Former Regime Loyalists are outstripped by their ability to regenerate and that Coalition responses are motivated less by strategic objectives than by the need to react to unwelcome developments. It assesses that violent opposition is likely to endure and that the key to success in the political process will be management of the intensity of attacks.”²⁷⁵

494. Sir Jeremy judged that even at an early stage the review represented “a clear move from stabilisation towards Counter-Insurgency operations” and notified the FCO that in-depth discussions “of all this, and wider” chaired by Secretary Rumsfeld were to be held in Washington at the end of the month. Both Ambassador Bremer and General John Abizaid, Commander US Central Command (CENTCOM), were due to attend.

495. On 26 October the al-Rashid Hotel in the Green Zone of Baghdad, used as a Coalition military base, was hit by a number of rockets.²⁷⁶

496. The attack killed a US soldier, and injured 15 other people. US Deputy Defense Secretary Paul Wolfowitz, who was staying in the hotel, escaped unhurt.

497. One UK civilian seconded to the CPA was seriously injured.²⁷⁷

498. Sir David Manning, British Ambassador to the US, described it as “the bloodiest 48-hour period in Baghdad since March”.²⁷⁸

²⁷⁵ Telegram 230 IraqRep to FCO London, 24 October 2003, ‘Iraq: Security Update’.

²⁷⁶ *BBC News*, 26 October 2003, *US shocked at Iraq hotel attack*.

²⁷⁷ Briefing [unattributed], 30 October 2003, ‘Briefing for Foreign Secretary: Cabinet: 30 October’.

²⁷⁸ Telegram 1426 Washington to FCO London, 28 October 2003, ‘Iraq: US Views 28 October’.

499. Mr Bearpark told the Inquiry that he viewed this attack as a turning point:

“We were very, very clearly on an upward slope until then ... We believed that the CPA was getting better at what it was meant to do and we were all optimistic ... From [that point] onwards, then the graph just went sharply down.”²⁷⁹

500. On 30 October, Secretary Powell told Mr Straw that it had been agreed in Washington that the Seven Step Plan should be maintained, but accelerated.²⁸⁰ At the same time, work would be undertaken to look for alternatives.

501. At the end of October, Mr Sawers wrote to Mr Straw with a paper on the political process in Iraq which described “ways of modifying the seven-point plan”.²⁸¹

502. The paper was based on the twin assumptions that Occupation must end in 2004 and that a permanent Constitution and elections were not possible in that timescale.

503. Mr Sawers proposed changing the UK’s objective to the creation of a provisional government in 2004. It would be supported by a provisional assembly, which would be indirectly elected “perhaps using electoral colleges based on the Governorates”.

504. Since an end of Occupation would mean the end of the CPA the paper included a proposal for a new international structure “on the Bosnian model with a high representative appointed by the Coalition and having some reserved powers endorsed by the Security Council”.

505. In an annex to the paper Mr Sawers suggested that this new approach might encourage more nations to participate in the military security effort in Iraq, since troops would no longer be part of an Occupation and might be present in response to a request from an Iraqi Government.

506. US thinking appeared to be moving in a similar direction.²⁸² By the end of October, the British Embassy Washington reported that there was growing recognition in the US Administration that Ambassador Bremer’s Seven Step Plan would not lead to credible elections on the basis of a legitimate Constitution sufficiently quickly.

507. During internal discussions in Washington, however, Ambassador Bremer was reported to have stuck to his Seven Point Plan.²⁸³

²⁷⁹ Public hearing, 6 July 2010, pages 43-44.

²⁸⁰ Letter Adams to Sheinwald, 30 October 2003, ‘The Foreign Secretary’s Conversation with the US Secretary of State, 30 October’.

²⁸¹ Minute Sawers to Foreign Secretary, 31 October 2003, ‘Iraq: Political Process’.

²⁸² Minute Sawers to Foreign Secretary, 31 October 2003, ‘Iraq: Political Process’; Letter Manning to Sheinwald, 28 October 2003, ‘Iraq: Political Process’; Telegram 1481 Washington to FCO London, 8 November 2003, ‘Iraq: MOD Policy Director’s Visit to Washington: 7 November’; Letter FCO [junior official] to Sawers, 31 October 2003, ‘Iraq: Political Process’.

²⁸³ Telegram 1426 Washington to FCO London, 28 October 2003, ‘Iraq: US Views, 28 October’.

508. The NSC was reported by the British Embassy Washington to be leaning towards the idea of a provisional government.²⁸⁴ No firm conclusion had been reached, but there was “broad agreement on the need to transfer sovereignty to the Iraqis during 2004”.

November 2003

509. Sir Hilary Synnott told the Inquiry that:

“As time progressed, it became clear that ... there was a genuine insurgency developing. The influence of Muqtada al-Sadr was very great and, of course, it was primarily north of our region, but it became clear to me in about November that an infection was starting to spread south.”²⁸⁵

510. Gen Abizaid called on Sir Nigel Sheinwald on 4 November.²⁸⁶ Gen Abizaid said that resistance was coalescing in the Sunni areas around former regime elements, backed to some extent by foreign fighters and international terrorists. Gen Abizaid saw the insurgency as “still at a low level” and lacking majority support even among the Sunnis.

511. Gen Abizaid’s solution was to accelerate Iraqiisation of the security forces whilst also improving their quality, a political ‘road map’ and a reconciliation process for Sunni communities.

512. Mr Straw told Cabinet on 6 November that “adjustments to the current plan were needed” in relation to the political process.²⁸⁷ He would pursue discussions in the US the following week, but it would be an “iterative process” involving the GC.

513. When Mr Blair spoke to President Bush by video conference on 6 November, he commented that the question was “how quickly could we move to elections”.²⁸⁸ Mr Blair thought the quicker the better, “but both the Iraqis and we needed to be able to handle it”.

514. Mr Blair commented that “with progress on infrastructure etc, we were now down to a specific problem of how to deal with a small group of terrorists”. They wanted to provoke a reaction, so that the security presence became heavier and the population turned against the Coalition. Mr Blair suggested that some Sunnis were “desperate to be on our side” and that infrastructure projects that would benefit the Sunni community should be completed. He commented that:

“A stable, prosperous Iraq would send a powerful signal to the region. That was why the extremists were desperate to stop us, and why we had to succeed.”

²⁸⁴ Letter [junior official] to Sawers, 31 October 2003, ‘Iraq: Political Process’.

²⁸⁵ Public hearing, 9 December 2009, page 62.

²⁸⁶ Letter Cannon to Adams, 4 November 2003, ‘Iraq: General Abizaid’s call on Sir Nigel Sheinwald’.

²⁸⁷ Cabinet Conclusions, 6 November 2003.

²⁸⁸ Letter Rycroft to Adams, 6 November 2003, ‘Iraq: Prime Minister’s Conversation with President Bush, 6 November’.

515. Ambassador Bremer’s account of his time in Iraq records that, after a meeting on 6 November with leaders of the Governing Council, he had “realized that our seven-step process was dead”.²⁸⁹

516. Mr Richmond attended a meeting with Ambassador Bremer, Gen Abizaid and Lt Gen Sanchez on 7 November to discuss a strategy for engaging with the Sunni population.²⁹⁰

517. Gen Abizaid reported that his recent discussions with Sunni leaders in Mosul had focused on “jobs and money” though there was also a need for flexible application of de-Ba’athification to “reassure the average Ba’athist that he had a future in the new Iraq”.

518. Sir Nigel Sheinwald visited Iraq from 7 to 9 November.²⁹¹ He reported to Mr Blair on his return, asking for comments on his recommendations before Mr Straw was due to visit Washington. He described two major problems in the political arena:

- the failure of the GC to “get a grip” and “develop a political profile”; and
- continued CPA civilian weaknesses; strategic communications in particular remained a serious problem.

519. Sir Nigel proposed asking the FCO and the MOD to second a proper public affairs team to Iraq – Mr Blair commented “Yes. And get the Iraqi media sorted.”

520. On the security situation Sir Nigel wrote:

“No clear picture of the enemy exists ... The nexus of relations between ex-regime supporters, international terrorist and freelance jihadis is much discussed, but with little hard intelligence. As Jeremy Greenstock puts it, the enemy is mutating faster than our (rapidly evolving) security structures can keep up ... There is no lack of intelligence; but it’s not having a decisive impact, and there are problems of processing and co-ordination.”

521. Sir Nigel continued:

“We have to put our faith in a combination of (a) Iraqiisation and (b) better intelligence leading to more pre-emption of attacks. On the first, there is now an ambitious scheme for all parts of the security structure. But ICDC [Iraqi Civil Defence Corps] training will not be complete until the spring; and even then trainees will need mentoring and monitoring ... There is a bad need for Iraqi police on the streets to deal with basic crime – this, not terrorism, is the main concern for ordinary Iraqis.
The situation will remain very fragile, with continuing casualties.”

²⁸⁹ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

²⁹⁰ Telegram 258 IraqRep to FCO London, 9 November 2003, ‘Iraq: Sunni Strategy Meeting with Bremer and Abizaid’.

²⁹¹ Minute Sheinwald to Prime Minister, 10 November 2003, ‘Visit to Iraq’ including manuscript comments Blair.

522. Sir Nigel told Mr Blair that:

“... [Lt Gen] Sanchez is planning an operation in Fallujah – the tribal chiefs have been given a two week deadline to control the terrorists or face a heavy US response. This could turn ugly ... but it would be wrong to question the need to get the initiative back.”

523. Sir Nigel reported that key GC members were beginning to support the idea of a transitional government. But his main conclusion was:

“... that we are unlikely by spring 2004 to have made the advances necessary, particularly on security, for a wholesale transfer to a provisional government.”

524. Instead, he and Sir Jeremy Greenstock set out an alternative political timetable which they thought might emerge:

- strengthening the GC so it could pass a basic Constitutional Law;
- electing an Assembly to appoint a transitional government;
- transferring sovereignty to the transitional government in September 2004;
- holding a census and elections for a Constitutional Assembly; and
- full election to a sovereign Iraqi Government in 2006.

525. Mr Blair indicated with a tick that he was content with this timetable.

526. Sir Nigel wrote that Iraq's:

“... political, social and economic landmarks were swept away by the dictatorship. Our position rests largely on intangible Iraqi perceptions of credibility and consent. Most Iraqis are at best confused: they don't want Saddam back, but want the Occupation to end.”

527. Mr Blair commented against that text “Is this right?”

528. Sir Nigel continued:

“This is an immense task: we have, at last, the right policies in place; but there is a sense of a race against time, with Iraqiisation benefits not able to kick in properly until the spring, and continuing doubt about the CPA's ability to get the practical jobs done.”

529. Sir Jeremy Greenstock reported that the key GC members were dismissive of Ambassador Bremer's time constraints, arguing that direct elections to a Constitutional Convention were necessary, and that resolution 1511 allowed for a transitional government in the meantime.²⁹²

²⁹² Telegram 257 IraqRep to FCO London, 9 November 2003, 'Iraq: Sheinwald Visit'.

530. In a meeting with Sir Nigel Sheinwald, Ambassador Bremer said he believed that only a full constitutional process could meet the President's and the Prime Minister's political requirements for Iraq.²⁹³ He believed it was still possible for this to be done by the end of 2004 if the GC moved quickly. But he conceded for the first time that he might have to consider an interim Constitution, if it was not possible to create the Constitutional Convention by indirect consultation rather than elections.

531. Sir Jeremy and Mr Richmond met Dr Ayad Allawi, the head of the Iraqi National Alliance on 9 November.²⁹⁴ Dr Allawi expressed serious concerns about de-Ba'athification, noting that "there was a difference between Saddamists and Ba'athists". In his view the de-Ba'athification policy was "incompatible with security in Iraq".

532. Sir Jeremy and Mr Richmond emphasised the Coalition's intention to be flexible about the application of de-Ba'athification, but pointed to the harder line being taken by the GC. Dr Allawi commented that this was, in his view, the GC operating in a way that it believed the US wanted. He wanted to call a meeting with the CPA to discuss new proposals for using Ba'athists in the "security struggle" and indicated that this had the support of a number of other Iraqi parties.

533. On 11 November, Mr Rycroft wrote to the MOD, the Treasury, DFID, SIS, the Cabinet Office, the JIC and UK representatives in Iraq and the US with Mr Blair's views on next steps.²⁹⁵

534. Mr Rycroft described Mr Blair's view that elections in Iraq should not be postponed beyond the end of 2004 unless absolutely necessary. He confirmed that Mr Blair was comfortable with a timetable which led to:

"... elections in around September 2004 to an Assembly which would appoint a transitional government, with power and formal sovereignty then transferred from the CPA to this government."

535. Mr Rycroft's letter also confirmed the secondment of an FCO/MOD public affairs team to the CPA and directed that a British Office should be created in Basra "to handle trade contacts, cultural ties, visitors etc".

536. In a conversation by video conference with President Bush on 11 November Mr Blair said that the Coalition needed to improve its media handling. He commented that Iraqis were citing this, as well as the economy and crime, as key areas for Coalition attention.²⁹⁶ The US was holding "seminal" meetings in Washington on the political process, about which Mr Blair would be consulted.

²⁹³ Telegram 176 Baghdad to FCO London, 8 November 2003, 'Iraq: Sir Nigel Sheinwald's call on Bremer'.

²⁹⁴ Teleletter Greenstock to Sawers, 11 November 2003, 'Iraq: Iyad Allawi Meeting'.

²⁹⁵ Letter Rycroft to Adams, 11 November 2003, 'Iraq: Next Steps'.

²⁹⁶ Letter Cannon to Adams, 11 November 2003, 'Iraq: Prime Minister's Video-Conference with President Bush, 11 November'.

537. Mr Blair told Cabinet on 13 November that President Bush would visit the UK the following week, and that it was important for policy issues, including Iraq, to be the focus of the visit.²⁹⁷ Mr Blair judged that:

“While we should not expect that the visit would be universally acclaimed here, we should take political advantage by entering into debate on the issues.”

538. On 13 November, Sir Nigel reported a telephone conversation with Dr Rice in which she indicated that President Bush had agreed on a new sequence for the political process.²⁹⁸ This was:

“... basic law; interim Parliament; provisional Government; transfer of sovereignty and end of the CPA.”

539. There was no firm plan for what would replace the CPA. The US envisaged elections by mid-June and the provisional Government in place in July, followed by the handover of power. Ambassador Bremer would put this new proposal to the GC.

540. During his visit to Washington, on 13 November Mr Straw discussed Ambassador Bremer’s revised proposals for the political process with Secretary Powell.²⁹⁹

541. Secretary Powell explained that Ambassador Bremer had proposed a target of June/July for the transfer of sovereignty. Sir Jeremy Greenstock suggested that the new timetable meant that instead of popular elections to a transitional assembly, a caucus process would be needed.

542. Mr Straw indicated “probable UK approval” of the new timetable.

543. On 14 November, Mr Crompton wrote to Mr Richmond on the Constitutional process.³⁰⁰ He indicated general pleasure with US plans. For the selection of the “Transitional Legislative Assembly” he favoured:

“... a national conference of notables from all the Governorates to launch the process, and a further round of consultations at the end to debate, amend and, we hope, endorse the fundamental law.”

And instructed:

“You should continue to push this idea hard with Bremer.”

²⁹⁷ Cabinet Conclusions, 13 November 2003.

²⁹⁸ Letter Sheinwald to Adams, 13 November 2003, ‘Iraq: Conversation with US National Security Adviser’.

²⁹⁹ Telegram 1506 Washington to FCO London, 14 November 2003, ‘Foreign Secretary’s Lunch with US Secretary of State, Washington, 13 November’.

³⁰⁰ Teleletter Crompton to Richmond, 14 November 2003, ‘Iraq: Constitutional Process’.

544. Mr Crompton also pointed out that:

“... it would be difficult to explain how we could hold full national elections in December to a Constitutional Convention but not in July to the Transitional Legislative Assembly.”

545. To remedy this he suggested “slippage of the timetable into 2005”.

546. On 15 November, the GC unveiled a timetable for transfer of sovereignty to a transitional administration by 30 June 2004, at which point the CPA would dissolve.³⁰¹ This became known as the 15 November Agreement.

547. The process involved creating an interim Constitution, known as the Transitional Administrative Law (TAL) or Fundamental Law, a Transitional National Assembly (TNA) that would be chosen by provincial caucuses, and an Interim Government to be chosen by the TNA.

548. The timetable was:

- drafting and approval of the Fundamental Law/TAL by 28 February 2004;
- bilateral Coalition/GC Security Agreement by end March 2004;
- election of a Transitional National Assembly (TNA) by 31 May 2004;
- election of the Transitional Administration (subsequently known as Iraqi Interim Government or IIG) by the TNA;
- Transitional Administration assumes responsibility from the CPA by 30 June 2004;
- elections for a Constitutional Convention by 15 March 2005; and
- elections for new government and expiry of Fundamental Law/TAL by 31 December 2005.³⁰²

549. The agreement had been drafted by the CPA governance team, working with the GC.³⁰³ Ambassador Bremer and Mr Richmond were part of the GC’s final deliberations, and signed the Agreement on behalf of the Coalition. Four Shia members of the Council voted against it, with the 20 other members in favour.

³⁰¹ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

³⁰² Minute Cannon to Prime Minister, 18 November 2003, ‘Iraq: Political Timetable’.

³⁰³ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

Origins of the 15 November Agreement

Sir Jeremy Greenstock described to the Inquiry the stalemate the Coalition had faced on the political process.³⁰⁴ Ambassador Bremer had not wanted elections to take place without constitutional principles being laid down to govern them; Grand Ayatollah al-Sistani had not wanted Iraq's Constitution to be written by or influenced by non-Iraqis. Sir Jeremy described his suggestion that:

“... when there was a chicken and egg problem, one of the ways to get through it is to design a double circuit ... two chickens, two eggs, it became known as, with some humour and disbelief on the American side ... we designed a process of drawing up some preliminary constitutional principles through an administrative law leading to a first round of elections, after which there would be the writing of a proper Constitution by elected officials, leading to a second round of elections under that Constitution.

“The Americans ... thought I was talking rubbish, but the Iraqis immediately understood what I was talking about, which was the point of my proposing it ... And that was the heart of the 15 November agreement.”

Sir David Richmond told the Inquiry:

“Undoubtedly Jeremy's influence was very important in the change of direction of the political process which led to the 15th November agreement. It is a dreadful phrase [two chickens two eggs], but actually it was a very clever idea and became in essence the policy that was then followed.”³⁰⁵

Sir David said that Ambassador Bremer's Seven Step Plan:

“... had really come unstuck. It wasn't a bad plan at all. It was almost a classic way of going about these things, but it had come unstuck largely because of the opposition of Sistani to certain aspects of that plan. Although we were ... perhaps slow to realise that they had hit an insurmountable obstacle and there was a lot of time lost, certainly by the middle or end of October there was a realisation that we were going to have to come up with a plan B ...”

“A plan was being developed and Bremer went back to Washington around about 13th or 12th November ... He came back with what became the 15th November agreement. There were certain aspects of it which we were expecting, including the idea that there might be some interim Constitution ... We were certainly expecting an end date, although I think we were expecting one a little later than 30th June, but I think we – certainly I was expecting that there would be elections before we handed over. We would handover to an elected interim government. It was a surprise and shock to me to discover when Bremer came back from Washington that this was not the case. Now I don't know – this decision had clearly been taken in Washington by the people in Washington. It was not what the CPA had been expecting. I don't know to what extent the British Government was involved in that decision to do things in a different way. I imagine they were, but I don't know.”³⁰⁶

³⁰⁴ Public hearing, 15 December 2009, pages 76-78; Private hearing, 26 May 2010, page 57.

³⁰⁵ Public hearing, 26 January 2011, page 23.

³⁰⁶ Public hearing, 26 January 2011, page 66.

550. On 18 November, Sir Jeremy Greenstock attended a meeting of the Iraq Strategy Group, chaired by Sir Nigel Sheinwald.³⁰⁷

551. Among the “main private messages” that Sir Jeremy believed that Mr Blair should raise with President Bush was the need for a “comprehensive and fully integrated approach [to security] including improved intelligence co-ordination, greater Iraqiisation of security forces, bringing in more ex-Ba’athists and political outreach to the Sunnis”.

552. On 19 November, in a review of Al Qaida’s global operations, the JIC reported:

“There have been some indications of senior Al Qaida leaders ... aspiring to play a role in Iraq and enabling others to do so. The ‘Iraq jihad’ has been a focus for recent Al Qaida propaganda. We do not know for certain how much direct influence Al Qaida leaders have over activity, or how far ‘core’ Al Qaida terrorists have been involved in operations there. But groups affiliated with it (such as Ansar al Islam and al-Zarqawi’s network) are planning and carrying out operations and may have been responsible for some of the major attacks. The Iraq jihad is also likely to produce a new generation of battle hardened fighters prepared to use their expertise elsewhere.”³⁰⁸

553. In mid-November, the Defence Intelligence Service (DIS) created an Iraq Security Task Force to increase its analytical effort “into the nature of the insurgency in Iraq”.³⁰⁹ The group was intended to work closely with PJHQ and the intelligence agencies to “identify the insurgents and their organisation, strategy, tactics, methods and logistics”.

554. Lt Gen Andrew Ridgway, the Chief of Defence Intelligence, cautioned that:

“... this effort does not come without a price. I will be forced to reduce effort elsewhere ... Assessment of non-insurgent related activity in Iraq will be reduced in the short term as Gulf branch is back-filled with analysts less familiar with the region.”

555. On 20 November, Mr Blair and President Bush made a joint statement in which they said:

“We reaffirm the resolve of our two countries, with many friends and allies, to complete the process of bringing freedom, security and peace to Iraq. We warmly welcome the Iraqi Governing Council’s announcement of a timetable for the creation of a sovereign Iraqi Transitional Administration by the end of June 2004 ...”³¹⁰

556. The statement went on to say that the GC’s announcement was consistent with their long-stated aim of handing power to Iraqi hands as quickly as possible.

³⁰⁷ Minute Dodd to Sheinwald, 18 November 2003, ‘Iraq: Strategy Group’.

³⁰⁸ JIC Assessment, 19 November 2003, ‘International Terrorism: Al Qaida Stocktake’.

³⁰⁹ Minute CDI to PS/Policy Director, 19 November 2003, ‘DIS’ Iraq Security Task Force – Implications’.

³¹⁰ Statement Bush and Blair, 20 November 2003, ‘Declaration on Iraq’.

Multi-national force levels in MND(SE)

An MOD report setting out lessons for the future from Op TELIC, published in December 2003, described force levels in MND(SE) on 17 November.³¹¹ On that date, the UK force level in MND(SE) was 10,500, and contributions from other nations totalled 5,650 personnel. The numbers provided by each nation were:

- Czech Republic 100
- Denmark 480
- Italy 2,800
- Lithuania 30
- Netherlands 1,100
- New Zealand 100
- Norway 160
- Portugal 130
- Romania 750

UK force levels between 2003 and 2009 are set out at the end of Section 9.7.

557. In late 2003, the US Joint Chiefs of Staff made an informal request for the UK to consider deploying the HQ ARRC to Afghanistan in summer 2004.³¹² At the time, the FCO's advice to Mr Straw was that the MOD did "not believe that it would be sensible to deploy the ARRC to Afghanistan under current levels of operational deployment, since they judge that it would need to deploy for a year, and with around 2,500 additional troops, to have the desired strategic effect".

558. The initial view of the FCO's Afghanistan Unit was that this underplayed the potential strategic value of the ARRC in Afghanistan. In relation to a deployment to Iraq, the Unit judged it:

"... unlikely ... that NATO would be willing to take on the overall command role. Nor is it clear that the US would be prepared to put their forces under UK command. Conversely, there is a risk, were the ARRC to deploy at the head of a multi-national operation, that the US would not retain enough forces in theatre to make sure that the security situation could be properly handled ... The political risk to the UK of a British HQ taking overall command of military operations would also be high, and our chance of success will be no better (or worse) than the Americans. We are unlikely to want to be put in such an exposed position for another two years."

559. Mr Edward Oakden, FCO Director International Security, commented on 20 November that he agreed with the Afghanistan Unit's initial advice, and

³¹¹ Ministry of Defence, *Operation in Iraq: Lessons for the Future*, December 2003, pages 84-85.

³¹² Minute Thompson to Ehrman and Private Secretary [FCO], 20 November 2003, 'Possible Deployment of the ARRC to Afghanistan/Iraq'.

recommended that Mr Straw's Private Office write to No.10 to register these points.³¹³ Sir Peter Ricketts, UK Permanent Representative to NATO, endorsed Mr Oakden's views.³¹⁴

560. Mr Oakden wrote:

“... there is a large element of tactics in the MOD's current approach ... there has been a strong body of opinion, including the CGS, that since there is no attractive prospect of using the ARRC in Iraq, we should use it ... in Afghanistan, both to do the real job that needs doing on the ground there, and because that is the way to maintain UK leadership in NATO.”³¹⁵

561. Mr Oakden wrote that in order to make an effective deployment of the ARRC “you would also need to deploy a 2,500 strong manoeuvre battalion³¹⁶ for the ARRC to have strategic effect”. He also noted that Sir Kevin Tebbit had:

“... insisted that with the MOD facing a massive overrun, they could not put themselves in the position with HMT of arguing for additional commitments: they should let others impose this on them; and let these others, No.10 or whomever, will the necessary resources.”

562. In the second report to the United Nations under the terms of resolution 1483, on 21 November 2003, the UK and US gave a detailed update on Coalition activities.³¹⁷

563. A telegram from the UK Mission to the United Nations in New York (UKMIS New York) to the FCO recorded that Ambassador Negroonte had welcomed the 15 November Agreement as a step that would ensure rapid Iraqi control of their own affairs, that basic freedoms and rights were protected under the law; and an elected Constitutional Convention.

564. Ambassador Negroonte stated that the Multi-National Force would be needed until Iraq could take on its own security and, as with reconstruction, he hoped more international partners would participate. He emphasised that the UN also had a vital role and that its return would be welcome. The US stood ready to assist with security support.

565. Sir Emyr Jones Parry reported CPA progress in restoring basic services, including water and electricity; repairs to Baghdad International Airport and Umm Qasr port; and work on mobile phone networks.

³¹³ Email Oakden to Ehrman and Adams, 20 November 2003, 'ARRC and Afghanistan'.

³¹⁴ Email Ricketts to Oakden, Ehrman and Adams, 21 November 2003, 'ARRC and Afghanistan'.

³¹⁵ Email Oakden to Ehrman and Adams, 20 November 2003, 'ARRC and Afghanistan'.

³¹⁶ It is not clear what force Mr Oakden is describing. It is larger than other battlegroups deployed to Afghanistan or Iraq but too small for a brigade.

³¹⁷ Telegram 1609 UKMIS New York to FCO London, 22 November 2003, 'Iraq: US/UK Update to the Council'.

566. Sir Emyr also said that nearly all 240 hospitals were now functioning and most schools had opened by the end of June. He also described progress with currency reform and emphasised that it was crucial for Member States to transfer funds belonging to the former Iraqi regime to the Development Fund for Iraq.

567. Finally, Sir Emyr reported that the CPA had enacted human rights legislation, and that the Central Criminal Court was now up and running; 600 Iraqi judges were now presiding over 500 Iraqi courts.

568. UKMIS New York told the FCO that:

“While generally welcomed, France, Germany and Russia stress three key considerations: the need to bring in those previously excluded; the need to bring on board Iraq’s neighbours; and the need for a substantive UN role. All three mention the idea of a national conference under UN auspices.”

569. On 21 November, the Oil-for-Food programme closed, after eight years in operation.³¹⁸ This met the terms of resolution 1483, which had called for it to be wound up within six months.

570. Responsibility for remaining activity passed to the CPA and the Iraqi Ministry of Trade. A one month “buffer stock” of key commodities would be purchased by the World Food Programme, but it was not expected that there would be a threat to food supply.

571. From 18 to 22 November President Bush visited the UK.³¹⁹

572. Before the visit, Mr Rycroft gave Mr Blair a copy of a paper entitled ‘Iraq: Security’, for discussion with President Bush.³²⁰ The document was described as “Jeremy’s paper” and the Inquiry assumes that it was written by Sir Jeremy Greenstock.

573. The paper began:

“The timetable for transfer of power to transitional government is challenging but can be done. Momentum is there. One thing that can throw this off course is **security**. Must be our highest priority from now until the handover. Current insurgency/terrorist campaign may not pose a traditional strategic threat. But mounting rates of attacks on Coalition will:

- sap domestic public and political support;
- wean away allies who have less of a stake in this than US/UK;
- risk withdrawal of civilian volunteer staff in the CPA and governorates;
- encourage the current insurgency to become a widespread, popular resistance.”³²¹

³¹⁸ Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

³¹⁹ *BBC News*, 18 November 2003, *Bush arrives for state visit*.

³²⁰ Minute Rycroft to Prime Minister, 18 November 2003, ‘Bush Visit – Private Talks’.

³²¹ Paper Greenstock, 18 November 2003, ‘Iraq: Security’.

574. Sir Jeremy then set out a number of areas that needed to be addressed, including:

“Military

- ... We need to do more to tackle use of IEDs; mortar and rocket attacks; and SAMs [Surface-to-Air Missiles]. *We should seek to avoid further alienation of Sunni population.* Overall approach needs to provide reassurance.

...

Intelligence

- ... We need much *better co-ordination of intelligence collection and analysis.* Intelligence sharing between the military and civilian Agencies must be improved

...

- Growth of Iraqi intelligence capacity is vital ...

...

Sunni strategy

- *Sunni outreach remains critical even while pursuing crackdown on FRE [Former Regime Elements] activities in these areas.* Civic and economic development projects must be a priority. And we must help the IGC to sell the new political process in the Sunni heartlands.

Civilian security

- *Real risk of serious US and UK civilian losses.* When civilian volunteers begin to be hit the consequences are different to those for the military. Resulting mass pull-outs will undermine our ability to ensure an effective handover of responsibility to Iraqis.

...

- CPA must address this with urgency ...

Iraqisation

- *Must accept previously Ba’athist elements in the security forces,* provided not linked with former repression. *Militias ... need to be brought in an inclusive, transparent way ... Plans for this should be drawn up immediately with IGC ...*

Economics

- *Absolute priority must be given to job creation ...*

Managing the transition/drawdown

- *Planning for withdrawal of 30,000 US troops by March need to be re-assessed against the growing security threat. We must have a secure overall environment in the period running up to the caucus elections. The enemy will exploit any gaps. Better to lower domestic expectations now and link to positive progress on the political timetable. Conditions on the ground and the views of the Governing Council/Transitional Assembly must inform the decision.*
- *On civilian side, must not adopt mindset that June represents a cut off point. Will have to stay engaged to assist the Iraqi transitional government find its feet. Need to start thinking now about how this should best [be] done.*

Co-ordination of policy

- *We need to tighten up high-level co-ordination between military, civil and intelligence elements, and between Coalition partners ...”*

575. Mr Blair gave President Bush a slightly revised version of Sir Jeremy’s paper, which included a different message under the heading “Managing the transition/drawdown”.³²² It said:

“We need to look again at the levels and composition of US and UK troops, in theatre, given the new political timetable. We must have a secure overall environment in the period running up to the caucus elections. The enemy will exploit any gaps. Conditions on the ground and the views of the Governing Council/Transitional Assembly must inform the decision. We need US/UK troops capable of training Iraqi forces as well as direct military and intelligence tasks.”

576. In the week before President Bush’s visit, Sir Jeremy contacted Mr Desmond Bowen, the Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office, who reported to Sir Nigel Sheinwald that:

“Jeremy believes that President Bush is not being warned that strategic failure cannot be ruled out.

...

“He feels that the Prime Minister should talk to the President in stark terms next week about the dangers we face if we do not get a grip on the security situation, while at the same time pushing forward the political programme and the massive reconstruction task now under way.”³²³

³²² Paper [Greenstock], 20 November 2003, ‘Iraq: Security’.

³²³ Minute Bowen to Sheinwald, 14 November 2003, ‘Iraq’.

577. Sir Nigel Sheinwald recorded that Mr Blair and President Bush spent most of their private meeting on 19 November discussing Iraq, drawing on Sir Jeremy's paper, a copy of which Sir Nigel had also given to Dr Rice.³²⁴

578. At the end of the visit, Sir Nigel met Dr Rice to discuss follow-up.³²⁵ During the discussion Dr Rice emphasised the need to "crush the insurgency hard", mainly through better intelligence.

579. Politically, the GC had to work better, for which the Sunnis would be key. There was also a need to prioritise reconstruction projects. There was discussion about reuniting the international community, and Iraq's neighbours.

580. Sir Nigel saw three elements to the post-CPA civilian arrangements: an international presence under some kind of UN umbrella; UK/US advisers inside the Iraqi ministries; and UK/US Missions or Embassies. Sir Nigel raised the question of contracts: the UK had done well in the first tranche and "hoped that DOD [Department of Defense] would give us a good crack of the whip in the oil and gas area, where three UK consortia had real expertise".

581. Mr Blair and President Bush discussed the approach set out in Sir Jeremy's paper once again when they met at Sedgefield at the end of the visit.³²⁶ The meeting was a private one, but Sir David Manning reported that Mr Blair had interpreted the response as positive, and had stressed the importance of "effective follow-up".

582. Soon after the announcement of the 15 November Agreement, reservations began to be expressed in the GC, in particular by Shia members, about its implementation.

583. Concerns raised at a meeting of the nine members of the GC's rotating Presidency (the P9) on 21 November focused on the method of selecting provincial caucuses, the fate of the GC post-transition, a desire to protect the position of the Shia majority, a continued Coalition military presence and the lack of clarity on the UN's role.³²⁷

584. Sir Jeremy reported that Ambassador Bremer had stressed the historic importance of the 15 November Agreement, and the commitment of Mr Blair and President Bush to it. Despite that, he was "willing to negotiate further some details".

585. Despite the problems raised, Sir Jeremy commented that they did not appear "insurmountable" and no member of the GC seemed close to abandoning the Agreement altogether.

³²⁴ Letter Sheinwald to Adams, 20 November 2003, 'Prime Minister's Meetings with President Bush 19 and 20 November'.

³²⁵ Letter Rycroft to Adams, 21 November 2003, 'Iraq: Meeting with Condi Rice, 21 November'.

³²⁶ Letter Rycroft to Adams, 21 November 2003, 'Prime Minister's Discussion with Bush, Sedgefield, 21 November'.

³²⁷ Telegram 278 IraqRep to FCO London, 21 November 2003, 'Iraq: Constitutional Process'.

586. A committee established by the P9 proposed five textual amendments on 23 November, including:

“... reforming the local and provincial councils, thereby ensuring ‘the highest possible degree of representation’; ensuring that security arrangements reaffirmed the sovereignty and independence of Iraq; asking the UN Secretary-General to appoint a representative to help in the political process; and defining a role for the IGC post-hand over and until a permanent Constitution is adopted.”³²⁸

587. Sir Jeremy reported that he and Ambassador Bremer would “remain firm on key principles”.

588. On 26 November, the JIC assessed security in Iraq.³²⁹ It judged that the number of “significant incidents” had risen from 30 to 36 per day, though the frequency of significant attacks in MND(SE) had not increased and remained lower than in other parts of the country.

589. The JIC assessed that this was the result of increased involvement of “former regime elements” who had moved into MND(SE) from elsewhere:

“It does not, therefore, necessarily indicate a loss of local Shia support (there are some indications that this support may actually be increasing in MND(SE)).”

590. In addition to the ongoing threat from former regime elements, the JIC pointed to the threat to stability that came from “disaffected Iraqis – those without jobs, those who have been disadvantaged by the change in regime, or those who simply find the conditions of life worse than before the war”. It also assessed that, while Muqtada al Sadr’s supporters had “dwindled”, he still commanded “sufficient influence to be a threat, particularly in Najaf, Karbala and Baghdad”.

591. The Cabinet Office Annotated Agenda for the AHMGIR meeting the following day observed that:

“Although the number of security incidents has fallen in the last few days, it is too soon to say that this represents a trend to improved security.”³³⁰

592. The same document also recorded that Mr Jalal Talabani, President of the GC, had written to Mr Annan asking him to appoint a new UN Special Representative. A second letter set out the political timetable and asked the Security Council for a new resolution. Cabinet Office officials stated:

“The question of what future UNSCRs will be required to underpin the timetable is a matter for debate.”

³²⁸ Telegram 282 IraqRep to FCO London, 24 November 2003, ‘Iraq: Political Roundup’.

³²⁹ JIC Assessment, 26 November 2003, ‘Iraq Security’.

³³⁰ Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

593. On 27 November, Mr Straw told Cabinet that during his visit to Iraq he had been struck that the change to the political timetable had had a dramatic impact on the CPA and the GC, “New urgency had been imparted to both the political and security tracks.”³³¹

594. On 27 November, Mr Sawers commented to Mr Straw’s Private Secretary that:

“... the ARRC is a high quality asset which, in these times of heavy demands on the security front, we should be looking to deploy ... Holding it back for the perfect task risks leaving it with nothing to do for far too long. The question is: Iraq or Afghanistan.”³³²

595. Mr Sawers went on to observe that “Iraq is the higher political priority for HMG”, but that there was a risk that deploying the ARRC to Iraq would either create complications with US troops and a dual chain of command or encourage the US to withdraw its troops prematurely. By contrast, Afghanistan was seen as a more immediate priority. Mr Sawers concluded that he inclined towards recommending the deployment of the ARRC to Iraq – the “greater strategic and political importance of the Iraq to the UK tips the balance”. Mr Sawers recommended that, as the forthcoming NATO Summit at Istanbul coincided with the planned transfer of sovereignty in Iraq, it might be an opportune moment to announce any decision to deploy the ARRC to Iraq.

Impact of the political timetable on the CPA

Since May 2003, the CPA had been operating on the assumption that it would be responsible for the administration and reconstruction of Iraq until at least December 2004. CPA programmes and spending plans had been based on that assumption.

Mr Bearpark told the Inquiry:

“Once you know that your tenure is only going to be six months, even the most naïve planners knew that the objectives they had set were not going to be achieved within that period.”³³³

Sir Hilary Synnott told the Inquiry that the idea of an early transfer to a transitional Iraqi government came as a surprise to him:

“In the middle of November, much to our surprise, and in many – well, in some senses disappointment, it was decided that the CPA should wind up at the end of June, and I was due to leave – the six months would have been the end of January. It became clear to me a couple of months before that that the entire focus of Baghdad’s attention had shifted from trying to make something work into, ‘What are we going to do to run down?’”³³⁴

Detail on the consequences for reconstruction activity can be found in Section 10.1.

³³¹ Cabinet Conclusions, 27 November 2003.

³³² Minute Sawers to Private Secretary [FCO], 27 November 2003, ‘Deployment of the ARRC’.

³³³ Public hearing, 6 July 2010, page 44.

³³⁴ Public hearing, 9 December 2009, page 47.

596. Towards the end of November, Mr Richmond wrote to Mr Crompton to look ahead at key issues for the seven months until the CPA came to an end in June 2004.³³⁵ He listed:

- “• re-select Provincial Councils in a number of governorates;
- help draft the Transitional Administrative Law;
- organise the caucus elections and build up civil/political society;
- launch a nationwide political dialogue;
- keep a suspicious Shia majority on side while reassuring a resentful and angry Sunni population;
- avoid dealing with the security problems in ways which alienate the local population and establish a coherent security strategy to deal with the insurgency;
- decide on the post handover arrangements for the Multi-National forces;
- prioritise the outstanding economic issues ...”

597. He identified the most difficult issue in drafting the TAL as federalism, and in particular the status of the Kurdish north.

598. Mr Hoon told Parliament on 27 November that:

“As part of our routine management of the UK’s land deployment we intend shortly to conduct a roulement of our forces in theatre. This will begin with an incremental replacement of HQ 3 (UK) Division with a composite headquarters for MND(SE), the staff for which will be drawn from across UK Defence and from allies ... We expect the level of the Royal Navy and Royal Air Force presence in theatre to remain broadly stable ... We will continue to keep the size and mix of forces in theatre under careful review and we can expect to make further adjustments to our force structures ...

“While we remain determined to maintain appropriate forces deployed in Iraq and the wider Gulf region for as long as is necessary, we are equally determined that no forces should remain deployed for any longer than is necessary.”³³⁶

599. The exact total of deployed troops was not mentioned in Mr Hoon’s statement to Parliament.

600. On 27 November, Cabinet Office officials briefed the AHMGIR that “[Grand] Ayatollah [al-]Sistani, the senior and influential Shia cleric, is said still to have doubts over the legitimacy of the new [political] process.”³³⁷

³³⁵ Letter Richmond to Crompton, 27 November 2003, ‘Iraq: The Next Seven Months’.

³³⁶ House of Commons, *Official Report*, 27 November 2003, columns 29-30WS.

³³⁷ Annotated Agenda, 27 November 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

601. Shortly afterwards, Sir Jeremy Greenstock reported that:

“Efforts by the CPA to resolve the impasse ... over the 15 November Agreement were further complicated on 27 November by reports to the CPA governance team that [Grand] Ayatollah [al-]Sistani has come out in favour of direct elections to the TLA [Transitional Legislative Assembly].”³³⁸

602. In a statement on 28 November, Grand Ayatollah al-Sistani set out his “reservations” regarding the 15 November Agreement:

“Firstly, it is based on preparing the law of the Iraqi state, for the transitional period, through the Governing Council in conjunction with the Occupying Power – thus not providing it with legitimacy. For this (legitimacy) to be achieved it must be presented to representatives of the Iraqi people for approval.

“Secondly, the mechanism in place to choose members of the Transitional Legislative Assembly does not guarantee the establishment of an assembly that truly represents the Iraqi people. Therefore this mechanism must be replaced with one that guarantees the aforesaid, which is ‘elections’, so the Assembly will emanate from the desire of the Iraqi people and will represent them fairly without its legitimacy being tarnished in any way.”³³⁹

December 2003

603. By 1 December, the GC had not agreed a way ahead in relation to Grand Ayatollah al-Sistani’s objections beyond creating a committee to discuss the mechanics of implementation.³⁴⁰

604. In early December, the Iraq Senior Officials Group concluded that “a new joined up approach to campaign planning [with the US] had not translated into reality on the ground”.³⁴¹

605. Mr Blair and President Bush spoke by video conference on 4 December.³⁴² During the conversation Mr Blair underlined the importance of Iraqiisation, including involving the Sunni community and former Ba’athists. He suggested that the Coalition should aim to mobilise tribal leadership, as the UK was doing in the South. Mr Blair welcomed “improvements in co-ordination” and stressed that the focus should be on security.

³³⁸ Telegram 292 IraqRep to FCO London, 28 November 2003, ‘Iraq: Sistani Views’.

³³⁹ Talmon S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council*. Hart Publishing, 2013.

³⁴⁰ Telegram 294 IraqRep to FCO London, 1 December 2003, ‘Iraq: Sistani Update’.

³⁴¹ Letter Dodd to Sheinwald, 1 December 2003, ‘Iraq: Senior Officials Group’.

³⁴² Letter Cannon to Adams, 4 December 2003, ‘Iraq: Prime Minister’s Video-Conference with President Bush, 4 December’.

606. A Force Level Review conducted in November and given to the Chiefs of Staff in December noted that the military tasks for the period ahead fell into two categories: counter-terrorism and security sector reform, most critically the Iraqi Police Service (IPS), the Border Police (IBP) and the Iraqi Civil Defence Corps (ICDC):

“Existing MND(SE) resources are insufficient to maintain security, in the event of politically inspired instability, and simultaneously train, mentor and monitor both the ICDC and the IPS/IPB. In order to achieve the necessary force levels an adjustment of in-place forces coupled with a moderate increase in force levels is needed. This should ensure concurrent CT [counter-terrorism] and SSR [security sector reform] success. Also by achieving early effect, MND(SE) should create the conditions for release of UK troops or their re-employment within Iraq.”³⁴³

607. On counter-terrorism, the review found that:

“... tasks have been reviewed and we will soon be able to reduce from four to three battalions for this commitment. The released battalion will be used for the mentoring and monitoring of the Iraqi Security Forces (ISF).”

608. The Force Level Review recommended:

“... the continued deployment of a surge battalion ... until Jun 04. The deployment of an additional battalion ... to provide in-theatre flexibility ... [and] a further two platoons of RMP [Royal Military Police], until a request for 40 civilian police is fulfilled, to operate in local police stations throughout the AO [Area of Operations], in support of battalion activity to improve the Iraqi Police Service (IPS) and Iraqi Border Police (IPB).”

609. The Chiefs of Staff were also reviewing the UK’s military strategy for Iraq.³⁴⁴ A paper written by Lt Gen Fry in early December suggested that:

“If necessary the UK should be prepared to continue to employ maximum sustainable resources up to Land MS(+) and Maritime/Air SS to deliver campaign success.”

610. On resources, he advised that:

“The UK’s strategy must be one of ‘early effect’, which puts the achievement of campaign success above all else including concurrency and harmony guidelines.”

³⁴³ Minute Reith to PSO/CDS, 5 December 2003, ‘Op. TELIC Force Level Review – Nov 03’.

³⁴⁴ Minute DCDS(C) to COSSEC, 5 December 2003, ‘Op TELIC – Review of UK Military Strategy for Iraq’.

611. A more detailed paper attached noted that the numbers of Army units deployed in operations (including Iraq) was greater than envisaged in the Defence Planning Assumptions (DPAs).³⁴⁵ As a result:

“If the MOD seeks to return within DPAs then drawdown must be sought from ... other theatres, reflecting TELIC’s position as the UK’s military ME [Main Effort]. As the Coalition scale of effort reduces in Iraq the UK faces a choice: either UK military scale of effort decreases in step with the Coalition, or, UK military effort continues at MS [Medium Scale], proportionally increasing our contribution to the Coalition. The UK would therefore have greater ownership of the campaign and greater influence on its success. In this scenario, UK military deployment may not be limited to MND(SE).”

612. On 10 December, Sir Nigel Sheinwald chaired a video conference with Dr Rice and members of her team, including Ambassador Blackwill (who led in Washington on the Iraqi political process).³⁴⁶ Ambassador Blackwill suggested that Grand Ayatollah al-Sistani’s stance seemed to be softening on direct elections, but the lack of a direct line of communication made this uncertain.

613. A day later, Mr Straw’s Private Secretary reported to Mr Rycroft that there had been little progress with the new political timetable, mainly because Grand Ayatollah al-Sistani had argued that members of the Transitional Legislative Assembly should be selected by direct election, rather than through the caucus elections outlined in the agreement.³⁴⁷

614. The Private Secretary added that Grand Ayatollah al-Sistani’s intervention had met strong opposition from most members of the GC and the CPA. No GC member was at that point pushing for direct elections but they were advocating changes in the way the caucus elections were organised, to ensure that Ba’athists did not re-emerge as a political force. They were trying to sell this approach to Grand Ayatollah al-Sistani. The CPA was prepared to be flexible on the implementation of the agreement, but not the principles.

615. On 13 December, US forces found and captured former President Saddam Hussein. He was hiding in a cellar in the town of al-Dawr, 15km south of Tikrit.³⁴⁸

616. Ambassador Bremer held a press conference, at which he said:

“The tyrant is a prisoner.

³⁴⁵ Minute DJtCts and Dir Sec IRAQ to COSSEC, 3 December 2003, ‘Op Telic – A DJtCts Review of UK military strategy for Iraq’.

³⁴⁶ Letter Cannon to Owen, 10 December 2003, ‘Iraq: Video-Conference with US National Security Council’.

³⁴⁷ Letter Owen to Rycroft, 11 December 2003, ‘Iraq: Political Process’.

³⁴⁸ *BBC News*, 14 December 2003, *Bremer’s statement in full*.

“The economy is moving forward. You have before you the prospect of a sovereign government in a few months.

“With the arrest of Saddam Hussein, there is a new opportunity for the members of the former regime to end their bitter opposition.”

617. Mr Blair spoke to President Bush by telephone on 14 December and encouraged him to push “the Sunni strategy” when commenting publicly on the capture later that day.³⁴⁹ The tone should be focused on reconciliation.

618. During Defence Questions on 15 December, Mr Hoon told Parliament that:

“A crucial component of our efforts in Iraq is the training of Iraqi security forces. That has been given added impetus by the acceleration of the political timetable agreed by the Iraqi Governing Council on 15 November. To accelerate the rate of training, there is a requirement for an additional infantry battalion and a contingent of Royal Military Police. The House will recall that I have previously announced the earmarking of a ready battalion for deployment on surge operations for that reason. I have decided that that battalion, the 1st Battalion the Argyll and Sutherland Highlanders, and two platoons of Royal Military Police, drawn from 101 and 156 provost companies should deploy in January for six months.”³⁵⁰

619. Briefing produced for Mr Hoon suggested the following line:

“Of course we would welcome additional contributions to the Multi-National effort in Iraq. But we can sustain our current force levels, and indeed temporary ‘surges’ such as the additional deployments I am announcing today. Our approach to Iraq is not driven by any sort of arbitrary targets for reducing our force levels there.”³⁵¹

620. On 16 December, Mr Tim Dowse, Chief of the Assessments Staff, provided a note for discussion at a JIC meeting the following day.³⁵²

621. The purpose of the paper was to identify the main challenges to the Coalition’s plans for political transition. Among the risks it identified to achieving the various milestones in the transition timetable, were:

- The lack of security – this was judged to be the most serious threat to progress.
- Opposition from Grand Ayatollah al-Sistani, who was concerned to ensure proper recognition for the role of Islam within the Fundamental Law and who

³⁴⁹ Letter Rycroft to Adams, 14 December 2003, ‘Iraq: Capture of Saddam: Conversation with Bush, 14 December’.

³⁵⁰ House of Commons, *Official Report*, 15 December 2003, column 1302.

³⁵¹ Email Iraq-sec 2 to SOFS-Private Office, 15 December 2003, ‘Additional NATO Lines’ attaching Note MOD [junior official], [untitled].

³⁵² Minute Dowse, 16 December 2003, ‘Iraq: Threats to Political Transition – JIC Discussion Note’ attaching Note [unattributed], 16 December 2003, ‘Iraq: Threats to Political Transition’.

favoured a general election (rather than the planned caucus approach) to select the transitional National Assembly.

- The destabilising effect of Muqtada al-Sadr, who was considered “unlikely to accept a transition process that does not facilitate a prominent role for himself and for the Shia. The Assessments Staff assessed that al-Sadr’s militia – the “Mahdi Army” – was poorly trained and organised, and the reported numbers (between 6,000 and 8,000) “may well be exaggerated”.
- Continued Sunni disaffection, though the arrest of Saddam Hussein – while likely to have a demoralising effect on some former regime elements – was considered likely to encourage more of the Sunni to feel that they could participate in the transition process without fear that the Saddam regime would return.

622. On Iran, Mr Dowse’s note reported:

“Iran wishes to promote Islam within Iraq, but no longer expects to see a mirror image of its own government in place. A successful Islamic democracy on its border is likely to fuel discontent among its own population and this will probably be a cause for concern in Tehran. It will, however, continue its support to SCIRI with the aim of securing Shia pre-eminence in the future political hierarchy. Passive support for groups such as Ansar al-Islam is also likely to continue as long as the Coalition remains in Iraq, but [we] stand by our judgement ... that while Iran may seek to gain influence ... it is unlikely that they would participate directly in anti-Coalition activity.”

623. On 17 December, the JIC assessed security in Iraq.³⁵³ It recorded that:

“After a difficult November the number of attacks against Coalition Forces has fallen ... Most attacks continue to take place in Baghdad and in the Sunni Arab areas to the north and west.

“The UK area of responsibility is calmer.”

624. The JIC judged that most attacks against the Coalition continued to be carried out by Former Regime Elements.

625. The capture of Saddam Hussein, in the JIC’s opinion:

“... removes a figurehead, and will at least damage the morale of his supporters and offer encouragement to those many Iraqis who feared he could return. Coalition policies will need to take advantage of this opportunity.”

626. The JIC also judged that:

“Although we continue to see reports of alleged AQ personnel operating in Iraq and support networks elsewhere, we have no evidence linking AQ to specific attacks.”

³⁵³ JIC Assessment, 17 December 2003, ‘Iraq Security’; JIC Assessment, 7 January 2004, ‘Iraq Security’.

627. The Cabinet Office Annotated Agenda for the meeting of the AHMGIR on 18 December noted that:

“The capture of Saddam Hussein, though important politically, is unlikely to improve the security situation in the short-term. Saddam’s supporters may not give up easily and foreign fighters have different motivations.”³⁵⁴

628. Despite the recent fall in the number of security incidents, the agenda noted that “attacks on Iraqi security forces, particularly on police stations, continue” although MND(SE) remained relatively quiet.

629. The Annotated Agenda recorded that the CPA was taking forward ideas for a National Reconciliation Strategy.

630. Following the capture of Saddam, this was:

“... a determined effort by the CPA and the Iraqi Interim Administration to engage Sunni leaders, alongside establishment of targeted job creation schemes and more flexible implementation of the de-Ba’athification policy.”

631. Responsibility for de-Ba’athification had been formally handed to the Governing Council on 5 November in CPA Memorandum No.7 (see Section 11.1 for further details).

632. Cabinet Office officials wrote that an impediment to Iraqi engagement in the 15 November Agreement was the further intervention of Grand Ayatollah al-Sistani. He had made clear his preference for the holding of direct elections rather than caucus elections to the Transitional Assembly, although he had not gone so far as to issue a fatwa. Instead, he had asked for UN views on the feasibility of direct elections.

633. The Cabinet Office judged that the Iraqiisation of security was “highly ambitious” based on the intention to withdraw Coalition military from cities, and for the Iraqi police to deal with terrorism, by April 2004.

634. The Annotated Agenda also discussed the role of women in Iraq, observing that all 10 members of the committee that would draft the TAL were male. Cabinet Office officials proposed that Ministers should agree to lobby Washington and the CPA for a quota of 25 percent female representation in every caucus nominating individuals to the TLA. The Agenda said that Iraqi women accounted for 60 percent of the total population.

635. Ministers were also told that Mr Annan had appointed Mr Ross Mountain to be his Acting Special Representative to Iraq. He would be based outside Iraq, travelling in as security permitted.

³⁵⁴ Annotated Agenda, 17 December 2003, Ad Hoc Group on Iraq Rehabilitation meeting.

636. Mr Blair told Cabinet on 18 December that the capture of Saddam Hussein should enable more progress to be made in Iraq as it meant there was no focal point for opposition.³⁵⁵

637. Reflecting on events in a telephone conversation with President Bush on the same day, Mr Blair said that he saw the capture of Saddam Hussein as “not the end, but the beginning of the end”.³⁵⁶

638. Also on 18 December, Ambassador Bremer hosted a Campaign Review meeting in Baghdad – the first US/UK meeting to review strategy on Iraq – attended by senior civilian and military representatives, including Lt Gen Fry, Mr Webb and Sir Jeremy Greenstock.³⁵⁷

639. Gen Abizaid was reported to have commented on the importance of withdrawing as soon as it was possible once the Iraqi Civil Defence Corps and Iraqi police were in a position to assume control. In his view “many areas of MND(SE) were ‘almost there’”.

640. Lt Gen Fry observed that it was:

“... important for the Coalition to think strategically about deployment of resources. For example the UK might consider re-deploying some personnel and assets away from MND(SE) into either another geographical area or a function such as training.”

641. The record of this meeting is the first time the Inquiry has seen a reference to the US plans to restructure the Coalition military within Iraq. The new Multi-National Force HQ would be headed by a four-star general, and Gen Abizaid hoped that it would be possible for the UK to second a three-star general to serve as one of the deputies.

642. The discussion also covered finalising a Security Agreement which would allow Coalition Forces to operate after 1 July 2004. Negotiations were expected to focus on freedom of action for US forces and on Iraqi forces operating under US command.

643. Ambassador Bremer told those present that he had authorised US\$400m for job creation and essential services over the next six months, about half in Sunni areas.

644. On 19 December, Mr Sawers sent Mr Straw an ‘End of Term Assessment’ on Iraq, for “holiday reflection” and to inform any conversations Mr Straw might have with Secretary Powell over the Christmas period.³⁵⁸

³⁵⁵ Cabinet Conclusions, 18 December 2003.

³⁵⁶ Letter Cannon to Adams, 18 December 2003, ‘Prime Minister’s Conversation with President Bush, 18 December’.

³⁵⁷ Teleletter Greenstock to Adams, 19 December 2003, ‘US/UK Iraq Strategy Review Meeting’.

³⁵⁸ Minute Sawers to Foreign Secretary, 19 December 2003, ‘Iraq: End of Term Assessment’.

645. Mr Sawers judged that:

“We are ending the year in better shape on Iraq than looked likely during much of the autumn. But we continue to face formidable problems inside Iraq if we are to maintain stability and deliver a handover of power to a Transitional Government in June 2004.”

646. Mr Sawers described increasing engagement on Iraq within the EU, and from the UN. On security, he wrote:

“... the critical aspect to get right is to ensure that Iraqiisation moves ahead in step with Iraqi capability and the prevailing security conditions. We must not fall into the trap of equating numbers with capability.”

647. Short-term issues to be tackled included “the fuel crisis” through the Iraqi winter and drafting the TAL by the end of February 2004, but also:

“We will also have to find a solution to the problem of the Governing Council’s determination that they should continue to exist in some form after 30 June.”

648. At the end of December, Sir Jeremy Greenstock reported that he had spent the holiday period in bilateral discussions with key GC members.³⁵⁹

649. Discussions had clarified the difficulties faced by the GC in drafting the TAL. The main obstacles were: the mechanism for choosing the Transitional National Assembly, and Grand Ayatollah al-Sistani’s demands for elections; Kurdish efforts “to push for what amounts to secession”; and the future of the GC post-transition.

650. Sir Nigel Sheinwald told the Inquiry that the UK was in favour of sticking to the timetable set out on 15 November throughout the political process, despite “a lot of debate about whether things should be postponed or not because of security”.³⁶⁰

January 2004

651. In his New Year telegram to the FCO, Sir Jeremy Greenstock wrote that the Coalition faced a significant challenge in the first six months of 2004 as they prepared to transfer sovereignty.³⁶¹

652. The first of the “hurdles in front of us” was that:

“The violent opposition have capacity, people and materials in ineradicable quantities for this timescale, even if their strategic reach is limited.”

³⁵⁹ Telegram 333 IraqRep to FCO London, 29 December 2003, ‘Iraq: Political Developments’.

³⁶⁰ Public hearing, 16 December 2009, pages 34-35.

³⁶¹ Telegram 337 IraqRep to FCO London, 1 January 2004, ‘Iraq: Six Final Months of Occupation’.

653. Sir Jeremy went on to say:

“We have a platform for eventual success here.

“That is the point of this telegram. This is a nasty environment. We are fundamentally unpopular ... To come out well, we need one more heavy investment of effort.

“For a start, there is no military dividend to count on during ... 2004. I gathered from my December contacts with MODUK that this is understood ... This theatre remains a security crisis. Our people need protection.

“... Hard, complex, manpower-intensive decisions are needed from now on. London cannot afford the luxury of manpower ceilings.”

654. Sir Jeremy concluded:

“In short, this thing is poised. There is so much at stake that we need to pull the odds just a bit further our way.”

655. On 4 January, Mr Blair visited Basra for the day.³⁶² The final item of his itinerary was a meeting with Ambassador Bremer, Sir Jeremy Greenstock and Sir Hilary Synnott at Basra Airport.

656. A briefing note from Mr Blair’s Assistant Private Secretary suggested that he should cover the following issues:

- “• Political process: how to handle Sistani and keep the 15 November timetable on track?
- Progress on bringing the Sunnis into the political process, including the implications of Saddam’s arrest.
- Post-1 July security arrangements between Iraq and the international community.
- Federalism and the Kurdish issue: Bremer’s views?
- Media.”

657. A record of the meeting said that:

“The Prime Minister was interested in how the political process would develop through the transition; how and when the UN could best be involved; and what civil and military US and UK structures we envisaged in place after the June transition.”³⁶³

658. The FCO was asked to provide a note on these points.

³⁶² Minute Cannon to Prime Minister, 2 January 2004, ‘Visit to Basra’.

³⁶³ Letter Cannon to Owen, 5 January 2004, ‘Iraq: Prime Minister’s Meeting with Bremer, 4 January 2004’.

659. The Assistant Private Secretary also recorded that Ambassador Bremer had briefed Mr Blair that Mr Richmond had been put in charge of the operational aspects of the CPA's 'Sunni strategy'. This included up to US\$250m in project funding, and attempts at political mobilisation. Sir Jeremy Greenstock observed "that there were signs that the Sunni tribal leadership was spontaneously taking an increased interest in the political process".

660. Ambassador Bremer had also offered his perspective on the impact of the capture of Saddam Hussein. In his judgement the "psychological impact of the arrest was significant on those who either hoped for or feared the restoration of the old regime".

661. Sir Jeremy Greenstock called on Mr Blair on 8 January.³⁶⁴

662. On the political process, Sir Jeremy told Mr Blair that there was a genuine risk of a fatwa by Grand Ayatollah al-Sistani against the proposed caucus procedure, and that in such a case the Coalition could not afford to back down.

663. Sir Jeremy told the Inquiry that his engagement with the GC and others was "an inadequate interface": he and Ambassador Bremer were very conscious that they couldn't have a direct conversation with Grand Ayatollah al-Sistani as he refused to have any direct dealings with the CPA.³⁶⁵

664. In their video conference on 6 January Mr Blair and President Bush discussed the UN role in the political process and agreed it was important.³⁶⁶ Mr Blair suggested that Mr Annan should say that direct elections to the Transitional Assembly were impractical, giving Grand Ayatollah al-Sistani a "way to row back from his call for direct elections".

665. The discussion then moved on to media issues. Mr Blair commented that he had been struck by the high level of satellite TV coverage in Iraq and the absence of Iraqi politicians using the media effectively. Relying on word of mouth enhanced the power of religious and tribal leaders. Mr Blair suggested that improved media would allow the Coalition to reach the Iraqi public that bypassed those intermediaries.

666. Before the video conference, Mr Scarlett had briefed Mr Blair based on a draft of the 7 January JIC Assessment.³⁶⁷

667. In its 7 January Assessment, the JIC considered the security situation in Iraq.³⁶⁸ It reported that a downward trend in the number of attacks against Coalition Forces continued, but that it was too soon to judge whether it would last. Some attacks were showing increasing sophistication and co-ordination. There had been no significant change in MND(SE).

³⁶⁴ Letter Cannon to Owen, 8 January 2004, 'Iraq: Prime Minister's Meeting with Sir Jeremy Greenstock'.

³⁶⁵ Private hearing, 26 May 2010, page 55.

³⁶⁶ Letter Cannon to Adams, 6 January 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 6 January'.

³⁶⁷ Minute Scarlett to Cannon, 6 January 2004, 'Iraq Security'.

³⁶⁸ JIC Assessment, 7 January 2004, 'Iraq Security'.

668. The JIC identified:

“... a growing weight of evidence suggesting that ... [Abu Musab] al- Zarqawi, who has a longstanding relationship with AI, is beginning to play a leading role in co-ordinating the activities of some mujahedin groups. Indications that AI, al-Zarqawi and possibly AQ are co-ordinating activity and consolidating their presence represent a worrying development ... We remain unclear as to the capabilities of these various Islamist extremist groups and cannot link them to specific attacks. However, reporting shows that they continue to plan and conduct attacks, including suicide bombings, and could pose an increasing threat to Coalition interests. There is reporting that Islamist extremists regard the capture of Saddam Hussein as providing an ideological vacuum that can be exploited in Sunni areas.”

669. In January, the UK was keen to persuade the UN to become more involved in the political process, although the UN was initially minded not to engage on the ground until after the handover to Iraqi sovereignty on 1 July.³⁶⁹

670. The UK hoped that the UN would decide that direct elections to the Transitional National Assembly were not possible, and would confirm this to Grand Ayatollah al-Sistani, which would assist him in withdrawing his objections to the caucus arrangements.

671. The UK also hoped that the UN could become involved by at least observing the caucus elections. UK officials noted that, having sought to exclude the UN, the US now saw UN involvement in organising the caucus elections and drafting the TAL as a way out of their problems.

672. UK officials considered that, given Grand Ayatollah al-Sistani’s resistance, they needed to have a fall-back position. The US, and UK Ministers, remained wedded to a transition on 30 June. An alternative to caucus elections, although less legitimate, would be to use the GC to select TNA members from the Governorates.

673. A statement issued by the office of Grand Ayatollah al-Sistani on 11 January said that he had explained to the President of the GC his continued objections to the 15 November process, and their consequences, including:

“... if the provisional national council was formed on the basis of a mechanism that did not enjoy the necessary legitimacy, it would not be able and neither would the government emanating from it be able, to carry out their tasks and honour the timetable set for the transitional period. Consequently, this would create serious problems and the political and security situation would further exacerbate.”³⁷⁰

³⁶⁹ Minute Dodd to Sheinwald, 12 January 2004, ‘Iraq: Strategy Group’.

³⁷⁰ Talmon S. *The Occupation of Iraq: Volume II The Official Documents of the Coalition Provisional Authority and the Iraqi Governing Council*. Hart Publishing, 2013.

674. Mr Hoon wrote to Mr Blair on 12 January about managing the UK defence capacity in the year ahead.³⁷¹

675. Commenting on Mr Hoon's minute, Mr Straw concluded that "overall I would favour our investing more in Afghanistan, including deploying the ARRC when the conditions are right, to ensure we deliver strategic success there. This may be eased by reductions in Iraq, from next year."³⁷²

676. When Mr Blair and President Bush spoke by video conference on 14 January, they discussed finding a way forward which would be supported by Grand Ayatollah al-Sistani, who was understood to be supportive of a UN role and willing to co-operate with the Coalition.³⁷³

677. At Cabinet on 15 January Mr Straw described the political process as "at a sensitive stage".³⁷⁴ The role of elections in establishing transitional arrangements was causing difficulty between the CPA and Grand Ayatollah al-Sistani. Mr Blair reported that a conversation with President Bush had suggested that progress was being made in the contacts between Ambassador Bremer and the Grand Ayatollah.

678. In advance of a meeting between members of the GC and the UN in New York planned for 19 January, senior US and UK officials agreed their objectives for the UN's involvement in the political process.³⁷⁵

679. They hoped that by late February the UN would give an opinion on the possibility of conducting elections for the TNA. In the event that elections were not possible they hoped the UN would offer advice on a fully transparent method of choosing representatives to the TNA, consistent with the timetable set out in the 15 November Agreement.

680. On 18 January, a suicide attack within the Baghdad Green Zone killed more than 20 people, mostly Iraqi citizens.³⁷⁶ The FCO observed that this showed that "a serious terrorist threat remains. But underlying trends are encouraging. The number of attacks against the Coalition recently fell below 150 a week for the first time since September."

³⁷¹ Minute Hoon to Blair, 12 January 2004, '2004: Managing UK Defence Capacity'.

³⁷² Minute Straw to Blair, 20 January 2004, '2004: Managing UK Defence Capacity'.

³⁷³ Letter Cannon to Adams, 14 January 2004, 'Iraq: Prime Minister's Video-Conference with President Bush, 14 January'.

³⁷⁴ Cabinet Conclusions, 15 January 2004.

³⁷⁵ Letter Rycroft to Owen, 15 January 2004, 'Iraq: Sistani, the UN, Elections etc'.

³⁷⁶ Report FCO, 22 January 2004, 'Iraq: Weekly Update: 22 January 2004'.

681. Gen Jackson visited Iraq again from 15 to 18 January and noted a changed atmosphere since September:

“There is a real sense of improvement in all areas and especially in security. Whilst there is still much to play out, particularly in the political piece, the impression is that the Coalition has turned a very significant corner. Notwithstanding the most recent and large VBIED [Vehicle Borne Improvised Explosive Device] attack on the day of our departure, there has been a significant downturn in incidents against the Coalition.”³⁷⁷

682. On 19 January, a small delegation of GC members visited New York at the invitation of Mr Annan to discuss the UN’s role up to July 2004 and how it could assist after that with drafting the Constitution and with holding elections.³⁷⁸

683. At the meeting, the UN agreed to consider sending a specialist team to examine the feasibility of elections before July 2004.

684. The Annotated Agenda for the AHMGIR’s meeting on 22 January reported that Mr Annan had signalled his intention to appoint Mr Lakhdar Brahimi, his retiring Special Adviser on Afghanistan, as his Special Adviser on Iraq.³⁷⁹

685. Mr Brahimi’s appointment was welcomed by the UK, although there were concerns that the UN team might suggest that direct elections were possible prior to July 2004, or that they were essential to underwrite a transitional government, and that the transition should be delayed.

686. In a video conference with President Bush on 20 January, Mr Blair offered the view that Iraqi political opinion was becoming increasingly diverse as a result of “democratisation”.³⁸⁰ The US and UK had to get the June 2004 transition and the Security Agreement right.

687. The paper requested from the FCO on 5 January, covering the political process through transition, how and when the UN could best be involved and what civil and military US and UK structures were envisaged after the June transition, was provided to Mr Rycroft by Mr Straw’s Private Secretary on 22 January.³⁸¹

³⁷⁷ Minute CGS to CDS, 21 January 2004, ‘CGS Visit to Op TELIC 15-18 Jan 04’.

³⁷⁸ Telegram 319 IraqRep to FCO London, 21 December 2003, ‘Iraq: Progress on Fundamental Law’.

³⁷⁹ Annotated Agenda, 22 January 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

³⁸⁰ Letter Cannon to Adams, 20 January 2004, ‘Prime Minister’s video-conference with President Bush, 20 January: Iraq, MEPP, US Politics’.

³⁸¹ Letter Owen to Rycroft, 22 January 2004, ‘Iraq’ attaching Paper [unattributed], [undated], ‘Iraq: The Next Six Months’ including manuscript comment Blair.

688. The paper entitled ‘Iraq: The Next Six Months’ described UK objectives as:

- “– a smooth transition of executive power on 1 July to a sovereign Iraqi transitional government that is regarded domestically and internationally as legitimate:
- a Security Agreement which allows Multinational Forces the freedom they need to operate, but which does not look like an extension of the Occupation ...
- UN Security Council endorsement of the above and an expanded UN role.
- an improving economy and infrastructure that will maximise the prospects of a successful transition.”

689. The main challenges were agreeing how the TNA would be appointed, in a manner that Grand Ayatollah al-Sistani would accept; defining the terms of Kurdish autonomy; and securing Sunni engagement.

690. On the first, it was hoped that the UN’s assessment of whether elections were feasible would help, but it also risked delaying the handover until the autumn. On the second, the FCO judged that the Kurdish “bottom line will be that they will not accept less autonomy than they have now. This should be achievable.”

691. Agreeing the basis on which Coalition Forces would remain in Iraq after handover was potentially an even larger problem.

692. In a section on ‘Security Structures’, officials identified that the key challenge was to ensure “an agreement that gives Multi-National Forces the operational freedom to meet our objectives, but offers the Iraqis sufficient sense of sovereignty and strategic input to avoid alienating them and international opinion”. The paper noted that:

“... historical precedents are instructive. The UK tried and failed three times to conclude an agreement for British forces in Iraq in the 1920s – each time the agreement was undermined by nationalist demonstrations.”

693. The paper outlined that the UK and US agreed on “red line requirements” for a Security Agreement, but identified differences, including that the US had not taken on board that a number of multi-national partners would require Iraqi consent/invitation and UN authorisation to be in place before they could confirm their continued contribution after transition.

694. The paper identified the UK’s view of the key elements of the Security Agreement as:

- “– At the invitation of the Iraqi government, Multi-National Forces will continue to be present in Iraq, authorised by a UN resolution, to ensure stability and security. For this they would require freedom of action in certain definable respects, and the right to detain, to continue WMD investigations, and to seize intelligence material.

- The Commander of the MNF will retain sole operational control of the Multi-National Forces in Iraq and report to the UNSC along the lines of arrangements for ISAF [International Security Assistance Force] in Afghanistan.
- Multi-National Forces will also require operational control of Iraqi forces ...
- Iraqi sovereignty must be preserved by ensuring a role for the Iraqi Government at the strategic level and with provision for consultation over all elements of implementation of the Security Agreement, though without relinquishing MNF operational control ...
- The Agreement should emphasise the role of the Multi-National Force in building the capacity of Iraqi forces to take over security responsibilities through continued programmes of recruitment, training, mentoring, monitoring, and advice.”

695. The paper explained that a further UN resolution enshrining the terms of the Security Agreement would be an important safety net. Although resolution 1511 provided an adequate legal basis for the political transition and the presence of the MNF, the UK saw value in a new resolution that endorsed:

- the TAL;
- the timetable in the 15 November Agreement;
- the Security Agreement; and
- the powers of the newly-appointed UN Special Adviser Mr Brahimi.

696. Mr Blair annotated the document “this is excellent and seems the right strategy”.

697. In ‘Iraq: The Next Six Months’ the FCO also outlined that the CPA’s outreach programme was gaining momentum, and that there were some encouraging indicators that the Sunni community was seeking to re-engage with the political process.

698. A new Council of Sunni Communities – a grouping of Sunni religious leaders – had formed. Members of the GC had held a large meeting with Sunni community leaders the previous week in which the theme was national reconciliation. The FCO indicated that the UK would continue to push this message, and the need for real practical measures, including job creation, to underpin Sunni outreach.

699. In a minute to Mr Straw on 26 January, Mr Sawers highlighted the “real risk” of pushing “Iraq so fast down the road to democratic politics that it crashes in a welter of intra- and inter-communal violence”.³⁸²

700. Sir Hilary Synnott’s posting in Basra came to an end in January 2004. He was replaced by Mr Patrick Nixon, former British Ambassador in Abu Dhabi.

³⁸² Minute Sawers to Foreign Secretary, 26 January 2004, ‘Iraq: Political Process’.

701. On 26 January, Sir Hilary sent a valedictory telegram³⁸³ from Basra.³⁸⁴ In it he reflected on progress since the invasion:

“History may judge the initial stages harshly. From my immediate and close perspective ... it is difficult not to take a similar view. But I am also optimistic that ... the underlying objective ... of a peaceful, prosperous democratic (of a sort) and un-threatening Iraq, is achievable ... although some serious obstacles remain in the way.”

702. Sir Hilary’s conclusion was that:

“... the balance of probability is positive. In the South, at least, there has been progress on each of the Prime Minister’s priorities and it is hard to recall just how bleak things looked last summer.”

703. On the political process, Sir Hilary observed that:

“The political wrestling is largely being conducted in Baghdad, London and Washington. We in the Provinces, remote from the Governing Council and its appointed ministers, can only facilitate political debate, observe, and report that the complexities of the caucus process for indirect elections has found no favour ...

“The challenges remain enormous. Some movement must be made towards Sistani while avoiding wholesale erosion of the CPA/GC position and a political vacuum.”

704. Sir Hilary’s observations on deployment of civilian resources are described in Section 15.1, and on progress of reconstruction in Section 10.1.

705. Mr Blair told the Inquiry that, although there was “anxiety and concern occasionally flagged up very strongly” in Sir Hilary’s telegrams, when he left in 2004 Sir Hilary was “on balance optimistic, not pessimistic”.³⁸⁵

706. Sir Hilary wrote to the Inquiry, in response to Mr Blair’s evidence, to explain that his valedictory remarks should be viewed in the context of his contemporary proposals for a strategy to maintain the momentum of reconstruction after the CPA had dissolved.³⁸⁶

707. Sir Hilary observed:

“In the event my strategy was not accepted.”

³⁸³ Valedictory telegrams are an FCO tradition. They mark the sender’s departure from post, and generally include a summary of his/her reflections on their tenure.

³⁸⁴ Telegram 10 Basra to FCO London, 26 January 2004, ‘Basra Valedictory’.

³⁸⁵ Public hearing, 21 January 2011, page 135.

³⁸⁶ Statement Synnott, 24 January 2011.

708. On 28 January, the JIC assessed the prospects for political transition.³⁸⁷ It judged:

“There are as yet no emerging political classes or individuals around which a national secular government might form under a national leader. In these circumstances, religious, regional and tribal figures may be more influential. Their interests are likely to clash.”

709. The Assessment continued:

“Although Coalition Forces have enjoyed some success against Islamist extremists recently, there are signs that senior Al Qaida (AQ) associate al-Zarqawi is now playing a significant role in co-ordinating mujahedin, and possibly AQ groups in Iraq ...

“We judge that the lack of security remains a major threat to progress. Unless tackled effectively, many of those who want to participate in the political process will be deterred ... unless they have physical protection, which will benefit organisations with private militias ...

...

“The larger political and religious groups in Iraq operate their own militias. These groups have become accepted as local law-enforcement agencies in some areas, and the transition process will be vulnerable to their influence.

...

“Grand Ayatollah al-Sistani is pre-eminent among the moderate Shia clergy. He is emphatic that he does not seek a personal political role, but he ... insist[s] on the Iraqi population having a democratic voice in the political process ...

“Sistani’s influence is considerable, and extends to the Arab Sunni community ... Any pronouncement he makes on political matters is likely to have an impact, possibly resulting in loss of Shia support or their withdrawal from the process ... In Basra, Sistani’s representative is inclined towards peaceful co-existence with the Coalition, but adheres strongly to Sistani’s line on the political process and recently instigated a demonstration by some 60,000 people ...

“Muqtada al-Sadr poses a threat to stability, particularly in Najaf, Karbala, and Baghdad ... We judge that his support will remain limited, but that he remains capable of provoking localised disorder.”

³⁸⁷ JIC Assessment, 28 January 2004, ‘Iraq: Prospects for Political Transition’.

710. At the end of January 2004, a Force Level Review by Lt Gen Reith recommended that:

“Significant manpower savings may be possible through a rationalisation of security and support.”³⁸⁸

and that:

“Given the right conditions there will be no need to replace the SSR battalion ... and the surge battalion ... in Jul 04 ... The intent is progressively and prudently to reduce the Division’s footprint so that, by Jul 04, the Iraqi Security Forces are well placed to assume their part in Regional Control. This draw down of UK forces will continue until the major roulement in Nov 04.”

711. Those recommendations were based on an assumption that Security Sector Reform would be implemented “largely as planned (but only to applicable standards for Iraq)”.

712. The basis for a continued military presence in Iraq post-handover remained unresolved.

713. Gen Jackson had returned from his visit “surprised at just how immature the plans for transition of authority on 1st July 2004 remain” and had concluded that “any partnership between the Coalition and the ITA [Iraqi Transitional Administration] should, in effect, make Iraq ‘part of the Coalition’”.³⁸⁹

714. The Iraq Senior Officials Group, chaired by Mr Bowen, discussed the Security Agreement on 28 January. By this time “UK non-papers on the Security Agreement and post-transition security architecture had been fed into the US system”.³⁹⁰

715. The US position was uncertain, but it was believed that US officials were likely to recommend a “high degree of Coalition military control post-transition” which “did not sit well with our desire for prominent Iraqi security leadership after 1 July”.

February 2004

716. In early February, a draft of the Transitional Administrative Law (TAL) was leaked and published in full by a Kuwaiti newspaper.³⁹¹ It contained language which implied that the transitional government would have control over all security forces in Iraq, including those belonging to the Coalition.

³⁸⁸ Minute Reith to PSO/CDS, 29 January 2004, ‘Op TELIC Force Level Review – Jan 04’.

³⁸⁹ Minute CGS to CDS, 21 January 2004, ‘CGS Visit to Op TELIC 15-18 Jan 04’.

³⁹⁰ Letter Dodd to Buck, 28 January 2004, ‘Iraq: Senior Officials Group’.

³⁹¹ Letter Manning to Sheinwald, 4 February 2004, ‘Iraq Meeting with Blackwill, NSC: 4 February’.

717. This language was “incendiary”, and the US National Security Council was reported to have instructed Ambassador Bremer to remove all references to security from the draft.

718. Mr Straw’s Private Secretary reported to Mr Blair’s Private Office that progress on the TAL was “steady”.³⁹²

719. Briefing prepared for Mr Blair in advance of a conversation with President Bush outlined the difficult issues for the TAL, which included national security and federalism.

720. The FCO was concerned that the TAL had become too detailed, and was no longer the simple framework document on structures and principles originally envisaged, making it difficult to explain to the public and potentially raising objections from Grand Ayatollah al-Sistani and others.

721. In a video conference on 4 February, Mr Blair suggested to President Bush that engagement in Iraq was an opportunity for the UN to re-establish its credibility; it could also provide an “insurance policy” for the Coalition on the Iraqi political process.³⁹³

722. In early February, the Chiefs of Staff considered whether or not the UK should deploy the HQ ARRC to Afghanistan and concluded that the UK should consider doing so in early 2005.³⁹⁴

723. On 9 February, Mr Llewellyn received a letter from Ms Adams.³⁹⁵ It recorded advice given by Professor Christopher Greenwood QC, with which the Attorney General agreed, in response to questions from Mr Llewellyn. Those questions were about the status of the CPA plus the UK’s obligations as Occupying Power and under the European Convention of Human Rights.

724. Mr Llewellyn described the main conclusion of Ms Adams’ letter as:

- It was likely that the CPA would be found to be a body constituted by the US and UK, for which the two States had joint responsibility under international law. It was likely that this would mean that the UK could be held responsible for legislation adopted by the CPA which infringed Occupation law. The fact that UK officials may have attempted to get the legislation amended would not be relevant because “Bremer acts on behalf of the UK in authorising CPA legislation.”

³⁹² Letter Owen to Cannon, 3 February 2004, ‘Iraq: Prime Minister’s VTC with President Bush: Wednesday 4 February’ attaching Briefing ‘Iraq: Prime Minister’s VTC with President Bush: Wednesday 4 February’.

³⁹³ Letter Cannon to Adams, 4 February 2004, ‘Prime Minister’s video-conference with President Bush, 4 February’.

³⁹⁴ Note Secretary of State [FCO], 6 February 2004, ‘Afghanistan’.

³⁹⁵ Letter Llewellyn to Crompton, 25 February 2004, ‘Iraq: Attorney General’s Advice: The Extent of the UK’s International Obligations in Iraq’.

- There was a serious chance that the UK could be regarded as being an Occupying Power jointly with the US throughout the whole of Iraq. There was a much clearer case that the UK is an Occupying Power within MND(SE).

725. Mr Llewellyn commented:

“These conclusions are not a surprise. They confirm the advice that we have given throughout the period of occupation. In particular, we have assessed all draft CPA legislation against occupation law ... We have been largely successful in keeping the legislation within the UK’s international legal obligations, but the following are areas of risk ...”

726. Mr Llewellyn then listed several provisions within the CPA’s orders and regulations which he was concerned that the CPA may not have had the authority to make, or where the UN representative had not been consulted as required by resolution 1483.

727. On 9 February, FCO officials provided Mr Cannon with a brief for a planned video conference between Mr Blair and President Bush.³⁹⁶ They judged the priority for the discussion to be the Security Agreement. The US had a different approach to the UK: they did not believe it worthwhile to attempt to negotiate an agreement with the Iraqis on security because any agreement made with the GC would be invalid after 30 June.

728. Instead, the US believed that resolution 1511 authorised an MNF presence after 30 June and that CPA Order 17, which provided for immunities for Coalition Forces, would remain valid after the handover. UK lawyers doubted this interpretation, while policy officials were concerned that the other permanent members of the UN Security Council would claim that, without a new agreed basis for the Coalition presence, the occupation was continuing.

729. More importantly for the UK’s military objectives, the lack of a new UN authorisation could cause difficulties for the Coalition’s key partners in the MNF. Mr Blair was advised that the best course would be an exchange of letters between the GC and the Coalition, followed by a further resolution endorsing the continued MNF presence.

730. The covering note from Mr Straw’s Private Secretary said that reporting from Washington and Baghdad suggested the US was considering delaying the 30 June handover. She suggested that in the video conference:

“The Prime Minister might underline the damage any postponement would do to our credibility inside Iraq and internationally.”

731. In a background note appended to the brief there was some positive news of “growing evidence that Sistani is resigned to no elections before June”.

³⁹⁶ Owen to Cannon, 9 February 2004, ‘Iraq: Prime Minister’s VTC with President Bush’.

732. Mr Blair's Assistant Private Secretary advised him to argue for maintaining the end of June deadline in his conversation with President Bush, because:

“We think that a postponement will damage our credibility (looking as though we intended to stay on indefinitely); the UN won't engage before the end of 'occupation'; we risk deterioration in security if the US/UK remain as the primary targets; and the Iraqi political vacuum will continue until we force the Iraqis to face up to real responsibility.”³⁹⁷

733. Sir Nigel raised the possibility of a further resolution with Dr Rice on 9 February at which point she was not in favour.³⁹⁸ He recorded that “her key point was that we should do nothing to undermine the value of UNSCR 1511”.

734. In his conversation with President Bush on 10 February, Mr Blair said that it was vital the 30 June deadline held firm.³⁹⁹

735. The Cabinet Office's Annotated Agenda for the meeting of the AHMGIR on 12 February stated that the US position that there was no need for a Security Agreement with Iraq post-transition had hardened but no final decisions had yet been taken in Washington.⁴⁰⁰ Ministers were advised that it was worth seeking to influence the US by pressing the political and military drawbacks, rather than the legal objectives.

736. Work to draft the TAL continued towards the deadline for publication on 28 February.⁴⁰¹

737. Drafting progress was slowed in early 2004 by a combination of the Eid holiday, the distraction of a visit by Mr Brahimi and his team, and ongoing discussion of the issues surrounding Kurdish federalism.⁴⁰²

738. Mr Brahimi and a UN team had visited Iraq for ten days in early February. Cabinet Office officials briefed the AHMGIR that:

“Brahimi's early contacts with Bremer and Greenstock suggest UN doubts about elections and the caucus process prior to 30 June with a preference for Afghanistan models (e.g. a national conference or national government of technocrats).”

739. Cabinet Office officials observed that with that model “we would still face the problem of how to select the representatives of a national conference or government”.

³⁹⁷ Minute Cannon to Prime Minister, 10 February 2004, 'Video-conference with Bush, 10 February'.

³⁹⁸ Letter Sheinwald to Adams, 9 February 2004, 'Iraq'.

³⁹⁹ Letter Cannon to Adams, 10 February 2004, 'Prime Minister's video-conference with President Bush, 10 February'.

⁴⁰⁰ Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁰¹ Annotated Agenda, 26 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁰² Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

740. On 12 February, Mr Straw told the AHMGIR:

“Brahimi ... and [Grand Ayatollah al-] Sistani had met and agreed that direct elections should take place but had not specified the timing. Neither wanted direct elections before June ... We were leaving decisions on the TNA [Transitional National Assembly] selection process to Brahimi and the UN team.”⁴⁰³

741. An FCO paper on ‘UK Representation in Iraq Post-Transition’ was discussed at the same meeting of the AHMGIR on 12 February. It contained proposals for an Embassy in Baghdad, a Consulate General in Basra and a representative in the North.

742. The paper stated that the estimated combined start-up and running costs for Baghdad and Basra would be over £50m in 2004/05. If the UK presence remained the same size, annual running costs would be around £36m thereafter, of which £22m would be for security.

743. Ministers agreed the shape of British representation and tasked officials to consider the practicalities, including funding.

744. Separately, the paper suggested that consideration needed to be given to how international assistance in the South should be co-ordinated after CPA(South) closed on 30 June. The AHMGIR requested a paper on co-ordination of the international effort in the South, for discussion at its next meeting.

745. Mr Straw told Cabinet on 12 February that two recent large bomb attacks were believed by a minister in the GC to have been organised by “infiltrators” with support from inside Iraq but “such attacks would not be allowed to destabilise the political process”.⁴⁰⁴

746. Sir Jeremy Greenstock reported on 14 February that he was not being consulted by Ambassador Bremer on the TAL, and that he had sent a formal note reminding him that the UK was one of the Occupying Powers, and could not agree to the TAL arrangements unless properly consulted.⁴⁰⁵

747. Ambassador Bremer had said that the matter was out of his hands and had been determined in Washington.⁴⁰⁶

748. After Sir David Manning spoke to Mr Straw and then to the US, including Dr Rice, channels of communication and consultation were restored.

⁴⁰³ Minutes, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁰⁴ Cabinet Conclusions, 12 February 2004.

⁴⁰⁵ File note Manning, 17 February 2004, ‘Iraq’.

⁴⁰⁶ File note Straw, 16 February 2004, ‘Sir Jeremy Greenstock’.

749. Mr Blair was advised by Sir Nigel Sheinwald that although there was some tension in US/UK relationships on the ground in Baghdad, “The Americans of course accept in principle that, as Occupying Powers, we have legal and political responsibilities and must be consulted properly.”⁴⁰⁷

750. Sir Jeremy Greenstock told the Inquiry:

“I felt that if I was being cut out of politics ... then I really wasn’t able to do my job as London had asked me to do it. I don’t think this was a matter of Bremer not wanting Greenstock in the room. It was a matter of Bremer wanting to sort out differences in Washington without there being a non-American in the room. But I felt that even that was off-side for my relationship with Bremer.”⁴⁰⁸

751. Sir Jeremy added:

“So we constantly had to press to get in to relevant meetings because it was becoming increasingly difficult for Bremer to run the CPA with Washington, with Blackwill inserted to watch over his shoulder, and he just didn’t want to complicate his own life.”⁴⁰⁹

752. In spite of the complexities of the relationship, Sir Jeremy explained:

“I always felt that I – whether Bremer was aware of it or not, I was doing something useful. For instance, in the negotiations with the Kurds over the TAL, where I prevented the Kurds walking out, which Bremer wasn’t aware of, in the final stages and negotiated some of the text with TAL when Bremer wasn’t in the room. I always had something useful to do. I never had enough scope to do everything that I thought would be useful.”⁴¹⁰

753. In advance of Mr Brahimi’s report to the Security Council of his visit, Mr Crompton wrote to Mr Straw’s Private Secretary on 16 February that his key findings would be:

- that elections to a Transitional National Assembly are not possible before 30 June;
- that there should be elections some time between December 2004 and March 2005 to an assembly with twin responsibility for legislating and drafting the Constitution;
- that in the interregnum Iraq should be ruled by a caretaker government.”⁴¹¹

⁴⁰⁷ Minute Sheinwald to Prime Minister, 16 February 2004, ‘Iraq: Sir Jeremy Greenstock’.

⁴⁰⁸ Private hearing, 26 May 2010, pages 62-63.

⁴⁰⁹ Private hearing, 26 May 2010, page 63.

⁴¹⁰ Private hearing, 26 May 2010, page 64.

⁴¹¹ Minute Crompton to PS [Foreign Secretary], 16 February 2004, ‘Iraq’ attaching Briefing ‘Prime Minister’s VTC with President Bush: 17 February’.

754. It was not clear to the FCO whether Mr Brahimi's team would recommend what form the caretaker government should take. One option was that sovereignty would be transferred to the Governing Council. This:

“... may not be enough to mark a clear change from the Occupation and give sufficient domestic legitimacy.”

755. Grand Ayatollah al-Sistani was understood to have accepted Mr Brahimi's recommendations.

756. Sir Hilary Synnott and Mr Blair met in London on 17 February.⁴¹² The purpose of the meeting was for Mr Blair to thank Sir Hilary for his efforts in Basra. The main point made by Sir Hilary during the discussion was that transition to Iraqi sovereignty could lead to a loss of momentum in reconstruction in the South after the dismantling of CPA(South). Mr Blair agreed that it needed to be maintained.

757. On 20 February, Sir Nigel Sheinwald, Mr Sawers and Sir David Manning met Dr Rice at the White House. Sir Nigel set out the UK's view that the Iraqi political structure post-handover should comprise:

“... a three to nine member Presidency; a technocratic Council of Ministers, headed by a Prime Minister; and an IGC expanded by representatives of the Governments⁴¹³ and nominated representatives.”⁴¹⁴

758. It was common ground between the UK and US that the GC should be expanded in size. The post-transition arrangements were expected to be the subject of “six weeks of sustained effort” by Mr Brahimi in Iraq in mid-March.

759. In an account of the visit written for Mr Blair, Sir Nigel explained that the UK view was that the expansion of the GC should be substantial (to 75 or 100 members) in order to make it more representative; the US preferred a more modest expansion (to 35 or 50).⁴¹⁵ Sir Nigel advised that the UK should not be dogmatic.

760. Sir Nigel and Mr Sawers had argued for a new resolution to cover the UN role, transitional structures and security arrangements.⁴¹⁶ A letter from the GC to the Coalition on security was also suggested by the UK attendees as “an additional demonstration of Iraqi consent to the presence of Coalition Forces”. The note of the meeting concluded that there seemed to be agreement on this point.

⁴¹² Letter Cannon to Owen, 17 February 2004, 'Iraq: Sir Hilary Synnott'.

⁴¹³ The Inquiry believes that this is a typing error and should read “Governorates”.

⁴¹⁴ Letter Cannon to Owen, 21 February 2004, 'Iraq: Sir Nigel Sheinwald's Discussion with Condi Rice, 20 February'.

⁴¹⁵ Minute Sheinwald to Prime Minister, 21 February 2004, 'Visit to Washington, 20 February'.

⁴¹⁶ Letter Cannon to Owen, 21 February 2004, 'Iraq: Sir Nigel Sheinwald's Discussion with Condi Rice, 20 February'.

761. After returning to London, Sir Nigel wrote to Mr Geoffrey Adams, Principal Private Secretary to Mr Straw, to describe Mr Blair's reaction to the visit report.⁴¹⁷ Mr Blair had noted:

"... there is a good degree of common ground between the UK and US ... and also that there are some differences, eg over the powers and size of the proposed Consultative Council".

762. Mr Blair's view was that:

"... we should continue to be flexible and open on these matters. If a particular solution emerges which works for the UN, Sistani and the IGC, it is likely to be acceptable to the UK."

763. Secretary Powell told Mr Straw on 21 February that the Kurdish Regional Government had posted a four-page amendment to the TAL on its website, which included a provision giving them a veto in the national government.⁴¹⁸

Kurdish autonomy

Early in 2004, there was pressure from Kurdish political parties to use the draft TAL to entrench Kurdish autonomy.⁴¹⁹

FCO officials believed that Ambassador Bremer's proposed recognition within the draft TAL of Kurdistan's Regional Government, which had been administering Northern Iraq effectively for 12 years, was the right approach, although Washington took a different view.⁴²⁰

A draft agreement on Kurdish autonomy simply acknowledged the status quo, making clear that more complex issues would have to be addressed as part of wider discussions on federalism by the eventual elected Constitutional Convention. Other ethnic and religious groups were reported as being wary of any hint of special treatment for the Kurds, equating calls for federalism with separatism, but these issues would have to be resolved among Iraqis themselves in 2005.

Ambassador Bremer and Sir Jeremy Greenstock appeared to succeed in persuading Washington on this, and the reference to the Kurdish Regional Government was retained in the draft text.⁴²¹

Sir Jeremy told Mr Blair in February 2004 that "US handing of the federalism issue had wasted several weeks and cost a lot of Kurdish goodwill."⁴²²

⁴¹⁷ Letter Sheinwald to Adams, 23 February 2004, 'Iraq: Political Process'.

⁴¹⁸ Letter Straw to Sheinwald, 23 February 2004, 'Conversation with US Secretary of State, 21 February'.

⁴¹⁹ Minute Dodd to Sheinwald, 12 January 2004, 'Iraq: Strategy Group'.

⁴²⁰ Letter Owen to Cannon, 3 February 2004, 'Iraq: Prime Minister's VTC with President Bush: Wednesday 4 February'.

⁴²¹ Letter Sheinwald to Adams, 14 February 2004, 'Iraq'.

⁴²² Letter Cannon to Owen, 18 February 2004, 'Iraq: Prime Minister's Conversation with Sir Jeremy Greenstock, 17 February'.

764. On 23 February, Mr Annan wrote to the President of the Security Council to report Mr Brahimi's findings from his first visit to Iraq.⁴²³ Mr Brahimi had identified three conditions which needed to be met before transitional elections could be held:

- a legal framework;
- an institutional framework; and
- availability of the required resources.

765. None of those conditions existed in Iraq and Mr Brahimi assessed that, even once they did, a minimum of eight months would be required to prepare for a credible election. He therefore considered it was not possible to hold an election by 30 June 2004, when the transfer of sovereignty was due to take place.

766. Mr Brahimi therefore concluded that a provisional government would need to be formed by 30 June through some mechanism other than direct elections. He considered that while the caucus-style system envisaged by the 15 November Agreement was one such mechanism, it did not have enough support among Iraqis. Instead, Iraqis should work together with the CPA and the UN to engage in a focused dialogue on the mechanism to which sovereignty would be transferred on 30 June.

767. More broadly, Mr Brahimi judged that:

“There are many indications of a growing fragmentation of the political class. Sectarianism is becoming entrenched and inter-communal politics more polarized, all within a context of a political process that remains limited to a few actors, with varying credibility.”

768. Mr Blair and President Bush spoke by video conference on 24 February.⁴²⁴ Mr Blair proposed that the Consultative Council should be large enough to make it as representative as possible, allowing room for currently unrepresented elements of the Sunni community.

769. On 24 February the UK/US also reported, for the third time, to the UN on the Coalition's activities in Iraq.⁴²⁵

770. A telegram from UKMIS New York, describing the report, quoted Ambassador Negroponte telling the Security Council that:

“Resolving the elections question now provided an opportunity for Iraqis and the CPA to engage in a dialogue on the mechanism through which sovereignty would be transferred on 30 June. The Iraqi people, the Governing Council, the Coalition

⁴²³ Letter Secretary-General to President of the Security Council, 23 February 2004 attaching Report ‘The political transition in Iraq: report of the fact finding mission’.

⁴²⁴ Letter Cannon to Adams, 24 February 2004, ‘Iraq: Prime Minister's Video-Conference with President Bush, 24 February’.

⁴²⁵ Telegram 162 UKMIS New York to FCO London, 25 February 2004, ‘Iraq: UK/US update to the Security Council: 24 February’.

Provisional Authority and the United Nations would work to reach agreement on a transition mechanism that would have the broad-based support of the Iraqi people.”

771. The same telegram recorded the UK report to the Security Council on progress in the provision of basic services, economic and reconstruction issues as well as judicial reform and human rights. Summarising other Security Council members’ reactions, UKMIS New York said that:

“Council members generally support the Brahimi report. Many raise questions about the Transitional Administrative Law (TAL), the consultation with wider Iraqis and the scope for UN involvement. Russia, Germany and France express openness to consider a Council decision to support the UN’s future role in Iraq but do not press. Russia again raises the possibility of an international conference.”

772. Responding to points about the Security Agreement, Sir Emyr Jones Parry said “for now resolution 1511 gave all the clarity we needed on security”.

773. Sir Jeremy Greenstock called on Mr Blair on the same day as the US/UK briefing to the Security Council.⁴²⁶ Sir Jeremy highlighted the tension between providing continuity through the transition to Iraqi sovereignty and the need for a clear end to Occupation. He felt that the US “realised that a new UNSCR would be needed” to deal with post-transition structures.

774. Mr Llewellyn wrote to the IPU on 25 February.⁴²⁷ In his letter he expressed concern that the CPA was not consulting the UN Special Representative to the Secretary-General on draft legislation covering economic reform and governance, as was clearly required by resolution 1483.

775. Consultation had taken place until the death of Mr Vieira de Mello on 19 August 2003. But when FCO Legal Advisers subsequently tried to establish with the CPA what form of consultation was taking place, their response made clear that consultation had probably ceased since the departure of the UN in the aftermath of the August bombing.

776. Contact between lawyers to point to the legal requirement and so encourage consultation had got nowhere. In Mr Llewellyn’s view, the extensive body of CPA legislation dealing with economic reform and governance matters since August 2003 was therefore of questionable lawfulness. The risk of claims against the UK could not be ruled out.

777. Mr Llewellyn therefore recommended that the matter should be taken up at a more senior level, or that the UK should simply conduct the UN consultation itself by sending drafts to the office of Mr Mountain in New York.

⁴²⁶ Letter Cannon to Owen, 24 February 2004, ‘Iraq: Sir Jeremy Greenstock’s call on the Prime Minister, 24 February’.

⁴²⁷ Minute Llewellyn to Crompton, 25 February 2004, ‘Iraq: CPA Legislation: Need for UN Coordination’.

778. On 25 February, the JIC assessed that, although the rate of attacks against Coalition Forces had levelled off, February 2004 was the worst month for casualties since the fall of Saddam Hussein's regime.⁴²⁸ Attacks using Improvised Explosive Devices (IEDs) and surface-to-air missiles (SAMs) had become more sophisticated.

779. More than 200 people were killed in suicide attacks in February, nearly all of them Iraqis. The JIC assessed that most of the suicide attacks may have been carried out by Islamist extremists, including groups linked to Abu Musab al-Zarqawi.

780. Attacks on Iraq's police and security forces were increasing, with vehicle-borne bombs causing most casualties. In attacks on a police station and army recruiting centre almost 100 Iraqis had been killed.

781. A major attack in Erbil on the main Kurdish parties left 101 dead.⁴²⁹

782. In early February there had been an unsuccessful attempt to assassinate Grand Ayatollah al-Sistani.⁴³⁰ The JIC judged that a successful attack would be "very de-stabilising".

783. Major General Andrew Stewart, GOC MND(SE) from December 2003 to July 2004, told the Inquiry that he considered that the increase in violence and intimidation in southern Iraq in February and March could be attributed to the Shia political parties losing influence over the people and stirring up militias.⁴³¹

784. There were also continuing concerns about Al Qaida. In late February the JIC assessed that:

"Islamist extremists continue to travel to Iraq. Some intelligence suggests that Islamist extremists have been responsible for most of the recent suicide attacks over the last months. Senior Al Qaida associate al-Zarqawi is playing a prominent role. But the exact relationship between al-Zarqawi, Al Qaida, Ansar al Islam and other apparently unaffiliated Islamist groups in Iraq is unclear ... In a letter,⁴³² now made public by the CPA, to senior Al Qaida commander Abd al Hadi al-Iraqi, al-Zarqawi admits that numbers are small and that Iraq is proving to be a difficult environment to operate in ... Suicide attacks, although relatively small in number, are having a disproportionate impact ...

"In his letter al-Zarqawi claims to have been responsible for 25 suicide operations. Al-Zarqawi also lists Americans, Kurds, Iraqi troops, police and agents, and the Shia as his main targets. In particular, he sees attacking the Shia as a means of fomenting civil war, and thereby ensnaring the Coalition in Iraq. Al-Zarqawi offers

⁴²⁸ JIC Assessment, 25 February 2004, 'Iraq Security'.

⁴²⁹ Annotated Agenda, 12 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴³⁰ JIC Assessment, 25 February 2004, 'Iraq Security'.

⁴³¹ Public hearing, 9 December 2009, pages 66-67.

⁴³² *Global Security*, February 2004, *Text from Abu Musab al-Zarqawi letter*.

to be the 'head of the spear' for Al Qaida, but there is some evidence suggesting that the Al Qaida leadership is opposed to al-Zarqawi's plans to cause Muslim in-fighting."⁴³³

785. The Cabinet Office Annotated Agenda for the meeting of the AHMGIR on 26 February observed that Mr Brahimi appeared to have resolved the problem posed by the position of Grand Ayatollah al-Sistani, and his plan was close to what the UK had originally proposed.⁴³⁴

786. The Annotated Agenda explained that the UN had not so far taken a firm view on the form of the caretaker government, although it was willing to assist with building Iraqi consensus on its power, structure and formation, as well as with advice and assistance on electoral processes.

787. Cabinet Office officials wrote that the UK wanted the UN to engage as far as possible in the run-up to transition and had an open mind as to structures for the interim government, but felt they should provide:

- a degree of continuity between the pre- and post-transition arrangements;
- a clear change to indicate that Occupation was over; and
- greater representation than the GC, to increase domestic legitimacy and draw in others.

788. This pointed towards an expanded version of the GC, with a technocratic Council of Ministers headed by a Prime Minister and a Presidency or Leadership Council. Cabinet Office officials wrote that the US agreed in broad terms.

789. The Annotated Agenda also recorded that "the UN's growing role in the political process make [sic] a new UNSCR almost inevitable".

March 2004

790. The TAL was agreed by the GC on 1 March.⁴³⁵ It described a two-phase transition:

- (1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This Government shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations ...
- (2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held ... provided that, if possible, these elections are not delayed

⁴³³ JIC Assessment, 25 February 2004, 'Iraq Security'.

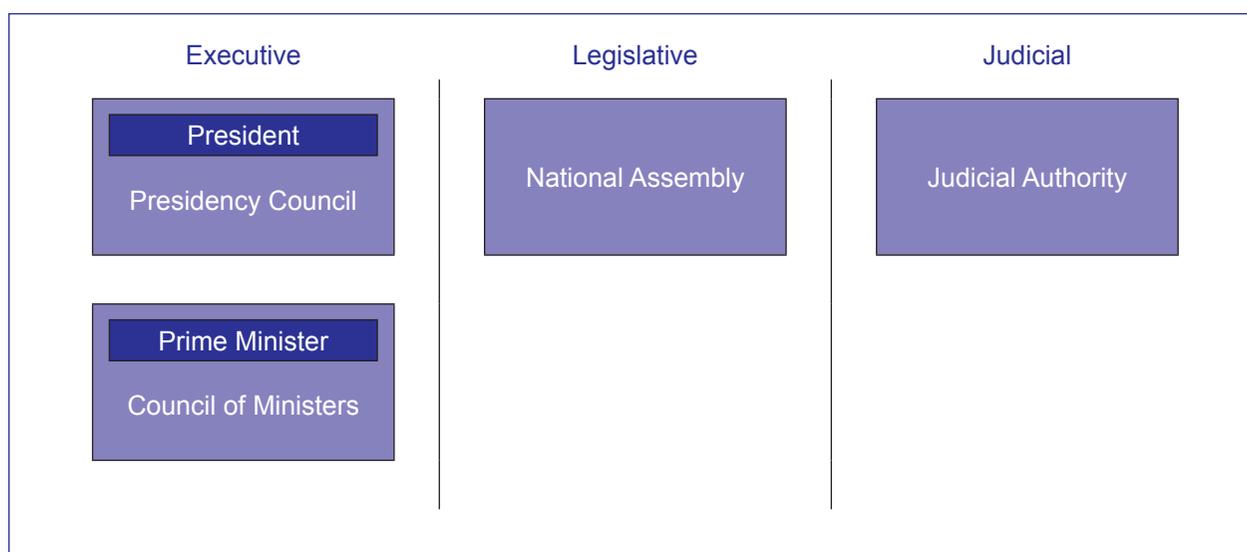
⁴³⁴ Annotated Agenda, 26 February 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴³⁵ *BBC News*, 1 March 2004, *Iraq's draft Constitution hailed*.

beyond 31 December 2004, and, in any event beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent Constitution ...⁴³⁶

791. In the TAL, the model for the Transitional Government was defined as follows:

Figure 1: The Transitional Iraqi Government



792. The TAL stated that the National Assembly would be elected in accordance with an electoral law and a political parties law. The electoral law would “aim to achieve the goal” of no less than 25 percent female representation and “having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others”.

793. The TAL recognised the Kurdistan Regional Government as the “official government” for the territories it administered on 19 March 2003, before the invasion began. It would “continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government”.

794. On security, the TAL named the Iraqi Armed Forces as “a principal partner in the Multi-National Force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511”. The Transitional Government would have “the authority to conclude binding international agreements regarding the activities of the Multi-National Force”.

795. The AHMGIR discussed the TAL in its meeting on 1 March.⁴³⁷ The FCO official present judged the TAL a “good compromise” which had been accepted by Grand Ayatollah al-Sistani but which “could be criticised for being produced with limited consultation”.

⁴³⁶ CPA website, 6 March 2004, ‘Law of Administration for the State of Iraq for the Transitional Period’.

⁴³⁷ Minutes, 1 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

796. One (unidentified) member of the AHMGIR observed that:

“While a goal rather than mandatory, the 25 percent figure for women’s representation was a significant step forward in the Arab world. Women’s representation was 30 percent in Denmark but less than 25 percent in the UK.”

797. In his account of his time as Head of the CPA, Ambassador Bremer describes the TAL as “the most remarkable document in Iraq’s long history”.⁴³⁸

798. Ambassador Bremer told the Inquiry that the TAL “gave Iraq the political structure and opportunity to remain a united, free and democratic country”.⁴³⁹

799. Sir David Richmond told the Inquiry:

“It is not clear to me really how much thought had been given to what would be the consequences of ... bringing democracy particularly to Iraq. It shouldn’t have been impossible to work out that we were going to have problems ... with a built in majority ... but if people had worked that out then I had no sense that anybody had done anything ... in the end we found solutions to that problem, but within a democratic system it is actually quite difficult, but a straightforward first past the post winner takes all is an extremely difficult situation to deal with. It requires quite a complex constitutional political process. Checks, balances, power sharing. We began to try to put some of that in place when we drafted the TAL, but the reality is we should have been thinking about these issues right from the beginning.”⁴⁴⁰

800. On 2 March, there were:

“... major incidents ... in Baghdad and Karbala on the most significant day of the Ashura Festival. In Baghdad a VBIED [Vehicle-Borne IED] and three suicide bombers were responsible for four explosions at the Al Kadamiyah shrine resulting in 32 civilians killed and 78 injured ... In Karbala mortar attacks and up to five suicide bombers at the twin shrines of Karbala Al Husayn and Al Abbas resulted in 85 civilians dead and 233 injured.”⁴⁴¹

801. The GC had been united in condemning the attacks, and had announced three days of national mourning.

⁴³⁸ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁴³⁹ Statement, 18 May 2010, page 5.

⁴⁴⁰ Public hearing, 26 January 2011, pages 62-63.

⁴⁴¹ Minutes, 3 March 2004, Chiefs of Staff meeting.

802. In an update report to No.10 on 4 March, FCO officials described the Ashura attacks as “devastating” and commented that they:

“... seem to confirm our fears that foreign fighters are trying to insight [sic] sectarian violence by targeting the Shia. The attacks succeeded despite carefully planned security measures, which were devised by Coalition Forces in consultation with Iraqi authorities.”⁴⁴²

803. Between 1 and 8 March, the Shia members of the GC consulted Grand Ayatollah al-Sistani on the text of the TAL.⁴⁴³ No amendments were made as a result.

804. The weekly ‘Iraq Update’ for Mr Blair sent by Mr Straw’s Private Secretary on 4 March described the TAL as “a major breakthrough, the most significant political development since the IGC”.⁴⁴⁴

805. The same update recorded that the UK was encouraging Mr Brahimi to return to Iraq before the end of March.

806. The TAL was formally signed on 8 March.⁴⁴⁵

807. In preparation for a video conference between Mr Blair and President Bush on 9 March, the IPU prepared a brief which focused on the next steps in the political process and on security.⁴⁴⁶ It suggested that:

“The Prime Minister might stress to President Bush the importance of the IGC and CPA publicising the plan [the TAL] properly within Iraq, given that details of the law were tightly held until the signing ceremony.”

808. The IPU also set out a proposal to turn an expanded version of the GC into a consultative council as a “national political forum of some sort to help create a new, cross-sectarian political class and national political discourse ahead of the elections to the National Assembly”.

809. On 10 March, the JIC assessed the activities of Islamist extremists in Iraq.⁴⁴⁷ It judged that:

“Saddam Hussein called for a jihad to attract mujahedin to Iraq before and during the conflict. The scale of response is unknown. Some foreign fighters remained once the regime fell ... Foreign mujahedin aspire to fight those they see as enemies of Islam. But individuals and groups have differing motivations and the jihad so far appears

⁴⁴² Letter Owen to Cannon, 4 March 2004, ‘Iraq: Weekly Update’.

⁴⁴³ Letter Owen to Cannon, 8 March 2004, ‘Iraq: Prime Minister’s VTC with President Bush: 9 March’ attaching Brief ‘Iraq: Prime Minister’s VTC with President Bush’.

⁴⁴⁴ Letter Owen to Cannon, 4 March 2004, ‘Iraq: Weekly Update’.

⁴⁴⁵ *BBC News*, 8 March 2004, *Iraqi law: reaction in quotes*.

⁴⁴⁶ Letter Owen to Cannon, 8 March 2004, ‘Iraq: Prime Minister’s VTC with President Bush: 9 March’ attaching Brief ‘Iraq: Prime Minister’s VTC with President Bush’.

⁴⁴⁷ JIC Assessment, 10 March 2004, ‘Islamist Extremism: The Iraq Jihad’.

to lack a clear strategic aim for Iraq. Recovered documentation linked to al-Zarqawi lists Americans, Kurds, Iraqi security forces and Shia as main targets ...

“Most Islamist extremists identified in intelligence are from outside Iraq, although some Iraqis are involved with these foreign extremist groups.”

810. In its ‘Key Judgements’ the JIC found that:

“The scale of the Islamist extremist presence in Iraq is not known. Nor is the level of their local support. But the radical Islamist ideology of the mujahidin may be attractive to an increasing number of Iraqis.

“Islamist extremists have probably been responsible for a number of the most significant carefully targeted attacks, causing mass, mainly Iraqi, casualties.

“The degree of co-ordination between Islamist groups is not clear. Senior AQ associate al-Zarqawi, appears to be the most important terrorist leader in Iraq, but there is no evidence of a comprehensive co-ordination structure.

“Al Qaida has been trying to build up its limited operational presence in Iraq for some months, but Bin Laden’s main focus is likely to remain Afghanistan.”

811. Sir Jeremy Greenstock called on Mr Blair in London on 11 March.⁴⁴⁸ Although he thought the TAL a road map for a successful political transition he predicted that:

“... the political situation would remain fluid and unstable over the next couple of years, until fully constitutional elections.”

812. At Cabinet on 11 March Mr Straw described agreeing the TAL as “an historic achievement”.⁴⁴⁹

813. Writing to Sir Nigel Sheinwald following the 12 March meeting of the Iraq Strategy Group (ISG), a Cabinet Office official recorded the ISG’s view that:

“Agreeing the TAL had been an achievement but we now needed to move on to formation of the interim Government. For this we needed Brahimi and the UN to help broker a solution and bring international legitimacy. Without direct UN involvement, it would be much more difficult to deliver an UNSCR endorsing the interim Government.”⁴⁵⁰

814. The ISG believed that the US and UK were agreed in principle on the need for a letter of invitation from the GC authorising a security presence after the handover to Iraqi sovereignty on 30 June. The ISG suggested, however, that the US was less wedded to this approach than the UK and “other more legalistic Coalition members”.

⁴⁴⁸ Letter Cannon to Owen, 11 March 2004, ‘Iraq: Sir Jeremy Greenstock’s Call on the Prime Minister’.

⁴⁴⁹ Cabinet Conclusions, 11 March 2004.

⁴⁵⁰ Letter Dodd to Sheinwald, 15 March 2004, ‘Iraq: Strategy Group’.

815. Mr Llewellyn had forwarded Ms Adams' letter of 9 February to Mr Crompton, Head of the Iraq Policy Unit, on 25 February, observing that he "may want to draw it to the attention of Ministers".⁴⁵¹ He had also commented:

"These conclusions are not a surprise. They confirm the advice that we have given throughout the period of Occupation."

816. The IPU had brought the concerns set out in Mr Llewellyn's letter of 25 February to the attention of Mr Richmond in Baghdad.

817. On 15 March Mr Richmond replied, explaining that he had spoken to one of the US lawyers in the CPA Office of the General Counsel (OGC – the CPA's legal advisers) to ask if they could reinstate the previous practice of consulting the UN on CPA orders by faxing them to Mr Mountain.⁴⁵² OGC were content to do so, but Ambassador Bremer was not.

818. It had been reported to Mr Richmond that, when the UN left Iraq in August 2003, OGC began sending draft legislation to the UN legal office through the US Mission to the UN (USUN). USUN were subsequently advised by a "reliable source" that, if they continued to do this, the UN Legal Office was likely to veto legislation. Consultation had then ceased. When Mr Mountain was appointed, OGC had suggested that they should send draft CPA orders to him but the State Department had objected on the grounds that he would forward it to the UN legal office, who would veto it.

819. State Department officials suggested that OGC should simply mention to Mr Mountain when he was in Baghdad that they had legislation in various areas in process. OGC agreed with the UK that this was not sufficient consideration to meet the requirements of resolution 1483.

820. Mr Richmond explained that OGC had tried to agree a new process of consultation with the UN but Ambassador Bremer had objected to the proposals. He wished to avoid both a UN veto over proposed CPA Orders and delay to the CPA's legislative programme. As a result, the State Department had been asked to come up with a suitable proposal for consulting the UN which would not result in CPA orders being vetoed or delayed.

821. The Cabinet Office Annotated Agenda for the meeting of the AHMGIR on 18 March said that:

"Sistani remains concerned at what he sees as obstacles in the TAL to achieving a constitutionally elected government, in particular the effective veto over the future draft constitution given to the Kurds. There have been indications that Sistani is

⁴⁵¹ Letter Llewellyn to Crompton, 25 February 2004, 'Iraq: Attorney General's Advice: The Extent of the UK's International Obligations in Iraq'.

⁴⁵² Letter Richmond to Crompton, 156 [sic] March 2004, 'Iraq CPA Legislation: need for UN co-ordination'.

planning to mobilise his supporters to sign a petition opposed to certain elements of the TAL.”⁴⁵³

822. In an annex to the Annotated Agenda, the IPU recommended that, if there was to be a resolution endorsing the new political process, then “we should take that opportunity to also endorse the new security arrangements”.⁴⁵⁴ This would resolve the problems of relying on resolution 1511 or an invitation from the (not fully sovereign) GC as the basis for a continued military presence.

823. By 18 March, the GC had issued an invitation to the UN to return to help with the structure of the interim government and preparations for elections for the Transitional National Assembly (TNA) to be held by January 2005.⁴⁵⁵

824. On 25 March, Mr Benn told Cabinet that the next question now the TAL had been agreed was how to organise an interim government from 1 July.⁴⁵⁶ There were tensions within the GC about the role of the UN in that process. He observed that it would be important to ensure that the transition to an interim government “resulted in arrangements which looked and felt different from the preceding ones”.

825. On 31 March, the JIC assessed that insurgent attacks on Coalition Forces had fallen from a peak in November 2003 and levelled off, but suicide attacks targeting Iraqis had increased significantly since the turn of the year.⁴⁵⁷ Although the JIC did not know the numbers of those involved in or supporting the violence, the occurrence of more than 200 incidents a week was considered to suggest thousands rather than hundreds of individuals.

826. The JIC assessed that the relative threat from different groups was difficult to gauge; in many cases it was not possible to attribute attacks to specific groups.

827. The JIC judged:

- I. Islamist extremists ... will seek to increase the level of violence in the lead up to, and beyond, the transition of power on 30 June ...
- II. The level of violence is undermining Iraqi confidence in the Coalition and its objectives.
- III. Islamist extremists are finding it difficult to operate. But they will pose a continuing and dangerous threat, particularly those associated with al-Zarqawi. Attacks by them upon Iraqi Shia and Kurds risk stirring up inter-communal violence. A failure by the security forces to contain the violence could lead to a failure of the political process and a breakdown of law and order.”

⁴⁵³ Annotated Agenda, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁵⁴ Annotated Agenda, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting attaching Paper IPU, 10 March 2004, ‘Annex A: Iraq: Transitional Arrangements for Coalition Forces’.

⁴⁵⁵ Minutes, 18 March 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴⁵⁶ Cabinet Conclusions, 25 March 2004.

⁴⁵⁷ JIC Assessment, 31 March 2004, ‘Iraq Security: Prospects’.

828. In addition, the JIC considered:

“A further source of resistance to the Coalition may increasingly be disaffected Sunni Arabs – not necessarily connected to the former regime – who fear Shia domination and are frustrated by lack of money and jobs. Their motivations are diverse: anti-Americanism, Iraqi nationalism, insensitive CF [Coalition Forces] actions, tribal and clan loyalties, criminal financial gain and other grievances. And some Sunni Arabs are increasingly attracted to a radical Islamist ideology.”

829. At the end of March, Sir Jeremy Greenstock concluded his six month tour in Iraq and was succeeded by Mr David Richmond.

830. Sir Jeremy’s valedictory telegram entitled ‘Six Months in the Cauldron’ thanked UK civilians and military for their “effective and courageous” work in Iraq.⁴⁵⁸

831. Sir Jeremy judged that “the majority of the Iraqi people are still with us, just” and that life was beginning to improve for many. But this was not attributable to good planning:

“The preparations for the post-conflict stage were abject; wrong analysis, wrong people ... And the volume of resources required on the ground was, and continues to be, misjudged.”

832. On security, he judged that the problems “will, alas, not go away when the Occupation ends. The evil-doers ... are small in number but lethal in effect.”

833. Sir Jeremy also recorded the important role that Grand Ayatollah al-Sistani had played by using his religious authority as a force for moderation.

834. By the end of March, UK and US officials were discussing the detail of the proposed new Security Council resolution.⁴⁵⁹

835. Mr Straw’s Private Secretary wrote to Mr Blair’s Private Secretary describing the resolution’s key elements as:

- to welcome the agreed arrangements for the transfer of full executive authority and the proposed processes during the transition;
- to specify the role of the UN during the transition; and
- to give additional political cover to the Multi-National Force and develop its mandate.

836. On 31 March, four employees of the US security firm Blackwater were ambushed and killed while travelling through the town of Fallujah in Anbar Province.⁴⁶⁰

⁴⁵⁸ Telegram 109 IraqRep to FCO London, 26 March 2004, ‘Iraq Valedictory: Six Months in the Cauldron’.

⁴⁵⁹ Letter Owen to Quarrey, 29 March 2004, ‘Iraq: Prime Minister’s VTC with President Bush: 30 March’.

⁴⁶⁰ *BBC News*, 31 March 2004, *Bodies mutilated in Iraq attack*.

837. Mr Erik Prince, CEO of Blackwater at the time of the ambush, wrote that the “entire assault was over in seconds. Four men had been betrayed and ambushed.”⁴⁶¹

838. The burned bodies of the Blackwater personnel were filmed being dragged through the streets, and hung from a bridge.⁴⁶² Images of the incident appeared in the international media.

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839. In a written update for members of the AHMGIR in early April, Cabinet Office officials reported:

“A series of meetings are underway to communicate the TAL to Iraqis. Reactions have been mixed, but no signs yet of an organised opposition aimed at repeal. Most Iraqis appear more focused on improvements to the economy and everyday life.”⁴⁶³

840. Militants belonging to Jaysh al-Mahdi (JAM) attacked Coalition Forces in Baghdad, Najaf, Karbala and Kut following the arrest on 3 April of Muqtada al-Sadr’s senior aide Mustafa al-Yaqubi, and the closure on 27 March of one of al-Sadr’s newspapers.⁴⁶⁴

841. Maj Gen Stewart told the Inquiry that, although the violence in MND(SE) had been gradually increasing during February and March, it was not until April that JAM was identified as a specific threat.⁴⁶⁵ He recalled that:

“... it was like a switch had been flicked. We woke up on the 6th [of April], there were 35 shootings and attacks in Basra before 0730 in the morning. Nasiriyah had been taken over by the Mahdi army ... In al-Amara there were running battles going on with the security forces.”

842. In early April, US forces began operations in Fallujah. All routes in and out of the city were blockaded in advance of the launch of an offensive operation, named Operation Vigilant Response, on 6 April.⁴⁶⁶

843. Mr Hoon’s Private Secretary wrote to Mr Blair’s Private Secretary that a search operation to capture the attackers of the Blackwater employees had begun.⁴⁶⁷

844. The same letter explained that US intentions in relation to Muqtada al-Sadr and his supporters were becoming clearer. The US military had ordered the offensive operations against al-Sadr supporters with “the aim of eliminating them as a credible force” and moving into Najaf after the festival of Arbaeen on 11 April.

⁴⁶¹ Prince E. *Civilian Warriors. The Inside Story of the Unsung Heroes of the War on Terror*. Portfolio/Penguin, 2013.

⁴⁶² *BBC News*, 31 March 2004, *Bodies mutilated in Iraq attack*.

⁴⁶³ Letter Dodd to Owen, 2 April 2004, ‘Iraq: Update’ attaching Paper ‘Iraq: update’.

⁴⁶⁴ JIC Assessment, 14 April 2004, ‘Iraq Security’.

⁴⁶⁵ Public hearing, 9 December 2009, pages 67-68.

⁴⁶⁶ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

⁴⁶⁷ Letter Baker to Quarry, 8 April 2004, ‘Iraq: Security Situation’.

845. Al Jazeera journalists were present inside Fallujah, and images of the US offensive were broadcast across Iraq and the world. Lt Gen Sanchez wrote in his memoir:

“To say that the Fallujah offensive angered the Sunni Muslims of Iraq would be a gross understatement ... When the images of destruction were broadcast on Al Jazeera, most Sunnis felt Fallujah was an attack on their very existence ... When tribal leaders put out a call to arms, Sunnis everywhere responded and the Sunni Triangle exploded into violence.”⁴⁶⁸

846. Sir David Richmond told the Inquiry that he had been “very concerned” because:

“What the Americans were doing in Fallujah which was being broadcast all over the Arab media was causing serious problems all round, certainly the Sunni part of Iraq but also ... the Shia part of Iraq. It was clear to me this had to stop if we weren’t going to face very, very serious problems. I was in constant contact with London throughout the period and made very clear my views about that. I spoke to Bremer and made clear what my views were about that ... I think ultimately Bremer came down on the same side as me and told the military that they had to rethink that policy.”⁴⁶⁹

847. General Sir John McColl, SBMR-I from April to October 2004, told the Inquiry:

“There was a debate within headquarters as to how we should proceed, a debate which I shared with London, and there were those within the American camp who wanted to move early and seize the initiative, which involved the early use of kinetic force, and those who wanted to move more slowly. Certainly, in terms of my advice at the time, it was to move cautiously, to try and ensure that, as far as we could, we carried the politics with us and prepared the political conditions to support whatever military activity took place.”⁴⁷⁰

848. General Sanchez wrote in his memoir that:

“... the British three-star general [McColl] on the CJTF-7 consistently voiced his Government’s concerns about our planned offensive and I’m certain that lively discussions took place between the White House and 10 Downing Street. London believed that we were being far too heavy-handed, but President Bush still gave the order to launch.”⁴⁷¹

849. Ambassador Bremer described Mr Brahimi as so deeply concerned by the bloodshed that he had “threatened to quit Iraq”.⁴⁷² In response, Ambassador Bremer

⁴⁶⁸ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

⁴⁶⁹ Public hearing, 26 January 2011, pages 20-22.

⁴⁷⁰ Public hearing, 8 February 2010, pages 11-12.

⁴⁷¹ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

⁴⁷² Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

stressed the importance of the UN's role in helping to move the political process forward. Mr Brahimi eventually agreed to remain.

850. On 6 April, in a briefing on a planned conversation with President Bush, Mr Blair's Private Secretary wrote that:

“We are now fighting on two fronts for the first time. We risk underestimating Muqtada al-Sadr's Mahdi Army. There is an effective Sunni insurgency, which is gaining confidence from the problems we are facing with the Shia. Overall, this is the most serious challenge we have yet faced.”⁴⁷³

851. Mr Blair spoke to President Bush on 7 April.⁴⁷⁴

852. Mr Blair did not suggest that the US should draw back from Fallujah. Instead, he told President Bush that the decisions on how to deal with Muqtada al-Sadr and others rightly lay with those on the ground. They needed to act “in a decisive but sensitive way”; people needed to see that the Coalition was determined to stay to see the job done. They agreed to send out a clear public message that there was a process leading to transfer of authority in Iraq.

853. Senior members of the CPA briefed the GC on developments in Fallujah on 8 April.⁴⁷⁵ Mr Richmond reported that the GC raised particular concerns that the US blockade of the city was preventing the entry of medicines, blood, doctors and food. By preventing civilians from crossing the bridge from one side of the town to the other, the US military were also preventing civilians from getting to the main hospital, and mourners getting to the cemetery to bury their dead.

854. One minister in the GC, who came from Fallujah, resigned and it was anticipated that others might follow.⁴⁷⁶

855. Mr Richmond provided daily reports on the situation in Fallujah as it unfolded.

856. On 8 April, the atmosphere was tense.⁴⁷⁷ The impact of the offensive was heightened by TV coverage which was “inflaming opinion” and encouraging the insurgency in the rest of the country. Action to counter that was hampered by the fact that several nations' terms of engagement prevented their forces from taking part in offensive operations.

857. In a separate message to the FCO on 8 April, Mr Richmond reported having “expressed concern” to Ambassador Bremer “about the impact that the television

⁴⁷³ Minute Quarrey to Prime Minister, 6 April 2004, 'Phone call with President Bush, 7 April'.

⁴⁷⁴ Letter Rycroft to Adams, 7 April 2004, 'Prime Minister's Conversation with President Bush, 7 April'.

⁴⁷⁵ Telegram 138 IraqRep to FCO London, 8 April 2004, 'Iraq: Security discussion with IGC'.

⁴⁷⁶ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁴⁷⁷ Telegram 137 IraqRep to FCO London, 8 April 2004, 'Iraq Sitrep – Morning 8 April'.

pictures of the military operations in Fallujah and Ramadi were having on the Sunni community and the Iraq population generally”.⁴⁷⁸

858. At the same time as dealing with Fallujah, Coalition Forces were continuing to address the threat posed by Muqtada al-Sadr and the JAM.⁴⁷⁹

859. On 8 April, in a letter to Mr Blair’s Private Secretary, Mr Hoon’s Private Secretary explained that US intentions for dealing with al-Sadr and his supporters were “becoming clearer” and that the US military had “ordered offensive operations against al-Sadr supporters with the aim of eliminating them as a credible force”.

860. On 8 April, Mr Straw wrote to Mr Blair on the proposed security arrangements after 30 June.⁴⁸⁰ He explained that “the Coalition needs to put in place satisfactory legal and other arrangements for the force when the Occupation ends”. If they did not, “any perceived gap in the legal base for UK’s conduct ... is likely to be exploited by litigants”.

861. Mr Straw set out the difference between the US and UK positions on a legal basis for continued military operations after 30 June, and the UK’s legal concerns about relying on resolution 1511. He observed that a strong case might be made that resolution 1511 covered a continued military presence in Iraq, but that he doubted it would cover “the full range of activities we have hitherto been conducting under the law of armed conflict and Occupation law”.

862. Mr Straw suggested that in contacts with the US, the UK should stress the need to agree a common approach to the forthcoming resolution (expected in May or June) which would also help the UK’s position against legal challenge. He emphasised that when they were nearer to a clear outcome on the resolution, it would be necessary to consult the Attorney General to ensure that the UK’s minimum legal requirements were covered.

863. On 9 April, Mr Richmond reported that the Coalition had offered a 24-hour cessation of operations in Fallujah “to allow the entry of additional humanitarian supplies and to enable representatives of the IGC to go to Fallujah to discuss Coalition terms for ending the current military operation”.⁴⁸¹ The terms of the cessation included surrender of the individuals who had killed the Blackwater contractors. Had the offer not been made, Mr Richmond reported that it was likely that senior Sunni members of the GC would have resigned.

⁴⁷⁸ Telegram 139 IraqRep to FCO London, 8 April 2004, ‘Iraq: Bremer’s views’.

⁴⁷⁹ Letter Baker to Quarrey, 8 April 2004, ‘Iraq: Security Situation’.

⁴⁸⁰ Minute Straw to Prime Minister, 8 April 2004, ‘Iraq Security Arrangements’.

⁴⁸¹ Telegram 141 IraqRep to FCO London, 9 April 2004, ‘Iraq: offer of 24 Hour Truce in Fallujah’.

864. On 10 April, Mr Richmond reported that the offer had not been successful and action in Fallujah was being characterised as “collective punishment”.⁴⁸² Further negotiation between members of the GC and the CPA/US military resulted in a new plan for a cease-fire and subsequent withdrawal of Coalition Forces.

865. Mr Richmond’s assessment of the situation on 10 April said:

“Generals Abizaid and Sanchez are confident that they can deal with (though not eliminate) the Sunni insurgency currently centred on Fallujah and Ramadi ... I do not share their confidence ... The military action in Fallujah ... has ignited smouldering resentment amongst other Sunnis. Governing Council members are warning us that there will be other ‘Fallujahs’ in towns throughout the Sunni heartland ... it is also beginning to undermine the support of otherwise moderate Shia ... The Americans claim that their operations in Fallujah are targeted and precise. But to the outside they look like collective punishment. The casualty figures, though not reliable, tend to bear this out ... Worse, the current situation is also putting huge pressure on the Governing Council ... If the Governing Council collapses (or loses all credibility) it is difficult to see how we can find anyone else to work with us on the formation of an Interim Government to take over from the CPA on 30 June. We will have no-one to hand over to.”⁴⁸³

866. On 11 April, Mr Richmond wrote that a GC delegation to Fallujah led by Mr Hajem al Hassani reported some success.⁴⁸⁴ They had persuaded leaders representing 90 percent of the rebel fighters that a complete cease-fire was necessary but reported back to Ambassador Bremer and Mr Richmond that the city was a:

“... disaster zone. The humanitarian situation was dire with a reported 518 killed so far, including 46 children under the age of 5; 83 children under 15 and 157 women. 1,224 people had been injured and there were problems with water and electricity supplies.”

867. A new cease-fire was agreed, commencing at 1000 on 11 April. If it held for six hours or more, discussions would begin on withdrawing Coalition Forces and replacing them with the Iraqi Army.

868. As events unfolded in Fallujah, in the south of Iraq there was a difference in view between the US and UK military as to how best to deal with the Sadrist threat.⁴⁸⁵

869. Multi-National Corps – Iraq (MNC-I) orders included a specific request that UK forces take action to close the Offices of the Martyr Sadr (OMS) and the JAM within MND(SE); Maj Gen Stewart declined to comply with this request.

⁴⁸² Telegram 145 IraqRep to FCO London, 10 April 2004, ‘Iraq: Falluja: Potential Ceasefire and Withdrawal’.

⁴⁸³ Paper Richmond, 10 April 2004, ‘Iraq: an Assessment on 10 April’.

⁴⁸⁴ Telegram 147 Iraq Rep to FCO London, 11 April 2004, ‘Iraq: Fallujah Ceasefire Update’.

⁴⁸⁵ Minute Stewart to Metz, 11 April 2004, ‘MND(SE) – Sadr situation’.

870. In a letter explaining his reasons to Lieutenant General Thomas Metz, the Commander of MNC-I (see Box, 'Creation of MNF-I, MNC-I and MNSTC-I'), Maj Gen Stewart recognised that the refusal might:

“... appear from Baghdad to be both ineffective and apparently out of line with your intent ... one size does not fit all for Iraq and the south east is different. I believe that our actions are being effective ... Whether we like it or not, Sadr's movement is part of the political fabric in southern Iraq ... This does not mean that the south east is under the thumb of the Sadrists. On the contrary nearly all our interlocutors ... express dislike of his methods, but his sentiments resonate ... Coalition Forces and [Iraqi Security Forces] have secured ... every municipal building within ... MND(SE) ... Most importantly, we take the view that it is the Iraqis who will have to go on living here after we depart and surely it is best to produce an Iraqi solution to an Iraqi problem ... I believe that our current tactics in MND(SE) are correct.”

871. In advance of a meeting with President Bush, Mr Blair asked Sir Nigel Sheinwald for “a note setting out a strategy for dealing with the range of problems we face in Iraq”.⁴⁸⁶

872. Sir Nigel's 12 April response identified a number of elements that a strategy should include:

“(i) Military. We are starting to see, and need to entrench, a more measured US military approach.

Above all, we must avoid fighting simultaneously on two fronts. We cannot afford to lose the consent of the majority Shia population ... [W]e should aim to settle the MAS [Muqtada al-Sadr] problem first ...

The US needs to make an effort to re-cement the Coalition.

(ii) Iraqisation: we need to revisit this and our old friend de-Ba'athification. The key to Fallujah and Najaf will be the insertion of Iraqi forces, rather than a heavy and overt American presence on the streets. But this is not straightforward given the lack of capacity of the newly formed Iraqi forces ...

(iii) Inclusiveness: the Coalition needs to involve the IGC and local sheikhs in resolving these problems. Above all we cannot afford to lose the IGC ...

(iv) Deal with the causes: there are many deep sources of discontent, and we cannot hope to deal with all of them. On both the Shia and Sunni sides, we need programmes which (a) increase jobs, particularly for the young and (b) increase personal security ...

⁴⁸⁶ Minute Sheinwald to Prime Minister, 12 April 2004, 'Iraq: Strategy'.

- (v) The political future: this needs to be set out more clearly: elections at the end of January, prepared by the UN; interim government structures in place by 1 July when we hand over sovereignty, with the UN again playing a key advisory role, and better consultation on how to get there ...
- (vi) UN role: we need to clarify and promote the UN role: electoral support and political advice on the ground now; new UNSCR in May/June; clear UN co-ordinating and political role from 1 July ...
- (vii) The deadline: we must stick to the deadline of 1 July, but need to make a better job of explaining ourselves. The date is right because it remains important to make an early transfer of sovereignty to the Iraqis, which they themselves want ...
- (viii) Communication: if we can agree a strategy like this, Bremer and the IGC should promulgate it in a media offensive in Iraq.”

873. Sir Nigel concluded:

“We need to emerge from your meeting with Bush on Friday with the message that you have an agreed, comprehensive strategy covering the handling of the immediate crisis, Iraq’s political future leading to elections in January, and the role of the UN.”

874. Sir Nigel Sheinwald told Dr Rice on 14 April that there were rumours of imminent further military action in Fallujah.⁴⁸⁷ The UK judged that would be very damaging, in Iraq and internationally and wanted attempts at mediation to continue “and for the tension gradually to abate”. Dr Rice said that no decisions had been taken.

875. On 14 April, the JIC issued an Assessment of security in Iraq, prompted by events in Fallujah and attacks by JAM.⁴⁸⁸ The JIC’s first two Key Judgements were:

- “I. Anti-Coalition forces occupy the centre of Fallujah. Their determination to fight in a confined urban area represents a step change in capability and threat.
- “II. The scale and extent of attacks mounted by the Mahdi Army and associated Shia militants have come as a surprise. They are the first concerted attacks by Shia militias on Coalition Forces. But attacks have been localised, have now reduced and have only been supported by a minority of Shia. There is no clear evidence of co-ordination between Sunni and Shia groups.”

876. Key Judgement VII was that:

“The security situation may remain volatile even if a settlement is reached in Fallujah and Najaf. The upsurge in violence has confirmed previous concerns over the weaknesses of the Iraqi security forces.”

⁴⁸⁷ Letter Sheinwald to Adams, 14 April 2004, ‘Conversation with US National Security Adviser, 14 April’.

⁴⁸⁸ JIC Assessment, 14 April 2004, ‘Iraq Security’.

877. The JIC also judged that the emergence of hostage-taking as a tactic by anti-Coalition forces was “adding to the climate of fear and encouraging foreign contractors to leave”.

878. On 15 April, Mr Blair and Mr Annan met in New York.⁴⁸⁹ They agreed that the political plan being formulated by Mr Brahimi should form part of a new resolution and that the negotiation of its text should begin in May.

879. Mr Blair underlined the importance of the UN’s role in Iraq, both for political leadership and in communicating with the Iraqi people. He offered UK support for the deployment of a greater number of UN officials to Iraq.

880. On 15 April, Sir Nigel sent Dr Rice a “personal paper” from Mr Blair for President Bush, which Mr Blair hoped the President might read before their conversation the next day.⁴⁹⁰

881. In his paper Mr Blair identified two problems:

“... the first is a residue of discord over the decision to go into Iraq. People who disagreed are desperate to be proved right. So every difficulty is magnified; every step forward ignored; every setback hailed as failure.

...

“The second problem is more immediately serious. It is that, irrespective of the original decision to go into Iraq, people ask of us: do they have a plan for Iraq that will work? Do they know what they are doing?”

882. The first was an “issue of political vision”; the second, one of “practical competence”. Mr Blair summarised his strategy as:

- local engagement by Iraqis to sort the Sunni and MAS [Muqtada al-Sadr] problems, with Fallujah critical;
- backed by a specific set of offers to deal with grievances;
- backed by an Iraq-wide campaign of communication, led and fronted by Iraqis.”

883. Mr Blair also proposed a new resolution, firstly to provide the US and UK with the political and military authority they required, but also including “measures on human rights and due process so that the resolution sets out a vision of Iraq as a democratic state that puts our critics on the defensive”.

⁴⁸⁹ Letter Rycroft to Adams, 15 April 2004, ‘Prime Minister’s meeting with the UN Secretary General: 15 April’.

⁴⁹⁰ Letter Sheinwald to Rice, 15 April 2004, [untitled], attaching Note [Blair to Bush], [undated], ‘Note’.

884. Mr Blair went on to consider international disagreement over the nature of the security threat, and how it might be addressed through the G8. He wrote:

“We need to find a way of forcing the world to confront the dangers it faces; and to build an agenda capable of consolidating and extending our support.”

885. On 16 April, Mr Blair and President Bush met in Washington.⁴⁹¹ The meeting was also attended by Dr Rice, Secretary Powell, Sir Nigel Sheinwald and Mr Rycroft.

886. Mr Blair stressed to President Bush the importance of standing firm, setting out a clear political vision and implementing it competently.

887. On Muqtada al-Sadr, Mr Blair said that he needed to be brought out of Najaf alive, with an agreement to disband his militia. He should not be made a martyr.

888. In discussion it was clear that US forces had been close to action in Fallujah a couple of days previously, but had held back based on Ambassador Bremer’s advice that they would “lose the IGC” if they did so.

889. On Fallujah, Mr Blair suggested that the Coalition needed to get the balance right between firmness and initiating further aggression. Any military offensive needed to be careful, with every effort taken to avoid civilian casualties, and clearly a last resort. The Coalition could not afford an error. Mr Blair continued that there needed to be a clear strategy for addressing the grievances of both the Sunnis and the al-Sadr supporters, including tackling poverty in Sadr City. He again emphasised the importance of better communication with the Iraqi population.

890. On the political process, neither the US nor the UK had difficulties with Mr Brahimi’s emerging plans for the interim government. A new resolution was necessary, and Mr Blair proposed that it might also include measures to set out a vision of Iraq as a democratic state.

891. By 18 April the situation in Fallujah was described by Mr Richmond as “relatively calm” with talks continuing between the Coalition and a delegation of Fallujan leaders.⁴⁹² The possibility that offensive operations might resume remained and there was “CJTF-7 talk of allowing one week for dialogue to yield results”.

892. Negotiations between leaders in Fallujah, GC representatives, US military commanders and CPA officials had enabled access to the city for emergency services, the return of civilians, and progress with the handing in of weapons.

⁴⁹¹ Letter Rycroft to Adams, 16 April 2004, ‘Iraq: Prime Minister’s Meeting with President Bush’.

⁴⁹² Telegram 172 IraqRep to FCO London, 18 April 2004, ‘Fallujah: Update 18 April’.

893. Coalition Forces remained in place in Fallujah although Mr Richmond reported that “military action is not imminent”. It was hoped that:

“... if the citizens [of Fallujah] gained confidence, they would be able to put pressure on the extreme elements”.

894. Maj Gen Stewart told the Inquiry that the impact of events in Fallujah had been significant among the Shia community in Southern Iraq.⁴⁹³ At Friday prayers the dominant issue had been the need to raise money for fellow Iraqis in Fallujah, because what was happening there was “way beyond the pale”.

895. Sir Nigel Sheinwald told the Inquiry that:

“It wasn’t just that we were worried about the proportionality of the tactics that were used or about the perception in the international and Iraqi media of what went on. It was also that it happened at the same time as American action on the Shia side to which the Shia reacted very violently ... Ultimately the strategic threat was a loss of Shia consent.”⁴⁹⁴

896. Sir David Richmond told the Inquiry that the change in US stance as April progressed was not exclusively because of the UK. Action in Washington, threatened resignations from the GC, and the position of Mr Brahimi all had an influence.⁴⁹⁵

897. By mid-April, the Coalition had regained control of nearly all the towns that had been taken by JAM, leaving Muqtada al-Sadr’s forces restricted to the cities of Najaf, Kufa and parts of Karbala, which were then the focus of millions of Shia Pilgrims observing the Muslim holiday of Arba’een.⁴⁹⁶

898. After reading briefing given to him in advance of meeting President Bush, Mr Blair expressed concern to Sir Nigel Sheinwald about the security situation in Iraq and the problems facing the CPA in implementing its main programmes and policies.⁴⁹⁷

899. Sir Nigel commissioned 15:

“... unvarnished accounts of where things stand, with as much local colour as possible; and with clear recommendations, where appropriate, for how to improve things ... The Prime Minister is conscious that implementation of these programmes depends on the Americans, in Iraq and in Washington. It is therefore essential that departments in London should ensure that their opposite numbers in Washington are aware of our concerns, and that we work with them to produce credible plans for improving performance.”

⁴⁹³ Public hearing, 9 December 2009, page 71.

⁴⁹⁴ Public hearing, 16 December 2009, pages 51-52.

⁴⁹⁵ Public hearing, 26 January 2011, page 22.

⁴⁹⁶ Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007; Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier’s Story*. HarperCollins, 2008.

⁴⁹⁷ Letter Sheinwald to Adams, 19 April 2004, ‘Iraq’.

900. The accounts were to cover:

- “1. Sunni outreach.
2. Shia religious and political leaders, and their attitude.
3. Other political players, including candidates for Prime Minister, Presidency, Cabinet.
4. Area-by-area analysis on security.
5. Report by GOC MND(SE).
6. Police and civil defence training and readiness.
7. Security arrangements from 1/7, including UN role.
8. Media.
9. Reconstruction, spending and disbursement.
10. Attitudes of the neighbouring countries.
11. Everyday life report.
12. Judicial system.
13. Women’s groups.
14. Schools, universities, hospitals.
15. Check list of further action.”

901. During the meeting of the Iraq Senior Officials Group on 20 April, it was made clear that Mr Blair considered that progress needed to be accelerated in all areas of reconstruction in order to make transition a success.⁴⁹⁸ He had therefore “decided to follow developments more closely himself”, which had led to Sir Nigel’s commission. It was explained that:

“IraqRep should prepare a weekly checklist of immediate actions. The Cabinet Office would ensure that interested departments in London would be consulted on the list before it, together with the reports, were [sic] submitted in the Prime Minister’s Friday box. The Prime Minister would use it in his weekly discussions with Bush.”

902. Of the reports commissioned by Sir Nigel, most were requested on a weekly or fortnightly basis. Those on neighbouring countries, the judicial system, women’s groups and schools were to be monthly.

903. When Mr Blair and Mr Richmond met on 21 April, Mr Blair highlighted that the final point on the list – “points for him to raise with Bush each week” – was crucial.⁴⁹⁹ Mr Blair suggested it was important for Ambassador Bremer to make “a major speech” setting out CPA policy as soon as possible.

⁴⁹⁸ Letter Cabinet Office [junior official] to Buck, 23 April 2004, ‘Iraq: Senior Officials Group’.

⁴⁹⁹ Letter Rycroft to Owen, 21 April 2004, ‘Iraq: Prime Minister’s meeting with David Richmond’.

904. In conversation with Dr Rice on 21 April, Sir Nigel Sheinwald said:

“The Prime Minister continued to believe, as he and the President had agreed ... that time was on our side and that we did not need to rush into new military action, while of course accepting the need for the American forces to defend themselves properly ... targeted activity against extremists was one thing; another heavy assault would have a major adverse impact, in Iraq and internationally ... the Prime Minister was clear that we should avoid precipitate action if possible and give time for the results to emerge from the negotiations ...

“I made clear that the Prime Minister would want a discussion if there were any question of the US tactics changing ...”⁵⁰⁰

905. In mid-April, the US made a request for the UK to send additional troops to Iraq.⁵⁰¹

906. The request was made “informally, with no explanation of any underlying rationale or assumptions” and proposed four packages of support, including the deployment of an HQ (for which the main contender was the Allied Rapid Reaction Corps or ARRC), which together might have totalled 10,000 additional troops.

907. The US proposal was that the UK should provide:

- a Corps headquarters, to command both MND(SE) and neighbouring MND Centre South (MND(CS));
- an armoured infantry battlegroup to be available, for a few months, as a mobile reserve for the whole of Iraq;
- an expansion of MND(SE) to backfill for the Spanish troops that had been withdrawn from Iraq; and
- an expansion of the security resource focused on protecting the main supply routes.

908. The first advice sent by Mr Hoon’s Private Secretary to Mr Rycroft was that the request needed to be examined “very carefully”. The only Corps-level headquarters available to the UK was the ARRC, a NATO asset which would therefore require NATO agreement to deploy “which is unlikely to be obtainable very rapidly or easily”. The advice explained that:

“... we will need to consider to what extent we would be increasing our exposure to the consequences of future US actions in, for example, Fallujah, and to what extent if at all we could expect to have any greater practical influence over US decision-making”.

⁵⁰⁰ Letter Sheinwald to Adams, 21 April 2004, ‘Iraq: Conversation with US National Security Adviser, 21 April’.

⁵⁰¹ Letter Baker to Rycroft, 21 April 2004, ‘Iraq: US approaches for additional UK forces’.

909. Having seen the letter to Mr Rycroft, Mr Straw also offered his thoughts on “political aspects” of the deployment, in a letter from his Private Secretary.⁵⁰² Mr Straw endorsed the MOD’s initial instinct to analyse the US request carefully. He observed that sending the ARRC to Iraq:

“... would preclude its possible deployment to Afghanistan ... probably until well into 2006. This would complicate the prospects of delivering our objectives in Afghanistan. But we may have to recognise that Iraq is the higher priority and the (even harder) theatre to which to attract and retain international troop contributors.”

910. Having read the letter from Mr Straw’s Private Secretary, Mr Bowen also supplied advice to Mr Rycroft.⁵⁰³

911. Mr Bowen advised that the deciding factor ought to be whether taking on wider responsibility would make a difference to the Coalition’s strategic success in Iraq. Providing more troops for the sake of “burden sharing” was not, in his view, advisable but doing so in the realistic hope that it would have a strategic impact was potentially worthwhile.

912. The JIC assessed the degree to which Iran might have supported or encouraged Shia violence on 21 April.⁵⁰⁴ It judged that Iran continued to want to see a stable and non-threatening Iraq. Although there was a suggestion that some Iranians might have offered support to Muqtada al-Sadr:

“Iran has not been behind attacks on Coalition Forces. It did not have foreknowledge of Muqtada al-Sadr’s actions and probably has not provided any significant support to al-Sadr’s followers in the recent violence. But it would probably support a violent Iraqi response to the Coalition if military action against al-Sadr in Najaf resulted in heavy Shia casualties.”

913. On 22 April, Mr Blair told Cabinet that Mr Richmond considered that calm could be restored in Basra providing the military confrontation in Fallujah was resolved “satisfactorily”.⁵⁰⁵

914. In conversations on 23 April, Sir David Manning urged Dr Rice and Mr Blair urged President Bush to delay the operation.⁵⁰⁶

⁵⁰² Letter Owen to Rycroft, 22 April 2004, ‘Iraq: US approaches for additional UK forces in Iraq’.

⁵⁰³ Minute Bowen to Rycroft, 23 April 2004, ‘Iraq: responding to US approaches for additional forces’.

⁵⁰⁴ JIC Assessment, 21 April 2004, ‘Iraq: Iranian Activity and Influence’.

⁵⁰⁵ Cabinet Conclusions, 22 April 2004.

⁵⁰⁶ Letter Manning to Rycroft, 23 April 2004, ‘Iraq: Fallujah: Call on Condi Rice’; Letter Rycroft to Adams, 23 April 2004, ‘Iraq: Fallujah: Prime Minister’s Conversation with President Bush’.

915. Mr Blair urged President Bush to give more time if it was possible and to avoid at all costs the bombing of mosques or the killing of large numbers of civilians.⁵⁰⁷ He underlined the importance of working with Iraqi civic leaders and working closely with Mr Brahimi.

916. On 23 April, Mr Blair received the first edition of all 15 “unvarnished accounts” reports commissioned by Sir Nigel Sheinwald on 19 April, plus an additional four covering essential services, oil, next year’s budget and Ambassador Bremer’s recent speech in Tikrit.⁵⁰⁸

917. Those covering media, reconstruction, essential services, oil, gender issues and health and education are described in Section 10.1.

918. The paper covering the Iraqi judicial system is covered in Section 12.1.

919. Mr Dominic Asquith, Deputy Chief Commissioner in the CPA, sent a checklist of issues for Mr Blair to raise with President Bush.⁵⁰⁹ On Fallujah, Mr Asquith’s advice was:

“... delay for as long as there are negotiations in play; when military operations commence, adopt a graduated response, starting with limited and targeted measures; be ready to cease operations if a negotiating process can recommence; and put in place an effective support plan for when it is over.”

920. On the political process, Mr Asquith advised that more effort should be put into defining what the UK and US wanted out of the process. He suggested:

- a Presidency involving a Shia, Sunni and Kurd politician, with a Sunni or Shia at the top;
- a technocratic Cabinet, if necessary with a political Prime Minister, who is Shia, provided he is not Islamist or Chalabi;
- and a ‘chamber’ of 100 or 125 if that is the price of finding a home for the rest of the IGC, with some legislative capacity (eg to approve laws) and the right to summon ministers to account for their decisions;
- a National Conference either before or after 30 June: in the case of the former, it would have the added attraction of ‘endorsing’ all the above (on the basis of a package presented to it).”

921. Mr Asquith judged that a National Conference would have the best chance of securing the right outcome if Coalition leaders attended.

⁵⁰⁷ Letter Rycroft to Adams, 23 April 2004, ‘Iraq: Fallujah: Prime Minister’s Conversation with President Bush’.

⁵⁰⁸ Minute Rycroft to Prime Minister, 23 April 2004, ‘15 Reports on Iraq’.

⁵⁰⁹ Telegram 190 IraqRep to FCO London, 23 April 2004, ‘Iraq: Check List for the Prime Minister’.

922. In a more detailed telegram on managing the political transition, Mr Asquith wrote that:

“The formation of the IGC last year was unprecedented in its creation of a political body that fairly accurately reflected Iraq’s diverse society. But its creation instituted a specific balance of ethnic and sectarian representation in Iraq’s political structures and empowered a specific set of players, many of whom were exiles. Inevitably, many others were excluded. That these leaders were anointed by the Occupying Powers had always remained a cause for criticism by political actors outside the IGC.

“This feeling of popular resentment ... was one of Brahimi’s concerns during his recent visit. A key principle underlying his plan for the formation of an interim government is the depoliticisation of government through the formation of an apolitical cabinet of technocratic ministers, headed by a Prime Minister, and a Presidency Council of a President and two Deputy Presidents.”⁵¹⁰

923. The process by which the interim government would be formed remained unclear, but Mr Asquith observed that:

“Whichever option is chosen the difficulty will be managing the competing aspirations of the dominant political players ...

“Ultimately, the one political force we have to placate is [Grand Ayatollah al-] Sistani.”

924. In a separate telegram on Shia leadership in Iraq, Mr Asquith judged that:

“... the leading Shia members of the IGC have developed ties with Sistani, and will try to exploit this relationship to ensure their own political ascendancy. The Ayatollah’s view of the IGC parties is less clear, and he may be persuadable that a technocratic government is preferable for the interim period.”⁵¹¹

925. Mr Asquith sent a parallel telegram on the Sunni political picture.⁵¹² In it he warned:

“Continued failure to address Sunni grievances threatens the long-term stability in Iraq. Fallujah has provoked a reassessment by those in the CPA who believed Sunni dissatisfaction was manageable. Leaving the community insecure about its future risks perpetuating an environment that breeds continued anti-Coalition and later anti-Iraqi government activity.”

⁵¹⁰ Telegram 189 IraqRep to FCO London, 22 April 2004, ‘Iraq: Managing the Political Transition – and the Actors; Parts 1 and 2’.

⁵¹¹ Telegram 187 IraqRep to FCO London, 22 April 2004, ‘Iraq: Shia Leadership in the New Iraq’.

⁵¹² Telegram 181 IraqRep to FCO London, 21 April 2004, ‘Iraq: Sunni Politics’.

926. The Cabinet Office also supplied a check list of points for Mr Blair, which raised the urgent need to agree what would replace the CPA outside Baghdad after transition, work on which had “scarcely started”.⁵¹³

927. The Cabinet Office list went on to record the need for “genuine partnership” between the MNF and Iraqi forces “including at high command level, if we are to raise the performance of Iraqi security forces and tackle insurgents and terrorists”.

928. The IPU supplied a paper on Iraq’s neighbours, which proposed that:

“Developing regional support for the political process is essential to build the legitimacy of the new Iraqi political institutions and assist the reconstruction process.”⁵¹⁴

929. The paper divided neighbouring states into three groups: constructive, cautious and difficult. IPU’s conclusion was that:

“We should continue to engage all the neighbours on a bilateral basis, co-ordinating our efforts with the US, and discreetly encourage development of the neighbours group.”

930. Mr Chris Segar, Head of the British Office Baghdad, sent a paper on everyday life in Baghdad, written in the voice of an Iraqi named ‘Mohammed’.⁵¹⁵ Mr Segar summarised Mohammed’s concerns as:

“When will I be able to go about my life without fearing for my safety and that of my family? I have more faith in the Dinar these days; but I don’t have enough of them. Some other things are better now too. But I’m not sure what is going on in the Green Zone; and I don’t think there is anyone who represents me. Al Jazeera and Al Arabiyya – and more people on the street – tell me that the occupiers have no respect for my people. I’m glad that Saddam is gone; but will my children have a better life here?”

931. On security, Mr Blair received a telegram from Mr Asquith describing the situation area by area, and a minute from Maj Gen Stewart in MND(SE).

932. Mr Asquith wrote that:

“Fallujah and Najaf continue to hang heavy over any security forecast. If the storm breaks there, the effects will spread widely.

“The overall security threat is high. There are regular attacks against Coalition Forces (CF), Iraqi Security Forces (ISF) and infrastructure targets across the

⁵¹³ Paper Cabinet Office, 23 April 2004, ‘Non Fallujah Points for the PM’.

⁵¹⁴ Paper IPU, 22 April 2004, ‘Iraq: Role of Neighbours’.

⁵¹⁵ Telegram 034 Baghdad to FCO London, 22 April 2004, ‘My Name is Mohammed (or a Life in Baghdad)’.

country, some opportunist, others well planned and co-ordinated complex operations, which have inflicted significant civilian and military casualties. Evidence that Former Regime Elements are increasing their activity in the Sunni Triangle and extending their links to extremist groups in other parts of the country. Even if Fallujah and Najaf are resolved, the potential remains for an upsurge in violence and other spectaculars by extremists intent on undermining Coalition support. Iraqis will continue to feel insecure in the absence of a clear political route ahead.”⁵¹⁶

933. In his minute, Maj Gen Stewart concluded:

“The security situation remains part of the whole. In MND(SE) it is manageable at current effort provided external factors are contained. The leadership of the ISF needs to be improved and supported with the necessary policies to develop a credible national force so that Iraqis can increasingly take charge of their own security. Most importantly, the political process must be addressed by improving popular engagement in it. Iraqis at all levels need to see the benefits from the bottom up and have a say in the top down.”⁵¹⁷

934. The external factor which Maj Gen Stewart judged to be most threatening to security in the South was “the approach to the al-Sadr problem”, specifically:

“The Shia will not accept a forceful solution that either places the holy sites at risk or sees al-Sadr arrested by CF [Coalition Forces]. Such a resolution had the potential to inflame the street, turning dissatisfaction into an insurgency.”

935. On 26 April Mr Rycroft wrote to Mr Straw’s Private Secretary, copying his letter to DFID, the MOD, the Cabinet Office and to UK officials in Iraq and the US.⁵¹⁸

936. Mr Rycroft wrote that Mr Blair had read all 15 reports produced as a result of Sir Nigel Sheinwald’s commission of 19 April, had thought them “very good” and:

“The conclusion the Prime Minister draws ... is that the problem we face is not multi-faceted. It is simple: security. It casts its shadow over everything from oil production to education to the political process. The Iraqis ultimately want what we want: a stable Iraq from which the Coalition Forces leave. The essential elements of our security strategy have to be: make a reality of Iraqi-isation; focus on hearts and minds; and make clear that we will stay, in overwhelming force, until the job is done.”

⁵¹⁶ Telegram 186 IraqRep to FCO London, 22 April 2004, ‘Iraq: Current Security by Area’.

⁵¹⁷ Minute Stewart to No.10, 22 April 2004, ‘GOC MND(SE) – Iraq Letter’.

⁵¹⁸ Letter Rycroft to Owen, 26 April 2004, ‘Iraq: 15 Reports for the Prime Minister’.

937. Mr Rycroft went on to outline how Mr Blair thought existing activity could be improved:

- “(a) Iraqi-isation. We must do whatever it takes to get the ICDC and Iraqi police into shape. Every main road has to be guarded, oil refineries rebuilt, electricity generation on target ...
- (b) Communications. There needs to be a concerted campaign in Iraq and abroad to explain what the security problem actually is, and how it is a deliberate attempt to prevent the Iraqi people from getting the benefit of what we are doing. We need to provide top security for al-Iraqiya’s [a newly set up Iraqi TV channel] reporters and staff; strengthen the Coalition’s Arabic media capability; improve the co-ordination between military and political to give real time information to spokesmen; and vastly improve the Iraqi government’s communications capability.
- (c) Reconstruction spending. There is a damaging gap between ‘obligated’ funds and actual spending ... We need urgent clarity and agreement on what will replace the CPA outside Baghdad after 30 June.
- (d) The courts. We need to ensure that trials of criminals and sentencing begin again ...
- (e) Political process. We should not exclude IGC members altogether ...
- (f) Security agreement. We need urgent agreement on the relationship between the MNF and the Iraqi authorities and Iraqi forces after 30 June.”

938. Mr Blair also asked for answers to a number of detailed questions including how many civilians had been killed in Iraq and whether the UK was confident that the security part of the transition plan for Southern Iraq would work.

939. On the same day, Sir Nigel Sheinwald sent Dr Rice another Note from Mr Blair, and asked her to show it to President Bush before their video conference the next day.⁵¹⁹

940. In his Note Mr Blair set out the detailed analysis that Mr Rycroft had communicated across Whitehall, which was summarised as:

“The good news is that the problem we face is not multi-faceted. It is simple: security. The bad news is that I am not sure we yet have a fully worked-out strategy to tackle it. But we can get one.”

941. On 26 April, Mr Rycroft wrote back to Mr Hoon’s office in relation to the US request for deployment of additional UK troops.⁵²⁰ He stated “our decisions on this should be clearly military-led”.

⁵¹⁹ Letter Sheinwald to Rice, 26 April 2004, [untitled] attaching Note [Blair to Bush], [undated], ‘Note’.

⁵²⁰ Letter Rycroft to Baker, 26 April 2004, ‘Iraq: US approaches for additional UK forces’.

942. Mr Rycroft reported that Mr Blair's initial view on the US request was that, provided it made military sense and was achievable, MND(SE) should be expanded to include Najaf (where the Spanish troops had been based), but that care should be taken to avoid any increase in the overall number of UK forces. He did not rule out the use of the ARRC in the longer term, but did not want to rush into a decision on it.

943. On 26 April, Sir David Manning, British Ambassador to the US, described to Sir Nigel Sheinwald a conversation with Mr Bob Blackwill.⁵²¹

944. Sir David reported that a video conference between Mr Blair and President Bush, planned for the following day, was more than usually important. The President was reported to be "more or less" in the same place as Mr Blair and, although he would not be receptive to the argument that action could be avoided in Fallujah, "he was certainly open to discussion about how to conduct it, and to manage the consequences".

945. Mr Blair and President Bush spoke by video conference on 27 April.⁵²² Vice President Cheney, Dr Rice, Mr Blackwill and Sir Nigel Sheinwald all joined the discussion, which went over points from Mr Blair's Note.

946. Those attending discussed the new resolution, which would not go into detail on the security agreement, but would recognise the Interim Government as sovereign, formally ending the Occupation. It was anticipated that Mr Brahimi would "stand up" an Interim Government at the end of May.

947. Mr Blair said that it was right to handle Fallujah progressively; "slow strangulation" was the right approach and would encourage some insurgents to abandon the cause.

948. Mr Blair followed advice to be non-committal on the US request for the UK to deploy additional troops whilst the details were considered. He said only that the UK was considering what it could do to help.

949. Mr Blair told the Inquiry:

"I think at the time I was worried the Americans were going in too hard and too heavy, and they made certain changes as a result of the conversations we were having. If I look back on it now, I'm not sure I was right about it, though."⁵²³

950. Mr Powell also told the Inquiry that Mr Blair was very worried about a full-on assault on Fallujah, and was keen that "it wasn't done in that way".⁵²⁴ He described a series of telephone calls and a meeting, and recollected that President Bush did hold off and then attacked in a different way.

⁵²¹ Letter Manning to Sheinwald, 26 April 2004, 'Iraq: Fallujah'.

⁵²² Letter Quarrey to Owen, 27 April 2004, 'Prime Minister's VTC with Bush, 27 April: Iraq'.

⁵²³ Public hearing, 29 January 2010, page 209.

⁵²⁴ Public hearing, 18 January 2010, pages 132-133.

951. Following a visit to Iraq from 4 to 15 April Mr Brahimi briefed a meeting of the UN Security Council on 27 April on his ideas for the formation of the Interim Iraqi Government.⁵²⁵ He had “previewed” some of them in a press conference before returning from Iraq.

952. Mr Brahimi stated that “the sooner a credible Iraqi Government is in place ... the better” and observed that:

“Between security on the one hand and the end of Occupation, the restoration of sovereignty and independence and the advent of a legitimate Iraqi Government and political regime on the other, there is a dialectical link that is obvious. Security is essential for the [political] process to be completed.”

953. The proposal outlined by Mr Brahimi was for an Interim Government with a “very qualified” Prime Minister, a President and two Vice Presidents, supported by a consultative assembly or council. This, he suggested, was a simple model supported by most Iraqis to whom he had spoken. The key task for the Interim Government would be:

“... to tend to the day-to-day administration of the country in as effective and efficient manner as possible, and only until such time as a democratically-elected Government can be put in place.”

954. Mr Brahimi suggested that the Interim Government should be selected by the Iraqi people themselves through a process of meeting and consultation supported by the UN. He hoped that could be completed before the end of May 2004, giving those identified a month to prepare for government.

955. Mr Brahimi also gave his support to a National Conference, convened by a preparatory committee of “reputable and distinguished” Iraqis who were not seeking elected office. The conference would “engage in a genuine national dialogue on the country’s challenges”.

956. On 28 April, in an update on Iraq, the JIC assessed that:

“... the core of anti-Coalition forces in Fallujah is based on former regime elements (FRE), including former Republican Guard and Special Forces. They are well organised.”⁵²⁶

957. The JIC judged that:

“Offensive action by Coalition Forces – particularly in Fallujah – even if well targeted and limited in scale, will exacerbate a volatile security situation and cause further long-term damage to Coalition objectives.”

⁵²⁵ UN Security Council resolution 4952 (2004).

⁵²⁶ JIC Assessment, 28 April 2004, ‘Iraq Update’.

The Fallujah Brigade

Ambassador Bremer wrote that at the end of April the US Marines sought to resolve the security situation in Fallujah through the formation of the “Fallujah Brigade”.⁵²⁷ This group would “police the city” provided that US troops agreed to withdraw:

“The key assumption was that this Iraqi brigade of about 3,000 would accomplish our objectives for the city by capturing or killing the insurgents and the foreign fighters.”

Ambassador Bremer, Dr Rice and Generals Abizaid and Sanchez had not been made aware of the Brigade’s creation in advance.

General Jassim Mohammed Saleh, a former member of the Republican Guard, had been appointed to head the Brigade.⁵²⁸ Shia leaders quickly denounced this action, complaining that the US was re-establishing the Saddam Hussein-era army.

Two days later, General Saleh was replaced by General Mohammed Latif.⁵²⁹

The JIC assessed in May that General Saleh nonetheless remained in control of the Fallujah Brigade.⁵³⁰

The Iraqi National Security Council reacted angrily. Mr Ali Allawi, the Defence Minister, warned of the risk of a “severe backlash amongst the Shia”, while another moderate Shia member of GC added that the brigade was “a move to Iraqi disunity and civil war”.⁵³¹

958. On 28 April, in an update on Iraq, the JIC assessed that:

“Elements from the Mahdi Army are still conducting attacks across central and southern Iraq, although at a much reduced level ... Some reporting indicates MAS [Muqtada al-Sadr] is losing support, with militants drifting away and local people increasingly resentful. There are also reports that the Badr Corps may be ... strengthen[ing] their presence in some key Shia areas and religious sites. This situation may lead to intra-Shia clashes ...

“ ... a hard core of the Mahdi Army may be concentrating on the defence of Najaf and the nearby town of Kufah ... A significant presence also remains in Karbala. This hard core may be prepared to resist any attempt to seize al-Sadr in the event of negotiations failing ...

“The talks with al-Sadr in Najaf continue, but progress is slow. He appears to be increasingly isolated and senior Shia figures continue to distance themselves. The key issues remain the indictment against al-Sadr and the future of the Mahdi Army ... There are ... splits in his movement between hard-liners advocating further

⁵²⁷ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁵²⁸ Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.

⁵²⁹ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁵³⁰ JIC Assessment, 20 May 2004, ‘Iraq Update’.

⁵³¹ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

resistance and moderates looking for a peaceful solution. Recent events have seen the emergence of the Mahdi Army as a minority violent Shia opposition. Some will probably not accept any outcome of the current negotiations and will continue to attack the Coalition.”⁵³²

959. Mr Hoon’s Private Secretary wrote to Mr Rycroft with “initial advice” on the four US proposals for additional UK deployments on 29 April.⁵³³ Efforts to understand the proposals better had “thrown up conflicting evidence about the US thinking behind these proposals and the relative priority they attach to each element”.

960. The letter continued, “the Defence Secretary and the Chiefs of Staff do not believe that it [the deployment of the ARRC] should be actively considered for the time being” but that further consideration should be given to the feasibility of expanding MND(SE). To keep options open, the planned withdrawal of Warrior vehicles was being halted and a recce team was being deployed to Iraq to give detailed consideration to the options.

961. The letter also reflected Mr Hoon’s view that:

“... any significant increase in our military commitment in Iraq would need to be considered in the context of the whole cross-Government effort ... if we were to take on Najaf and Qadisiyah we would need FCO and DFID to help ensure that acceptable arrangements are in place on the CPA (and post-CPA) side ...”

962. In a letter to Mr Blair’s Private Secretary on 30 April, Mr Straw’s Private Secretary outlined Mr Brahimi’s plans to return to Iraq swiftly to continue consultations on forming the Interim Government.⁵³⁴ He remained confident of completing the task by 31 May.

963. A particular issue was the future role of the GC since any arrangements for them to continue to have a role would have to be formalised in an annex to the TAL, to which the GC were co-signatories. The FCO suggested that one solution might be to guarantee any GC members without positions in the Interim Government seats in the Consultative Assembly.

964. The same letter addressed the UN Security Council resolution being drafted by the US and UK. The UN was believed to be:

“... keen to use the Resolution to clarify their role, but also to downplay expectations that they can, and will, take over from the CPA after 30 June. Their focus is on taking forward the elections process ... They are reluctant to resume large-scale humanitarian operations until the security situation is clearer.”

⁵³² JIC Assessment, 28 April 2004, ‘Iraq Update’.

⁵³³ Letter Baker to Rycroft, 29 April 2004, ‘Iraq: UK Response to US Approaches’.

⁵³⁴ Letter Owen to Quarrey, 30 April 2004, ‘Lakhdar Brahimi’s Visit to London, 3 May’.

Abu Ghraib

In late April, allegations of abuse by Coalition soldiers in Abu Ghraib prison became public.

The Coalition, including the UK military, had been aware of the existence of these allegations earlier in the year; on 16 January General Sanchez issued a statement saying that he had ordered an investigation into abuse at an unnamed Coalition facility.⁵³⁵

Maj Gen Stewart told the Inquiry that he had been aware of the allegations from early 2004.⁵³⁶

Charges were brought against six US soldiers in March 2004, but the details of the story did not become public until late April, when the US television programme *60 Minutes II* ran a story documenting the abuses and showing some of the pictures taken by the soldiers involved.⁵³⁷

Maj Gen Stewart was one of several witnesses who told the Inquiry that the pictures of Abu Ghraib had had a “significant effect” on MND(SE), where the public began turning against Coalition Forces.⁵³⁸

Allegations of abuse of Iraqi detainees by British Service Personnel also began to emerge in early 2004. Almost immediately following the Abu Ghraib revelations, on 1 May the *Daily Mirror* published photographs which appeared to show UK troops torturing an Iraqi detainee.⁵³⁹ It was later established that those photographs were fake.

The photographs and accounts of events at Abu Ghraib generated a wave of “shock and anger” across the world, along with repeated calls for the resignation of Secretary Rumsfeld.⁵⁴⁰

In a telephone conversation with Mr Straw on 30 April, Secretary Powell said that he had:

“... taken Condi and Andy Card aside and said that there was nothing in the world of public diplomacy which could conceivably offset the unbelievable damage done by these images to the US cause, the reputation of its armed forces, and its standing in the Arab world and beyond.”⁵⁴¹

In Iraq, a poll by the Independent Institute for Administration and Civil Society Studies in May 2004 found that confidence in Coalition Forces had dropped to 10 percent, from 28 percent in January 2004. Some 55 percent of those polled said they would feel more safe if Coalition Forces left immediately; 54 percent said that they believed all Americans behaved in the same way as the abusers at Abu Ghraib.⁵⁴²

⁵³⁵ *BBC News*, 16 January 2004, *Iraq jail abuse probe launched*.

⁵³⁶ Public hearing, 9 December 2009, pages 72-73.

⁵³⁷ Sanchez RS & Phillips DT. *Wiser in Battle: A Soldier's Story*. HarperCollins, 2008.

⁵³⁸ Public hearing, 9 December 2009, page 72.

⁵³⁹ *BBC News*, 14 May 2003, *Editor sacked over 'hoax' photos*.

⁵⁴⁰ *BBC News*, 15 June 2004, *Iraq abuse 'ordered from the top'*.

⁵⁴¹ Letter Straw to Sheinwald, 1 May 2004, 'Conversation with the US Secretary of State – 30 April 2004'.

⁵⁴² Independent Institute for Administration and Civil Society Studies, 15 June 2004, 'Public Opinion in Iraq: First Poll Following Abu Ghraib Revelations'.

Cabinet discussed prisoner abuse on 6 May, when Mr Blair told attendees that allegations against British troops were being investigated fully.⁵⁴³ In discussion, Cabinet members observed that the damage done by pictures of mistreatment would be hard to repair and that condemnation of the behaviour, if it was confirmed, had to be “clear and uncompromising”.

A more detailed discussion followed on 13 May.⁵⁴⁴ Ms Hewitt told Cabinet that the International Committee of the Red Cross’s interim report on detention in Iraq was a “shaming document”. Mr Hoon observed that the report covered Coalition Forces as a whole; only three cases related to British forces, each of which had been “properly investigated and action taken”.

In discussion, it was suggested that more emphasis should be placed on the “distinctive British approach” to the UN, the region, MEPP and actions in Iraq. Summing up the meeting, Mr Blair said that the UK’s intention was to engage with the ICRC to ensure that actions were in complete conformity with the Geneva Conventions.

In the run up to the US Presidential Election in 2004, *The Guardian* judged that “for the first time, the US is seen by majorities in many countries, especially by younger Muslims, as a potential enemy rather than a friend ... the Guantanamo Bay and Abu Ghraib abuse scandals have further damaged America’s standing abroad”.⁵⁴⁵

Assessing the impact in 2009, CNN’s Senior Editor for Middle East Affairs wrote “the United States was already unpopular in the Arab world, mainly because of its war in Iraq. After Abu Ghraib in most quarters, it became despised with a vengeance.”⁵⁴⁶

Dr Rice, writing in her 2011 memoir, observed “we never recovered fully from Abu Ghraib”.⁵⁴⁷

May 2004

Creation of MNF-I, MNC-I and MNSTC-I

During April and May, Coalition military structures were changed significantly, in preparation for the transfer of sovereignty at the end of June.⁵⁴⁸

Combined Joint Task Force – 7 (CJTF-7), which had been headed by a three-star US officer, was enhanced and reformed into the new Multi-National Force – Iraq (MNF-I).⁵⁴⁹

From late June, MNF-I was commanded by a four-star US officer, General George Casey.⁵⁵⁰

⁵⁴³ Cabinet Conclusions, 6 May 2004.

⁵⁴⁴ Cabinet Conclusions, 13 May 2004.

⁵⁴⁵ *The Guardian*, 26 October 2004, *Next president to inherit a legacy of mistrust and fear*.

⁵⁴⁶ *CNN World*, 21 May 2009, *Abu Ghraib photos provoke shock, then anger, for Arabs*.

⁵⁴⁷ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

⁵⁴⁸ 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 2000*. Combined Studies Institute Press, 2011.

⁵⁴⁹ Letter Baker to Rycroft, 29 March 2004, ‘Deputy Commander Multinational Force (Iraq)’.

⁵⁵⁰ Public hearing McColl, 8 February 2010, page 4.

In response, the UK increased the rank of the SBMR-I who would also serve as deputy commander.

Lieutenant General John McColl deployed in April 2004 and served as both SBMR-I and the deputy commander in first CJTF-7 and subsequently MNF-I until October 2004.⁵⁵¹

A further three-star military command was established underneath MNF-I: the Multi-National Corps – Iraq (MNC-I). This was headed by a US three-star General, Lieutenant General Thomas Metz.⁵⁵² The deputy commander was a two-star British officer. Under the new structures, divisional commanders reported to Lt Gen Metz.

A second three-star headquarters was created to focus on security sector reform: Multi-National Security Transition Command – Iraq (MNSTC-I). From June 2004 it was headed by another US three-star officer, Lieutenant General David Petraeus. The Coalition Military Assistance and Training Team (CMATT) and its newly created policing equivalent, the Coalition Police Assistance and Training Team (CPATT), reported to Lt Gen Petraeus.

965. Mr Brahimi met Mr Blair at Chequers on 3 May.⁵⁵³

966. In discussion, Mr Brahimi agreed that security in Iraq was key, observing that it was difficult to understand in what proportions the insurgency was made up of foreigners, Saddam Hussein loyalists and Iraqi nationalists.

967. Mr Brahimi thought that the UN's role would be focused on the electoral process after 30 June. Sir Nigel Sheinwald indicated that the UK envisaged a "substantial role for the UN" working to co-ordinate reconstruction as well as in Iraqi ministries and as a political guide to the Interim Government. During his discussion with Mr Straw, Mr Brahimi indicated that he thought the UN had already had a positive impact in managing the future expectations of the Governing Council.⁵⁵⁴

968. On the planned resolution, Mr Brahimi proposed that it should be discussed in Baghdad, to ensure the issues it would deal with had "a genuine public airing in Iraq".

969. On 4 May, Sir Nigel Sheinwald wrote to Mr Blair seeking an "informal steer" in advance of a discussion between Chiefs of Staff about the US request for the deployment of additional UK troops.⁵⁵⁵

970. The proposal they were to discuss was for the UK to take on two additional Iraqi provinces, expanding the UK sector from four to six provinces and increasing troop levels temporarily to over 12,000 (from 7,800) before reducing again to "a steady state expanded force of around 10,900".

⁵⁵¹ Public hearing McColl, 8 February 2010, page 1.

⁵⁵² 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 2000*. Combined Studies Institute Press, 2011.

⁵⁵³ Letter Quarrey to Owen, 3 May 2004, 'Iraq: Prime Minister's Meeting with Brahimi, 3 May'.

⁵⁵⁴ Letter Owen to Buck, 5 May 2004, 'Foreign Secretary's meeting with Brahimi, 4 May'.

⁵⁵⁵ Minute Sheinwald to Blair, 4 May 2004, 'US Request for More British Troops in Iraq'.

- 971.** The additional troops would be used “to get the new operations going (engineering and other works)” and also for border control and training the Iraqi security forces.
- 972.** Sir Nigel reported the personal view of Lt Gen Fry, “the key MOD military planner”, that this package was becoming necessary to “underwrite our strategic success”.
- 973.** Sir Nigel expected that the MOD would write to No.10 in two or three days’ time, after the Chiefs had made a recommendation to the Defence Secretary.
- 974.** Mr Blair told Cabinet on 6 May that US military commanders had changed their attitude to solving the problem posed by Fallujah, by recruiting Iraqis to do the policing.⁵⁵⁶ Repeating this approach in other towns where there was violent opposition to the Coalition could help to calm the security situation. Violent opposition to the Coalition would have to be dealt with but it was important to show that “everything reasonable” had been done to avoid bloodshed.
- 975.** In discussion, members of Cabinet said that the UK had influenced the change in the US approach in Fallujah, and observed that it was likely that some of those previously fighting the Coalition had now been co-opted to work with it.
- 976.** On 6 May, Maj Gen Stewart’s weekly update recorded an increase in attacks against Coalition Forces in al-Amara province.⁵⁵⁷
- 977.** On 7 May, Mr Hoon’s Private Secretary wrote to Mr Rycroft to inform him of a forthcoming operation “to counter and defeat” insurgents who had the CPA base in al-Amara “effectively under siege”.⁵⁵⁸
- 978.** The letter said that there were “significant numbers of violent criminals who will rally to any ‘popular’ cause” who were fighting for Muqtada al-Sadr. The commanding officer in MND(SE) judged that:
- “... the insurgents are getting bolder, in part because although British forces have returned fire when under attack they have done so primarily to enable their own safe extraction, leaving most of the insurgents free to fight another day.”
- 979.** The violence continued into the following week and was not limited to al-Amara.
- 980.** On 8 May, the Office of the Martyr Sadr in Basra had appeared to “launch a takeover bid for the city”, taking control of most of the police checkpoints.⁵⁵⁹ Maj Gen Stewart reported that in MND(SE) 8 May alone had seen:

⁵⁵⁶ Cabinet Conclusions, 6 May 2004.

⁵⁵⁷ Minute Stewart to CJO & DCJO(Ops), 6 May 2004, ‘GOC MND(SE) – Iraq Update’.

⁵⁵⁸ Letter Naworynsky to Rycroft, 7 May 2004, ‘Iraq: Op Tiger claw – defeating insurgents in Al Amarah’.

⁵⁵⁹ Minute Stewart to Rycroft, 13 May 2004, ‘GOC MND(SE) – Iraq Update’.

“... over 100 separate CF [Coalition Forces] engagements, resulting in estimates of maybe as many as 60 anti-CF killed or wounded, and nine CF injuries, none life threatening.”

981. Maj Gen Stewart also observed that “more sophisticated and effective IEDs” were being used and that mortars and rockets had been deployed against Basra Airport and Shaiba Logistics Base for the first time.

982. On 10 May, Mr Sawers, who had recently returned from a visit to Iraq, wrote to Sir Nigel Sheinwald about Fallujah.⁵⁶⁰

983. Mr Sawers judged that “however messy the compromise that emerged, it was better than a US onslaught that would have flattened parts of the city”.

984. He had learned that:

“... at least half of the ... Fallujah Brigade were recruited from the ranks of the insurgents who had been fighting the American forces in the previous three weeks. Their motivations may vary – some were almost certainly regime elements, others might have been local youths joining what they thought of as patriotic resistance to defend their town. But either way, the idea that the Fallujah Brigade would now turn on the insurgents in the city was fanciful.”

985. Mr Sawers emphasised the advice of “political figures” he had met in Iraq that the Fallujah Brigade must be dissolved or dispersed amongst other units.

986. In his report to Mr Straw of the same visit, Mr Sawers wrote:

“The last month has taken a heavy toll, and our Iraqi allies were all depressed. The onslaught on Fallujah, the messy compromise to restore calm there ... the clumsy handling of Muqtada al-Sadr, the pictures from Abu Ghraib prison, and US talk of ‘partial sovereignty’ have had a cumulative effect, denting Coalition morale, damaging the confidence of the Iraqis who want us to succeed, and encouraging those who want us to fail.”⁵⁶¹

987. Mr Blair and President Bush spoke by video conference on 11 May.⁵⁶²

988. Mr Blair agreed that allegations of abuse must not lead to a loss of focus on the situation in Iraq, but thought that the question on the public’s mind was whether the Coalition could succeed, and whether it had a clear plan. Consideration would be given to asking the International Committee of the Red Cross to provide some independent verification of standards in prisons under Coalition control.

⁵⁶⁰ Letter Sawers to Sheinwald, 10 May 2004, ‘Fallujah’.

⁵⁶¹ Minute Sawers to Foreign Secretary, 8 May 2004, ‘Iraq’.

⁵⁶² Letter Sheinwald to Adams, 11 May 2004, ‘Iraq: Prime Minister’s video conference with President Bush, 11 May’.

989. Mr Blair proposed refocusing effort onto the security situation and the political process. He emphasised the need for the Iraqi people to take responsibility for policing and security and pointed to Fallujah where this was already happening. He believed that if problems arose there in the future, Iraqi forces would be in the forefront of the fighting and the Coalition would be protected.

990. The discussion also covered the political process. Mr Blair emphasised the importance of a genuine transfer of sovereignty and proposed that after the transfer, security decisions should be taken by a National Security Council, incorporating Iraqi ministers and military leaders, commanders of the Multi-National Force and the UN.

991. Mr Blair also proposed timing the creation of the new Iraqi government, the new resolution and setting out the forward strategy so that they happened together. This would show that there was a clear plan and direction.

992. The following day, Sir Nigel Sheinwald wrote to Dr Rice, setting out more detail of the sequence of events envisaged by Mr Blair, for discussion.⁵⁶³ The timetable he set out was:

- By 31 May. Mr Brahimi announces key members of the Interim Government.
- Week of 31 May. Interim Government visits New York to meet the Security Council and Coalition. New resolution adopted.
- Early June. First meeting of National Security Council chaired by the Iraqi Prime Minister, as defined in the resolution.
- Mid-June (or mid-July). National Conference to appoint Consultative Assembly.
- 30 June. End of the Occupation and the CPA.
- 1 July. US and UK Ambassadors arrive in Iraq.
- Mid-July or September. International donor conference.

993. Sir Nigel added that to announce this sequence “we would need Brahimi’s agreement and ideally that of new Iraqi PM”. He indicated that the UK had considered accelerating the transfer of sovereignty, as had been suggested by one US interlocutor, but concluded it would be logistically difficult and could give the impression of panic.

994. Mr Blair told Cabinet on 13 May that there was acceptance of the need for the full transfer of sovereignty to Iraq from the end of June.⁵⁶⁴ Iraqis must exercise their sovereignty, even if they decided to “delegate responsibility” in defined areas.

995. As violence in the South worsened, the UK continued to consider the US request to send additional troops.

⁵⁶³ Letter Sheinwald to Rice, 12 May 2004, [untitled].

⁵⁶⁴ Cabinet Conclusions, 13 May 2004.

996. To provide some context for the debate, Lt Gen Fry sent a paper on the consequences and risks of strategic failure in Iraq to Gen Walker, copied to Sir Kevin Tebbit.⁵⁶⁵

997. Lt Gen Fry judged that failure in Iraq was so unthinkable to the US Administration that they would “continue to provide sufficient force elements” to prevent it. As a consequence:

“The issue of the UK acceding to the US request for extra support is therefore not considered to be essential in mitigating the risk of circumstances leading to total withdrawal.”

998. Lt Gen Fry explained that whilst it was not likely that the US would allow a security vacuum to develop if the UK did not take on the two additional provinces, expanding the UK sector might allow US forces to re-deploy to the centre of Iraq. This could “remove some sensitive Shia areas from the risk of purely kinetic solutions” by US forces, and allow the “UK approach” to “help to improve Shia consent across a more uniform area”.

999. Lt Gen Fry concluded:

“... we consider that UK accession to the US requests for military support will not, in itself, guarantee the achievement of SSC [Steady State Criteria] – even if we met those requests in full. Nor can we say categorically that our refusal so to do will seriously impede progress, or irrevocably fracture the Coalition. The question remains more as to whether we can afford to take the risk of not doing so with the concomitant chance of further deterioration, and failure to extract our forces in the medium or long term.”

1000. Gen Walker told Lt Gen Fry that his paper had been “v helpful in focusing minds on this issue”.

1001. Mr Blair held a meeting on 13 May to discuss security in Iraq.⁵⁶⁶ Mr Hoon, Mr John Prescott (the Deputy Prime Minister), Mr Scarlett, Gen Walker, Sir Michael Jay, Lt Gen Fry, Mr Powell, Sir Nigel Sheinwald and other No.10 and Cabinet Office staff were present.

1002. Mr Scarlett explained that attacks against the Coalition (500 per week) were less frequent than in April (when they had reached 800 per week) but significantly higher than the position at the start of the year (200 per week). He said that:

“Fallujah was calm following the insertion of the Iraqi manned Fallujah Brigade ... Attacks on the oil terminals and pipelines posed a strategic threat, as did sustained disruption of the main supply routes. In Najaf, Muqtada al-Sadr was isolated and

⁵⁶⁵ Minute DCDS(C) to PSO/CDS, 12 May 2004, ‘Strategic Failure in Iraq – Consequences and Risks’ including Manuscript comment Walker.

⁵⁶⁶ Letter Bowen to Baker, 13 May 2004, ‘Iraq: Security’.

politically weak, and his activity was inspiring intra-Shia tension. The foreign fighters under the leadership of al-Zarqawi ... were planning big and widespread attacks in the run up to the Transition, including against the Shia.”

1003. Mr Hoon observed that in Iraq violence was now being used for internal political ends and not solely against the Coalition.

1004. Mr Blair expressed a clear view there were two key issues in Iraq: the political process and security, of which security was “fundamental”. In his view the solution was:

“... a better and quicker plan for building Iraqi capacity in the Police, Civil Defence Corps, the Army and the Intelligence Service. Although the numbers were increasing ... Iraqi security forces were not equipped, trained or led to provide the necessary capacity.”

1005. After the transfer of sovereignty, Mr Blair felt that Iraqis would be reluctant to ask the Coalition to manage security for them and this “put a real premium on building capacity urgently”. He intended to meet Lt Gen Petraeus, and asked for “a detailed proposition to improve Iraqisation” to inform a subsequent discussion with President Bush.

1006. Mr Hoon suggested that it was possible for the UK to “demonstrate a good model of how this should be done, as in southern Iraq”. Gen Walker indicated that “handing over security to local control in the South would be under way in June”.

1007. Mr Blair asked about the request to increase UK troops being considered by the MOD. Gen Walker explained that a substantial reinforcement would take the Armed Forces well beyond their planning guidelines. The Chiefs of Staff would make recommendations the following week:

“... against three strategic yardsticks: solidarity with the Coalition; increased influence over the Coalition campaign in Iraq; and enhanced control over the handling of the Shia.”

1008. Mr Blair concluded the meeting by commissioning from the MOD:

“... their best proposals for enhancing Iraqi security capability across the whole country ... cover[ing] the police, the ICDC, the army and the Intelligence Service.”

1009. On the same day as Mr Blair’s meeting on security, Sir Nigel Sheinwald sent Dr Rice a paper written by the Cabinet Office on security structures in Iraq after the handover of sovereignty.⁵⁶⁷

1010. It proposed the creation of an ‘NSC+’ to bring together Iraqi ministers, the commanders of the Multi-National Force (MNF) and (on request) the UN Special

⁵⁶⁷ Letter Sheinwald to Rice, 13 May 2004, ‘Iraq: Post Transition Security Structures’ attaching Paper Cabinet Office, 12 May 2004, ‘Iraq: Post-Transition Security Structures’.

Representative in a group chaired by the Iraqi Prime Minister. ‘NSC+’ would operate on the principle that:

“Before taking actions that directly affect the operational activities or security of the other force, they should undertake consultations and agree a way forward.”

1011. A Military Co-ordination Committee would undertake “formal co-ordination”, supported by liaison officers in each HQ. The Cabinet Office paper proposed that initially Iraqi forces would be assigned to work with the MNF, and be under their operational control. The arrangements would be described by an exchange of letters between the Iraqi Defence Minister and the Commander of the MNF.

1012. On 14 May, there was “intense fighting” outside al-Amara “in which around 20 members of the militia were killed and others detained”.⁵⁶⁸

1013. The following day the Chief of Police for Majar al-Kabir was shot dead.⁵⁶⁹

1014. In his book *Occupational Hazards*, Mr Rory Stewart, the CPA’s Deputy Governorate Co-ordinator in Maysan, suggested there might have been a link between the Chief of Police’s murder and the fighting of the previous day:

“The police chief of Majar, who was from Badr, met the Prince [Karim Mahmood Hattab, brother of the Governor of Maysan] ... The Prince accused the police chief of warning the Coalition of the ambush and held the police chief responsible for the deaths of these men, who were from the Prince’s tribe. There was a heated argument ... The police chief was shot dead. Many claimed Governor Riyadh [the Governor of Maysan] had killed him.”

The Battle of Danny Boy

The incident outside al-Amara on 14 May became known as the “Battle of Danny Boy”.⁵⁷⁰

There were subsequent allegations that, following the incident, UK soldiers unlawfully killed and mistreated a number of detainees.⁵⁷¹

The Government announced on 25 November 2009 that it was establishing the Al Sweady Public Inquiry to look into these allegations. It published its conclusions on 17 December 2014.

1015. When Mr Blair spoke to President Bush on 15 May, he suggested that “things might look very different in a few weeks time if we handled the next stage right”.⁵⁷²

⁵⁶⁸ Minute Stewart to Rycroft, 20 May 2004, ‘GOC MND(SE) – Iraq Update’.

⁵⁶⁹ Stewart R. *Occupational Hazards: My Time Governing Iraq*. Picador, 2006.

⁵⁷⁰ *BBC News*, 25 November 2009, *Bob Ainsworth to outline Iraq ‘war crimes’ inquiry*.

⁵⁷¹ House of Commons, *Official Report*, 25 November 2009, columns 81-82WS.

⁵⁷² Letter Morys to Adams, 17 May 2004, ‘Prime Minister’s discussion with President Bush on 15 May’.

1016. On 17 May, the President of the GC for that month, Mr Ezzadine Salim, was killed by a car bomb in Baghdad, along with five other Iraqi civilians.⁵⁷³

1017. On 18 May Sir Nigel Sheinwald sent Dr Rice a Note from Mr Blair for President Bush, in advance of their regular video conference two days later.⁵⁷⁴

1018. Mr Blair wrote that the coming few weeks were the last chance to move things into place before the new Iraqi government took power. The key dilemma was the tension between the political imperative to give the new government full sovereignty and the security situation, which suggested a need for a robust international presence. In Mr Blair's judgement the political imperative took precedence. Iraqi consent to the continued presence of the MNF was a key issue for the new resolution.

1019. Mr Blair proposed the following timetable:

- Week commencing 24 May: Mr Brahimi announces the President, Vice Presidents and Prime Minister. An Iraqi Electoral Commission is appointed. The US and UK suggest the resolution is close to being agreed.
- Mr Brahimi convenes a round table from across Iraq.
- Week commencing 31 May: Iraqi Prime Minister sets out his plan for Iraq in New York. The new resolution is adopted. The US/UK and the Iraqi Prime Minister publish a plan for Iraqisation of security forces.

1020. On Iraqi security forces, Mr Blair acknowledged that although numbers had risen, quality needed to be addressed, including by supporting a cadre of Iraqi leaders. In Mr Blair's view there was no alternative to a discriminating rather than indiscriminate de-Ba'athification policy.

1021. Mr Blair's Note also proposed:

- better protection of oil and power installations;
- more help for al-Iraqiya (the Iraqi Government-sponsored broadcaster) and high quality media support for the new Iraqi Prime Minister;
- replicating the basic concept of the Fallujah Brigade elsewhere; and
- that the Coalition should produce at least an approximate figure of civilian casualties, rather than leave figures being published by NGOs unchallenged.

1022. Sir Nigel and Dr Rice spoke on the telephone during the evening of 18 May.⁵⁷⁵ Sir Nigel reiterated Mr Blair's belief that the coming weeks required "a major effort".

⁵⁷³ *BBC News*, 17 May 2004, *Baghdad blast kills Iraq leader*.

⁵⁷⁴ Letter Sheinwald to Rice, 18 May 2004, [untitled], attaching Note [Blair to Bush], [undated], 'Note on Iraq'.

⁵⁷⁵ Letter Sheinwald to Adams, 18 May 2004, 'Iraq: Conversation with US National Security Adviser, 18 May'.

1023. Dr Rice indicated US agreement with the sequence of events proposed by the UK, including for the new resolution, on which Sir Nigel emphasised the need to maintain momentum by sharing draft text (except on security arrangements). They agreed to plan on the basis of an event in New York around 3 June, to be attended by the new Iraqi Prime Minister, at which the resolution would be adopted. This fitted with the proposal, supported by the French and others, to conclude the resolution before the anniversary of the Normandy landings.

1024. The following day Mr Crompton wrote to Mr Straw's Private Secretary to say that diplomatic reporting from Washington suggested Secretary Powell was not convinced of the need to adopt the resolution in early June.⁵⁷⁶ His preference was to await Mr Brahimi's conclusions on the make-up of the Interim Government, and incorporate them into the resolution.

1025. Sir David Manning had also reported from Washington that Ambassador Negroponte was resisting the call to share text with other Security Council members quickly, preferring to wait for complete agreement between US agencies on the text as a whole.⁵⁷⁷

1026. Mr Crompton wrote that there was a "broad degree of consensus" between Security Council members on the main points for the resolution, including that the detail of security arrangements should be dealt with by exchange of letters.⁵⁷⁸

1027. On the security arrangements:

"The major stumbling block is continued US insistence on a unified chain of command. Politically, we see the need for an independent Iraqi chain of command ... Iraqis could voluntarily agree to assign troops to MNF for particular operations, through agreed co-ordination mechanisms."

1028. Mr Crompton endorsed a recommendation from Sir David Manning that Mr Straw should call Mr Powell to resolve the problem. If it proved intractable, he suggested that consideration should be given to sharing the draft text as "UK alone".

1029. The fourth and final update to the UN by the UK and US took place on 19 May.⁵⁷⁹ A Security Council press release quoted Ambassador James Cunningham, for the US, saying that: "30 June would mark a vital step towards realizing the goal of an independent and stable Iraq" and that he:

"... urged the international community to participate in the important task of expanding the Iraqi security forces. That would facilitate the return of United Nations'

⁵⁷⁶ Minute Crompton to Private Secretary [FCO], 19 May 2004, 'Iraq: SCR: Foreign Secretary's Conversation with Powell'.

⁵⁷⁷ Telegram 630 Washington to FCO London, 18 May 2004, 'Iraq: New UNSCR: US views'.

⁵⁷⁸ Minute Crompton to Private Secretary [FCO], 19 May 2004, 'Iraq: SCR: Foreign Secretary's Conversation with Powell'.

⁵⁷⁹ UN Security Council, '4971st Meeting, 19 May 2004' (SC/8097).

personnel to Iraq and enable the United Nations to continue its vital role in assisting the Iraqis in election preparations.”

1030. Sir Emyr Jones Parry said:

“... the last three months had seen many challenges, including attempts to deny Iraqis the opportunity to rebuild their country. Despite the difficult circumstances on the ground ... much had been, and was being, achieved. Already, 11 ministries had been transferred to Iraqi control, and others would be transferred on the path to the restoration of full Iraqi sovereignty.

“... over the next few weeks, the Security Council would continue to work for a new resolution on Iraq, including the establishment of a sovereign Government of Iraq.”

1031. On 19 May, the FCO Iraq Directorate wrote a paper entitled ‘Iraq: The Medium Term’, attached to which were key messages and facts for use by Cabinet Ministers.⁵⁸⁰ Mr Straw’s Private Secretary sent it to the Private Secretaries of all members of the Cabinet as an “information note”.

1032. In the note, the UK’s strategic objective in Iraq was defined as “a democratic, stable and prosperous Iraq, that poses no threat to its neighbours”.

1033. Under the heading “Strategy” the Iraq Directorate listed what was needed to overcome the obstacles to achieving the strategic objectives:

- establishing the right security architecture after 30 June;
- Iraqiisation of the security forces;
- a “more flexible approach towards co-operation with existing militias”;
- minimising the profile of Coalition Forces;
- ensuring “a sensible and sensitive US approach to military operations”;
- possible UK reinforcement in southern Iraq;
- maintaining pressure on Iraq’s neighbours regarding border security; and
- continued consultation with Coalition partners.

1034. On the political process, the Iraq Directorate recommended:

- continuing to support Mr Brahimi in establishing a fully sovereign Iraqi Interim Government;
- ensuring successful negotiation of a UN Security Council resolution;
- ensuring a constructive international conference later in 2004; and
- supporting the UN to prepare for elections in January 2005.

⁵⁸⁰ Letter Owen to Quarrey, 19 May 2004, ‘Iraq: The Medium Term’ attaching Note Iraq Directorate, 19 May 2004, ‘Iraq: The Medium Term’.

1035. The Iraq Directorate concluded “this is an intense agenda across a series of complex inter-related problems, with security at their heart ... The task is considerable; the stakes are high; but it is imperative that we succeed.”

1036. An FCO briefing for Cabinet, circulated on 19 May, cautioned that members should not “under-estimate the present difficulties”.⁵⁸¹ There were signs of better organisation by insurgents and a reservoir of popular support in both Sunni and Shia areas in reaction to US military intervention in Fallujah and Najaf, with the fighting spreading to MND(SE). These security difficulties were slowing reconstruction and affecting Iraqi confidence in the Coalition.

1037. The Chiefs of Staff considered the US request for additional UK military assets to Iraq on 19 May.⁵⁸² Although they recognised there were risks and benefits in all the possible options, they agreed that the “best military option” was the deployment of both HQ ARRC to command both MND(CS) and MND(SE) and a Brigade to replace US forces in the provinces of Najaf and Qadisiyah although Gen Walker stated that “there was current doubt whether it could be delivered and sustained”.

1038. On 20 May, Mr Blair told Cabinet that he was hopeful of getting “the right result” from the UN, although time was short and the Russians and French may cause some difficulties.⁵⁸³ A UN blessing for the political process would give the new leaders more authority to represent sovereign Iraq. But they also needed improved security.

1039. In their video conference on 20 May, Mr Blair and President Bush discussed the timetable for and sequence of events surrounding the transfer of sovereignty.⁵⁸⁴

1040. Mr Blair proposed that the resolution should include clear language on Iraqi consent for the continued presence of the MNF. He again emphasised the need to press on with Iraqisation of the security forces.

1041. On 20 May, the JIC issued an update on Iraq.⁵⁸⁵

1042. The JIC judged that “the current level of violence threatens to de-rail Coalition political objectives in Iraq after 30 June”. It assessed that:

“The immediate threat from Muqtada al-Sadr has been partly contained but not resolved. Further flare-ups, on a potentially large scale, can be expected. Al-Sadr remains a threat to Shia-Coalition relations: his death or capture could provoke serious violence.”

⁵⁸¹ Letter Owen to Quarrey, 19 May 2004, ‘Iraq: The Medium Term’ attaching Paper FCO, 19 May 2004, ‘Iraq: The Medium Term’.

⁵⁸² Minutes, 19 May 2004, Chiefs of Staff meeting.

⁵⁸³ Cabinet Conclusions, 20 May 2004.

⁵⁸⁴ Letter Quarrey to Owen, 20 May 2004, ‘Prime Minister’s VTC with Bush, 20 May: Iraq’.

⁵⁸⁵ JIC Assessment, 20 May 2004, ‘Iraq Update’.

1043. The JIC reported that Coalition Forces continued operations against Muqtada al-Sadr's forces in Karbala and Najaf throughout May, but had not yet gained control of Najaf. Negotiations continued but were judged by the JIC to be "slow, opaque and so far fruitless". Growing local opposition was reported in Najaf.

1044. On Fallujah, the Assessment said:

"The Fallujah Brigade is a local expedient. Unless integrated into the Iraqi national forces' structure, it risks entrenching sectarian division in the forces creating problems downstream for the new Iraqi government and the Coalition."

1045. Maj Gen Stewart requested additional troops to provide both force protection and a mobile reserve in southern Iraq.⁵⁸⁶

1046. On 25 May, Mr Hoon's Private Secretary wrote to Mr Rycroft setting out the rationale for the request. He wrote:

"Irrespective of the decisions we reach on the commitment of UK forces to Southern Iraq as a whole ... We should meet this request."

1047. Taken alongside the planned withdrawal of another battalion, Maj Gen Stewart's request amounted to a net increase of around 550 UK troops. The request was made "against the background of the recent difficulties ... particularly around al-Amara".

1048. The letter reported Mr Hoon's view that this request should be separate from consideration of the broader US request to take responsibility for additional provinces.

1049. Mr Hoon's Private Secretary wrote a second letter to Mr Rycroft on 25 May, explaining the advice of the Chiefs of Staff on the US request for additional UK troops.⁵⁸⁷

1050. In view of the pressure that the additional deployment would put on the Armed Forces, the Chiefs recommended staging the reinforcement, deploying first the HQ ARRC and ensuring that there was a brigade ready to deploy if required, but holding it back until absolutely necessary.

1051. The letter also suggested that it could prove difficult to explain the additional deployment, both to Parliament (which might doubt whether the numbers involved were sufficient to achieve the strategic effort required) and to the Armed Forces more widely, given "the starkly conflicting messages of an increase in commitment, alongside the emergent view in the public domain of sizeable adjustments downwards in our force structures".

⁵⁸⁶ Letter Naworynsky to Rycroft, 25 May 2004, 'Iraq: Reinforcement and Re-rolling of MND(SE) Units'.

⁵⁸⁷ Letter Naworynsky to Rycroft, 25 May 2004, 'Iraq: options for a UK military contribution to the wider South'.

1052. On 26 May, the JIC provided its assessment of the prospects for security in the Centre South region, in light of the potential deployment of UK troops there.⁵⁸⁸ Among its Key Judgements were:

I. Centre South is a more volatile region than the South East and a nexus of intricate Shia politics. The security challenge is also more complex, and UK forces deployed into Centre South could face a somewhat greater level of risk than experienced in the South East ...

II. Good relations with Shia leaders, principally the Hawza, are a key requirement for maintaining Shia consent. A successful extension of British influence to the Centre South could bring greater consistency of policy and therefore stability to the Shia areas as a whole.

III. Al-Sadr's political isolation appears to be deepening. But if he is killed or captured by Coalition Forces further, potentially widespread, violence is likely. In any case, some Mahdi Army militants will continue to attack the Coalition and represent a long-term threat."

1053. The JIC considered that, in the short term, the Iraqi security forces would be unable to cope with a determined armed challenge without the help of Coalition Forces.

1054. On 26 May, Mr Richmond reported that JAM fighters seemed to be returning to Baghdad, and had withdrawn from Karbala.⁵⁸⁹ The Shia leadership had contacted Muqtada al-Sadr, who had offered to withdraw from Najaf and all government buildings, allowing the Iraqi Security Forces to return. His condition was that the Coalition should also withdraw from Najaf and put the legal case against him on hold until there was a sovereign Iraqi government.

1055. The CPA responded that efforts should be made to secure an undertaking that JAM would disarm and dissolve as well as withdraw.

1056. On 27 May, Mr Blair met Mr Hoon, Mr Straw, Mr Benn, Gen Walker and others to discuss the Chiefs' advice on the US request for additional UK troops.⁵⁹⁰

1057. Mr Rycroft's record of the meeting shows that Mr Blair agreed that Mr Hoon should announce the uplift for MND(SE), and that:

"... there was a short discussion – but no decisions – on the options for a UK military contribution to the wider South ... The Prime Minister said that of course we must do what was necessary for the success of the overall mission in Iraq. These operational military judgements must take precedence over any political considerations."

⁵⁸⁸ JIC Assessment, 26 May 2004, 'Iraq: Security Prospects in Centre South'.

⁵⁸⁹ Telegram 259 IraqRep to FCO London, 26 May 2004, 'Muqtada al Sadr'.

⁵⁹⁰ Letter Rycroft to Baker, 27 May 2004, 'Iraq: UK Military Presence'.

1058. It was agreed that Ministers would discuss the question again on 3 June. Mr Blair reiterated his request for a “full, detailed plan on Iraqi-isation of security forces” in time for the meeting.

1059. Mr Hoon told Cabinet on 27 May that the British divisional commander in Basra had requested a “modest reinforcement”, consistent with the policy of keeping force levels under review.⁵⁹¹ The reinforcement would involve about 600 additional troops. In discussion, the point was made that consideration of a more substantial reinforcement in Iraq was continuing.

1060. Mr Hoon told Parliament later on 27 May that a further 370⁵⁹² troops would deploy to Iraq in response to Maj Gen Stewart’s request for MND(SE), bringing “the total of UK forces in Iraq to about 8,900”.⁵⁹³

1061. Sir Kevin Tebbit was not present at Mr Blair’s meeting on 27 May, but when he saw the record of the discussion he expressed concern that Ministers and their advisers might have been talking at cross-purposes.⁵⁹⁴

1062. In a minute to Mr Hoon he suggested that the record of the meeting:

“... read as if the Prime Minister was in danger of believing that the options developed are based on operational military judgements of what is needed for the success of the overall mission, when it can equally be argued that they are operational military judgements of how best to proceed if Ministers decide there is an overriding political need to do more.”

1063. Sir Kevin argued that the 25 May letter to Mr Rycroft on the US request had represented the Chiefs’ advice on what “could” be done if Ministers wished something to be done, rather than what “needed” to be done for purely military purposes. His own view was that no final decisions should be taken on additional UK deployments until after agreement had been reached on the future role of Coalition troops in Iraq following the transfer of sovereignty. He also took the view that no further military contribution should be considered without a reassurance that the FCO and DFID could put their own resources in as well “to help produce the broader security result”.

1064. Mr Hoon annotated the minute “I agree with this – what would be the Chiefs’ advice on what needs to be done?”

1065. In a video conference with President Bush on 26 May, Mr Blair supported an idea from Mr Brahimi that Iraqi Ministers should present to the UN when the new resolution

⁵⁹¹ Cabinet Conclusions, 27 May 2004.

⁵⁹² The Inquiry has no evidence for why the net increase changed from 550 to 370.

⁵⁹³ House of Commons, *Official Report*, 27 May 2004, column 1725.

⁵⁹⁴ Minute Tebbit to Hoon, 28 May 2004, ‘Iraq: UK military presence’ including Manuscript comment Hoon, 29 May 2004.

was adopted.⁵⁹⁵ There were some shared concerns about French and Russian support for the resolution.

1066. Mr Blair also reported positively on moves to provide media support to the new Iraqi Prime Minister, and suggested that more Iraqi voices speaking positively about what the Coalition had achieved, and planned to achieve, were needed.

1067. In the next video conference with President Bush, on 30 May, Mr Blair hoped that the new resolution, which made clear that full sovereignty was being transferred, could be tabled on 1 June, and voted on a day or two later.⁵⁹⁶ The resolution should not include the necessity for the sovereign Iraqi Government to ‘opt in’ to the continued presence of the MNF after the election. Ideally, members of the Interim Government should be present in New York as the resolution was discussed.

1068. Mr Blair said that he intended to speak to Lt Gen Petraeus, as the Iraqisation of security was critical.

1069. Sir Nigel Sheinwald called Dr Rice to follow up the discussion.⁵⁹⁷ It was clear that President Bush was pushing for the resolution to be tabled swiftly. They agreed to suggest to Ambassador Bremer/Mr Richmond that the new Iraqi Prime Minister might be prompted to call for a swift Security Council resolution soon after his appointment.

The Impact of events in spring 2004

Sir John Sawers told the Inquiry that:

“... spring of 2004, March, April, May, was one of the low points in managing Iraq policy at the London end. We had ... the crises in Fallujah first ... We had the crisis in Najaf. We had the Abu Ghraib facilities ...

“I visited Iraq in early May and it was the gloomiest and most downbeat visit that I paid ... And I think it was then that we realised the scale of the task ahead of us and the need to really put our heads down and be in it for the longer term, because the insurgency and violence was clearly not at a peak and it was clearly going to get worse at that stage. And the Abu Ghraib issues just added another nasty twist to the difficulties that we faced.”⁵⁹⁸

Sir John’s view of spring 2004 as a significant moment for the Coalition was shared by Lord Turnbull, who told the Inquiry:

“For me, the turning point in all this was the capture and the murder and the burning of the American engineers [in Fallujah] and then their bodies are hung up on the

⁵⁹⁵ Letter Quarrey to Owen, 26 May 2004, ‘Iraq: Prime Minister’s VTC with Bush, 26 May’.

⁵⁹⁶ Letter Rycroft to Adams, 30 May 2004, ‘Prime Minister’s conversation with Bush, 30 May’.

⁵⁹⁷ Letter Sheinwald to Adams, 30 May 2004, ‘Iraq: conversation with US National Security Advisor’.

⁵⁹⁸ Public hearing, 16 December 2009, page 53.

bridge. That – suddenly I thought, ‘This is really not going well’. You know, we have really hit something very, very serious at this point ...”⁵⁹⁹

Mr Rycroft described April/May 2004 to the Inquiry as “an ongoing very difficult moment” and recalled a sense of increasing “exasperation from the Prime Minister that even though he felt he understood what needed to be done, it wasn’t being done”.⁶⁰⁰

For the Civil Service, Lord Turnbull told the Inquiry that Abu Ghraib prompted a feeling that it was “kind of sullied, kind of disgraced”.⁶⁰¹

Mr Edward Chaplin told the Inquiry that it took a long time for the Coalition’s image to recover from the Abu Ghraib scandal:

“... as regards opinion in the Arab world, which was probably the most critical factor ... the television images replayed again and again and I think did damage, certainly”.⁶⁰²

The impact of Abu Ghraib was also felt by the UK military. Lt Gen Figgures told the Inquiry that as a result of the revelations:

“A major prop of a campaign, the winning of the consent of the Iraqi people, had been given a savage knock ...

“So it was a severe blow to our ability to prosecute the campaign.”⁶⁰³

Maj Gen Andrew Stewart said “Abu Ghraib had a significant effect on us in terms of people – the public turning against us.”⁶⁰⁴

Mr Hoon told the Inquiry:

“... those kinds of revelations simply demonstrated that we were perceived by still more of the population as being occupiers, as being foreign, as being the enemy, and that necessarily made it harder to keep people on side in terms of hearts and minds”.⁶⁰⁵

Mr Blair told the Inquiry that he was “shocked and angry” after seeing photographs of the conditions in Abu Ghraib for the first time.⁶⁰⁶ He judged that “these pictures and the abuse of prisoners was going to be vital propaganda for our enemies”.

Sir David Omand told the Inquiry that Fallujah and Abu Ghraib “played directly into the radical extremist propaganda” which increased the level of jihadist activity in the UK.⁶⁰⁷

⁵⁹⁹ Public hearing 13 January 2010, page 85.

⁶⁰⁰ Private hearing, 10 September 2010, page 97.

⁶⁰¹ Public hearing, 13 January 2010, page 87.

⁶⁰² Public hearing, 7 December 2009, page 7.

⁶⁰³ Public hearing, 9 December 2009, page 64.

⁶⁰⁴ Public hearing, 9 December 2009, page 71.

⁶⁰⁵ Public hearing, 19 January 2010, page 175.

⁶⁰⁶ Public hearing, 29 January 2010, pages 214-215.

⁶⁰⁷ Public hearing, 20 January 2010, pages 42-43.

June 2004

Appointing the Iraqi Interim Government

The RAND report describes Mr Brahimi, assisted by Ambassadors Bremer and Blackwill, carrying out a large number of consultations with members of the GC and other notable Iraqis, with the aim of securing agreement on the composition of an Iraqi Interim Government.⁶⁰⁸

After the first person he suggested for Prime Minister was rejected by the US, Mr Brahimi then suggested Dr Ayad Allawi, who was enthusiastically received. Dr Allawi, a secular Shia Muslim and leader of the Iraqi National Accord (INA), had been in exile in London during most of Saddam Hussein's regime.

Sir David Richmond told the Inquiry that Mr Brahimi had made use of the knowledge acquired by UK and US officials and had succeeded in:

“... widening the base of Iraqis with whom we worked, which was very important, because we were trying to hand over to a representative government. We were aware Iraqis with whom we were working were not really as representative as we would have wished.”⁶⁰⁹

On the choice of Prime Minister, Sir David described:

“...a meeting going on at which various candidates were being discussed and Lakhdar Brahimi was essentially saying that his first choice, Shahrstani, was not going to fly for a variety of different reasons, and one or two other names were being thrown around, all of them not apparently particularly suitable.

“So I sort of just asked the question had Sistani raised an objection to Ayad Allawi and Brahimi said no. That came as a considerable surprise to everybody in the room, except Lakhdar Brahimi. That was a godsend to me, to those who wanted to see Ayad Allawi as Prime Minister. There was no objection from Najaf. I think within 48 hours he was consecrated Prime Minister.”⁶¹⁰

Sir Nigel Sheinwald told the Inquiry that Dr Allawi's name had not been mentioned to the UK all the way through the period of the formation of the Interim Government, but that “from the moment we heard that he was going to be the Prime Minister, he was pretty much welcome to us”.⁶¹¹

The GC formally announced Dr Allawi's selection as Prime Minister on 28 May 2004.⁶¹²

1070. On 1 June the Iraqi Interim Government (IIG) was sworn in, with Dr Ayad Allawi as Prime Minister and Dr Barham Salih as Deputy Prime Minister.⁶¹³ Sheikh Ghazi al-Yawar, a former civil engineer, was sworn in as President. Dr Ibrahim Ja'afari of the

⁶⁰⁸ Dobbins J, Jones SG, Runkle B & Mohandas S. *Occupying Iraq: A History of the Coalition Provisional Authority*. RAND Corporation, 2009.

⁶⁰⁹ Public hearing, 26 January 2011, page 47.

⁶¹⁰ Public hearing, 26 January 2011, page 48.

⁶¹¹ Private hearing, 3 September 2010, page 51.

⁶¹² *BBC News*, 28 May 2004, *Future Iraqi prime minister named*.

⁶¹³ *BBC News*, 1 June 2004, *Iraq's interim cabinet sworn in*.

Dawa Party and Dr Rowsch Shaways, President of the Kurdistan National Assembly, were appointed as Deputy Presidents.

1071. A press conference was held in Baghdad by the Prime Minister, President and Mr Brahimi to announce the new Government.

1072. Almost two-thirds of the Interim Government's Cabinet were new faces; just two had also held positions in the GC.⁶¹⁴ The Council of Ministers was composed largely of technocrats, some with political affiliations.

1073. Mr Blair telephoned Prime Minister Allawi on the day of his swearing in.⁶¹⁵ After offering his congratulations, Mr Blair stressed the importance of getting UN Security Council endorsement of the Interim Government, and sought comments on the draft text of the proposed resolution.

1074. Mr Blair encouraged Prime Minister Allawi to travel to New York alongside Foreign Minister Zebari for the adoption of the resolution, and to make time to speak to the Western media, which lacked a strong Iraqi voice.

1075. Mr Blair told President Bush later the same day that Prime Minister Allawi had come across well in their conversation, and that he should speak to the Western media.⁶¹⁶

1076. The same group of Ministers and officials who had assembled on 27 May met again on 3 June.⁶¹⁷ Mr Hoon and Gen Walker explained that:

“With increasing Iraqiisation there should be a reduction, not increase, in the number of troops. No more troops were required for the tasks currently assigned to the UK in MND(SE). But if for other reasons (solidarity with the US, increased influence in Iraq, increased likelihood of achieving strategic goal in Iraq) it was decided to go ahead, the optimal military solution would be to provide both the ARRC as a three-star HQ to command both MND(SE) and MND(CS) and a brigade of troops.”

1077. After “a full discussion” that was not described in the record of the meeting, Mr Blair concluded that “the issue should be kept under advisement for now ... We should only consider an increased commitment if the new Iraqi Government supported it.”

1078. An MOD paper on Iraqiisation was considered and it was agreed that a UK team should be deployed to Iraq to draft “the equivalent of a white paper on defence and security”. Mr Blair asked for an update on “what is actually happening in MND(SE) in terms of handing over responsibility for security to the Iraqis”. A further meeting was planned for the middle of June.

⁶¹⁴ UN Security Council, ‘4984th Meeting, 7 June 2004’ (SC/8113).

⁶¹⁵ Letter Quarrey to Owen, 1 June 2004, ‘Iraq: Prime Minister’s Conversation with Ayad Allawi, 1 June’.

⁶¹⁶ Letter Quarrey to Owen, 1 June 2004, ‘Prime Minister’s VTC with Bush, 1 June’.

⁶¹⁷ Letter Rycroft to Baker, 3 June 2004, ‘Iraq: Prime Minister’s meeting 3 June’.

1079. On 7 June, Mr Brahimi briefed the Security Council that:

“... after a long, complicated and delicate process under less than optimal conditions, Iraq had two institutions essential for the next phase – an Interim Government and a National Independent Electoral Commission.”⁶¹⁸

1080. Mr Brahimi described the process of forming the Interim Government as “imperfect and ambiguous” but that the result had been a “capable and reasonably balanced” group ready to take power on 30 June. The challenges they faced were considerable, and would take “years, not months, to overcome”.

1081. Mr Brahimi reported that his team had consulted widely on how to select the Interim Government. They had resolved on a process by which a forum made up of the past, present and future Presidents of the GC, working together with the CPA and the UN, decided on the criteria for determining who would be selected. Following further wide consultation, a consensus emerged that Dr Ayad Allawi should be Prime Minister; and that a three-person Presidency Council should be formed, supported by a Council of Ministers, largely made up of technocrats.

1082. The day after Mr Brahimi’s briefing, the Security Council adopted resolution 1546 (2004).

1083. The main issue during its negotiation had been the description of post-transition security arrangements.⁶¹⁹

1084. Resolution 1546 welcomed the beginning of a new phase in Iraq’s transition to a democratically elected government, and looked forward to the end of the occupation by 30 June 2004.⁶²⁰

1085. The key parts of resolution 1546 were that the Security Council:

- endorsed the formation of a sovereign Interim Government of Iraq (IGI) which would take full responsibility for governing Iraq, whilst not taking actions “affecting Iraq’s destiny beyond the interim period”;
- welcomed the end of the Occupation;
- endorsed the proposed timetable for Iraq’s political transition to democratic government, including the formation of the IGI, and the holding of direct democratic elections by no later than 31 January 2005;
- defined a number of roles for the Special Representative to the Secretary-General and the United Nations Assistance Mission for Iraq including preparing Iraq for elections, drafting a permanent Constitution, advising the Government

⁶¹⁸ UN Press Release, 7 June 2004, ‘Lakhdar Brahimi Briefs Security Council on “Complicated and Delicate” Process Leading to Iraq’s Interim Government, Electoral Commission’ (SC/8113).

⁶¹⁹ Telegram 523 UKMIS New York to FCO London, 8 June 2004, ‘Iraq Resolution: Text in Blue’ attaching two papers.

⁶²⁰ UN Security Council resolution 1546 (2004).

on the development of services and reconstruction, and promoting the protection of human rights, reconciliation and judicial and legal reform;

- welcomed efforts by the incoming IGI to develop Iraqi security forces;
- noted that the presence of the MNF in Iraq was at the request of the IGI and so reaffirmed the authorisation for the MNF contained in resolution 1511;
- decided that the MNF should have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including by preventing and deterring terrorism;
- welcomed the fact that arrangements were being put in place to establish a security partnership between the IGI and MNF;
- decided that the mandate for the MNF should be reviewed at the request of the IGI or 12 months from the date of the resolution, and that the mandate should expire at the completion of the political process;
- requested Member States and international and regional organisations to contribute assistance to the MNF and to support the efforts of the UN Assistance Mission in Iraq and to assist the IGI in building police and other services to combat terrorism; and
- made clear that the Development Fund for Iraq could only be spent by the Government of Iraq.

1086. Annexed to the resolution was a letter from Prime Minister Allawi to the President of the Security Council asking for support in providing security and stability against forces opposed to Iraq's transition to peace and democracy, until Iraq was able to provide security for itself.

1087. Dr Allawi proposed to establish the Ministerial Committee for National Security, to which the Commander or Deputy Commander of the MNF would be invited as appropriate. The Committee would discuss mechanisms for co-ordinating with the MNF. Dr Allawi wrote that:

“We will be working closely with the MNF leadership in the coming week to ensure we have such an agreed strategic framework.”

1088. A letter from Secretary Powell to the President of the Security Council was also annexed. He confirmed that the MNF was prepared to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq:

“The goal of the MNF will be to help the Iraqi people to complete the political transition and will permit the United Nations and the international community to work to facilitate Iraq's reconstruction.”

1089. Secretary Powell wrote that the MNF stood:

“... ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include activities necessary to counter ongoing security threats posed by forces seeking to influence Iraq’s political future through violence ... including combat operations against members of these groups, internment where this is necessary for imperative reasons of security, and the continued search for and securing of weapons that threaten Iraq’s security.”

1090. Reflecting on the resolution in a working breakfast with President Bush on 9 June, Mr Blair welcomed its unanimous adoption and proposed that the next step should be “to sort out the Iraqiisation of security forces”.⁶²¹ He recognised that would be a “huge task” given the number of weapons in Iraq, and hoped that Prime Minister Allawi and Lt Gen Petraeus would agree and publish a detailed plan.

1091. Mr Hoon discussed the US request for additional UK troops with Lt Gen McColl, during a visit to Iraq on 14 June.⁶²² Lt Gen McColl’s view was that:

“... the UK should deploy HQ ARRC and a further brigade to support the US who in his view were ‘suffering’. General Abizaid had commented recently that he had already asked for HQ ARRC six times.”

1092. Asked by Mr Hoon what difference that additional deployment would make, Lt Gen McColl commented:

“... a UK deployment would allow us to conduct operations in MND(CS) from a UK perspective.

“... if we did not deploy additional troops there would be a higher level of risk to troops in Iraq and a further risk to the strategic mission.”

He added that:

“... the issue of increasing UK influence on the US was becoming ‘embarrassing’. The positions that the UK held in various HQs (and hence the influence) was disproportionate to our overall troop deployment and financial contributions.”

1093. On 14 June, the Cabinet Office circulated a discussion paper as background for the next Ministerial meeting on the US request to deploy additional troops.⁶²³ This set out the advantages and disadvantages of three options:

- no expansion;

⁶²¹ Letter Rycroft to Adams, 9 June 2004, ‘Prime Minister’s meeting with President Bush 9 June 2004: Iraq and European Issues’.

⁶²² Letter Naworynsky to Owen, 17 June 2004, ‘Meeting between the Secretary of State for Defence and Senior British Military Representative – Iraq: 14 June 2004’.

⁶²³ Minute Cabinet Office [junior official] to Owen, 14 June 2004, ‘Iraq: the context for an extension of military forces’ attaching Paper Cabinet Office, 11 June 2004, ‘Iraq: The Context for an Expansion of Military Forces’.

- the deployment of the ARRC with a brigade of troops “on stand-by at high-readiness”; or
- the simultaneous deployment of both the ARRC and a brigade of troops.

1094. The Cabinet Office observed that the US Administration remained interested in securing the additional UK troops but, in view of the fact that they had been willing to give the UK time to consider the request and had not sought to apply pressure, a positive UK response was judged to be “desirable but not critical”.

1095. Sir Nigel Sheinwald wrote a minute for Mr Blair containing his advice for the meeting.⁶²⁴ Sir Nigel said that the ARRC should not be deployed “if it is just to alleviate American overstretch, since we are under severe pressure too”. He urged Mr Blair to “probe CDS [Gen Walker] who seems to be saying both that it [deployment of the ARRC] would be significant and that the reasons for doing this are political not military”.

1096. Both Sir Nigel and the Cabinet Office highlighted the difficulties inherent in almost doubling UK forces in Iraq (if the ARRC and a brigade were deployed) whilst simultaneously focusing on Iraqiisation and the transfer of sovereignty.

1097. The same group of Ministers and officials who had met on 3 June, plus Mr Paul Boateng, the Chief Secretary to the Treasury, met on 15 June. Mr Rycroft recorded in a letter to Mr Hoon’s Private Secretary that they had concluded that the UK:

“... should not close the door to the possibility of sending further UK troops. We should keep the option open until around the time of the NATO Summit [28 and 29 June]. But there was no pressing military reason to send them, nor were we coming under much pressure from the US to do so. We should not raise US expectations by talking to them about the details of how the reinforcement might take place.”⁶²⁵

1098. On 16 June, Sir Nigel Sheinwald sent Dr Rice a Note written by Mr Blair for President Bush.⁶²⁶ Looking ahead to several weeks containing “international meetings” Mr Blair proposed a strategic plan, the objectives of which included “to show continued Iraq ‘grip’” and “to deal with any WMD/intelligence issues” (see Section 4.4).

1099. Mr Blair envisaged that the timetable and strategy in relation to Iraq would include the IIG publishing an “action plan on Iraqiisation of Iraq’s security” in the week before handover and an international conference in early September. Mr Blair wrote that the problem on Iraqiisation 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

⁶²⁴ Minute Sheinwald to Prime Minister, 14 June 2004, ‘Iraq Meeting, 1430 Tuesday’ attaching Paper Cabinet Office, 11 June 2004, ‘Iraq: The Context for an Expansion of Military Forces’.

⁶²⁵ Letter Rycroft to Baker, 15 June 2004, ‘Iraq: Prime Minister’s Meeting, 15 June’.

⁶²⁶ Letter Sheinwald to Rice, 16 June 2004, [untitled] attaching Note Blair [to Bush], [undated], ‘Note’.

9 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.”

1100. Mr Blair's Private Secretary suggested that he should discuss the plan outlined in his Note to “draw together various key strands of work (Iraq, WMD, Afghanistan, MEPP) into a coherent strategy with a clear timetable into the autumn” with President Bush on 22 June.⁶²⁷

1101. In mid-June, the JIC assessed the threat posed by Abu Musab al-Zarqawi.⁶²⁸ It concluded that:

- I. Al-Zarqawi is now second only to Bin Laden as an inspirational figure in the Islamist extremist world. His networks have proved resilient and if he is killed or captured other leaders will emerge.
- II. Islamist terrorists have been responsible for a number of major suicide attacks in Iraq, and al-Zarqawi has been behind many of them.
- III. Other significant but less well-publicised Islamist terrorist groups are conducting similar attacks against similar targets. But his actions and words have given al-Zarqawi an unrivalled prominence as the key jihadist leader in Iraq.
- IV. It is not clear whether al-Zarqawi is a member of Al Qaida. He has close links with the leadership, but maintains his independence.
- V. His strategy in Iraq is to destabilise the country by fomenting civil war, and eventually to establish a Sunni Islamist state – and a safe haven from which Islamist terrorists can pursue the jihad. In pursuing this strategy he will seek to intensify attacks in the lead up to the handover of power and beyond, targeting Americans, British, Kurds, Shia and other Iraqis seen as supporting the Coalition and the new Iraqi government.”

1102. On 17 June, Mr Blair told Cabinet that the Iraqi people were beginning to realise that terrorist attacks were not against the Coalition, but rather against Iraq and its people.⁶²⁹ He suggested that this should result in a reduction in support for terrorist activity.

1103. Gen Walker told the AHMGIR on the same date that there had been a marginal improvement in the security situation and that incidents in MND(SE) were down by 20 percent.⁶³⁰ There continued to be targeted attacks by militants, using increasingly sophisticated tactics.

⁶²⁷ Minute Quarrey to Blair, 22 June 2004, ‘VTC with President Bush, 22 June’.

⁶²⁸ JIC Assessment, 16 June 2004, ‘International Terrorism: The Threat from Abu Musab Al-Zarqawi’.

⁶²⁹ Cabinet Conclusions, 17 June 2004.

⁶³⁰ Minutes, 17 June 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

1104. Sir Kevin Tebbit, who had recently visited Baghdad, judged that “while we were not losing the security battle, we were entering a new and very dangerous phase”.

1105. Mr Hoon commented that the security situation was very different in the South. He noted the difficult situation faced by UK forces in Maysan, who were sustaining 22 percent casualties. That could not continue indefinitely, and root causes such as unemployment needed to be examined.

1106. On 18 June, Mr Martin Howard, MOD Director General Operational Policy, submitted advice to Mr Hoon on the options for deploying the ARRC, intended to result in a decision ahead of the forthcoming NATO summit, which was thought to be an ideal opportunity to inform other countries and announce a deployment.⁶³¹

1107. The submission listed three options:

- deployment to Afghanistan in 2006;
- deployment to Iraq; or
- remaining as part of the NATO Reaction Force.

1108. Mr Howard did not recommend which option should be selected. He asked Mr Hoon to agree that “if Ministers decide against deployment to Iraq ... there are sound military and political reasons for committing the ARRC to Afghanistan in mid-2006”. That “would chime well with plans for strategic handoff in Iraq around mid-06”.

1109. Mr Howard suggested that, while deployments to either Afghanistan or Iraq might reinforce the ARRC’s operational credentials, deployment to Iraq could “undermine its position as a reliable NATO asset”. He wrote:

“The obvious conclusion is that a decision in favour of Iraq would need to be supported by a very strong political or military rationale, preferably both; stewardship of the forthcoming elections, where HQ ARRC has the potential to have an effect in creating the right security conditions, could be a factor in this respect. Overall, however, the political rationale remains opaque with latest assessments of the timelag in deployment weakening any obvious operational rationale.”

1110. Sir Kevin Tebbit wrote to Mr Hoon on 21 June to say that he endorsed Mr Howard’s submission, recommending that “we instead earmark the ARRC for Afghanistan in 2006”.⁶³²

1111. Sir Kevin had recently returned from a visit to Iraq and reported that the ARRC deployment had been raised with him by two US Generals and by Ambassador Bremer, who saw it as supporting the training of the Iraqi Armed Forces because:

⁶³¹ Minute Howard to PS/SofS [MOD], 18 June 2004, ‘HQ ARRC Deployment Options’.

⁶³² Minute Tebbit to Secretary of State [MOD], 21 June 2004, ‘HQ ARRC Deployment’.

“... only the US and UK had the professionalism, together with the readiness to provide the guarantee of warfighting back-up, that would enable the Iraqis to progressively take over responsibility for security.”

1112. In Sir Kevin’s discussions, no-one had suggested the deployment made the difference between strategic success or failure in Iraq. He advised:

“Were there to be a more serious risk of strategic failure, then there would be a need perhaps to reconsider at least as far as troop numbers are concerned.”

1113. The record of points on Iraq discussed at the video conference between Mr Blair and President Bush on 22 June indicates that Mr Blair argued that Prime Minister Allawi and Lt Gen Petraeus should keep working on a detailed plan for Iraqisation, for publication.⁶³³ Mr Blair said that it appeared that the obstacles to that process were being removed and that both the quantity and quality of the ISF were increasing. He suggested that the NATO Summit in Istanbul should be the vehicle to get agreement from NATO to support training in Iraq.

1114. The Chiefs of Staff meeting on 23 June was, according to Mr William Ehrman, who attended on behalf of the FCO:

“... taken up by Afghanistan. There were no points of note on Iraq. Chiefs noted that the Defence Secretary would write to the Prime Minister that day recommending that the HQ ARRC be deployed to Afghanistan in 2006.”⁶³⁴

1115. On the same day, Mr Hoon’s Private Secretary wrote to Mr Blair’s Private Secretary to explain that the case for deploying HQ ARRC to Iraq was receding.⁶³⁵ Although it would have provided a visible expression of the UK commitment to success in Iraq, and might have increased UK influence over the direction of the overall campaign, any military effect would not be felt until the autumn. In any case, the security concerns that had led to the US requesting additional UK forces had reduced.

1116. Instead, Mr Hoon supported planning for a 2006 deployment of HQ ARRC to Afghanistan. That would not preclude deployment to Iraq later in 2004 if the security situation were to deteriorate dramatically.

1117. Sir Nigel Sheinwald told the Inquiry that Ministers had decided not to deploy the ARRC to Iraq because they did not think there was a sufficiently compelling case for doing so, and because the ARRC “might be needed in the future should we move into a more ambitious military role in Afghanistan”.⁶³⁶

⁶³³ Letter Quarrey to Owen, 22 June 2004, ‘Prime Minister’s VTC with Bush, 22 June: Iraq’.

⁶³⁴ Minute Ehrman to Thompson, 23 June 2004, ‘Chiefs of Staff, 23 June: Afghanistan’.

⁶³⁵ Letter Naworynsky to Quarrey, 23 June 2004, ‘Allied Rapid Reaction Corps (ARRC): deployment options’.

⁶³⁶ Public hearing, 16 December 2009, page 87.

1118. Sir Nigel also told the Inquiry that:

“... there was no sense in the summer of 2004 that we were sort of making a decision to make Afghanistan our main military effort. There’s no record that I have seen which suggests that.”⁶³⁷

1119. As the transfer of sovereignty approached, on 23 June the Iraq Policy Unit reported to Mr Straw’s Private Secretary that FCO Legal Advisers had assessed all CPA legislation against the UK’s legal obligations to see what risks arose.⁶³⁸

1120. The advice said that:

“As the Secretary of State is aware, we have since the beginning of the Occupation fought a series of policy and legal battles with the US over various CPA initiatives or pieces of legislation. These have occurred in some cases over differences of approach to policy, particularly given the US ambitious agenda to lay the foundations for long-term reform of the Iraqi economy and society, and in some cases because of an expansive US approach to the law of Occupation.”

1121. In relation to resolution 1483, consultation with the Special Representative to the UN Secretary General had not taken place, although the IPU noted that no one in the UN had ever protested to the CPA or UK.

1122. The advice identified three other potential risk areas, two of which raised potential incompatibilities with the UK’s obligations under the European Convention on Human Rights and one of which suggested that the UK might be jointly responsible for an action which went beyond its powers in Iraq.

1123. Mr Straw’s Private Secretary wrote a note to Mr Crompton in manuscript to record that the Foreign Secretary had “noted” the advice.

1124. At Cabinet on 24 June, Mr Blair said that efforts to intimidate people not to join the ISF and to disrupt power and oil supplies were increasingly seen as contrary to the interests of the Iraqi people.⁶³⁹ He told Cabinet that “this was a crucial psychological shift”.

1125. Mr Hoon wrote to Secretary Rumsfeld on 25 June, explaining that the UK had decided to deploy the ARRC to Afghanistan rather than Iraq.⁶⁴⁰

1126. On 26 June, Mr Blair sent messages of appreciation to UK staff in the CPA who would be leaving Iraq.⁶⁴¹

⁶³⁷ Private hearing, 3 September 2010, page 35.

⁶³⁸ Minute Crompton to Private Secretary [FCO], 23 June 2004, ‘Iraq: The Extent of the UK’s Obligations in Iraq’ including manuscript comment Private Secretary, 2 July 2004.

⁶³⁹ Cabinet Conclusions, 24 June 2004.

⁶⁴⁰ Letter Hoon to Rumsfeld, 25 June 2004, ‘ARRC Options’.

⁶⁴¹ Letter Blair to Richmond, 26 June 2004, [untitled]; Letter Blair to Segar, 26 June 2004, [untitled]; Letter Blair to Nixon, 26 June 2004, [untitled].

1127. The Occupation of Iraq formally came to an end on 28 June, two days earlier than had been originally planned in order to avoid disruption by insurgents.

1128. Ambassador Bremer recorded that the idea for the early transfer reached him through Dr Rice, who reported that “the President is interested in trying to ‘wrong foot’ the opposition”.⁶⁴²

1129. Power was transferred from the CPA and GC to the Iraqi Interim Government (IIG).⁶⁴³

1130. The IIG comprised a President, two Vice Presidents, a Prime Minister, a Deputy Prime Minister, and 31 ministers. Six of the 31 ministers were women.

1131. Sir David Richmond told the Inquiry that the representation of women was:

“... one of the minor success stories of the CPA ... John Sawers and Jerry Bremer when they were setting up the Iraqi Governing Council were very insistent there should be women members. I think there were three at that stage. We said that the Iraqi governing council had to choose the Ministers in that sort of first government that was set up at the end of August-beginning of September 2003. There were no women.

“So my conclusion was that left to their own devices I think there would have been very few women involved in the process, but we learned from that lesson, and in drafting the transitional administrative law, the TAL, which was in effect the interim Constitution and the electoral process and representation in the assemblies and so on, we insisted on a quota for women. There were also women in the interim government we handed over to. Quite a lot of work was done by various people, including some of the British secondees to try to set up women’s groups to encourage their participation in the process.”⁶⁴⁴

1132. On 28 June, as he prepared to leave Baghdad, Mr Richmond sent a valedictory telegram to the FCO in which he assessed the failures and achievements of the CPA.⁶⁴⁵ He judged that:

“The failure to crack down on the orgy of looting in April last year resulted in a crime wave which the Coalition has never been able to bring fully under control.”

1133. Mr Richmond acknowledged that it could be argued the Coalition would have faced a security challenge regardless of its actions, but observed:

⁶⁴² Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006.

⁶⁴³ Bremer LP III & McConnell M. *My Year in Iraq: The Struggle to Build a Future of Hope*. Threshold, 2006. Note: Ambassador Bremer describes last-minute UK concerns about the early transfer of power. There is no evidence on this point in the papers available to the Inquiry.

⁶⁴⁴ Public hearing, 26 January 2011, pages 50-51.

⁶⁴⁵ Telegram 359 IraqRep to FCO London, 28 June 2004, ‘Iraq: Valedictory: The End of Occupation’.

“... it is hard to escape the conclusion that CPA policies and US military tactics made the situation worse”.

1134. After security, Mr Richmond suggested that “services have been the CPA’s main failing. Baghdad presently has fewer than 12 hours per day of electricity – no different from a year ago”.

1135. Looking back on the Seven Step Plan devised by Ambassador Bremer, Mr Richmond assessed it as:

“... no doubt overly ambitious ... But, rightly, he [Ambassador Bremer] wanted Governing Council buy in and by the time it was clear that they could not agree and that Sistani’s opposition was an insurmountable obstacle, three months had been wasted.”

1136. Mr Richmond said that a:

“... major political problem we faced was the lack of internal leadership, particularly but not exclusively Sunni, as a result of Saddam’s policy of eliminating all potential rivals. The CPA was forced to rely on exiles and political parties which were organised on ethnic/sectarian lines. Their dominant presence on the Governing Council and the absence of strong Sunni representation tended to reinforce a feeling among the Sunni community that they were being excluded from the political process.”⁶⁴⁶

1137. The Inquiry asked Sir David Richmond whether the CPA could have done more to encourage the election of political leaders who were more “indigenous”, in that they had lived through the Saddam Hussein era and were less bound by ethnic sectarian lines. He said:

“I think quite a lot of effort was put into it but I admit that we did not succeed ... the distinction between exile and indigenous over time ... disappeared but it was still a factor up until June 2004 ... Lakhdar Brahimi ... was very determined, rightly, to try to find some new Sunni individuals who could play a leadership role and he found that extremely difficult. He didn’t find it any easier than the CPA had found it.

“So yes, we failed, but I think it was because of the circumstances I have described there, the situation which we found ourselves in rather than a failure to recognise the problem or to put sufficient effort in trying to remedy it.”⁶⁴⁷

1138. In his valedictory telegram Mr Richmond observed that Iraqis were glad to be rid of Saddam Hussein and that much had been accomplished in the political arena (including the TAL and the creation of the interim government and electoral

⁶⁴⁶ Telegram 359 IraqRep to FCO London, 28 June 2004, ‘Iraq: Valedictory: The End of Occupation’.

⁶⁴⁷ Public hearing, 26 January 2011, pages 49-50.

commission).⁶⁴⁸ The new currency and independent Central Bank also counted as positive, as did work to “re-establish the machinery of government”.

1139. Although no immediate improvement in security was expected, and new structures were “fragile”, Mr Richmond nonetheless saw grounds for optimism, as the Iraqi people increasingly felt their future was in their own hands.

1140. The final paragraph of Mr Richmond’s telegram paid tribute to the UK staff within the CPA:

“Despite the risks, they got on with their work and in an organisation which repaid initiative exercised influence out of all proportion to their numbers. Their courage and fortitude were exemplary.”

1141. Mr Blair and President Bush met in the margins of a NATO Summit in Istanbul on the day that the handover took place in Iraq.⁶⁴⁹ Mr Blair emphasised the need to support the IIG with training and equipment it needed, and for the new Government to develop a proper communications strategy.

1142. Mr Blair suggested that if asked about the IIG imposing martial law, the response should be that “the Iraqis should take tough security decisions in order to secure democracy, but this was not the same as suspending human rights”.

1143. On 29 June, at the same NATO Summit, Mr Blair announced that the ARRC would deploy to Afghanistan in 2006.⁶⁵⁰

1144. The handover to the IIG led the UK to review the Rules of Engagement and the Targeting Directive under which its operations were conducted, to reflect the fact that there was no longer a state of armed conflict with Iraq.⁶⁵¹

1145. Instead of operations being governed by the Law of Armed Conflict, they would instead be conducted under the domestic rules of self defence as they applied to ordinary citizens in England and Wales (under section 3 of the Criminal Law Act 1967). The degree of force used must be the minimum necessary to avert the risk of loss of life and lethal force could only be used to prevent loss of life on the part of Coalition Forces or Iraqi civilians.

1146. Ms Vivien Rose, Head of the General and International Law Team in the MOD, wrote to Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, to seek Lord Goldsmith’s endorsement of the new Directive.

1147. The revised Targeting Directive contained a “dormant” section which said that, if the situation in Iraq deteriorated so that a state of armed conflict existed once again

⁶⁴⁸ Telegram 360 IraqRep to FCO London, 28 June 2004, ‘Iraq: Valedictory: The End of Occupation’.

⁶⁴⁹ Letter Rycroft to Adams, 28 June 2004, ‘Prime Minister’s meeting with President Bush’.

⁶⁵⁰ Fairweather J. *A war of choice: The British in Iraq 2003-9*. Jonathan Cape, 2011.

⁶⁵¹ Letter Rose to Adams, 29 June 2004, ‘Targeting Directive for Iraq’.

the Joint Commander could seek Ministerial approval to conduct operations under International Humanitarian Law.

1148. On 30 June, the JIC issued an Assessment covering the overall security situation in Iraq.⁶⁵²

1149. The JIC judged that “the recent spike of activity by anti-Government forces is a deliberate attempt to undermine the political process”. The early handover may have avoided the transfer “being marked by a surge of violence”.

1150. On 24 June, there had been a series of attacks in Baqubah, Ramadi and Mosul which the JIC assessed were “probably co-ordinated”. The JIC assessed:

“Al-Zarqawi had claimed responsibility for some ... but the extent of his planning and direction is unclear. If he was behind the attacks, the breadth and scale would represent a step change.”

1151. The JIC assessed that the threat from Muqtada al-Sadr was declining, with indications of splits in JAM in Baghdad.

1152. The JIC judged that:

“The level of violence will diminish if the Iraqi Interim Government is able visibly to establish a credible degree of independence of action, deal with security, improve economic and social conditions, so gaining popular support. But Islamist terrorist attacks will remain a threat.”

⁶⁵² JIC Assessment, 30 June 2004, ‘Iraq Security’.

SECTION 9.3

JULY 2004 TO MAY 2005

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Introduction

1. This Section addresses:

- the UK role in the political development of Iraq, including preparation for Iraq's first post-Saddam Hussein elections in January 2005 and subsequent negotiations to form the Iraqi Transitional Government under Prime Minister Ja'afari;
- strategies for tackling the Sunni insurgency, including the UK role in preparation for the second major US offensive in Fallujah; and
- plans for the deployment and withdrawal of UK troops.

2. This Section does not address:

- the UK contribution to the reconstruction of Iraq and reform of its security sector, which are covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

July 2004

4. 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.¹

5. The judge presiding told all 12 what 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.”

6. The Annotated Agenda for the Ad Hoc Ministerial Group on Iraq Rehabilitation (AHMGIR) on 1 July informed Ministers that the next seven months in Iraq, leading to elections in early 2005 and the creation of an Iraqi Transitional Government and National Assembly, would be the real test of the success of the transition and the Interim Iraqi Government (IIG) to which the Coalition Provisional Authority (CPA) had handed power at the end of June.²

7. The Annotated Agenda also said:

“As expected, the pre-handover period was marked by an **increase in attacks** on both coalition and, increasingly, Iraqi forces.”

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

² Annotated Agenda, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

8. When the AHMGIR met, the FCO was commissioned to co-ordinate an integrated UK strategy covering the period up to Iraqi elections.³

9. On 2 July, the Assessments Staff reported “no major attacks over the transition period, and a distinct downturn in lower-level attacks, especially in Baghdad”; probably attributable to bringing forward the handover date and increased security measures as it approached.⁴

10. In the first few days of July, Mr Edward Chaplin arrived in Baghdad to take up post as the first British Ambassador to Iraq for 13 years.⁵

11. Mr Chaplin told the Inquiry that “the overall priority for the Embassy ... was the support of the political process and making sure that elections could take place on time at the end of January 2005”.⁶

12. On 5 July, the Assessments Staff provided Sir Nigel Sheinwald, Mr Blair’s Foreign Policy Adviser, with statistics on the number of attacks against the Multi-National Force – Iraq (MNF-I) and Iraqi targets which showed that there had been a reduction:

“... at some 400/week, however, it is still running well above the rate in January/February.”⁷

13. Sir Nigel commented in manuscript to Mr Blair that there were “some, tentative, positive signs”.

14. Mr Blair spoke to President Bush by video conference on 6 July and commented that although insurgents would continue their activities, overall the security situation was better.⁸ In the South-East, Iraqis were increasingly in the lead on security.

15. Mr Blair was concerned to remind the public about Saddam Hussein’s use of chemical weapons and to expose and document the human rights abuses which had taken place during his regime.

16. A meeting of the Iraq Strategy Group on 9 July noted:

“... the withdrawal of the MNF was likely to be a key [Iraqi] election issue. While we remained committed to help Iraq with security, we needed to start thinking about the possibility that we would be reducing our presence in Iraq during 2005. We would want to avoid the appearance of our assistance being rebuffed.”⁹

³ Minutes, 1 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

⁴ Minute Dowse to Sheinwald, 2 July 2004, ‘Iraq Update – 2 July’.

⁵ Public hearing, 7 December 2009, pages 1-2.

⁶ Public hearing, 7 December 2009, page 6.

⁷ Minute Dowse to Sheinwald, 5 July 2004, ‘Iraq Attack Statistics’ including Manuscript comment Sheinwald to Prime Minister.

⁸ Letter Quarrey to Owen, 6 July 2004, ‘Prime Minister’s VTC with Bush, 6 July: Iraq’.

⁹ Minute Cabinet Office [junior official] to Sheinwald, 13 July 2004, ‘Iraq: Strategy Group’.

17. Attendees at the Iraq Strategy Group were also told that increasing the UN's engagement in Iraq, including by the appointment of a new Special Representative, was proving to be difficult.

18. In their conversation on 12 July, Mr Blair told President Bush that he was encouraged by recent reports on Iraq; the key was now to maintain momentum, including by pushing the UN to develop its role and by supporting Prime Minister Allawi.¹⁰

19. On the same day Mr Ashraf Jehangir Qazi was appointed as the new UN Special Representative for Iraq, with responsibility for the United Nations Assistance Mission for Iraq.¹¹

20. Mr Qazi was a Pakistani diplomat who had been Ambassador of Pakistan to the United States since September 2002.¹²

21. The strategy paper commissioned by the AHMGIR on 1 July was circulated to members of the Defence and Overseas Policy Committee (DOP) on 13 July.¹³

22. The introduction to the paper said that it offered:

“... a strategic look at the position we want Iraq to be in at the end of January 2005; risks to our strategy; and priority areas in which the UK can help ensure success.”

23. The following objectives were proposed in the paper:

- Political
 - an elected Transitional National Government which enjoys broad domestic and international support; and
 - increased international support for the IIG.
- Security
 - real inroads into the insurgency through Iraqi-led security and political measures, including a political process (aimed at drawing in former regime elements and militants such as Muqtada al-Sadr) and improved co-operation with Iraq's neighbours over border security; and
 - significantly increased Iraqi security capacity with Iraqi forces in local control around much of the country and a reduced reliance on international troops, paving the way for foreign troop reductions in 2005.
- Reconstruction and economic development
 - a functioning Iraqi Administration in Baghdad and at governorate level capable of delivering basic services;

¹⁰ Letter Quarrey to Owen, 12 July 2004, 'Prime Minister's VTC with Bush, 12 July: Middle East issues'.

¹¹ *BBC News*, 12 July 2004, *Annan names new UN envoy to Iraq*.

¹² UN Press Release, 14 July 2004, 'Ashraf Jehangir Qazi of Pakistan Appointed Special Representative for Iraq'.

¹³ Paper FCO, 13 July 2004, 'Iraq: The Next Six Months'.

- reconstruction programmes which deliver jobs and improvements to infrastructure and services; and
- reduction of subsidies and an agreed IMF programme leading to a debt settlement by the end of the year.

24. The paper said that security problems posed the greatest risk to achieving the objectives it set out, in particular the risk of “a terrorist spectacular” against either the IIG or the UN. Other significant risks included postponement of the elections, pressure for premature withdrawal of the MNF-I, infrastructure failures during the summer and an increase in sectarian tension.

25. Based on the objectives and risks listed, the UK priorities proposed were:

- redefining the US and UK relationship with the IIG, so that it would be seen to be taking decisions without interference;
- persuading the UN to increase its engagement;
- pushing for an international conference;
- improving electoral communications and getting the UK media to reflect “the improving situation in Iraq”;
- supporting IIG efforts to re-engage members of the former regime and keeping pressure on neighbouring states regarding border security;
- mitigating opposition to the MNF-I, including by countering perceptions of an intention to stay indefinitely;
- supporting Iraqiisation of security forces;
- keeping pressure on the US to spend money in Southern Iraq; and
- pressing the UN and World Bank to send staff back to Iraq.

26. When DOP met on 15 July it agreed those priorities and also that the UK should continue to encourage potential contributors to a UN protection force.¹⁴

27. Some positive progress on electricity production was reported, but implementation of the main infrastructure contracts was slow. DOP agreed that DFID should produce a note on infrastructure issues which Mr Blair might use in discussions with President Bush.

28. In a paper for the Chiefs of Staff dated 16 July, Lieutenant General Robert Fry, Deputy Chief of the Defence Staff (Commitments), stated that “although insurgency continues, development of competent Iraqi Security Forces remains on track.”¹⁵

29. Provided the necessary criteria were achieved, the campaign plan envisaged a gradual drawdown of troops during 2005 leading to final withdrawal in 2006, to be followed by a period of “Strategic Overwatch”.

¹⁴ Minutes, 15 July 2004, DOP meeting.

¹⁵ Minute DCDS(C) to COS, 16 July 2004, ‘Strategic Intent’.

30. Lt Gen Fry assumed that “some form of enduring commitment ... will be required”.

31. On the same day Dr Condoleezza Rice, the US National Security Advisor, told Sir Nigel Sheinwald, who was visiting Washington, that President Bush was of the view that the only way to honour those who had died in Iraq was to get the job done.¹⁶ There would be no reduction of US troops unless the security situation permitted it.

32. On 21 July, the Joint Intelligence Committee (JIC) issued an Assessment of the security situation in Iraq.¹⁷

33. The JIC recorded that, across Iraq, there was a brief reduction in violence immediately after the IIG assumed authority on 28 June, but “attacks are still occurring at a steady rate that is impeding progress on the international community’s political and economic objectives for Iraq”.

34. Of those attacks:

“Most ... continue to be against the MNF, using small arms, improvised explosive devices (IEDs), mortars and rockets. But suicide car bomb attacks, principally targeting Iraqis, have also continued. Islamist groups, and others, continue to take (and kill) hostages ... Attacks against infrastructure continue.”

35. Although the situation in Najaf, Karbala and the Shia areas of Baghdad remained “relatively calm”, the Jaysh al-Mahdi (JAM) “in effect retains control of the Imam Ali shrine in Najaf”. Muqtada al-Sadr was maintaining a “low profile” and was assessed to be “seeking a political role, while retaining military options”.

36. The JIC judged that:

“No significant reduction [in the level of violence] is likely in the near term and a number of triggers during the next few months may result in increased violence.”

37. Lieutenant General William Rollo told the Inquiry that, when he arrived to take over as GOC MND(SE) in July 2004, the situation in the South of Iraq was “basically quiet”.¹⁸

38. The Annotated Agenda for the AHMGIR on 22 July said that “there have been a number of high profile incidents in recent days ... reflecting the continued capacity of insurgents to plan and carry out attacks”.¹⁹

39. In a single week in mid-July, the Governor of Mosul, a leading member of the Basra Provincial Council, the Babil Chief of Police and one of the Iraqi MOD’s Directors General were killed in separate incidents, along with several members of the Iraqi Security Forces and civilians. The Iraqi Minister of Justice was also attacked.

¹⁶ Letter Rycroft to Adams, 18 July 2004, ‘Nigel Sheinwald’s visit to Washington’.

¹⁷ JIC Assessment, 21 July 2004, ‘Iraq Security’.

¹⁸ Public hearing, 15 December 2009, page 4.

¹⁹ Annotated Agenda, 22 July 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

40. Mr Blair and President Bush spoke by video conference on 22 July.²⁰ Mr Blair asked about progress on the “Iraq Security Plan” and noted that:

“... showing progress on controlling the violence was the toughest issue – for the UK public a real sense that Iraq was on the way to a peaceful future was essential.”

41. An early draft of a security strategy for the IIG, drawn up by US, UK and Iraqi representatives in Baghdad – but not seen by Prime Minister Allawi – was reviewed by a meeting of senior officials chaired by Mr Bowen on 27 July.²¹

42. At the meeting, Mr Blair’s Private Secretary said:

“... the Prime Minister believed the security strategy should be a key document in communicating the IIG’s plans on security to the Iraqi people. The current draft was not the document the PM was anticipating: it went much broader, and lacked detail on plans to develop the security forces and Iraqiise security.”

43. The meeting was told that work on Iraqiisation was being carried out by a separate team, led by Lieutenant General David Petraeus, Commander Multi-National Security Transition Command – Iraq (MNSTC-I). FCO officials were tasked to find out more detail on that work, as well as on the budget to implement the strategy, whether the document had Iraqi support and what US views were.

August 2004

44. On 2 August, an MNF-I patrol passing near Muqtada al-Sadr’s house in Najaf came under attack.²² Fighting within Najaf escalated and spread to other parts of Iraq, particularly Baghdad but with sporadic attacks on the MNF-I and ISF in al-Kut, Nasiriyah, al-Amara and Basra. This upsurge in violence within Shia areas coincided with a wider deterioration in security in Sunni areas, in particular Samarra and Mosul.

45. In a meeting with General George Casey, Commander of the Multi-National Force – Iraq, and Lieutenant General John McColl, his deputy and the Senior British Military Representative – Iraq (SBMR-I), on 4 August, Prime Minister Allawi thought it was essential “to act decisively against the insurgency”.²³ He commissioned an analysis of the areas where the IIG and MNF-I could “match strength against insurgency weakness” to achieve success. That should focus on Fallujah, Ramadi, Samarra, North Babil, Baqubah and Baghdad.

46. On 4 August, Secretary Powell told Mr Straw that he judged the situation in Sunni areas to be:

²⁰ Letter Phillipson to Adams, 22 July 2004, ‘Prime Minister’s VTC with President Bush, 22 July: Iraq and MEPP’.

²¹ Minute Cabinet Office [junior official] to Sheinwald, 28 July 2004, ‘Iraq: Security Strategy’.

²² JIC Assessment, 11 August 2004, ‘Iraq Security: Shia Violence’.

²³ Telegram 98 Baghdad to FCO London, 5 August 2004, ‘Iraq: Security: Briefing the Prime Minister’.

“... worse than many understood. It was indigenous, self-generating and run by highly sophisticated and intelligent individuals capable of shifting their strategy in response to developments on the ground.”²⁴

47. In a report on 5 August, the British Embassy Baghdad observed that “there is an Iraqi face being put on the operation” and that providing strong Iraqi leaders to take over once the MNF-I had played its part was Gen Casey’s condition for MNF-I involvement.²⁵

48. Also on 5 August Mr Simon Collis, British Consul General in Basra, reported that the detention on 3 August of four members of the Office of the Martyr Sadr had increased tension between the Sadrist militia and the MNF-I in Basra City, Maysan and Nasiriyah.²⁶

49. The tension was such that Mr Collis reported “there is a fair probability of mortar attack attempts on British bases tonight, possibly including our Consulate”.

50. A report from Baghdad on the same day recorded heavy fighting in Najaf between the MNF-I and Sadrist militia plus an insurgent attack on the police in Mosul.²⁷

51. In order to show that the IIG was in charge of the situation, Prime Minister Allawi planned to announce the introduction of the death penalty, and to take steps to manage media coverage.

52. On 6 August, Mr John Sawers, FCO Director General Political, chaired a meeting of senior officials to discuss developments in Iraq.²⁸

53. On security, the meeting was told that:

“There had been a spike in attacks in the last 48 hours. MOD’s initial assessment was that the security situation was not yet unmanageable and that it probably did not represent a single, co-ordinated, plan. It was important that the MNF was measured in its response and did not undermine progress towards the Iraqiisation of security tasks.”

54. Mr Blair’s Private Secretary told the meeting that Mr Blair was concerned that neither an Iraqi security strategy nor an MNF-I internal review of the Iraqiisation process had yet appeared.

55. The security strategy was particularly important for demonstrating publicly that the IIG had a plan to tackle the security situation. The FCO was instructed to press Prime Minister Allawi on the importance of issuing a public statement soon.

²⁴ Letter Owen to Quarrey, 4 August 2004, ‘Foreign Secretary’s Conversation with US Secretary of State, 4 August’.

²⁵ Telegram 98 Baghdad to FCO London, 5 August 2004, ‘Iraq: Security: Briefing the Prime Minister’.

²⁶ Telegram 86 Basra to FCO London, 5 August 2004, ‘Iraq: OMS Activity in Basra’.

²⁷ Telegram 103, Baghdad to FCO London, 5 August 2004, ‘Iraq: Security: Ministerial Committee on National [Security]’.

²⁸ Minute Cabinet Office [junior official] to Sawers, 6 August 2004, ‘Iraq’.

56. Mr Asquith, FCO Director Iraq, reported on 9 August that Prime Minister Allawi understood the need to explain the IIG's strategy on security, "but does not think the National Security Strategy document fits the bill".²⁹

57. Prime Minister Allawi had however agreed the need to sort out the details quickly with the MNF-I. He envisaged "a statement setting out the security strategy in detail – including with numbers, timelines and objectives for what the government planned to achieve", to be issued shortly before the National Conference planned for mid-August.

58. The JIC assessed the recent upsurge of violence in Shia areas on 11 August and judged that:

"The scale of the violence has not matched the intensity or breadth of the attacks in April, nor have there been indications of wider public support for al-Sadr and his militia."³⁰

59. In Najaf and elsewhere the Mahdi Army was:

"... resisting strongly ... and continues to pose a significant threat to Iraqi Interim Government political and security objectives ... [It] has proven, again, to be capable of generating widespread attacks across central and southern Iraq and reinforcing vulnerable points when needed."

60. Although the JIC assessed that violence in Sunni areas presented "the more enduring challenge", Shia violence was "providing a serious test of strength" to Prime Minister Allawi's Government.

61. The JIC assessed that:

"The position of Grand Ayatollah al-Sistani, receiving medical treatment in the UK, is not clear and his absence may have weakened a potential moderating influence on all sides."

62. The JIC judged that the exact degree of Iranian involvement in recent events was unclear, but Iran was providing "encouragement, funding and possibly arms to the Mahdi Army".

63. A message from Mr Asquith in Baghdad on 11 August suggested that, although its instinct was to take decisive military action in Najaf, the IIG had been persuaded to delay, at least until after the National Conference on 15 August.³¹ Planning was under way for military action at a later point.

²⁹ Telegram 107 Baghdad to FCO London, 9 August 2004, 'Iraq: Security: Prime Minister's Views'.

³⁰ JIC Assessment, 11 August 2004, 'Iraq Security: Shia Violence'.

³¹ Telegram 118 Baghdad to FCO London, 11 August 2004, 'Iraq: Security and Najaf'.

64. A subsequent telegram from Mr Collis highlighted that “any attack on the holy sites is liable to have a major and lasting impact across the South”.³² That risk could be mitigated by:

- making the operation an ISF, rather than MNF-I, one with Prime Minister Allawi fronting political and media operations;
- explaining the purpose of such action to Grand Ayatollah al-Sistani and Mr Kofi Annan, UN Secretary General;
- launching a major humanitarian operation in Najaf; and
- re-launching economic reconstruction across the South.

65. Maj Gen Rollo supported all of those points.

66. Mr Collis advised that “high level contact from London to take Allawi and the Americans through our concerns” would make sense.

67. A discussion between Cabinet Office and No.10 officials on 11 August concluded:

“The **security situation** was bad, both in the Sunni and Shia areas. While the fighting in Shia areas currently had greater profile, the problems in the Sunni areas were more strategically significant ... The policy question was how we suggested Allawi should deal with the problems, particularly in Najaf. Generally, the view of the meeting was that action did need to be taken against Muqtada al-Sadr (MAS), but that there were significant risks, military and political, which would need to be managed ... If they [the ISF] were not ready, any operation risked either failing or drawing in coalition forces.”³³

68. Officials also observed that “while **Allawi** was performing relatively well, the Iraqi Interim Government (IIG) remained highly dependent on him for drive and direction”.

69. On 11 August, a briefing paper for Mr Blair in advance of a telephone call with President Bush stated that, while the main strategic challenge remained the violence in the Sunni areas, the immediate issue was addressing the situation in Najaf and its spread across southern Iraq.³⁴

70. Muqtada al-Sadr remained a threat that would need to be “dealt with ... probably sooner rather than later” although he was not considered to pose a strategic threat as he had earlier in the year.

71. The brief said that any decision to deal with Muqtada al-Sadr was for Prime Minister Allawi to take, and the MNF-I would need to support that decision. It seemed likely that no action would be taken before the National Conference. The brief suggested that

³² Telegram 103 Basra to FCO London, 11 August 2004, ‘Iraq: Security and Najaf’.

³³ Minute Cabinet Office [junior official] to Fergusson, 11 August 2004, ‘Iraq’.

³⁴ Minute Quarrey to Prime Minister, 11 August 2004, ‘Iraq: Phone Call with President Bush’.

Mr Blair should voice UK concern that Iran was encouraging, financing and possibly arming the Sadrists.

72. Mr Blair spoke to President Bush by telephone later that day and said that the UK considered that the Iranians were at least encouraging and funding Muqtada al-Sadr, and might be sending him arms.³⁵ He was aware that the US did not entirely share that assessment.

73. In Mr Blair's view, the Iranians were concerned that they would be the next target for US military action and were therefore concluding that they should make life more difficult for the US in Iraq. He intended to send a personal message to Iran via Mr Richard Dalton, British Ambassador to Iran, making clear that no-one was talking about invading Iran, but that if they "misbehaved" on Iraq then "things would only get more difficult for them".

74. From 15 to 18 August a National Conference was held to select an Iraqi Interim National Council (IINC) of 100 members to oversee the IIG until the election of the Transitional National Assembly in January 2005.³⁶ The Conference included a wide range of Iraqis: representatives of political parties, the religious hierarchy, tribes, the regions and civil society.

75. The British Embassy Baghdad reported that three methods were put forward at the Conference for selecting the members of the IINC:

"... a slate system of complete lists of 81 names, the UN's proportional representation based on the make up of the conference (which would favour the established political parties) and a caucus system requiring delegates to form ad hoc groupings receiving one Council seat for every 13 delegates in the group."³⁷

76. Delegates opted for the slate system, by a "clear majority".

77. The IPU assessed the conference as:

"... a qualified success. That it took place, despite the security situation, was an achievement. It generated a great deal of interest ... and included some vigorous debates. And it succeeded in selecting a broadly representative 100 member National Council, 26 percent of whom are women. It did not, however, succeed in drawing in any elements on the fringes of the insurgency."³⁸

78. On 18 August, a Current Intelligence Group (CIG) assessed security in Iraq.³⁹

³⁵ Letter Quarrey to Sinclair, 11 August 2004, 'Prime Minister's telephone conversation with President Bush, 11 August: Iraq and Iran'.

³⁶ JIC Assessment, 2 September 2004, 'Iraq: Political Prospects'.

³⁷ Telegram 136 Baghdad to FCO London, 18 August 2004, 'Iraq: National Conference'.

³⁸ Submission Crompton to Private Secretary [FCO], 27 August 2004, 'Iraq: Next Steps' attaching Paper Iraq Policy Unit, 27 August 2004 'Iraq: Next Steps' and Letter Charlton to Phillipson, 24 August 2004, 'Iraq'.

³⁹ CIG Assessment 18 August 2004, 'Iraq Security'.

79. Its Key Judgements included:

I. The number of attacks against the Multinational Force and Iraqi targets has now matched the previous highest level in April. There is no sign of an early improvement.

II. The confrontation in Najaf has become a test of credibility for Allawi and the IIG. Allawi will have to tread a fine line between acting before the conditions for success are right and delaying too long and appearing weak, unless al-Sadr backs down. Iraqi forces will be heavily reliant on broader US military support.”

80. The CIG judged that even if a negotiated settlement was agreed, a residual Shia insurgency would probably persist, and that:

“The Shia violence has tended to obscure the fact that attacks in Sunni areas have also continued unabated. Large areas in a number of Sunni cities remain under insurgent control. This will continue to be the most serious long-term security problem for the IIG.”

81. The CIG recorded that a British journalist, Mr James Brandon, had been kidnapped by JAM in Basra. Mr Brandon was released shortly afterwards, but kidnappings continued.

82. The CIG assessed that the “mixed performance” of the ISF had been highlighted in Shia areas. In Basra the police chief was reported to be “in league with the militants and elements of the Iraqi police were involved in the kidnapping of the British journalist”. In al-Amara the police chief had agreed not to interfere in JAM activities because of “police concern about their own vulnerability rather than support for al-Sadr”.

83. On 19 August, Maj Gen Rollo reported:

“There has been a significant mood change over the past week and a marked deterioration in the security situation in the South East ... In the week up to August 15, the number of hostile incidents aimed specifically against multi-national forces in this area showed an increase of 300 percent over the previous peak in April 2004. These attacks have become more sophisticated and more lethal.”⁴⁰

84. Maj Gen Rollo attributed the rise in attacks to “tensions and confrontation” in Najaf, and commented that:

“A pause or reduced tension in Najaf will have immediate and positive effects in the South. However, it will not solve the problem here. There will remain an irreducible number of militant sympathisers who will wish to attack and intimidate. I intend to tighten the screw on the militants and exploit every opportunity to re-occupy ground in Basra and elsewhere by resuming the visible patrolling that we had reduced in number and intensity on transfer of authority at the end of June ... There is no

⁴⁰ Minute GOC MND(SE) to CJO, 19 August 2004, ‘GOC MND(SE) – Iraq update – 19 August 2004’.

evidence of widespread or deep support for Muqtada, in the police or the population at large. Their loyalties have come under pressure as they watch the events unfold in Najaf ...”

85. On 20 August, Mr Blair’s Private Secretary wrote to the Overseas and Defence Secretariat of the Cabinet Office to commission a:

“... full picture of the situation in Iraq after the National Conference, how we are going to get from here to successful elections in January, and the challenges we will face.”⁴¹

86. Mr Phillipson’s letter followed a “long discussion” the previous day with Mr Blair, who had observed that the security situation and the slow rate at which the ISF were being trained and equipped presented a real risk to the achievement of the UK’s objectives in Iraq. Mr Blair had indicated that he wanted to discuss Iraq strategy with President Bush “soon”.

87. The British Embassy Office Basra remained “in lock-down, with a twice daily helicopter service to the airport”.⁴²

88. Mr Ali A Allawi recorded in his book on the Occupation of Iraq that Grand Ayatollah al-Sistani brokered a solution to the violence in Najaf and Kufa.⁴³ The five point agreement he negotiated with Muqtada al-Sadr on 26 August called for:

- demilitarisation of Najaf and the nearby city of Kufa and the withdrawal of all armed groups;
- responsibility for maintaining law and order in the two cities to be handed to the Iraqi police;
- withdrawal of all foreign forces from the two cities;
- compensation by the Iraqi Government for all victims of the violence; and
- completion of a census as the basis of general elections to restore complete Iraqi sovereignty.

89. According to Mr Allawi:

“Muqtada couched his climbdown in terms of submission to the demands of the highest religious authority. The Interim Government had no choice but to accept the terms of the agreement ...”

90. Mr Allawi judged that, although all the key players claimed some part in the success in reaching agreement, Grand Ayatollah al-Sistani, by demonstrating his control over the Shia, emerged the “only clear winner”.

⁴¹ Letter Phillipson to Fergusson, 20 August 2004, ‘Iraq: Next Steps’.

⁴² Letter Cabinet Office [junior official] to Jack, 23 August 2004, ‘Iraq: Ad Hoc Group’.

⁴³ Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.

91. The Iraq Senior Officials Group on 27 August was told that:

“... we should not assume the problems with Muqtada Al Sadr (MAS) and his militias had been solved. In particular, there was no way of enforcing their agreement to disarm.”⁴⁴

92. In response to the 20 August commission from Mr Blair’s Private Secretary, the IPU provided a paper on 27 August which contained “little new in policy terms”.⁴⁵

93. The paper concluded that the strategy agreed by DOP in July remained the right one but would need regular fine tuning.

94. Drawing on a letter from Mr Alan Charlton, British Chargé d’Affaires Washington, the IPU also advised that President Bush was “letting US officials in Baghdad make the running” and that the UK should focus its effort with the President on a few issues where Washington could make a difference, specifically:

- keeping the elections on course;
- IIG outreach to the regions;
- ensuring that the US did not take reconstruction in the South for granted; and
- Security Sector Reform.

95. The IPU paper also included a description of the key risks, including:

- continued security problems;
- preparations for elections falling further behind schedule and pressure from the IIG to postpone them; and
- lack of communications support for the IIG.

96. The Private Secretary’s covering minute to Mr Blair suggested that the IPU’s paper was “too vague”, did not reflect the deteriorating security situation in Basra and elsewhere and did not offer a clear way forward.⁴⁶ He recalled that Mr Blair had asked for the “unvarnished truth so that we can engage in a frank discussion about how we can help the IIG restore control”.

97. After discussing the paper with Sir Nigel Sheinwald, Mr Antony Phillipson (Mr Blair’s Private Secretary for Foreign Affairs) recommended that a new paper should be commissioned, broken into three sections:

- how to ensure that the elections took place, on time, in January 2005;
- how the Sunni triangle could be brought “back under control”; and
- how order could be restored in Basra.

⁴⁴ Letter Cabinet Office [junior official] to Jack, 27 August 2004, ‘Iraq: Senior Officials Group’.

⁴⁵ Submission Crompton to Private Secretary [FCO], 27 August 2004, ‘Iraq: Next Steps’ attaching Paper Iraq Policy Unit, 27 August 2004, ‘Iraq: Next Steps’ and Letter Charlton to Phillipson, 24 August 2004, ‘Iraq’.

⁴⁶ Minute Phillipson to Prime Minister, 27 August 2004, ‘Iraq: Next Steps’.

98. Within each section, the issues of Iraqiisation and governance should be “mainstreamed” and answers provided on:

- whether Iraqiisation really was on track and, if not, what could be done; and
- how to build up capacity within the IIG to govern.

99. Mr Phillipson noted that although the UK had an enormous stake in getting these issues right, it did not have direct control over the levers. Prime Minister Allawi therefore remained “the key”.

100. On 29 August Mr Blair set out his analysis of the issues in a minute to Sir Nigel, Mr Jonathan Powell, his Private Secretary and a junior member of his No.10 staff.⁴⁷ He wrote:

“The situation is self-evidently serious. But two basic elements remain valid:

“We are trying to help Iraq become what most Iraqis want it to be; and the FRE and extremists are trying to stop us ...

“Iraq has therefore become the battleground for the future of the region: does it go benign, showing Muslim and Arab nations can embrace the modern world; or descend into a mixture of religious fanaticism and brutality that only brutal dictators or even less than brutal dictators can manage? ...

“Our strategy is fine in one sense: Iraqiisation of security and support for the democratic political process. The problem is that the urgency of the situation may overwhelm us and make our timelines for Iraqiisation naïve.

“The fact is Allawi needs help now; and there has to be a clear sense of our gripping the situation now.”

101. Mr Blair listed things that should be done, including:

- providing “first-class political, media and strategic capability ... now” to support Prime Minister Allawi, drawing on “the best home-grown Iraqi talent” supported by “our own people” who should be “hand-picked” immediately;
- examining DFID’s assistance to key Iraqi ministries, in particular defence, “to ensure real robustness and ... if necessary, our people put in”;
- ensuring Prime Minister Allawi had immediate access to “strong, well-armed brigades who can move into any trouble-spot and clean up”, with “commanders in the field whose loyalty and that of their troops is clear”;
- unblocking funding for reconstruction, which was “key to winning hearts and minds”;

⁴⁷ Minute Prime Minister to Sheinwald, 29 August 2004, ‘Iraq’.

- getting a renewed strong message from UK military and civilians in MND(SE) on what was urgently required and then delivering against those requirements; and
- tackling Iranian interference.

102. Mr Blair also wrote that the UK should make clear that “we aren’t going anywhere until the job is done, i.e. we aren’t going to be defeated. Period.” He concluded his minute:

“When I meet Allawi in September, it should be with a coherent plan to change the situation.”

103. In a telephone call with President Bush on 31 August, Mr Blair said he was concerned that Prime Minister Allawi “was not getting exactly what he needed in terms of help to strengthen his political and communications strategies”.⁴⁸ He suggested that the US and UK “needed to ensure that Allawi had some visible successes in the coming weeks”.

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104. At its meeting on 1 September the JIC discussed the prospects for the IIG up to the election in January 2005, at the request of the FCO.⁴⁹

105. The JIC assessed that the IIG’s agenda had so far been dominated by security, particularly the uprising in Najaf. Now that the situation there appeared to have been resolved, the way seemed clear for Prime Minister Allawi to focus on the Sunni insurgency which remained “the main longer-term problem”.

106. Prime Minister Allawi had already passed emergency legislation, including a limited amnesty, and re-introduced the death penalty but his attempts to engage the Sunni insurgents directly had only limited success. The security situation was continuing to hamper reconstruction, which in turn was undermining public confidence in the IIG.

107. The JIC’s view was that the political timetable for the January 2005 elections was ambitious given the prevailing security environment, with extremists on all sides “certain to attempt to disrupt proceedings”. Although postponement was likely to suit the IIG, the JIC judged that “any significant delay would provoke confrontation with Sistani and risk unrest”.

108. The JIC’s analysis of the composition of the Iraqi Interim National Council is set out in the table below. The JIC made clear the figures were simplistic and should be treated with caution. There was considerable overlap between the groups; in particular, most members also had some tribal or provincial affiliation in addition to their association with a political party.

⁴⁸ Letter Phillipson to Adams, 31 August 2004, ‘Prime Minister’s phonecall with President Bush, 31 August’.

⁴⁹ JIC Assessment, 2 September 2004, ‘Iraq: Political Prospects’.

Table 1: Composition of Iraqi Interim National Council

Former IGC Members	19%
SCIRI/Badr	6%
Dawa Party	3%
Other Islamist Parties	7%
Kurds	17%
Tribes	7%
Independents	8%
Provincial Caucuses	8%
Female	25%
Regional Personalities	10%
Preparatory Committee Members	8%

109. The JIC observed that:

“Although the process of selecting the Council was far from democratic, it nevertheless produced a body which found favour with the majority of conference delegates.”

110. Established Shia and Kurdish parties got most of the seats reserved for political groups, while Sunni Arabs were less well represented.

111. In early September, Maj Gen Rollo reported that he was:

“... encouraged by the fact that anti-Muqtada forces and moderates (the majority) have been strengthened by what they consider to be the submission of Muqtada al-Sadr to the rightful religious authority. Should his militia return arbitrarily to confrontation, I am confident that there will be greater resistance from the Iraqis themselves, and greater support to us in acting firmly against threats to stability.”⁵⁰

112. On 2 September, an assessment of resistance to the coalition in Iraq was provided to Mr Stuart Jack, Head of the FCO Iraq Operations Unit, and Mr David Richmond, FCO Director General Defence and Intelligence.⁵¹ It said:

“... the Sunni resistance remains the greatest threat to the political process ... Their movement is facilitated by US military disengagement from the centres of key Sunni cities (Fallujah, Samarra, Ramadi, Ba’qubah) ... Attacks in the Sunni triangle and Baghdad remain at a high level. Fatalities amongst the ISF, who have assumed sole responsibility for policing Sunni city centres, have increased significantly since handover.”

⁵⁰ Minute Rollo to CJO, 2 September 2004, ‘GOC MND (SE) – Iraq Update – 02 September 2004’.

⁵¹ Minute senior government official specialising in the Middle East to Jack and Richmond, 2 September 2004, ‘Resistance to the Coalition in Iraq’.

113. On the threat posed by Muqtada al-Sadr and the Shia militia:

“In the wake of the Najaf crisis ... the Sadrists are down but not out ... Since the Najaf agreement ... the JAM leadership has indicated their intention to retain heavy weapons for future use. Our conclusion is that despite the recently brokered truce with the Sadrists in Basra and al-Sadr’s proclaimed determination to follow a political path, the threat to British forces remains high. Post-handover, our ability to disrupt it unilaterally is curtailed but ... there may be opportunities to work with the Iraqis to neutralise elements of the Sadrist militia leadership.”

114. Maj Gen Rollo reported to Air Chief Marshal Glenn Torpy, the Chief of Joint Operations, on 8 September that the situation in MND(SE) had improved.⁵² There had been:

“... no hostile incidents of note over the past week in MND(SE), and on some days there have been no hostile incidents at all. Just as the confrontation in Najaf ramped up the tension down here, so its apparent resolution has seen an abrupt end to the militia attacks against us.”

115. On 9 September, Sir Nigel Sheinwald and Mr David Quarrey (a Private Secretary to Mr Blair) sent Mr Blair a minute reporting their recent visit to Iraq, for use in Mr Blair’s planned video conference with President Bush.⁵³

116. Sir Nigel and Mr Quarrey reported that they had:

“... heard a range of views on the key issues (Americans mostly more optimistic, Brits and Allawi less so.) We have heard some impressive numbers ... but we have heard such numbers before, and delivery is far from certain. The only safe prediction is that the going will continue to be very tough.”

117. Sir Nigel and Mr Quarrey explained that a “joined up programme was needed” and highlighted:

- The ongoing development of an effective counter-insurgency strategy to “regain control of cities in the Sunni triangle”. The ISF would lead the exercises, but would require significant MNF-I support.
- Continued Iraqiisation of security forces which could take until well into 2006; further progress would require “the NSC [National Security Council] and Number Ten ... to be all over these issues” to keep the pressure up.
- The lack of a worked-out IIG strategy for Sunni outreach.
- The logistical challenge of elections, and the likelihood that candidates would “pronounce on the timing of the departure of the MNF”.

⁵² Minute Rollo to CJO, 8 September 2004, ‘GOC MIND (SE) – Iraq Update – 08 September 2004’.

⁵³ Minute Sheinwald and Quarrey to Blair, 9 September 2004, ‘Iraq’.

- Practical support for Prime Minister Allawi. Two No.10 staff were to be seconded to provide support with government co-ordination and logistics (Mr Nicholas Cannon, a former Assistant Private Secretary to Mr Blair) and communications (Mr Charles Heatly).

118. Sir Nigel and Mr Quarrey recommended that the key message for Mr Blair's conversation with President Bush should be "this is a decisive period for our joint mission in Iraq" and that the UK and US must:

- hold firm on January elections;
- keep up pressure for delivery on Iraqisation and reconstruction; and
- "give Allawi the sort of political advice ... he needs to help him win the election".

119. During his visit, Sir Nigel met Prime Minister Allawi, who expressed concern about the capacity of Iraqi Security Forces, which "needed more help from the UK".⁵⁴

120. Mr Hilary Benn, International Development Secretary, told Cabinet on 9 September that on a recent visit to Baghdad and Basra he had been able to "feel the difference" since the transfer of sovereignty.⁵⁵ Sunni outreach was needed in the South, where the mood was one of "persistent victimisation". Reconstruction activity was continuing, but had been adversely affected by the security situation.

121. Summing up the Cabinet discussion, Mr Blair said that the coalition must send strong signals that it would stay in Iraq until the job was done, so that the Iraqi people would not fear abandonment. Those opposing the coalition through terrorism had "a clear strategy to plunge the country into chaos" but:

"It was a fallacy to see the only alternatives for political control as brutal dictatorship or religious fundamentalism and we needed to be as clear-headed in our strategic aims as were the terrorists in theirs."

122. During a video conference with President Bush on 9 September, Mr Blair raised both the need to accelerate Iraqisation and for enhanced capacity within the IIG, without which "too much fell on Allawi himself".⁵⁶ The existing timelines for improved security and services were "too long" and risked delaying the election.

123. On 13 September, Sir Nigel Sheinwald sent Mr Blair a second report covering "broader impressions" from his visit to Iraq.⁵⁷ Sir Nigel wrote:

"... I don't think there's anything we have, as it were, forgotten. The basic policy elements are right. But this remains a race against time ..."

⁵⁴ Letter Quarrey to Owen, 9 September 2004, 'Iraq: Nigel Sheinwald's meeting with Allawi, 8 September'.

⁵⁵ Cabinet Conclusions, 9 September 2004.

⁵⁶ Letter Phillipson to Adams, 9 September 2004, 'Prime Minister's VTC with President Bush, 9 September'.

⁵⁷ Minute Sheinwald to Prime Minister, 13 September 2004, 'Visit to Iraq: Some Impressions'.

124. Sir Nigel highlighted the need to focus on the timing of the MNF-I's eventual withdrawal, which would become an increasingly important issue in the run up to the Iraqi election. He recommended that the UK should look at options and feed views into Gen Casey and Lt Gen McColl, who intended to discuss the issue with Prime Minister Allawi in the autumn.

125. Sir Nigel praised the skill and commitment of the UN team he met in Iraq, but observed that the electoral timetable remained "incredibly tight" and that the Iraqi public did not yet have any information about the election. In his view, "a broad electoral coalition containing secular Shia, moderate Sunnis and Kurds is the best guarantee, if it wins, of Iraq holding together in the years ahead, and of reducing Iranian influence".

126. Reflecting on the level and reliability of information available about Iraq, Sir Nigel wrote "there is still a tendency ... to talk things up or ... take the sage position that things take time and we have to be realistic". Sir Nigel concluded the report by saying:

"Compared with my visit last November, the security situation has got much worse and there is a greater sense of disconnect between the Green Zone and the rest of Iraq. It is difficult to be sure of one's judgements; and Iraq in any case continues to be the land of lies. The interim period is inherently unstable, as we always knew. But if we can get through it and hold respectable elections on time, that would be an incredible achievement; and the prognosis then should lighten."

127. Sir Nigel Sheinwald closed his visit report of 13 September by saying to Mr Blair:

"To achieve the level of engagement we need, we will need your help in keeping Whitehall up to the mark – there are definite signs of Iraq fatigue. Ditto the Americans."

128. On 14 September, Maj Gen Rollo wrote "MND (SE) continues to experience a period of calm. Incidents are running at about four or five a week, the lowest figure since January and February."⁵⁸

129. On 15 September, Mr Blair spoke by video conference to Mr Chaplin and Lt Gen McColl in Baghdad.⁵⁹ Lt Gen McColl reported that he "expected to see continuing high levels of activity in the coming months" and that the insurgency was becoming better co-ordinated with "no shortage of finance or volunteers".

130. Lt Gen McColl told Mr Blair that Iraq Security Forces would not be able to take full responsibility for security before 2006. Mr Chaplin emphasised the need for economic and political progress, to create a "less benign environment for the insurgents". Mr Blair agreed, and observed:

"We would not be able to deliver on the political and economic tracks without getting on top of the security situation."

⁵⁸ Minute Rollo to CJO, 14 September 2004, 'GOC MND (SE) – Iraq Update – 14 September 2004'.

⁵⁹ Letter Quarrey to Owen, 15 September 2004, 'Iraq: Prime Minister's VTC with Baghdad'.

131. At the request of the FCO, two JIC Assessments in September considered the degree to which Iran was interfering in Iraq and supporting Al Qaida or Sunni extremist groups.⁶⁰ The JIC assessed that:

“Iran has many legitimate interests in the future of Iraq, which it regards as vital to its security ... It wants the multinational forces to depart, so long as chaos does not result ... While it does not expect, and is not pushing for, a government in Iraq on the Iranian model, it does want a regime in which the Iraqi Shia – especially those amenable to Iranian influence – have significant representation and real power. We judge that Iran wants to maximise its influence in Iraq, but also to hedge against an outcome which marginalises it or its main Iraqi allies. Consequently, it continues its efforts to build links with a wide range of Iraqi individuals, groups and political parties, including some outside the mainstream ... Hardliners may also fear the implications for Iran of having a successful democracy in Iraq.”

132. The JIC assessed that there had been a “shift for the worse in Iranian posture and tactics”, specifically that there was some support from within Iran for Shia insurgents in southern Iraq, including the provision of finance and weapons for al-Sadr’s recent uprising in Najaf, although there was “no sign of a wide-scale Shia insurgency”. The JIC judged that “any direct Iranian support to the Sunni insurgency ... is likely to be relatively narrow in scope” and that:

“The Sunni extremist presence in Iran is substantial, and comprises members of several groups in addition to Al Qaida. Some of these jihadists ... are allowed by the Iranian authorities to operate in comparative freedom.”

133. Sir John Scarlett, Chairman of the JIC between 2001 and 2004, told the Inquiry that there was a marked contrast in the degree to which Iran appeared to be involved in Iraq between April 2004 and September 2004.⁶¹ In April, the JIC was confident that Iran was not behind the Sadrist attacks on coalition forces in Najaf; but by September the assessment was “very significantly tougher”.

134. Mr Tim Dowse, Chief of the Assessments Staff from 2003 to 2009, told the Inquiry that the JIC had spent a lot of time trying to work out what the Iranians were doing in Iraq, but had “started this whole period with a reluctance to see an Iranian hand”.⁶²

135. The JIC felt that “the Iranians had at least a twin track policy, and probably more than that, more than two tracks”.⁶³

⁶⁰ JIC Assessment, 15 September 2004, ‘Iran: Interference in Iraq’; JIC Assessment, 23 September 2004, ‘International Terrorism: Iran’s Stance Towards Al Qaida and Other Sunni Extremist Groups’.

⁶¹ Private hearing, 10 June 2010, page 45.

⁶² Private hearing, 14 June 2010, page 60.

⁶³ Private hearing, 14 June 2010, pages 61-62.

136. In SIS1's view, Iran did not have a strong interest in a stable Middle East and had been willing to provide support to the insurgents, both Shia and Sunni, because "if they could cause trouble for the coalition, they would".⁶⁴

137. On 16 September, Mr Blair chaired a meeting of the Ad Hoc Ministerial Group on Iraq, called "to ensure the UK government approach to Iraq was fully co-ordinated in the period up to Iraqi elections in January 2005".⁶⁵ He intended that the Group should meet regularly.

138. Mr Blair's Chairman's Brief stated that one purpose of the meeting was to:

"... **galvanise the key departments** and ensure they give Iraq their full attention in the next five months, in order to **achieve the necessary results on the ground in the run-up to elections.**"⁶⁶

139. 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".⁶⁷

140. General Sir Michael Walker, Chief of the Defence Staff, 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 to the MNF-I. There was little scope for accelerating the plans.

141. In discussion, members of the Group observed that the insurgency in the Sunni triangle was the most serious security threat facing Iraq and that the UK needed a better understanding of the US/Iraqi campaign plan to tackle it.

142. The Group agreed that the MOD, DFID and the FCO would produce specific suggestions for how progress could be made in Iraq which Mr Blair could put to President Bush when they next spoke:

- MOD to 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.
- DFID to advise on where blockages can be removed [sic] to speed up the impact of reconstruction funding.
- FCO to advise on what political strategy Allawi should be pursuing and his capacity to deliver it."

⁶⁴ Private hearing, 2010, pages 87-89.

⁶⁵ Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.

⁶⁶ Briefing Cabinet Office, 16 September 2004, 'Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Thursday 16 September 2004 at 0830: Chairman's Brief'.

⁶⁷ Minutes, 16 September 2004, Ad Hoc Ministerial Group on Iraq meeting.

- 143.** Mr Blair and Prime Minister Allawi met in London on 19 September.⁶⁸
- 144.** Prime Minister Allawi said that tackling the security situation was his top priority, but he lacked effective resources to do it: he needed two mechanised divisions, a rapid deployment force, an effective anti-terrorist capability in the police and a more rapid build up of intelligence capability.
- 145.** Security was Prime Minister Allawi's 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 of government and the state.
- 146.** Mr Blair confirmed the offer of staff from No.10 to provide practical support to Prime Minister Allawi in setting up his office. The two men agreed that they needed to develop a channel that would enable them to ensure the reform programme was implemented. Mr Blair would need to know Prime Minister Allawi's priorities week by week, for discussion in the UK system and with the Americans. Mr Blair observed that "contact with President Bush was essential in order to get pressure from the top in Washington".
- 147.** Following the meeting, Sir Nigel Sheinwald commissioned advice from Lt Gen McColl on how best to meet Prime Minister Allawi's urgent requirement for mechanised forces, a rapid deployment capability, counter-terrorist police and intelligence.
- 148.** In response to the Ad Hoc Ministerial Group's 16 September commissions, Mr Hoon's Private Secretary provided two papers on 20 September: one on the current status of the ISF (including the Petraeus Plan and recommendations for further work) and a speaking note for the conversation with President Bush.⁶⁹ These are described in detail in Section 12.1.
- 149.** Mr Straw wrote to Mr Blair to answer the third commission.⁷⁰ He advised that:
- "To succeed in the elections Allawi needs to decide on his coalition; agree a vision and sell it in all parts of the country; and form a campaign apparatus straight away."
- 150.** Mr Jim Drummond, DFID Director, Iraq, wrote to Mr Blair's Private Secretary on 23 September enclosing "a few points to make on reconstruction" for the video conference.⁷¹ That advice is described in Section 10.2.
- 151.** On 23 September, Lt Gen McColl sent Lt Gen Fry a paper on the UK's options for withdrawing or reducing the number of troops in Iraq "up to and beyond January 2006".⁷²

⁶⁸ Letter Sheinwald to Adams, 19 September 2004, 'Iraq: Prime Minister's meeting with Prime Minister Allawi, Sunday 19 September'.

⁶⁹ Letter Naworynsky to Quarrey, 20 September 2004, 'Advice for the Prime Minister's next VTC with President Bush'.

⁷⁰ Minute Straw to Prime Minister, 20 September 2004, 'Allawi's Political Strategy'.

⁷¹ Letter Drummond to Quarrey, 23 September 2004, 'VTC with President Bush'.

⁷² Minute McColl to DCDS(C), 23 September 2004, Iraq up to and beyond January 2006 – defining a UK position'.

He explained that Gen Casey had been briefed on the ideas in the paper, but the text had not been shared with the US.

152. Lt Gen McColl advised that planning in Baghdad within the MNF-I had highlighted the need for “coalition members to be clear about their desired national end-states” and there were “indications that January 2006 could be the point at which the desired national end-states of US and UK diverge”. He understood that the US was considering a significant draw down over the next 15 months, from 17 brigades to between three and seven, which was likely to result in a request for the UK to take control of areas beyond MND(SE) in early 2005.

153. The US planning team considering the options for MNF-I distribution had been unaware of the UK’s national commitments in 2006, which Lt Gen McColl described as “the possible deployment of the ARRC [Allied Rapid Reaction Corps] and the shift of the UK’s medium-scale commitment to Afghanistan”. That illustrated the need to be clear about the UK’s strategic intentions.

154. Lt Gen McColl observed:

“Should the UK decide that its national interests are best served by remaining close to US policy on Iraq beyond January 2006, UK policy makers must be under no illusion as to the nature of the growing insurgency, and the risks and challenges that any long-term deployment of UK forces would present ... The Iraqi insurgency has reached the point where it is now capable of sustaining itself ... for several years ... Put simply, the enemy is getting better ... Evidence is increasingly emerging ... that the coalition’s presence is the single most important catalyst for this ... After the elections in January 2005 ... the value of MNF-I’s continued presence is likely to come under ever closer scrutiny. It will be important for the international community ... to form a judgement on this. However successful the elections ... there will be a significant insurgency for the foreseeable future.”

155. A key factor in assessing the need for extended MNF-I presence in Iraq was the degree to which the ISF could operate without MNF-I support. Lt Gen McColl commented that although there had been significant progress in developing the ISF there were capability gaps and a “serious rift” between the Iraqi Ministries of Defence and Interior. That would need to be addressed if the ISF was to assume full responsibility for Iraq’s security without putting the country at serious risk.

156. Lt Gen McColl argued that it was important for the UK:

“... to develop a national exit strategy. This is in no way inconsistent with PM Blair’s determination to stay the course in Iraq. On the contrary, it places the onus on the UK defining precisely what is meant by ‘the job is done’.

“Provided the electoral process remains on schedule in 2005, there is much to commend a withdrawal in early 2006. This is the natural political, legal and (if we do

our job well) security culminating point. But a failure to build adequate capacity in the interim would leave the first constitutionally-elected Iraqi government at severe risk from an entrenched insurgency, and without the structures and security forces to combat that insurgency effectively.”

157. Lt Gen McColl advised that there were two broad options available to the UK:

- investing “maximum effort” in the 15 months before the end of 2005 to “put in place the structures, forces and economic benefits that can ensure a successful outcome” (effectively trained Iraqi security forces, including the police) and then aiming to withdraw in early 2006; or
- deciding that the UK would need to make a longer-term commitment to Iraq, “whether from a desire to ‘see the job through’, to stay alongside the US at all costs, or for its [the UK’s] own regional policy reasons”, recognising that this would be against a backdrop of continuing insurgency and attacks on the MNF-I.

158. Lt Gen McColl did not make a recommendation in favour of either option, but stressed the need for the UK to come to a decision “in a timely fashion”. In particular, if the UK was to opt to make a longer-term commitment, it must:

“... go into this with its eyes open and, specifically, must put in place now the force protection measures required to minimise this risk as far as possible.”

159. Lt Gen McColl drew his paper to the attention of Gen Walker the next day, suggesting that “the time is right for the consideration of the substantive issues”.⁷³

160. In a telephone conversation with President Bush on 24 September, Mr Blair set out three priority issues, as discussed with Prime Minister Allawi: the need to strengthen his (Allawi’s) office; accelerating work to show the ISF had capacity to act; and increasing the pace of development activity.⁷⁴

161. On 24 September Mr Blair sent a note to Mr Jonathan Powell, Mr David Hill (Mr Blair’s Director of Communications and Strategy), Mr Godric Smith (Mr Blair’s Official Spokesperson) and Baroness Sally Morgan (Director of Political and Government Relations) on what messages they should be feeding into the public debate on Iraq.⁷⁵

162. Mr Blair characterised the debate as:

“... have we got the country into a mess and therefore any bad news is our fault; or is Iraq the battleground whose outcome will determine our own security and therefore the bad news is worth it in the end?”

⁷³ Minute McColl to CDS and CJO, 26 September 2004, ‘Report 130 of 26 Sep 04’.

⁷⁴ Letter Quarrey to Owen, 24 September 2004, ‘Prime Minister’s Phone Conversation with President Bush, 24 September’.

⁷⁵ Minute TB to Powell, 24 September 2004, [untitled].

163. Mr Blair listed nine points to be injected into the debate and told his staff “we need a concerted effort, organised and disciplined, to get this across”.

164. The points listed emphasised the presence of “foreign jihadists”, in Iraq since before March 2003 but increasingly without the support of the Iraqi people. Mr Blair described Iraq as part of a global counter-terrorism approach to protect the UK’s security, although this was not the original intention behind the invasion. He rejected the argument that Iraq increased the terrorist threat, highlighting that 9/11 and other incidents took place before the war began.

165. On 28 September, Mr Blair addressed the Labour Party conference in Brighton.⁷⁶ On Iraq, he said:

“The evidence about Saddam having actual biological and chemical weapons, as opposed to the capability to develop them, has turned out to be wrong.

“I acknowledge that and accept it.

“I simply point out, such evidence was agreed by the whole international community, not least because Saddam had used such weapons against his own people and neighbouring countries.

“And the problem is, I can apologise for the information that turned out to be wrong, but I can’t, sincerely at least, apologise for removing Saddam.”

166. Mr Blair told the conference: “The world is a better place with Saddam in prison not in power.”

167. In a video conference in early October, Mr Blair told President Bush that there had been a debate at the Party Conference, which had been won by 4:1.⁷⁷ He observed that: “There had been a number of powerful Iraqi speakers.”

168. Sir Nigel Sheinwald spoke to Dr Rice on 29 September.⁷⁸ Sir Nigel set out his impression that the tempo of planning and preparation was being increased ready for an operation in Fallujah.

169. Dr Rice confirmed that the ground was being prepared, but that no decisions had been taken. Sir Nigel “accepted that pressure for action in Fallujah was growing” and “made clear that we would need to return to this once plans had advanced”.

170. On 30 September, the JIC circulated an Assessment of the Sunni Arab Opposition.⁷⁹ The Assessment gave an overview of the nature of the insurgency in the

⁷⁶ *BBC News*, 28 September 2004, *Full text of Blair’s speech*.

⁷⁷ Letter Phillipson to Adams, 5 October 2004, ‘Prime Minister’s VTC with President Bush, 5 October: US elections, Iraq, Iran, MEPP’.

⁷⁸ Letter Sheinwald to Adams, 29 September 2004, ‘Conversation with US National Security Adviser, 29 September’.

⁷⁹ JIC Assessment, 30 September 2004, ‘Iraq: Sunni Arab Opposition’.

Sunni Arab areas of Iraq, and had been written by the Assessments Staff drawing on the conclusions of a cross-Whitehall discussion led by the JIC Chair.

171. The Assessment stated that:

“Iraqi Sunni Arabs believe they have little to gain from the political process. A minority (but numbered in many thousands) are involved in armed insurgency. The majority of Sunni Arabs are likely to sympathise with the insurgents.”

172. The Assessments Staff judged that Sunni Arab Iraqis had the same basic interests as all other Iraqi citizens: security, the provision of services and employment. In addition, however, they had some specific concerns, in particular loss of status and a real fear of Shia domination and Iranian influence.

173. The paper stated that all the insurgents were united in their resentment of the presence of foreign forces, and that “their hatred of the US in particular has been developing since 1990”. Despite these similarities, the underlying motivating factors were likely to vary between groups:

“**Nationalists** want to see significant Sunni Arab representation in Iraq’s political structures. They want a strong Iraq that can resist Iranian threats and Western oppression. They want to see rulers who represent all Iraq and are not exiles. They might engage in a political process if they could see it delivering – but they do not at present have any organised political representation.

“**Ba’athists** are most resistant to the current political process. They do not all want Saddam’s return (although some do), but want to regain their position of power. They want an Iraq dominated by Sunni Arabs loyal to their leadership and able to check Kurdish and Shia aspirations.

“**Islamists** view fighting the Occupation as jihad and have a vision of Iraq as a Sunni Islamic state – they recall Baghdad as the central power during Islam’s ‘Golden Age’ (749-1258). There are a number of organised Sunni Islamist parties. Neither these nor most Sunni Islamists are engaging with the political process – but some may be persuaded to do so.

“**Disaffected Iraqis** and **opportunists** are motivated more by personal circumstances than by a strategy for Iraq. They are most likely to be swayed by visible improvements to their daily lives and political and economic progress. But their association with more committed insurgents may over time result in them adopting their agenda.”

174. The Assessments Staff judged that:

“... insurgent groups rather than the political process appear to many Sunni Arabs to be more likely to deliver what they want ... If the election has virtually no Sunni Arab participation and results in little Sunni Arab representation, the

problem will be exacerbated. We judge that at that stage, there could be a risk of sectarian violence.”

Kidnap in Iraq

In late September and early October, there was extensive media coverage in Iraq and the UK of the kidnapping and murder of two UK citizens: Mr Kenneth Bigley, a civil engineer working under contract on a reconstruction project, and Mrs Margaret Hassan, Iraq Director of Care International.

A JIC Assessment on 11 November recorded that more than 230 foreigners, and many more Iraqis, had been kidnapped since March 2003.⁸⁰ The JIC judged that Islamist terrorists had been responsible for the majority of the high profile incidents and their attacks were forcing many organisations to stop working in Iraq.

Mr Bigley was kidnapped in Baghdad on 16 September 2004, along with two of his US colleagues, Mr Jack Hensley and Mr Eugene Armstrong, both of whom were beheaded shortly afterwards.⁸¹

Mr Bigley's kidnapping prompted the FCO to update its travel advice to say:

“... we urge all British nationals in Iraq to consider whether their presence in Iraq is essential at this time ... Any British nationals in Iraq should, as a matter of urgency, review their security arrangements and protection and seek professional advice on whether they are adequate. These arrangements should cover: security at the workplace, at the place of residence and travel. Where security is not adequate, British nationals should either immediately move to premises within guarded areas and avoid unprotected travel outside these more secure areas, or leave Iraq as soon as possible.”⁸²

Mr Bigley was beheaded by his captors on 7 October.⁸³

The murders were attributed to Abu Musab al-Zarqawi.⁸⁴ The JIC had described him in March 2004 as being “the most important terrorist leader in Iraq”.⁸⁵

Mr Chaplin reported that the murder had been “universally condemned” in Iraq and that the “sense of shock was palpable”.⁸⁶ He went on to note:

“Unfortunately beheading has become all too common. In the last week there have been at least nine other people who have been beheaded including one woman, and a 15 year old Kurdish boy whose body was also burnt.”

Mrs Hassan, who was married to an Iraqi citizen and a long-term resident of the country, was kidnapped in Baghdad on 19 October.⁸⁷ Her captors released film of her requesting

⁸⁰ JIC Assessment, 11 November 2004, ‘Iraq Security – Current Concerns’.

⁸¹ *The Guardian*, 16 September 2004, *Briton among three kidnapped in Baghdad*; *The Guardian*, 21 September 2004, *Second US hostage murdered*.

⁸² FCO Travel Advice for Iraq, 18 September 2004.

⁸³ *The Guardian*, 8 October 2004, *Hostage Ken Bigley is killed*.

⁸⁴ CIG Assessment, 19 April 2005, ‘Al-Zarqawi Threatens UK Forces in Iraq’.

⁸⁵ JIC Assessment, 10 March 2004, ‘Islamist Extremism: The Iraq Jihad’.

⁸⁶ Telegram 286 Baghdad to FCO London, 15 October 2004, ‘Iraq: Internal: Political Round Up 9-15 October’.

⁸⁷ *The Guardian*, 19 October 2004, *Charity worker kidnapped in Iraq*.

the withdrawal of British troops from Iraq and the halting of their deployment to Baghdad, assumed to be a reference to the Black Watch.

Based on video evidence, it was thought probable that Mrs Hassan had been murdered by her captors in November.⁸⁸

In the UK one commentator suggested that Mrs Hassan's kidnapping exposed the continuing "absence of basic law and order in the Sunni enclaves in central Iraq".⁸⁹ The fact that Iraqi citizens who had been glad to be rid of Saddam Hussein were now turning to extremists in the hope of restoring the basic fabric of life was "an indictment of the way the post-Saddam transition has been carried out by the allies: not enough troops on the ground and an administration content to hide inside the heavily-protected Green Zone".

The UK's emergency response mechanism, COBR, was activated in relation to both kidnappings. Its activities are not described here, both because the Inquiry's terms of reference do not cover detailed investigation of individual cases, and in order not to prejudice COBR's future work in similar cases.

Sir David Richmond told the Inquiry:

"I don't think anybody could have been ignorant of the dangers of living and working in Iraq at that time ... I think that most of the people who went out there would have been well aware of what the problems were and would only have gone if they had taken the necessary precautions in terms of their own security ..."⁹⁰

In an update sent to Gen Walker on 26 September, Lt Gen McColl observed that:

"Kidnapping is 'headline news' due to the UK/US hostages. It is however not a spike, but a constant in Iraq at present, with most kidnaps inspired by monetary gain rather than being political/terrorist related."⁹¹

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175. Mr Blair spoke by telephone to Prime Minister Allawi on 3 October, who was hopeful of reaching agreement that foreign fighters would be told to leave Fallujah by local leaders.⁹² They would be given three days to do so.

176. At the end of his record of the conversation, Mr Phillipson wrote: "we will need to assess tomorrow the prospects for a deal in Fallujah ... and the consequences if the foreign fighters do not leave".

177. In his weekly report on 3 October Lt Gen McColl expressed concern to Gen Walker about the timing of the full offensive operation being planned against Fallujah, while agreeing that Fallujah was "a cancer that must be dealt with".⁹³

⁸⁸ Minute Cabinet Office [junior official] to Sheinwald, 16 November 2004, 'Iraq- Kidnap of Margaret Hassan'.

⁸⁹ *The Scotsman*, 20 October 2004, *The kidnapping goes on*.

⁹⁰ Public hearing, 26 January 2011, page 99.

⁹¹ Minute McColl to [CJO], 26 September 2004, 'Report 130 of 26 September 04'.

⁹² Letter Phillipson to Owen, 3 October 2004, 'Phonecall with Prime Minister Allawi, 3 October'.

⁹³ Minute McColl to CDS, 3 October 2004, 'Report 131 of 3 Oct 04'.

178. Lt Gen McColl did not consider Fallujah vital to the conduct of the elections. Rather, the offensive risked “total Sunni disenfranchisement” and therefore jeopardising the elections. He was also concerned about potential damage to the cohesion of the Interim Government and about the resilience of the Iraqi security forces.

179. In preparation for a visit to Iraq, the British Embassy Baghdad briefed Mr Straw that there was “a lively debate, including between us and the Americans locally, about how and when to deal with Fallujah”.⁹⁴ The UK view was cautious, “questioning whether Fallujah can be dealt with quickly and decisively and insisting that we think through carefully the consequences of military action”.

180. Visiting Baghdad on 5 October, Mr Straw found Prime Minister Allawi cautious about the operation.⁹⁵

181. Mr Straw recommended to Mr Blair that the UK impress on the Americans “the need for a thought through military plan, complemented by an Allawi-led political strategy”.⁹⁶

182. Lt Gen Fry provided the Chiefs of Staff with a paper for discussion at their meeting on 6 October which incorporated Lt Gen McColl’s analysis of 23 September.⁹⁷ In the paper he sought to define “an achievable and acceptable exit strategy for UK forces in Iraq”.

183. Lt Gen Fry recommended the first option set out by Lt Gen McColl and wrote that the MOD “should initiate debate across Whitehall arguing that the UK’s policy should be for the MNF-I to withdraw from Iraq in its current form on expiry of its current UN mandate”. He warned that failure to persuade the US to that view could leave the UK with “an unpalatable choice between unilateral withdrawal or an enduring commitment that runs a high risk of strategic failure and which would severely constrain our strategic aspirations for N[ATO] R[esponse] F[orce] 6 and Afghanistan in 06”.

184. The Chiefs of Staff concluded that the review of the MNF-I’s UN mandate in mid-2005 “could present a more appropriate opportunity for a wider review with MNF-I Partners avoiding pre-empting early coalition draw-down decisions”.⁹⁸

185. Gen Walker commissioned a submission for Mr Hoon to send Mr Blair before Lt Gen Fry’s paper was taken further.

186. Mr Straw raised UK troop numbers with Mr Blair the following day.⁹⁹ Having recently returned from a visit to Iraq, he wrote:

⁹⁴ Telegram 245, Baghdad to FCO London, 4 October 2004, ‘Your Visit to Iraq, 5-6 October: Scenesetter’.

⁹⁵ Telegram 251 Baghdad to FCO, 6 October 2004, ‘Iraq: Foreign Secretary’s Meeting with Prime Minister, 5 October’.

⁹⁶ Minute Straw to Prime Minister, 7 October 2004, ‘Iraq’.

⁹⁷ Minute DCDS(C) to COS, 1 October 2004, ‘Iraq – Achieving Strategic Overwatch of Iraqi Self-Reliance’.

⁹⁸ Minutes, 6 October 2004, Chiefs of Staff meeting.

⁹⁹ Minute Straw to Prime Minister, 7 October 2004, ‘Iraq’.

“I was struck by the limited UK inputs beyond the relatively quiet South-East. The Americans are pressing us again to provide troops in the main areas of conflict, though General McColl saw problems in just putting a British battalion in the middle of a US division. A better way might be to relieve the US of some areas neighbouring MND(SE). I think we need to show some flexibility, and possibly increase troop numbers for a period, if we are to keep a handle on US decisions and, albeit at the margins, better complement the US effort on the ground. We also need to think through what we should say about our longer term plans. We shall have to be there through 2005, but it would play helpfully in Iraq if we and Americans could set a target date, say Spring 2006, when we would aim to draw down to a much smaller presence. It would undercut those who say we want to occupy Iraq indefinitely, make Iraqi political leaders face up to their responsibilities and might also help us domestically. I would like to talk this through with you.”

187. Mr William Ehrman, Chairman of the JIC, visited Iraq alongside Mr Straw.¹⁰⁰

188. Mr Ehrman reported to Sir Nigel Sheinwald that security in Baghdad was deteriorating:

“The fact that travel by road between the Green Zone and the airport is not possible after dusk highlights this. The first IED in the Green Zone was discovered while I was there. But I nonetheless returned encouraged by the clear efforts of the IIG to reach out to the Sunni areas. They have not got a group of Sunnis there publicly to stand up and support the IIG. But they are trying.”

189. Mr Ehrman judged that:

“To mount an assault or not on Fallujah was the issue of the day ... Fallujah is no Najaf or Samarra where there were maybe 500 serious insurgents to deal with. In Fallujah the estimate is 3-4,000 FRE [Former Regime Elements] and another 500-1,000 foreign fighters ...”

190. Mr Ehrman also reported that the Head of the UN Election Assistance Mission in Iraq, Mr Carlos Valenzuela, was “doing a good job on election preparations. Despite lack of personnel, the technical work is on schedule.”

191. Mr Straw echoed that judgement in his report to Mr Blair, where he wrote:

“I came away reassured that elections in January were still doable, and that the deadline was helping to force the pace.”¹⁰¹

192. On 10 October, Lt Gen McColl reported to Gen Walker and ACM Torpy on the continuing lack of clarity in US thinking on the future of the MNF-I after the January elections:

¹⁰⁰ Minute Ehrman to Sheinwald, 7 October 2004, ‘Visit to Baghdad, 4-6 October’.

¹⁰¹ Minute Straw to Blair, 7 October 2004, ‘Iraq’.

“... the US ... do not appear to appreciate that it will be an issue for their coalition partners and possibly have a substantial impact on the cohesion of the alliance. We should continue to press for greater clarity at the political level and Warsaw [a meeting of NATO Defence Ministers] may be an opportunity for this.

“Interwoven with the debate on force posture has been discussion of the potential value of making an early announcement of the intention to withdraw, prompted by the SBMR-I paper ... Although the potential positive impact on the insurgency is accepted, doubt over whether the announcement would have the desired impact and a pessimistic assessment of the military risk had led [to] an unconvincing proposal to make an announcement.”¹⁰²

193. Lt Gen McColl also reported that the US saw Fallujah as a decisive point in the campaign and had asked for UK assistance. Following informal discussions between the US and UK military in Iraq, MND(SE) had concluded that supplying troops to relieve US forces in North Babil, so that they could participate in action in Fallujah, was “the most suitable option”.

194. The US then made a formal request for the UK to deploy troops to North Babil for 30 days. Lt Gen McColl advised that the UK’s aspirations to influence the broader campaign needed to be supported by commitment if the UK was to “retain leverage”.

195. Lt Gen McColl’s report was provided to Mr Hoon with the manuscript comments: “A very thorough piece from Gen McColl – Para 10 [lack of clarity in the US position] is a continued frustration.”¹⁰³

196. On 11 October, the FCO submitted to No.10 a paper commissioned by Sir Nigel Sheinwald which considered contingency plans if elections were postponed for six months.¹⁰⁴ It had been agreed with the MOD and was copied to SIS and the Cabinet Office.

197. The first half of the paper considered the arguments for and against postponement of the Iraqi election.

198. A shorter, technical delay was considered to be “difficult but manageable” but the paper described the key elements of managing a longer delay as:

- Prime Minister Allawi seizing the initiative and using the delay to push a political solution to the insurgency;
- pursuing Sunni outreach;
- a Cabinet reshuffle (possibly to allow the entrance of former Ba’athists);

¹⁰² Minute McColl to CDS and CJO, 10 October 2004, ‘Report 132 of 10 Oct 04’.

¹⁰³ Manuscript comment to Secretary of State on minute McColl to CDS & CJO, 10 October 2004, ‘Report 132 of 10 Oct 04’.

¹⁰⁴ Letter Owen to Quarrey, 11 October 2004, ‘Iraq: Contingency Planning’ attaching Paper FCO, ‘Iraq: Contingency Planning’.

- an announcement of the phased withdrawal of the MNF-I in 2005; and
- a new resolution, to endorse the changed electoral timetable.

199. The FCO wrote that there was no guarantee that the plan would have the desired impact on the insurgency. The insurgents might conclude they were winning and step up their campaign, leading to further postponement of elections.

200. In the paper the FCO concluded that this was:

“An unappealing contingency plan in almost all respects, underlining the importance of doing everything we can to hold to Plan A, or, if there is to be a delay in elections, arguing the case for a short delay, on UN advice, to a fixed date.”

201. The FCO view was that in order to stay on track, the UK should:

- ensure the UN remained engaged, including by supporting the security of UN staff;
- ensure adequate Sunni outreach;
- reduce opposition to the presence of the MNF-I;
- ensure Grand Ayatollah al-Sistani remained supportive; and
- “sell” the importance of sticking to the January 2005 timetable to Iraqis and the international community.¹⁰⁵

202. The second half of the paper considered a scenario in which the MNF-I reduced in size before Iraqi Security Forces were capable of maintaining security themselves.

203. The FCO judged that, while the insurgents “do not have the military capability to force the US to withdraw ... they could intimidate some coalition partners into leaving”. Although that would require the US and UK to “make up the numbers”, it was considered a manageable risk.

204. A more significant risk was the emergence of a strong “troops-out faction” in the Transitional National Assembly, which required members of the MNF-I to stay in their barracks. With Iraqi Security Forces unable to play their role, different insurgent criminal or tribal forces would seek to fill the security vacuum:

“In the Sunni triangle it would be the insurgents; in the Kurdish and Shia areas the established militias ... other parts of the country (e.g. Maysan and Dhi Qar) would be dominated by criminals or tribes (or both) ...

“In the worst case scenario, Iraq would disintegrate into civil war.”

¹⁰⁵ Letter Owen to Quarrey, 12 October 2004, ‘Iraq: Contingency Planning’.

205. The FCO judged that:

“The wider strategic consequences of a worst-case scenario like this would be appalling:

- Iraq would become a long-term source of instability in the region ...
- Iraq could become a permanent base for Al Qaida and Sunni Islamic terrorism, further destabilising Saudi Arabia.
- Jihadist elements would declare victory and be strengthened, with significant implications for the Global War on Terrorism and the prospects for the Arab-Israeli conflict.
- Prospects for reform in the Arab world could be set back a decade.
- Having seen the US fail, an increasingly self-confident Iran steps up efforts to become the major regional power, accelerates its nuclear programme and triggers a regional arms race.
- Instability causes oil prices to rise further.”

206. The paper concluded that scenario was a long way off. There was likely to be scope, even with a significant “troops out majority” in the Transitional National Assembly (TNA), to negotiate a phased withdrawal to mitigate the risk of a downward spiral.

207. The covering letter from Mr Straw’s Private Secretary to Mr Blair’s Private Secretary highlighted that Prime Minister Allawi might “take the sting out of nationalists’ and Sunni rejectionists’ grievances that the MNF-I (US presence) represents indefinite occupation by a different name” by making an announcement about withdrawal in November. The FCO and MOD would be working on a joint paper for discussion with the US and then Prime Minister Allawi.

208. On 12 October, Mr Hoon wrote to Lord Goldsmith, the Attorney General, reporting that the security situation had deteriorated since transfer of sovereignty in June.¹⁰⁶

209. While there was no state of armed conflict between the UK and Iraq, the MOD believed that a state of armed conflict existed between the IIG and certain insurgent groups within Iraq. In Mr Hoon’s view, international humanitarian law (IHL) would provide a more appropriate legal framework for UK forces operating within Iraq and he therefore considered it necessary to activate the dormant provisions of the Targeting Directive which allowed the Joint Commander to seek Ministerial approval to conduct operations governed by the Law of Armed Conflict (LOAC). That would enable UK forces to engage certain clearly defined insurgent groups under IHL and would also clarify the position of UK service personnel embedded in the US command chain.

¹⁰⁶ Letter Hoon to Goldsmith, 12 October 2004, ‘Review of Legal Framework for UK Forces and for ‘embeds’.

210. Ms Vivien Rose, Head of the General and International Law Team in the MOD, wrote to Ms Cathy Adams, Legal Counsellor to Lord Goldsmith, setting out details.¹⁰⁷ Her letter drew out the parallels with UK operations in Afghanistan and supplied a detailed new Targeting Directive modelled on the one in use there.

211. In a telegram to the FCO in London on 12 October, Mr Chaplin wrote that he suspected the ISF would be less ready by the end of October than Iraqi Ministers were claiming.¹⁰⁸

212. Mr Chaplin also reported that Gen Casey had:

“... concluded that a major operation before Ramadan is not possible, but has produced a hybrid military option to keep up pressure on the insurgency, while responding to Allawi’s concerns about an Iraqi face on any full scale operations in Fallujah.”

213. In a further telegram the following day, Mr Chaplin supported Lt Gen McColl’s 10 October recommendation that the UK should backfill US troops in North Babil, seeing it as an opportunity to “make a real contribution to the success of the Fallujah operation” without joining the operation directly or deploying a battlegroup to Baghdad.¹⁰⁹

214. Both Mr Chaplin and Lt Gen McColl recalled the UK’s rejection of two requests for a deployment beyond MND(SE) over the summer, which had led to criticism and a sense “that we have a lot to say for ourselves, but that when it really matters – getting stuck into the insurgency, contributing to SSR acceleration – we prefer to look the other way” and that “we have it a bit easy in MND(SE)”.

215. Mr Chaplin observed that if the UK wanted to retain influence over plans to take action in other insurgent areas, it needed to “build up a bit of credit”.

216. At Cabinet on 14 October Mr Straw’s update on Iraq focused on the need for more UN effort to support election preparations.¹¹⁰ UN reluctance to deploy more staff was a result of the attack on its HQ in August 2003. It remained unclear which forces would provide protection. Nonetheless, preparations were “on track” for elections in January 2005.

217. In the Agenda for the Ad Hoc Ministerial Group on Iraq on 14 October, Cabinet Office officials advised Mr Blair:

“You may want to conclude the discussion of security by asking Geoff Hoon to comment on initial ... drawdown of forces in early 2006.”¹¹¹

¹⁰⁷ Letter Rose to Adams, 15 October 2004, ‘Operations in Iraq: Revision of the Op TELIC targeting directive and the position of embedded personnel’.

¹⁰⁸ Telegram 271 Baghdad to FCO London, 12 October 2004, ‘Iraq: update on Fallujah operational planning: comment’.

¹⁰⁹ Telegram 274 Baghdad to FCO London, 13 October 2004, ‘Iraq: Deployment of UK Battlegroup’.

¹¹⁰ Cabinet Conclusions, 14 October.

¹¹¹ Agenda, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

218. At the meeting, Ministers agreed that “the MOD and FCO should provide some initial thoughts on future force levels”.¹¹² The FCO contingency planning paper was not discussed.

219. Ministers were also briefed that the US military was planning military action in Fallujah.

220. An MOD note provided in advance of the meeting said the US military view was that if Fallujah was not dealt with, the MNF-I would be unable to control the level of violence in the run-up to the January elections.¹¹³ The US intention was that the operation should destroy remnants of the former regime, kill or capture Abu Musab al-Zarqawi, regain the initiative from the insurgents and demonstrate both campaign progress and the IIG’s resolve.

221. The MOD did not agree that ‘solving’ Fallujah was a prerequisite for holding successful elections, which were unlikely to happen in the city in any case. The UK view was that the operation carried a very high risk of unifying the insurgency, acting as a trigger for Shia violence, “over-facing” the ISF and so delaying Iraqiisation, endangering UN support for the elections and undermining coalition cohesion.

222. Ministers agreed that an operation to clear Fallujah was right in principle but the UK should try to persuade the US to give Prime Minister Allawi time to improve the political environment.¹¹⁴

223. Mr Blair was recorded as saying that the UK’s overarching political and military objective was to create a security situation that allowed elections to be held in an environment which gave Prime Minister Allawi a good chance of fielding a winning slate.

224. Mr Blair raised the formal US request for a UK deployment to North Babil.

225. Gen Walker told the Group that the UK had the capability to meet the US request. Although North Babil was a more dangerous area of operations than MND(SE), this was a militarily less demanding request than the UK had faced in the past or might face in the future. But it seemed unlikely that the 30 day timescale for the deployment would hold.

226. In discussion, a member of the Group observed that “the risks of agreeing were more political than military, and related to the UK being involved in facilitating a Fallujah operation that might draw criticism”.

227. A final decision was deferred to the following week, when the MOD would provide advice.

¹¹² Minutes, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

¹¹³ Note MOD, 12 October 2014, ‘Fallujah’.

¹¹⁴ Minutes, 14 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

228. In a telephone conversation on 15 October, Mr Blair was reported to have said to President Bush that “we had to deal with Fallujah. But it was important that Allawi had the politics right before action was taken.”¹¹⁵

229. Mr Blair told President Bush that the UK “would try to help” in North Babil.

230. On 15 October, in a round up of political events in Iraq, Mr Chaplin reported an increase in political activity to the FCO in London, observing that parties had “shifted up a gear as they realised that the clock was ticking”.¹¹⁶

231. As well as the established political parties, Mr Chaplin wrote that:

“... more than 300 parties and movements have been formed since the fall of Saddam and there is a growing realisation among the smaller parties that they need to consolidate to gain seats.”

232. Mr Chaplin reported that Prime Minister Allawi:

“... has been making all the right noises about the elections being open to everyone, and emphasising that the prospects for the residents of places like Fallujah, Mosul, and Sadr city would be much better if there was political dialogue and participation in the electoral process.”

233. On 17 October, a statement appeared on an Islamist website containing a personal pledge of allegiance to Usama Bin Laden by Abu Musab al-Zarqawi.¹¹⁷

234. Shortly afterwards, the name of Abu Musab al-Zarqawi’s organisation changed to “Base of Jihad (ie Al Qaida) in The Land of The Two Rivers”.¹¹⁸ It was normally referred to in UK documents as Al Qaida in Iraq (AQ-I).

235. In a report to Gen Walker and ACM Torpy on 17 October, Lt Gen McColl called for “an early and unambiguous decision in principle for the deployment [to North Babil] to proceed, allowing the necessary battle procedure and preparation to start as soon as possible”.¹¹⁹

236. The same report covered planning for the US force posture in Iraq. Lt Gen McColl reported that US discussions had concluded with the decision “not to pursue the possibility of making an early announcement of intention to withdraw”.

237. Mr Hoon made a statement in the House of Commons on 18 October in response to “considerable speculation in the media ... about the United Kingdom deploying forces

¹¹⁵ Letter Quarrey to Adams, 15 October 2004, ‘Prime Minister’s Phone Conversation with President Bush, 15 October: US Politics, Iraq and Iran’.

¹¹⁶ Telegram 286 Baghdad to FCO London, 15 October 2004, ‘Iraq: Internal: Political Round-up 9-15 October’.

¹¹⁷ *BBC News*, 18 October 2004, *Zarqawi ‘shows Bin Laden loyalty’*.

¹¹⁸ JIC Assessment, 11 November 2004, ‘Iraq Security – Current Concerns’.

¹¹⁹ Minute McColl to CDS & CJO, 17 October 2004, ‘Report 133 of 17 Oct 04’.

outside its current area of operations".¹²⁰ He confirmed that a request for UK ground forces to be made available to relieve US forces was under consideration and that a recommendation from Gen Walker was expected by the middle of the week.

238. Mr Hoon said:

"This request, if agreed, would involve UK land forces operating outside MND(SE). It is worth bearing in mind that Royal Air Force personnel have been operating over the whole of Iraq when required to support the coalition, and that some British personnel are based in Baghdad to support coalition operations. Other British land forces have previously operated outside MND(SE)."

239. Denying speculation that the request was "somehow political" and linked to the US Presidential Elections, Mr Hoon stressed that it had been "a military request ... linked to ... efforts to create the best possible situation in which to hold the Iraqi elections in January".

240. In a press conference the following day, Mr Straw was asked whether the deployment was a "done deal" and replied that the UK was "very sympathetic" to the US request, but "no final decision has been taken".¹²¹

241. Mr Straw told journalists:

"I understand the concerns that have been expressed. I think the concern is as to whether or not there is so-called mission creep, whether we will be there longer than anticipated.

"We are not proposing to increase the total number of troops that would be in Iraq, nor would we be extending the normal tour of duty of this particular unit [the Black Watch].

"The purpose of these military movements is to stabilise the security situation as quickly as possible so that we create a more satisfactory security environment more quickly so that, in turn, the elections can take place by the end of January so that in turn the Iraqis can start more quickly to take more and effective control of their country."

242. On 19 October, Lt Gen Fry provided a paper for the Chiefs of Staff outlining the background to the request and the necessary timeline for any decision on deployment.¹²² He did not make any recommendation as to whether or not the UK should agree to the US request.

¹²⁰ House of Commons, *Official Report*, 18 October 2004, columns 625-626.

¹²¹ *ITN*, 19 October 2004, *UK: Annan, Straw Speak to Press After Talks on Darfur and Iraq*.

¹²² Minute DCDS(C) to COS (via COSSEC), 19 October 2004, 'Iraq – Potential UK Battlegroup Deployment to North Babil'.

243. Gen Walker chaired an internal MOD meeting on 19 October to discuss Lt Gen Fry's paper.¹²³ He underlined the need to consider the request in terms of military advantage and to have a good understanding of the likelihood of success in Fallujah within the 30 day time period.

244. Air Chief Marshal Sir Jock Stirrup, Chief of the Air Staff, noted that "the key question in relation to military benefit was whether the UK contribution in North Babil would increase the chance of success in Fallujah. If this was the case, then a clear logic chain existed in support of the UK deployment." Both Lt Gen McColl and Maj Gen Rollo saw military benefit in the deployment.

245. Sir Kevin Tebbit, MOD Permanent Under Secretary, considered that the Black Watch could help prevent insurgents spreading out from Fallujah but "there would be a casualty issue".

246. At the end of the meeting, Gen Walker commissioned the DIS to prepare a one-page threat assessment for North Babil compared with MND(SE), including a casualty assessment.

247. Mr Blair's Private Secretary provided him with a Cabinet Office brief on the pros and cons for the different timing options of a decision.¹²⁴ It highlighted that an early decision would mean that UK troops (the Black Watch) could be in place in good time, but that it would mean extending their tour of duty. A delayed decision would mean that the next troop rotation would have arrived (the Scots Guards) and could backfill the Black Watch as the MND(SE) armoured reserve. But delay might also lead the US to conclude that the UK would always turn down such deployment requests.

248. In his covering note, Mr Blair's Private Secretary told Mr Blair that he would get "firm advice" later in the week, but that Gen Walker and Mr Hoon would discuss options with him the next day. Gen Walker was reported to favour limiting any offer of support to 30 days, to discourage early deployment.

249. Anticipating a positive decision on the North Babil deployment, Mr Ian Lee, MOD Director General Media and Communications, wrote to Mr Martin Howard, MOD Director General Operational Policy, with some thoughts about announcing it. Mr Lee observed that "journalists find it hard to believe that the US military machine needs this UK help, and this in turn leads them to the conclusion that (US) politics is driving the issue".¹²⁵

250. The Defence Intelligence Staff (DIS) reported on 20 October that there had been no MNF-I fatalities in the previous month within the area the US was proposing UK forces should deploy to, but that they could "expect a hostile local population", and might

¹²³ Minutes, 19 October 2004, 'Record of Discussion – CDS O' Group – 19 Oct 04'.

¹²⁴ Minute Quarrey to Blair, 19 October 2004, 'Iraq: Possible Troop Redeployment' attaching 'Iraq: UK Deployment to North Babil'.

¹²⁵ Minute Lee to DG Op Pol, 19 October 2004, 'Troop Movements in Iraq'.

see “a surge of attacks as popular anti-MNF-I sentiment is inflamed” by events unfolding in Fallujah.¹²⁶

251. The Chiefs of Staff met on 20 October to prepare advice for Mr Hoon on a potential deployment.¹²⁷

252. The minutes said that the Chiefs supported the deployment but highlighted the need to plan for the possibility that the campaign would last longer than 30 days. Gen Walker concluded the meeting by stating that “no decision had been made but that the military advice would be to accede to the US request”.

253. That advice was submitted to Mr Hoon the same day.¹²⁸ It described a “clear military benefit” to the North Babil deployment and said that the Chiefs of Staff recommended that the US request should be met. The expected length of the operation remained 30 days, but Mr Howard reminded Mr Hoon that Prime Minister Allawi had yet to authorise the operation, and had some political difficulties to resolve in doing so which might cause delay.

254. Mr Michael Howard, Leader of the Opposition, called on Mr Blair to clarify the proposed Black Watch deployment at Prime Minister’s Questions on 20 October.¹²⁹ Mr Blair confirmed that no decision had yet been taken. He told the House of Commons:

“A request has been made. There is now a military assessment. The military will make a recommendation and a final decision will be made.”

255. Lt Gen McColl concluded his tour in Iraq in October 2004 and was succeeded by Lieutenant General John Kiszely.¹³⁰ In his “hauldown” report covering his six months in Iraq Lt Gen McColl wrote that the relationship between the CPA and the military had been “hampered from the outset by inadequate post war planning” and by close supervision and intervention by the Pentagon.

256. Lt Gen McColl also judged that:

“Since the transfer of power, the emergence of a sovereign government, the passage of responsibility from Defense to State, and the increased focus on MNF-I on strategic issues, the climate of decision-making has changed. The process is now more consultative and sensitive to the broader pol/mil implications, within Iraq, regionally and internationally. The dialogue between the political elements, IIG/Embassy, and MNF-I had improved significantly.”

¹²⁶ Briefing DIS, 20 October 2004, ‘Predicted insurgent activity in North Babil’.

¹²⁷ Minutes, 20 October 2004, Chiefs of Staff meeting.

¹²⁸ Submission DG Op Pol to APS/Secretary of State [MOD], 20 October 2004, ‘Potential movement of troops in Iraq’.

¹²⁹ House of Commons, *Official Report*, 20 October 2004, columns 882-885.

¹³⁰ Report McColl to CDS and CJO, 20 October 2004, ‘SBMR-I Hauldown Report – Lt Gen McColl’.

257. Lt Gen McColl characterised the insurgency in Iraq as “an extreme manifestation of the national pride felt by the overwhelming majority of the public, who feel a deep-seated desire to ‘liberate’ Iraq from foreign ‘occupation’”. He judged that the diverse groups with the insurgency co-operated “purely to be rid of MNF-I”, and were unified by high unemployment and shared religion. Based on “objective metrics” such as number of attacks and casualty rates, the insurgency was “increasing in intensity and lethality, and is sustainable in the medium term”.

258. Although there were troops from 30 nations deployed as part of the coalition, Lt Gen McColl recorded that only the UK sought to influence the campaign strategy and operational policy in theatre. On a number of occasions, the UK had successfully influenced the conduct of the campaign in line with its own strategic objectives. That influence was based on “the political capital invested”, troop contribution, financial contribution, the quality of staff officers and counter-insurgency expertise. However, repeated rejections of US requests for the deployment of UK resources beyond MND(SE) had “chipped away at the US/UK relationship”.

259. In summary, the report said: “Our wish to contribute to campaign direction beyond the boundaries of MND(SE) needs to be visibly supported by a reasonable commitment and participation if we are to retain credibility.”

260. Lt Gen McColl wrote that:

“Ejection of the coalition in 05 would risk mission failure but the timing of planned withdrawal thereafter is critical ... there is much to commend a withdrawal in early 06 in accordance with the UN mandate. This is the natural political, legal and (if we do our job well) security culminating point.

“If we are indeed to be committed to withdraw at that point, then we should seriously consider announcing that intention early. Any such announcement would undercut the insurgency, address public suspicion over MNF-I’s long-term intentions, and reinforce the moderates of all hues.”

261. That view was not, however, shared by everyone:

“Discussions with US interlocutors have identified little appetite for declaring early ... based upon the underlying perception ... that the operation will extend well beyond 2006 ...

“Any end state that envisages a continued coalition presence after the spring of 06 (allowing time to withdraw) would require either a new UN mandate or the consent of the Iraqi Government ... It is at this point that the national goals of coalition members may diverge. No firm decisions on the long-term US presence have been made, but some US planning at least envisages a long-term basing strategy. Current UK planning does not. As such, there is, therefore, a pressing need to define [the] UK’s long-term end state in the region, and to accept that this may differ from that of the US. If a decision is made that [the] UK’s national interest lies alongside that of the

US, that decision must be taken in the expectation that any US/UK forces in Iraq will continue to be a target and spur for insurgency as long as they remain.”

262. Lt Gen McColl ended his report by writing:

“There have already been two strategic errors in the post war campaign, the dissolution of the Army and de-Ba’athification. Lack of clarity on the timing of our intent beyond the Dec 05 elections would be a third. A clearly defined and articulated intent to withdraw once the mission had been completed in the spring of 06 provides the most effective way to separate the insurgents from the mass of the people.”

263. A CIG assessed the security situation in North Babil on 21 October and reached similar conclusions to the DIS.¹³¹ It judged that recent MNF-I attacks against insurgents there had disrupted but not significantly weakened them. The majority were disaffected local Sunni Arabs, including former military or other state employees, but there were also cells of hardline Ba’athists, Iraqi Islamist terrorists and possibly foreign jihadists. The CIG judged that the local population would be “more hostile to a UK presence than the population in southern Iraq”.

264. Mr Hoon wrote to Mr Blair on 21 October that the Chiefs were “of the view that there is a clear military benefit in carrying out the operation in terms of reducing the risk associated with the proposed ISF/US Fallujah operation”.¹³² Mr Hoon indicated that he intended to accept the Chiefs’ recommendation and to announce it that afternoon to Parliament.

265. In preparation for a discussion of the deployment at Cabinet later that morning, Mr Blair asked for “a better explanation ... of why the US Army cannot take on the task proposed for the Black Watch”.¹³³

266. Sir Nigel Sheinwald provided a brief which explained that although there were large numbers of US troops in Iraq, many were providing logistical support; the Black Watch provided the sort of armoured capability to be a like-for-like replacement in North Babil.

267. At Cabinet Mr Blair explained that it was necessary to conduct a “clearance operation” in Fallujah in the coming weeks in order to enable Iraqi elections to proceed.¹³⁴ The deployment of the Black Watch to North Babil was recommended by the British military. For the Black Watch, “the danger to which they would be exposed was not qualitatively different from that which they had experienced to date in their current tour”.

¹³¹ JIC Assessment, 21 October 2004, ‘Iraq: Security Situation in North Babil’.

¹³² Letter Hoon to Blair, 21 October 2004, ‘Deployment of UK forces to the North Babil region’.

¹³³ Minute Sheinwald to Prime Minister, 20 October 2004, ‘Iraq: North Babil’.

¹³⁴ Cabinet Conclusions, 21 October 2004.

268. Mr Blair concluded that providing forces in support of the Fallujah operation meant that the UK would maintain an influence on its planning.

269. Mr Hoon announced the deployment to Parliament that afternoon.¹³⁵ In his statement he said:

“We cannot consider the current UK area of responsibility in isolation. What goes on in the rest of Iraq affects southern Iraq and affects UK troops wherever they are based. We must therefore consider our contribution in the context of the overall security situation right across Iraq. This means that an armoured battle group consisting of the 1st Battalion the Black Watch and supporting units will deploy to an area within Multi-National Force (West) to relieve a US unit for other tasks. They will be deploying with the necessary combat support services such as signallers, engineers and medics, resulting in a total deployment of around 850 personnel. This deployment will be for a very limited and specified period of time, lasting weeks rather than months.”

270. In a telephone call on 22 October, Prime Minister Allawi told Mr Blair that he was “pursuing a fresh political initiative on Fallujah and would exhaust the peaceful options before considering military action”.¹³⁶

271. The decision on whether to commence military operations rested with Prime Minister Allawi, who was assured by the British Embassy Baghdad that “HMG would back [his] judgement”.¹³⁷

272. Towards the end of October, UK officials in Baghdad reported that Prime Minister Allawi was showing “early signs of a wobble on timing” for the election.¹³⁸

273. Mr Blair’s Private Secretary briefed him that he should “put down a firm marker” on this subject when speaking to Prime Minister Allawi.¹³⁹

274. On 23 October, Prime Minister Allawi agreed that the necessary ISF troops could be moved into place for the Fallujah operation.¹⁴⁰ In parallel, he continued to pursue a political solution.¹⁴¹

275. Of the Iraqi forces identified to deploy in Fallujah, Major General Andrew Farquhar (the British Deputy Commanding General of Operations in the Multi-National Corps –

¹³⁵ House of Commons, *Official Report*, 21 October 2004, columns 1035-1037.

¹³⁶ Letter Quarrey to Wilson, 22 October 2004, ‘Iraq: Prime Minister’s Conversation with Allawi, 22 October’.

¹³⁷ Telegram 303 Baghdad to FCO London, 24 October 2004, ‘Iraq: Fallujah Meeting with Allawi, 24 October’.

¹³⁸ Minute Heatly to Prime Minister, 22 October 2004, ‘Your telephone call with Allawi’.

¹³⁹ Minute Quarrey to Prime Minister, 22 October 2004, ‘Iraq: Allawi Phone Call’.

¹⁴⁰ Telegram 302 Baghdad to FCO London, 24 October 2004, ‘Iraq: Fallujah: Meeting with Allawi 23 October’.

¹⁴¹ Telegram 303 Baghdad to FCO London, 24 October 2004, ‘Iraq: Fallujah Meeting with Allawi, 24 October’.

Iraq) assessed that those drawn from the Iraqi Counter-Terrorism Force and the elite Iraqi Intervention Force were “capable”, but expressed concern about troops deployed from the regular Iraqi Army.¹⁴²

276. The Black Watch began its deployment to North Babil on 26 October and left 39 days later, on 4 December.¹⁴³

277. Following discussion between the Attorney General, the MOD and FCO officials, on 27 October Ms Adams replied to Ms Rose’s letter of 15 October.¹⁴⁴

278. Ms Adams reported Lord Goldsmith’s agreement with the military assessment that the level of violence in parts of Iraq constituted a state of armed conflict. It would be impractical to operate under different rules in different geographical areas but Lord Goldsmith felt it important that the revised Targeting Directive said explicitly that force was “only authorised where it is strictly necessary and proportionate”.

279. On 27 October, the JIC conducted a review of insurgencies in Iraq at the request of the FCO.¹⁴⁵

280. The JIC judged that there was “no unified national insurgency” although “all insurgent groups have a perceived common enemy: the MNF-I and Iraqis who support the ‘occupation’”. In general:

“The level of sustained violence in Iraq shows no sign of diminishing. The considerable efforts of the Multi-National Forces (MNF) and the Iraqi security forces (ISF) are constraining the insurgents but not defeating them.”

281. The JIC judged that, of the groups operating:

“The **Sunni Arab** insurgents have the greatest depth and means to conduct a long-term campaign. They pose the most serious threat to the Iraqi government. They enjoy a degree of popular sympathy within the Sunni community. The Iraqi government’s outreach efforts have not yet diminished this.

“The scale of the Sunni Arab insurgency will be influenced in the short term by events in Fallujah. More broadly, it will be affected by the outcome of the January elections – a result which deepens Sunni political exclusion could fuel the violence – and by the MNF presence, against which the overwhelming majority of attacks are directed. A significant Sunni insurgency will probably continue through 2005 and beyond.

¹⁴² Telegram 301 Baghdad to FCO London, 24 October 2004, ‘Iraq: Fallujah: Military Preparations: ISF Numbers and Capability’.

¹⁴³ MOD Defence Factsheet, [undated], *Operations in Iraq: News and Events, January-December 2004*.

¹⁴⁴ Letter Adams to Rose, 27 October 2004, ‘Iraq: Revision of Op TELIC Targeting Directive and position of embedded personnel’.

¹⁴⁵ JIC Assessment, 27 October 2004, ‘Iraq: A Long-Term Insurgency Problem’.

“A **Shia** insurgency, small at present, will persist. Its scope and scale will depend on the degree of political inclusion (particularly as regards al-Sadr) and the success of economic improvements in poor Shia areas, and could be affected by how the Sunnis react to the election results.”

282. In Baghdad, the JIC judged that:

“With a deal struck between representatives of al-Sadr and the IIG, violence in the Sadr City area of Baghdad has reduced significantly. Isolated attacks, mainly against the MNF, have continued in Baghdad and elsewhere in Shia areas. Most are conducted by renegade Mahdi Army elements determined to continue to attack the MNF, but other Shia groups are also involved. Intelligence continues to indicate confusion and dissent among the Mahdi Army and al-Sadr’s supporters.”

283. For Sunni groups, the JIC assessed that the next few months would be:

“... important in shaping the scale of their insurgency. There are signs that some of the insurgents may be susceptible to overtures from the IIG. Prime Minister Allawi and other senior figures in the government have invested considerable effort in establishing dialogue with a variety of Sunni insurgent leaders ... In the short term much may depend on **Fallujah**. Long drawn out fighting with heavy civilian casualties will reinforce the broader Sunni Arab insurgency and may jeopardise attempts to bring Sunni Arabs into the political process. Success in Fallujah, either through negotiations or a successful military operation – particularly against foreign jihadists – will result in the IIG maintaining momentum and offers the prospect of further progress after the elections. But, whatever the outcome in Fallujah a significant Sunni Arab insurgency will continue through 2005 and beyond. The election will bear on its scale. An acceptable outcome for the Sunnis could lead to a reduction in violence. A result which deepens their political exclusion may see a continuation of the current level or perhaps an increase.”¹⁴⁶

284. The JIC assessed that Abu Musab al-Zarqawi’s position might be strengthened by his pledge of allegiance to Usama Bin Laden, enabling him to attract more foreign recruits and funding, and making his group a long term threat. But the AQ “brand” was expected to reinforce further the fears of Iraqi citizens opposed to the jihadist agenda.

285. On 27 October, Maj Gen Farquhar reported that “the Independent Electoral Commission of Iraq (IECI) had formally requested logistic support in the distribution of electoral registration papers.”¹⁴⁷

286. A report from Maj Gen Rollo in MND (SE) on the same date suggested that the prospect of elections was having a “positive effect” although the timetable remained

¹⁴⁶ JIC Assessment, 27 October 2004, ‘Iraq: A Long-Term Insurgency Problem’.

¹⁴⁷ Report Farquhar, 27 October 2004, ‘MNC-I Security Update – 27 Oct 04’.

“very tight”.¹⁴⁸ IECI activity was also visible in the South – registration forms and explanatory material would be distributed with the November food ration.

287. Maj Gen Rollo wrote:

“My main concern is security. I will press the local police in particular to provide the necessary protection for the IECI offices ... We will provide the back-up ...”

288. At the meeting of the Ad Hoc Ministerial Group on Iraq on 28 October, Mr Straw said the election was “broadly on track, thanks to the work of Carlos Valenzuela and his team”.¹⁴⁹

289. In discussion, a member of the Group commented that the Iraqi public was starting to believe the elections would happen.

290. Mr Hoon briefed the Group on US military plans for a “short, sharp campaign” in Fallujah. UK forces would be in place in North Babil by 2 November. He said that the UK needed to press the US to ensure that its operation would be as targeted as possible. Many civilians had already left the area in anticipation of an attack.

291. Mr Hoon told the Group that the IIG should be encouraged to make political contacts with Sunni leaders in Fallujah so that there would not be a political vacuum following the military operation.

292. In discussion, a member of the Group observed that popular support for the insurgents within Fallujah was waning.

293. The Ad Hoc Ministerial Group on Iraq concluded that the UK should emphasise to the US that:

“... British Ministers needed to understand the plan for military action in Fallujah and be given sufficient prior warning of the commencement of operations to have the opportunity to intervene politically.”

294. By 29 October preliminary airstrikes had begun.¹⁵⁰

295. Lieutenant General Sir John Kiszely told the Inquiry that there was:

“... a great deal of preparatory, what the Americans would call shaping of the battlefield, in particular quite a lot of artillery and air-delivered munitions ...”¹⁵¹

296. On 31 October, Lt Gen Kiszely reported that between 50 and 75 percent of the inhabitants of Fallujah were estimated to have left the town.¹⁵²

¹⁴⁸ Report Rollo, 27 October 2004, ‘GOC MND (SE) – Southern Iraq Update – 27 Oct 04’.

¹⁴⁹ Minutes, 28 October 2004, Ad Hoc Ministerial Group on Iraq meeting.

¹⁵⁰ Minute Dowse to Sheinwald, 29 October 2004, ‘Iraq update – 29 October’.

¹⁵¹ Public hearing, 14 December 2009, page 16.

¹⁵² Minute Kiszely to CDS, 31 October 2004, ‘SBMR-I’s Weekly Report (135) of 31 Oct 04’.

297. Mosul, situated in MND(NE), was reported to be “increasingly in the grip of intimidation” and was “increasingly being seen in MNF-I and IIG circles as ‘the operation after next’”. Lt Gen Kiszely considered that:

“... intimidation in Mosul is a microcosm of much of Iraq, especially the Sunni areas. It is my perception that this widespread intimidation is deepening ... The number of kidnaps, in particular, is increasing, with the victims including the close relatives of senior Ministers, Generals, Provincial Governors and Police Chiefs.

“The level of intimidation is severely undermining the rule of law ... Criminals and insurgents operate with impunity and rule by intimidation. The police are either driven out, cowed, or are actively collaborating with the criminals and insurgents. This is true in many areas designated by MNF-I as ‘at or near Local Control’. Since Local Control is defined only in terms of internal security, and not in terms of the rule of law, it is perfectly possible for areas to appear controlled – a relative absence of acts of insurgency; some uniformed police on the streets by day – although in reality this is a façade. It is actually the insurgents who are in control.”

298. Lt Gen Kiszely advised “we shall need to watch this very carefully when proposals are made in the up-coming Force Posture Review” because a premature move to the wrong structure would be “likely to result in a loss of the gains we have made and a regression in the counter-insurgency campaign”.

299. On election preparations, Lt Gen Kiszely reported:” The distribution of voter registration material is almost complete, and in time for the start of registration in the coming week.” He considered that timing was “at-risk to unforeseen circumstances”. Some concerns remained about election security, but responsibility was clearly with the Iraqi police. The MNF-I would “appear at or near election facilities only in extremis”.

Mortality in Iraq

On 29 October, *The Lancet* published the results of a survey which compared mortality rates in Iraq before and after the invasion.¹⁵³ The authors concluded:

“... the death toll associated with the invasion and occupation of Iraq is probably about 100,000 people, and may be much higher.”

The study stated that violence accounted for most of the excess deaths, that violent deaths were “mainly attributed” to coalition forces, and that most individuals reportedly killed by coalition forces were women and children.

There had also been an increase in the infant mortality rate based on the households interviewed for the study, from 29 deaths per 1,000 live births to 57 deaths per 1,000 live births. Causes of death had also changed:

¹⁵³ Roberts, L, Lafta, R, Garfield, R, Khudhairi, J and Burnham, G. Mortality before and after the 2003 invasion of Iraq: cluster sample survey. *The Lancet* **364**: 1857-1864 (2004).

“The major causes of death before the invasion were myocardial infarction, cerebrovascular accidents, and other chronic disorders whereas after the invasion violence was the primary cause of death.”

The study identified Fallujah as an outlier. Of the households visited in Fallujah, 44 percent were temporarily or permanently abandoned. The survey had nonetheless completed a Fallujah sample in which:

“... we recorded 53 deaths when only 1.4 were expected under the national pre-war rate. This indicates a point estimate of about 200,000 excess deaths in the 3 percent of Iraq represented by this cluster. However, the uncertainty in this value is substantial and implies additional deaths above those measured in the rest of the country.”

On 18 November, Mr Straw briefed the AHMGIR that:

“... he had issued a Ministerial statement on civilian casualties in response to the study reported by the Lancet. The key points were that the Lancet findings were heavily dependent on the data set they had used and that their statistical assumptions were flawed (and this could be demonstrated if, for example, a case study was made of Fallujah).”¹⁵⁴

Mr Straw’s statement to Parliament said:

“The Multi-National and Iraqi forces continue to act so as to minimise civilian casualties. This is despite the fact that the insurgents have shown no compunction in using mosques, schools and hospitals as defensive bases.”¹⁵⁵

Mr Straw quoted alternative casualty figures from the Iraqi Ministry of Health and from www.iraqbodycount.org.

Casualty figures are considered in more detail in Section 17.

November 2004

300. In November 2004, Major General Jonathon Riley succeeded Maj Gen Rollo as General Officer Commanding Multi-National Division (South East) (GOC MND(SE)).

301. On 1 November, a CIG considered the current intelligence on Fallujah and the potential impact of military action on the security situation.¹⁵⁶

302. The CIG judged that “prospects of a negotiated solution remain poor”. The US estimated that around 3,000 insurgents were still in the city. Of those:

“Some will certainly stay and fight but we are unable to judge the potential size of this hard core. Some may fight initially and then disperse. Others may have already left the city. A number will lie low in Fallujah to mount a longer-term resistance.”

¹⁵⁴ Minutes, 19 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁵⁵ House of Commons, *Official Report*, 17 November 2004, columns 92WS-95WS.

¹⁵⁶ JIC Assessment, 1 November 2004, ‘Iraq Security: Fallujah’.

303. The CIG assessed that intensive fighting in Fallujah would trigger a surge in violence elsewhere in Sunni Arab areas, although the scale of such activity would depend on what happened in Fallujah. If the attack was short and precise the consequent violence was expected to be limited; long drawn out fighting with heavy civilian casualties was expected to provoke a more intense reaction.

304. Mr Blair's Private Secretary briefed him on 2 November that Prime Minister Allawi was concerned about aspects of the military plan.¹⁵⁷ He added that "planning for the post-conflict phase remains inadequate, and the US now seem resigned to this".

US Presidential election 2004

Iraq was a significant theme of the US Presidential election campaign in autumn 2004. One US poll conducted at the start of the campaign indicated that Iraq was the most important issue to 17 percent of US voters, behind the economy (25 percent) and the war on terror (24 percent).¹⁵⁸

According to Mr Bob Woodward, although the level of violence in Iraq remained high throughout the campaign and surged in the weeks leading up to election day, the absence of a strategy for Iraq and the mounting violence "never quite grabbed hold in the campaign".¹⁵⁹ Mr Woodward also reported the views of Mr Blackwill, who had been struck by the lack of time to discuss Iraq policy during the campaign and President Bush's "round-the clock, all-consuming focus on winning the election". According to Mr Blackwill, the President "talked about goals, expressed his optimism ... and gave pep talks", but the administration had "no real strategy".

President Bush was elected for a second term in office on 2 November 2004.

Secretary Powell announced his resignation from government in November 2004. He was succeeded as Secretary of State by Dr Rice, who in turn was replaced as National Security Advisor by her deputy, Mr Stephen Hadley.

305. On 3 November, the JIC assessed the political prospects for the forthcoming elections.¹⁶⁰ As well as assessing that a strong Sunni Arab turnout would be essential for credibility and that the forthcoming events in Fallujah would be critical in determining how things would unfold, it considered the likely impact of a delay. The JIC judged that:

"A limited delay to the elections – of a month or so – would have little impact on the political process. A longer delay will undermine Allawi's credibility and that of the coalition, and would be likely to lead to increased violence, including from the Shia."

306. That judgement was based, in part, on the position of Grand Ayatollah al-Sistani. He had recently issued a statement encouraging all Iraqi citizens to register to vote and was "the only significant Iraqi voice to emphasise the need for representation in the TNA

¹⁵⁷ Minute Quarrey to Prime Minister, 2 November 2004, 'Fallujah'.

¹⁵⁸ *Time*, 3 September 2004, *Campaign 2004: Bush Opens Double-Digit Lead*.

¹⁵⁹ Woodward B. *State of Denial*. Simon & Schuster UK Ltd, 2006.

¹⁶⁰ JIC Assessment, 3 November 2004, 'Iraq Politics: From Here to the Elections'.

for all communities and denominations proportional to their numbers". The JIC assessed that his statement would be "very persuasive for the Shia and may even have some effect among Sunnis".

307. The JIC judged that Grand Ayatollah al-Sistani "would accept a limited delay of no more than two months, if clearly required for security or technical reasons".

308. In preparation for a breakfast meeting with Prime Minister Allawi on 5 November, Mr Blair was briefed that there were "growing doubts" over the commitment of the IIG and Prime Minister Allawi to January elections.¹⁶¹

309. Mr Blair's Private Secretary also provided a list of "points that Allawi needs to cover before he approves any military action", which included:

- demonstrating publicly that there had been "every reasonable effort to identify and negotiate with representatives from Fallujah";
- having a political strategy to deal with the impact of military action on party registration for the elections and on planned international conferences;
- ensuring he was content with the military plans and the role of the ISF; and
- preparing a "follow-up package of political and economic measures".

310. Over breakfast, Mr Blair advised that:

"... he knew the military commanders were keen to move now. But it was vital that we balanced the political and military priorities. Unless there was an argument for an immediate move, then he believed we needed to take the necessary time to exhaust all avenues of dialogue with the Sunnis. He also thought that we needed to issue an ultimatum to Fallujah."¹⁶²

311. Mr Blair also set out the reasons why holding elections on time was crucial. He advised "we needed to portray this to the outside world as the justification for everything we had done to date and for any operation in Fallujah".

312. On 5 November, Mr Straw's Principal Private Secretary sent an IPU paper on phased drawdown in Iraq to Mr Blair's Private Secretary.¹⁶³ The paper considered:

"... whether we should make public our intention that the MNF presence in Iraq will alter during 2005 and end soon after the December 2005 elections (with any further troop presence in Iraq being purely to train and support the ISF, and under a new arrangement with the Iraqi government)."

¹⁶¹ Minute Quarrey to Prime Minister, 4 November 2004, 'Iraq: Breakfast with Allawi'.

¹⁶² Letter Phillipson to Adams, 5 November 2004, 'Iraq: Prime Minister's Discussion with Iyad Allawi, 5 November 2004'.

¹⁶³ Letter Adams to Quarrey, 5 November 2004, 'Iraq: MNF Presence in Iraq in 2005: Phased Draw-Down' attaching Paper 'Iraq: MNF Presence in Iraq in 2005: Phased Draw-Down'.

313. The IPU concluded that there should be a public statement, which would make clear that drawdown was conditional on successful elections in January and December 2005, progress in training the ISF and completion of the Petraeus Plan. The IPU considered the relationship between the insurgency and drawdown and observed that:

“... some insurgents are beginning to conclude that US/UK refusal to specify an end-date is evidence that we are in it for the long haul, that they are not going to win militarily and, therefore, that they should engage on the political track ...”

314. The IPU also proposed that a public statement “should make clear that MNF would not be able to draw-down quickly, or could even increase numbers, if the insurgency continued as now”.

315. The following day, the media reported that Mr Annan was urging caution.¹⁶⁴ In a letter to leaders of the US, UK and Iraq he warned of the potential impact of major military offensives on Iraq’s political process and warned:

“The threat or actual use of force not only risks deepening the sense of alienation of certain communities, but would also reinforce perceptions among the Iraqi population of a continued military Occupation.”

316. Mr Annan wrote that “forthcoming elections are the keystone in a broader process to restore stability and legitimacy in Iraq”.

317. The BBC reported that Prime Minister Allawi called the letter “confused” and said:

“... if Mr Annan thought he could prevent insurgents in Fallujah from ‘inflicting damage and killing’, he was welcome to try.”¹⁶⁵

318. A copy of Prime Minister Allawi’s written response was provided to Mr Blair. It said:

“Even now, the door remains open to these groups [insurgents] to embrace the rule-of-law, to put down their weapons, and to join the political process ... But, again I fear that we have all but exhausted the comprehensive dialogue that we have conducted. We are now left with few options. I believe it is the Government’s duty now to act in order to safeguard lives, elections and democracy in Iraq from those choosing the path of violence and atrocities.”¹⁶⁶

319. Mr Chaplin told the Inquiry:

“In the end I think Allawi felt compelled to act – the reason he felt compelled was because it was such a serious part of the security threat.

¹⁶⁴ *BBC News*, 6 November 2004, *Kofi Annan’s letter; Falluja warning*.

¹⁶⁵ *BBC News*, 6 November 2004, *US strikes raze Falluja hospital*.

¹⁶⁶ Letter Allawi to Annan, 6 November 2004, [untitled].

“Fallujah by October/November 2004 was, by all accounts, a major terrorist haven ... there were said to be thousands of terrorists, and it was certainly a factory for car bombs.”¹⁶⁷

320. Lt Gen Sir John Kiszely told the Inquiry that Prime Minister Allawi sought regular advice from US and UK Ambassadors as he considered action in Fallujah:

“But on the coalition side we were careful to make sure that any decision that was made was, and was seen to be, an Iraqi Government decision and nobody else’s.”¹⁶⁸

321. Mr Chaplin said:

“Our own view was one of caution, highlighting the risks and making sure that Allawi considered really carefully the pros and cons. But in the end it was his decision, and of course an American decision ...

“Our main involvement and the main thing we emphasised afterwards was that if there had to be military action, then the government needed to organise itself to ensure there was rapid follow-up ...”¹⁶⁹

322. Following authorisation by Prime Minister Allawi, offensive operations began in Fallujah on 8 November, at 1900 local time.¹⁷⁰

323. An update on the operation sent on 9 November reported that initial resistance had been light, but was likely to increase as US forces and the ISF closed in on insurgent strongholds.¹⁷¹

324. On 10 November Mr Chaplin reported from Baghdad:

“Only a week ago, Sunni and Shia parties appeared to have drawn the same conclusions ... that the elections should be delayed for a few months. The Sunnis were worried that a January election would see insufficient security in the Sunni triangle for a good Sunni voter turnout. The Shia parties ... had woken up to the fact that more time would be needed to make a success of diaspora voting ...

“The arguments for delay are, for now, in abeyance.”¹⁷²

325. On 10 November, ACM Torpy reported to Gen Walker the results of an interim Force Level Review.¹⁷³ It had concluded that no additional deployments were required in support of election security, but one more battalion was required for SSR tasks.

¹⁶⁷ Public hearing, 7 December 2009, page 5.

¹⁶⁸ Public hearing, 14 December 2009, pages 14-16.

¹⁶⁹ Public hearing, 7 December 2009, page 19.

¹⁷⁰ *CNN World*, 9 November 2004, *Battle for Falluja under way*.

¹⁷¹ Letter Baker to Phillipson, 9 November 2004, ‘Fallujah’ attaching Paper, 9 November 2004, ‘Fallujah Update – 091200Z Nov 14’.

¹⁷² Telegram 369 Baghdad to FCO London, 10 November 2004, ‘Iraq: Elections: The Politics; Part two of two’.

¹⁷³ Minute CJO to CDS, 10 November 2004, ‘Iraq – Interim Force Level Review’.

326. Three days after the start of the operation in Fallujah, on 11 November, Mr Straw told Cabinet that it was going “slightly better than had been anticipated”.¹⁷⁴

327. Although there had been civilian casualties, Prime Minister Allawi had gone to great lengths to pursue a political solution. Mr Straw considered that it was necessary to “deal with Fallujah” if elections were to be held.

328. In a telephone conversation with Mr Straw on the same day, Secretary Powell said that operations in Fallujah were going “relatively well” although Mosul, where the police structure had entirely broken down, was a concern.¹⁷⁵ Mr Straw commented that Mosul “had the potential not only to be a centre of insurgency, but also of ethnic civil war”.

329. On 11 November the JIC issued an Assessment covering current themes relating to the security situation in Iraq.¹⁷⁶

330. The JIC judged that insurgent violence would continue at a high level in Iraq over the next few months, however effective the operation in Fallujah was. It judged there to be evidence of local co-operation between insurgent groups, but no overall co-ordination.

331. In Fallujah, US and Iraqi forces were making “good progress” and:

“A large number of insurgents have left the city, although the risk of significant attack remains. Insurgents outside Fallujah will continue responding to the offensive with an increased effort, including in the UK area of responsibility in North Babil.”

332. It was the JIC’s view that:

“There are still too few capable Iraqi forces to cope with the widespread security problems. Attacks and intimidation by insurgent groups against the Iraqi security forces are undermining their effectiveness, in some cases. All Iraqi official institutions, including the security forces, employ individuals who give information to insurgents, either willingly or under threat.”

333. The JIC judged that the new relationship between Abu Musab al-Zarqawi and Al Qaida had had “no immediate impact on the security situation in Iraq” and was “unlikely to alter it in the short term”. There were, however, indications that other AQ operatives were sending trainers to Iraq.

334. Mr Blair visited Washington from 11 to 12 November to “look ahead strategically with President Bush to the key issues of his second term”.¹⁷⁷

¹⁷⁴ Cabinet Conclusions, 11 November 2004.

¹⁷⁵ Letter Owen to Sheinwald, 11 November 2004, ‘Conversation with US Secretary of State, 11 November 2004’.

¹⁷⁶ JIC Assessment, 11 November 2004, ‘Iraq Security – Current Concerns’.

¹⁷⁷ Minute Sheinwald to Prime Minister, 5 November 2004, ‘Visit to Washington’.

335. On Iraq, Sir Nigel Sheinwald suggested that the main areas to cover were:

- Unambiguous commitment to elections on time in January.
- US and UK to stay the course, but MNF will be able to draw down as Iraqi capability increases next year.
- Fallujah.”

336. During their meeting on 12 November, Mr Blair asked President Bush whether Iraqisation of security was having any impact on the ability of terrorists to operate.¹⁷⁸

337. Mr Blair said that it was important to keep reiterating that if insurgents laid down their weapons then operations like the one in Fallujah would cease.

338. After returning to the UK, Sir Nigel Sheinwald wrote to Mr Straw’s Principal Private Secretary to describe the follow up work required.¹⁷⁹ He wrote:

“I discussed Iraq in 2005 in some detail with Condi [Rice]. But we need to put flesh on these bones too. The issues are familiar: improving security; follow up to Sharm el Sheikh; getting to elections and our 2005 strategy. **Action:** FCO to send advice this week please in the run up to the Sharm meeting.”

339. Lt Gen McColl called on Mr Blair in London on 16 November.¹⁸⁰ He said that in the election in January, and especially during the election scheduled for late 2005, some would be calling for the MNF-I to leave. He advised that the UK “should use this to our advantage, not least in terms of empowering the moderates”.

340. Mr Blair said he agreed and “had said as much to President Bush” the week before.

341. Mr Blair added: “There was no question of setting a timetable for withdrawal, but we could indicate that once certain conditions had been fulfilled the role of the MNF-I would no longer be necessary.”

342. Lt Gen McColl told Mr Blair that:

“... the decision to deploy the Black Watch to North Babil had been absolutely right. The UK were possibly the only nation who could influence US military thinking. This was why our assistance had been sought, and why it was so important that we were able to offer that assistance.”¹⁸¹

¹⁷⁸ Letter Phillipson to Adams, 12 November 2004, ‘Prime Minister’s meeting with President Bush, 12 November’.

¹⁷⁹ Letter Sheinwald to Adams, 16 November 2004, ‘Prime Minister’s visit to Washington: follow up’.

¹⁸⁰ Letter Phillipson to Baker, 16 November 2004, ‘Prime Minister’s meeting with General John McColl, 16 November’.

¹⁸¹ Letter Phillipson to Baker, 16 November 2004, ‘Prime Minister’s meeting with General John McColl, 16 November’.

343. Lt Gen Kiszely was the first Briton to visit Fallujah following the start of offensive operations, and was put in charge of reconstruction in the city by Gen Casey.¹⁸²

344. Lt Gen Kiszely reported to the MOD and to the IPU that the scale of the damage he had witnessed dramatically outstripped the figures that the MNF-I had used in its press statements. Mr Crompton's note of a discussion with Lt Gen Kiszely said that he was "calm, but clearly taken aback by the damage he had seen".

345. In response, the IPU was "in touch with DFID to see whether they can assist with the humanitarian effort, and are feeding in some ideas to Kiszely on how best to approach the reconstruction task, using lessons learnt in Kosovo and elsewhere".

346. Sir Nigel Sheinwald passed a copy of Mr Crompton's note to Mr Blair, with the single word annotation "worrying".¹⁸³

347. Mr Blair replied:

"Yes but if there is still resistance, it means we are getting some of the insurgents. When will F[allujah] start to be re-built?"

348. The Annotated Agenda for the 18 November AHMGIR said that in Fallujah "the main assault phase has been completed and gone largely according to plan".¹⁸⁴ It suggested that Mr Straw should ask for an update on the security situation:

"... in particular, on Fallujah following Gen Kiszely's recent visit and on the morale of the Black Watch. Discussion might then briefly focus on what comes next. Should we anticipate this being a 'decisive battle' with the insurgents or will similar operations be needed in further cities?"

349. Lt Gen Kiszely had reported significant structural damage in Fallujah and that the city was "littered" with IEDs which would need to be located and made safe before reconstruction could begin in earnest.

350. The Annotated Agenda also stated that:

"There has been a spike in activity in **Mosul**, almost certainly as a result of operations in Fallujah and compounded by the weakness of the local police. Police stations were overrun by insurgents across the city. Bridges have also been attacked. In response, the governor imposed a curfew and US forces have been redeployed from Fallujah (without any material impact on the Fallujah operation). A new police chief has also been appointed. This has improved the situation and police stations are steadily being brought back under IIG control, but the insurgents remain active."

¹⁸² Minute Crompton to Private Secretary [FCO], 16 November 2004, 'Fallujah'.

¹⁸³ Manuscript comments, Sheinwald and Blair on Minute Crompton to Private Secretary [FCO], 16 November 2004, 'Fallujah'.

¹⁸⁴ Annotated Agenda, 18 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

351. When the AHMGIR met, Gen Walker told Ministers that “exchanges with the insurgents continued in a number of sectors of the city”.¹⁸⁵ He reported the loss of 54 US troops, six Iraqi troops and 2,080 insurgents.

352. Gen Walker described a slow start to reconstruction in Fallujah. This was a failure of the IIG and, in part, non-military US agencies, although there was no indication of an immediate humanitarian crisis.

353. Ministers concluded that Mr Straw should telephone Mr Jakob Kellenberger, President of the International Committee of the Red Cross (ICRC), to discuss ICRC access to Fallujah.

354. The AHMGIR also discussed elections, and was informed that the IECI had decided to allow out of country voting. Arrangements for that to happen in the UK were being discussed.

355. Sir Nigel Sheinwald and Dr Rice discussed Fallujah during a telephone conversation on 18 November.¹⁸⁶

356. Sir Nigel expressed concern about the pace of the humanitarian assistance and reconstruction operations. Dr Rice shared that concern, but thought that some assistance was reaching the north-west of the city. She considered that the next step was “to get the city cleaned up so that the IDPs [internally displaced persons] would return”.

357. On 19 November, Mr Straw’s Private Secretary wrote to Mr Blair’s Private Secretary:

“... we believe about 1,000 insurgents may have departed Fallujah for other towns or cities ... We believe the largest group have headed for Baghdad. But North Babil, Mosul, Ramadi and Al-Qaim have also seen an influx.”¹⁸⁷

358. In relation to the election:

“The critical challenge now is ensuring credible Sunni participation in the process. Operations in Fallujah have led to renewed calls by senior Sunnis and members of the IIG for a postponement of elections ... But Fallujah has not caused a definitive boycott by Sunni groups.”

359. In his weekly report on 21 November, Lt Gen Kiszely reported that a Campaign Progress Review was about to get under way, to inform a strategy for the size, shape and posture of the MNF-I in 2005.¹⁸⁸ The US was already anticipating that three or four additional brigades were required over the election period.

¹⁸⁵ Minutes, 18 November 2004, Ad Hoc Group on Iraq Rehabilitation meeting.

¹⁸⁶ Letter Sheinwald to Adams, 18 November 2004, ‘Conversation with US National Security Adviser: 18 November 2004’.

¹⁸⁷ Letter Owen to Phillipson, 19 November 2004, ‘Iraq: The Political Process – Prospects for Elections and Sharm El-Sheikh’.

¹⁸⁸ Report Kiszely to CDS, 21 November 2004, ‘SBMR-Is Weekly Report (138) of 21 Nov 04’.

360. Lt Gen Kiszely reported that 446 out of 542 voter registration centres had opened and that 30 January 2005 had been formally announced as election day.

361. Lt Gen Kiszely described Fallujah as a “ghost town” and the scale of damage as “breathtaking”. He reported that US planning for reconstruction was well advanced and that he had been appointed by Gen Casey as the MNF-I co-ordinator for humanitarian assistance and reconstruction with special responsibility for liaison with the IIG. The immediate priorities were a needs assessment and co-ordination of reconstruction efforts.

362. From 22 November, the Secretary to this Inquiry, Ms Margaret Aldred, held the post of Deputy Head of the Overseas and Defence Secretariat within the Cabinet Office, succeeding Mr Desmond Bowen. Ms Aldred routinely chaired the Iraq Senior Officials Group and deputised for Sir Nigel Sheinwald as Chair of the Iraq Strategy Group or at meetings of the JIC.

363. An international conference on Iraq, bringing together Iraq’s neighbours,¹⁸⁹ the G8,¹⁹⁰ China and a number of other states and international organisations,¹⁹¹ was held in Sharm el Sheikh on 23 November.

364. Briefing prepared for Mr Straw by the IPU set out UK objectives for the conference. They were to:

- maintain momentum towards elections in January;
- lock the neighbours [of Iraq] into support for the political process; and
- broaden international consensus by focusing the international community on a forward looking agenda for 2005.”¹⁹²

365. The conference’s final communiqué¹⁹³ reflected those objectives and stated that a follow-up meeting would take place in February 2005.¹⁹⁴

366. In a letter to Mr Blair’s Private Secretary, Mr Straw’s Private Secretary described the outcome as “a step forward”.¹⁹⁵ Together with the Paris Club deal to write off 80 percent of Iraq’s debt (see Section 10.3), it had “strengthened the impression of the international community putting differences behind it and focusing on the future”. It would be important to build on that with a “forward looking agenda for 2005”.

¹⁸⁹ Iran, Jordan, Kuwait, Saudi Arabia, Syria and Turkey.

¹⁹⁰ Canada, France, Germany, Italy, Japan, Russia, UK and the US.

¹⁹¹ Egypt, Bahrain, Algeria, Tunisia, Malaysia, Netherlands, League of Arab States, Organisation of the Islamic Conference, EU and the UN.

¹⁹² Minute Fitzgerald to Crompton, 18 November 2004, ‘Iraq: Briefing for Bilaterals at Sharm el Sheikh Conference, 22/23 November’, attaching briefing IPU ‘Iraq: Sharm el Sheikh International Conference 22/23 November’.

¹⁹³ A communiqué is a summary of a conference’s conclusions.

¹⁹⁴ Final Communiqué of International Ministerial Meeting of the Neighbouring Countries of Iraq, the G8 and China, Sharm El-Sheikh, Egypt 23rd November 2004.

¹⁹⁵ Letter Owen to Quarrey, 26 November 2004, ‘Iraq: The Path to Elections on 30 January’.

The UK should also “continue talking up the role of the UN in advising on the constitutional process as set out in SCR 1546” and “find roles for countries which give them a stake in the process”.

367. The letter also stated that:

“Fallujah was a tactical success. Although many insurgents slipped away, it achieved its primary military objective of denying the insurgents their main safe haven. Politically it has boosted the authority of the IIG, while the domestic and regional fall out has been limited.”

368. Looking ahead to election security, the letter stated that:

“The sheer number of polling booths will make it hard to provide security for them all, but also makes it hard for the insurgents to close down voting in whole areas.

“The level of threat in some areas is clear from the attacks already being attempted in registration. In Salah ad Din province the Iraqi police report terrorists have already been distributing 120 IEDs and VBIEDs [vehicle-borne improvised explosive devices] to disturb the elections.”

369. During a video conference with President Bush on 30 November, Mr Blair said that Fallujah “had gone well” and the story of what US forces had found there – including evidence of torture chambers – should be put into the public domain.¹⁹⁶

370. Mr Blair suggested that the operation had “sent a clear message that the insurgents could not win”.

December 2004

371. The JIC reviewed the impact of Fallujah on 8 December.¹⁹⁷

372. It judged that “Fallujah has been removed as a symbol of the impotence of the Iraqi Interim Government (IIG) and of resistance to the Multi-National Force (MNF)”.

373. Whilst the area was “no longer a major insurgent base” the JIC observed that “details of how the insurgency operated in the city, and in particular the relationship between the various insurgent elements, are yet to emerge”. Overall:

“Fallujah has been a setback for the insurgents, but in response they demonstrated a high level of capacity to mount attacks across Sunni Arab areas of Iraq and they are far from defeated. The present lull in violence is unlikely to last. Further surges in violence should be expected, particularly to disrupt the electoral process. Intimidation of voters and attacks on election and other infrastructure will be key objectives.

¹⁹⁶ Letter Quarrey to Owen, 30 November 2004, ‘Prime Minister’s VTC with President Bush, 30 November: Iraq, Syria and Iran’.

¹⁹⁷ JIC Assessment 8 December 2004, ‘Iraq Security: The Impact of Fallujah’.

“The immediate outcome in Fallujah has boosted the authority of the IIG. But in the longer-term substantial Sunni participation in the election remains vital. If a significant number of Sunni Arabs fail to vote, the elections will at best lack international credibility and at worst could be destabilising.”

374. The JIC reviewed Iranian support for insurgents within Iraq on 9 December.¹⁹⁸ It judged:

“Iran’s Islamic Revolutionary Guards Corps (IRGC) remains intent on supporting anti-coalition resistance in Iraq ...

“We have no firm evidence linking Iran to specific insurgent attacks since August, but intelligence suggests activity in support of potential attacks continues. Supreme Leader Khamenei probably continues to provide tacit support for this.

“Iran will persist with a twin track approach, supporting the holding of elections in January, while providing limited backing to Shia militants. But with the Najaf crisis having subsided and elections on track, Iranian support for Shia militants may continue at a lower level in the short term. There is no intelligence to show current Iranian support to Sunni insurgents.

“Iran would be likely to ratchet up its support to Shia militants in the event of any renewed confrontation between Shia elements and the coalition. It would also back the Shia in the face of growing sectarian violence.

“A constraint on the Iranians will remain their concern at the threat of US military action against them. In consequence, while Iran will be tempted to take advantage of any opportunity to support new attacks in Iraq in order to make life difficult for the coalition, any significant escalation would depend on IRGC confidence in its ability to avoid exposure of its role.”

375. On 9 December, Mr Straw’s Private Secretary sent a paper on handling Iraq in 2005 to Mr Blair’s Private Secretary.¹⁹⁹

376. The paper, described as an agenda for discussion with the US, recommended maintaining momentum in the political process, broadening international consensus on Iraq, reaching early agreement on the future of the MNF-I and making progress on reconstruction and economic reform.

377. The FCO considered that continued progress on Iraqisation would allow the MNF-I to move from primary responsibility for security in all areas to a supportive role during 2005, working either in support of ISF operationally or as trainers or mentors. A transfer of lead responsibility for security to the ISF could occur in summer 2005.

¹⁹⁸ JIC Assessment, 9 December 2004, ‘Iraq: Iran’s Support for Insurgents – Updated’.

¹⁹⁹ Letter Owen to Quarrey, 9 December 2004, ‘Iraq: 2005’ attaching Paper ‘Iraq: 2005: Forward Look’.

378. The UK objective described in the paper was “a stable, democratic Iraq at peace with itself and its neighbours”.

379. In a note to his No.10 staff dated 12 December, Mr Blair commented that the situation in Iraq was “worrying”.²⁰⁰ Iraqiisation was not yielding the looked-for progress; the insurgent attacks were continuing far beyond what was manageable; there was a risk that insufficient Sunni Arabs would participate in the election; life in Basra had not sufficiently improved; and reconstruction remained a problem.

380. Mr Blair’s conclusion was that:

“... this may be lower down the media profile; but it is not getting sorted. We need to sit down with the US in the New Year and work out a proper strategy based on a hard-headed reality check. The paper I have seen for 2005 is inadequate.”

381. The Inquiry assumes that the paper referred to is the one sent by Mr Straw’s office on 9 December, and asked Sir Nigel Sheinwald what it was about the paper that the Prime Minister had considered inadequate.²⁰¹

382. Sir Nigel said that Mr Blair’s:

“... consistent worry during this period was: ... was our government applying a sufficient level of effort to this problem? Were we doing everything that we could with the Americans to get things moving? He continually looked for ... the missing pieces in the strategy. Were there game changers? Were there drivers which would help us on to more profitable and successful terrain?”

383. In a paper for the Chiefs of Staff to consider out of committee dated 13 December, Lt Gen Fry looked at the possible roles for the MNF-I in the run up to the election.²⁰² They included:

- Containing insurgent activity. This had “returned to pre-Ramadan levels” and could be expected to rise again in the run-up to elections. The US had decided to deploy an additional three brigades to strengthen the MNF-I. “But a balance will be needed between directly countering the insurgency and safeguarding the elections ... For example ... activity may have to be tempered to avoid further Sunni alienation.”
- Countering voter intimidation. Flyers had appeared in some areas warning: “You Vote, You Die.” This type of activity was expected to rise as elections grew closer. “ISF will need to counter this, but they lack capability. This poses us a dilemma: increase direct MNF-I support to elections, thereby reducing their legitimacy; or let the ISF lead and potentially accept a low voter turnout.”

²⁰⁰ Note Blair, 12 December 2004, ‘Iraq’.

²⁰¹ Private hearing, 3 September 2010, page 65.

²⁰² Minute DCDS(C) to COS, 13 December 2004, ‘Iraq – Towards Successful Elections’.

- Protecting critical electoral infrastructure. Plans were in hand, but success could not be guaranteed. Although the IECE were in the lead on this, it was possible that the MNF-I would be asked for logistical support, which in Lt Gen Fry's view could undermine the legitimacy of the elections.

384. On 14 December, Mr Blair commented to President Bush that:

"The good news from Fallujah was that it had not prompted a serious escalation elsewhere. But, equally it had not ended the insurgency."²⁰³

385. Mr Asquith commented after visiting Iraq that the after-effects of Fallujah would:

"... persist beyond the elections as the scale of destruction becomes apparent to returning families and the wider public. Restoring more than very basic services will take months. The insurgents are returning and the MNF/IIG relationship is fractious."²⁰⁴

386. Meanwhile, Mr Asquith reported that some considered the problems in Mosul would trigger a "grim conflict that will dwarf Fallujah".

387. Lt Gen Sir John Kiszely told the Inquiry that the main lesson from Fallujah was "don't allow a safe haven to take effect in an insurgency situation".²⁰⁵

388. The deadline for both voters and political parties/candidates to register for the election was 15 December.²⁰⁶

389. In a briefing paper on 15 December, the IPU estimated that voter registration had been successful around the country with the exception of Anbar and, to a lesser extent, Ninawa provinces (both Sunni). Opinion polls over recent months had suggested that there was broad support for elections on time and a desire to vote, including among the Sunni community.

390. Over 200 political entities (party lists and independent candidates) had registered and the Independent Electoral Commission of Iraq had certified over 470 candidate lists (totalling more than 11,000 candidates). The majority of these were for the 18 provincial elections, with 11 for the Kurdish National Assembly and just over 70 for elections to the TNA.

391. A briefing paper for Mr Blair to use at the Ad Hoc Ministerial Group on Iraq on 16 December recommended that Ministers should focus on whether HMG had done everything possible to create the best possible conditions for the elections by:

- pushing hard on Sunni outreach;

²⁰³ Letter Phillipson to Adams, 14 December 2004, 'Prime Minister's VTC with President Bush, 14 December: Iraq and the MEPP'.

²⁰⁴ Minute Asquith to Owen, 20 December 2004, 'Visit to Iraq, 13-17 December'.

²⁰⁵ Public hearing, 14 December 2009, page 27.

²⁰⁶ Briefing IPU, 15 December 2004, 'Prime Minister's Mini-Ministerial on Iraq, 16 December'.

- making sure the UN and IEC had robust plans in place; and
- ensuring the best possible security conditions.²⁰⁷

392. The Cabinet Office described a JIC paper on Iraqisation issued on 15 December as “grim”. It described “high levels of dependency on the MNF-I until 2006”, “serious structural weaknesses within the ISF” and “an assistance programme that, while making progress, will take considerably more time to deliver significant impact”. By contrast, the MOD’s paper had suggested that the Petraeus Plan would deliver, given time. (See Section 12 for more detail.)

393. Mr Straw briefed the Ad Hoc Ministerial Group on Iraq that they should expect the elections to be far from perfect but that, if there were problems during the election period, it would be important to remind critics that these were the first democratic elections in Iraq for many years and that on this occasion the Iraqi people were only electing a transitional assembly.²⁰⁸

394. The Chief of the Assessments Staff told the meeting that the ISF would “face a major challenge in handling the elections”.

395. Mr Hoon explained that a battalion was on stand-by in Cyprus in case it was required during the election period. If the UK wanted to have the flexibility to deploy it during the election period, its “notice to move” needed to be reduced from five to three days by 1 January.

396. Mr Asquith wrote to Mr Straw’s Private Secretary following a visit to Iraq in mid December.²⁰⁹ He commented:

“The time had now passed to argue for a delay in the polling day ... Focusing on 30 January was the likeliest way to bring in the Sunni Arabs. When confronted with reality, they would not repeat the mistake of the Shia in the 1920s.”

397. The key issues for the UK in the weeks ahead were to:

- manage expectations for the elections; and
- build IECE capability to enable it to deliver the January elections, the constitutional referendum and the elections in December 2005, which could require “redrawing of boundaries, a new electoral law and a census”.

398. Mr Asquith considered that priorities for 2005 included:

- to make sure that the new Constitution reflected the voice of all the communities in Iraq;

²⁰⁷ Paper Cabinet Office, 15 December 2004, ‘Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Thursday 16 December 2004 at 11:00 – Chairman’s Brief’.

²⁰⁸ Minutes, 16 December 2004, Ad Hoc Ministerial Group on Iraq meeting.

²⁰⁹ Minute Asquith to Owen, 20 December 2004, ‘Visit to Iraq, 13-17 December’.

- to deliver results to the Sunni Arabs, including incorporating “experienced Ba’athists (ex or otherwise)”;
- to continue to develop IECl capability to help it deliver the constitutional referendum and the elections in December 2005;
- either to invest significant additional resources in Security Sector Reform or to plan on the basis of a significant MNF-I presence in Iraq in 2006 or beyond; and
- to develop an effective relationship with the transitional government, while recognising that it would owe its appointment to the TNA, which would be “likely to reduce the ability of the US/UK and MNF-I to influence the policies of the ITG to the extent we have with the IIG”.

399. Mr Blair visited Baghdad on 21 December, where he commented to journalists:

“I tell you exactly what I felt coming in. Security is really heavy – you can feel the sense of danger that people live in here ... coming from terrorists and insurgents ... Now where do we stand in that fight? We stand on the side of the democrats against the terrorists.”²¹⁰

400. The No.10 report of his visit recorded that “Iraqisation and political outreach were key themes”.²¹¹

401. Mr Blair met Prime Minister Allawi and had been encouraged that he was working on a security strategy which he intended to publish shortly.

402. On reconstruction, Mr Blair was “very concerned about the slow pace of ... spending, especially in the South” and wanted the UK to make a major effort to secure greater funding.

403. During the visit, Interior Minister Naqib confirmed to Sir Nigel Sheinwald that the IIG would facilitate forced returns of Iraqis without immigration status in the UK to Iraq.²¹² Prime Minister Allawi indicated that a Memorandum of Understanding should be signed as soon as possible.

404. The JIC reviewed election prospects on 23 December.²¹³

405. It judged that the planned election date would stick, despite previous pressure for a delay. The likely extent of Sunni Arab participation in the election was unclear, although it was expected that many would be deterred by the security situation and some by a perception that the process was unfair or lacked legitimacy. In addition:

²¹⁰ *BBC News*, 21 December 2004, *Blair’s statement in Baghdad*.

²¹¹ Letter Quarrey to Owen, 23 December 2004, ‘Prime Minister’s Visit to Iraq: Follow-Up’.

²¹² Letter Quarrey to Adams, 21 December 2004, ‘Prime Minister’s Visit to Baghdad, 21 December: Meeting with Allawi’.

²¹³ JIC Assessment, 23 December 2004, ‘Iraq: Election Prospects’.

“Intimidation and assassinations will increase as the elections approach. Sunni Arabs will be most susceptible to intimidation, although attacks will not be confined to their areas.”

406. Whatever the outcome, the JIC judged that:

“Hard-line Sunnis will reject any new government and will continue their campaign of violence. Support for them could increase if the election outcome is perceived as grossly unfair. Other Sunnis may be encouraged to turn away from the insurgency if the election produces what they judge to be fair representation in the Presidency Council, Transitional Government and Transitional National Assembly (TNA). But any impact on the security situation will not be immediate.

...

“The Transitional Government is unlikely to request early MNF withdrawal but may try to insist on a timetable being formally agreed – even before UNSCR 1546 is reviewed in June 2005.”

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407. In a video conference with President Bush on 4 January, Mr Blair said that it should be made clear that it was violence and intimidation preventing people from participating in the elections, not questions about the legitimacy of the process.²¹⁴ He hoped that the UN would say publicly that people in Iraq wanted to vote, and should be allowed to do so.

408. On 6 January, Mr Hoon’s Private Secretary wrote to Mr Blair’s Private Secretary to say that the Defence Secretary would consider over the weekend whether to deploy the Cyprus-based battalion in mid-January to cover the election period.²¹⁵ Maj Gen Riley had requested the deployment, and Gen Walker endorsed it.

409. Following a request for additional information, Mr Hoon’s Private Secretary wrote again to explain that the additional 400 troops would be used:

“... to free up fully acclimatised theatre troops from static security tasks, who can then be employed on intelligence-led security operations in support of the election process.”²¹⁶

²¹⁴ Letter Quarrey to Owen, 4 January 2005, ‘Prime Minister’s VTC with President Bush, 4 January 2005; Iraq, Iran and MEPP’.

²¹⁵ Letter Naworynsky to Quarrey, 6 January 2005, ‘Iraq: Preparations for the Elections’.

²¹⁶ Letter Naworynsky to Quarrey, 7 January 2005, ‘Iraq: Preparations for the Elections’.

410. On 10 January Sir Nigel Sheinwald sent Mr Hadley a Note by Mr Blair and asked him to show it to President Bush before their discussion the following day.²¹⁷ Mr Blair's Note covered "our most pressing problems".

411. On Iraq he judged:

"All the problems go back to security. Without it the politics are difficult, the reconstruction shackled and the faith of Iraqis in the future undermined."

412. Mr Blair considered that four actions were necessary:

- the Iraqisation of security forces;
- spending money more quickly on reconstruction, especially of essential services;
- being "very tough indeed on the election", including by ensuring it went ahead on schedule and encouraging participation; and
- signalling a timetable for the withdrawal of US and UK forces "when and only when, we can point to real indigenous Iraqi strength".

413. In the video conference that followed on 11 January, Mr Blair reported that the UK was "upbeat" about elections.²¹⁸ Everything possible should be done on election security:

"But we also had to be very clear that where turnout was low, this was because of intimidation and terrorist violence, and did not undermine the legitimacy of the elections."

414. On 11 January Lt Gen Fry, Deputy Chief of the Defence Staff (Commitments), submitted advice to Mr Hoon on prospects for 2005.²¹⁹ In his view a "strategic watershed" was approaching in Iraq:

"The prognosis for the security LOO [Line Of Operation] in 05 is stark ... The Sunni insurgency will grow in scale and intensity ... Kurdish and Shia violence, recently quiescent, may be sparked by intractable constitutional discord over federalism ... The recent alignment of AQ and Al Zarqawi has formally established Iraq as the central front for radical Islamic terrorism ... the pace of ISF development is too slow for Iraq to manage the insurgency alone before 06 ... In sum, we are not on track to deliver the Steady State Criteria (SSC) before the UN mandate expires, or even shortly thereafter."

415. Lt Gen Fry judged that "only additional military effort by the MNF-I as a whole" might be able to get the campaign back on track. He identified three possible courses of action for the UK – increasing the UK scale of effort, maintaining the status quo or, if it was judged that the campaign was irretrievable, accepting failure and seeking to mitigate

²¹⁷ Letter Sheinwald to Hadley, 10 January 2005, [untitled], attaching Note TB [Blair to Bush], 10 January 2005, 'Note'.

²¹⁸ Letter Quarrey to Owen, 11 January 2005, 'Prime Minister's VTC with President Bush, 11 January'.

²¹⁹ Minute DCDS(C) to APS 2/SofS [MOD], 11 January 2005, 'Iraq 2005 – a UK MOD perspective'.

UK liability. The second two options carried an inherent “acceptance of probable long term campaign failure”, which could destabilise the Middle East, create a safe haven for international terrorists and damage the reputation and morale of the UK defence forces.

416. Lt Gen Fry did not recommend a particular course of action but concluded:

“The situation in Iraq is grave and demands hard strategic choices for the UK, none of which are palatable and all of which carry far-reaching consequences. But we must not shirk a decision – more of the same will simply make the UK a spectator to failure. The purist military response would be to increase scales of effort, but the political will to do so will be minimal. Even then, an increased UK military effort alone may not deliver success. The opportunity for the UK, or even the MNF-I, to decisively influence the campaign may be gone. If we believe this to be the case, we should seek a strategy of limited liability. But this will be very difficult to actually bring off and accepts the inevitability of campaign failure in Iraq with far-reaching, long term, damaging consequences.”

417. Lt Gen Fry told the AHMGIR on 13 January that as expected there had been an increase in violence, focused on the ISF and those connected with preparing the elections.²²⁰

418. Mr Straw stated that the insurgents were “systematically targeting the democratic process in an effort to make it hard to claim the elections could be free and fair”. This should be countered by “making clear the degree of public interest in elections in Iraq and the progress that had been made in preparing for them”.

419. Ministers noted the “continuing need” to encourage Sunni participation and to ensure the broadest possible participation in the constitutional drafting process after the elections.

420. Mr Chaplin was also considering the future UK military role, and sent a message to the FCO in London that, whoever won the election, they were likely to “want something more definite about the MNF’s future” than the simple fact of resolution 1546, and might invoke the review clause in the resolution at any time.²²¹

421. In a press conference on 14 January, Mr Annan said:

“It is clear that the vast majority of Iraqis are eager to exercise their democratic right to vote. But it is equally obvious that the conditions in which the election is being held are far from ideal.

...

²²⁰ Minutes, 13 January 2005, Ad Hoc Group on Iraq Rehabilitation meeting.

²²¹ Telegram 31 Baghdad to FCO London, 13 January 2005, ‘Iraq: MIPT: MNF Mandate’.

“Even at this late stage, outreach to the Arab nationalist component of society – especially the Sunni Arabs – is critical ... I encourage the [Iraqi] Government to intensify its efforts, and I know the Government is making efforts in this direction.

“I encourage all Iraqis to exercise their democratic right to vote. Iraq needs as broad-based a government as possible for a successful transition.”²²²

422. The IIG’s National Security Strategy was issued on 15 January.²²³ In it, Prime Minister Allawi was reported to have increased the goal of training 100,000 Iraqi soldiers by July to 150,000 “fully qualified” soldiers by the end of the year.

423. During a video conference on 17 January, Mr Blair told President Bush that they had to give a sense that Iraqiisation was “going somewhere” and that things would change after the elections.²²⁴

424. Mr Blair suggested that the Luck Review (see Section 12.1) should feed quickly into a new, public, security plan which would be clear what was being asked of the Iraqis. In his view the weakness of Iraqi structures remained “a real problem”.

425. In advice to Mr Straw on 19 January, Mr Asquith identified three “immediate threats” as:

- the elections being declared illegitimate, most likely because of low Sunni turnout;
- the Sunni Arab community refusing to participate in the post-election political process; and
- excessive delay in establishing a government following the elections, with a consequential squeeze on the timetable for developing and agreeing the Constitution.²²⁵

426. The second of these was, in Mr Asquith’s view, the most serious. He recommended that the UK, working closely with the UN and other governments, should act to:

- encourage Sunni leaders to participate fully in the political process;
- ensure that Sunni Arabs were included in senior positions within the government; and
- support engagement with Sunni rejectionist groups by members of the Transitional National Assembly and Iraqi Transitional Government members.

427. The last of these should include being prepared to “be more forward on MNF-I timelines”.

²²² United Nations, 14 January 2005, ‘Transcript of the Secretary-General’s Press Conference’.

²²³ *New York Times*, 24 February 2005, *Iraqi Army Is About to Add National Guard to Its Ranks*.

²²⁴ Letter Quarrey to Owen, 17 January 2005, ‘Prime Minister’s VTC with President Bush, 17 January: Iraq and MEPP’.

²²⁵ Minute Asquith to PS [FCO], 19 January 2005, ‘Iraq: The Immediate Threats’.

428. The same day, a JIC Assessment said that Sunni turnout might be as low as one third of the eligible voters, which would give Sunni Arabs a disproportionately low representation in elected institutions.²²⁶

429. The policy implications of that were, in the view of the JIC, that: “Sunni outreach will need to intensify after the elections to ensure that Sunnis do not opt out of the political and constitution drafting process altogether.”

430. Sir William Ehrman told the Inquiry that the JIC had consciously sought to flag up to policy makers the risk that the Sunnis would be significantly under-represented in the TNA as a result of likely low turnout.²²⁷

431. Between 17 and 19 January the UK deployed approximately 350 personnel from 1st Battalion, the Royal Highland Fusiliers to Iraq to provide additional security across MND(SE) during the election period.²²⁸ They began returning to Cyprus on 21 February.

432. In mid January, senior US and UK officials were discussing the role of the MNF-I after the election, taking account of both security forecasts and the likely stance of the incoming ITG.²²⁹ Both the UK and US Governments considered that it was important to “strike the right balance between showing support for the transitional government and the development of the ISF on the one hand, while on the other hand not giving any impression of ‘cut and run’”.

433. In preparation for a planned discussion on 20 January on the UK’s military contribution in Iraq, Mr Blair’s Private Secretary told him that Mr Hoon would want to discuss the UK military deployment in Iraq in 2005 and whether to backfill after the Dutch withdrew from Muthanna province.²³⁰ He explained that Mr Hoon wanted to be able to tell the US as soon as possible that the UK could not make significant additional troop contributions or take on deployments outside MND(SE).

434. The Private Secretary recommended that Mr Blair’s response to Mr Hoon should be that “we will need to handle this issue carefully with the US” and that he should set out a “gameplan” for doing so.

435. Mr Collis reported on 21 January that there had been a spate of attacks on the election infrastructure in Basra in recent days.²³¹ Some election officials had resigned due to intimidation. There were reports that some mosques were organising security for polling centres in Maysan and Basra. The Governor in Maysan had declared no

²²⁶ JIC Assessment, 19 January 2005, ‘Iraq: Elections Update’.

²²⁷ Private hearing, 14 June 2010, page 57.

²²⁸ Minute PJHQ-J9 POLOPS 3 to PS/USofS [MOD], 17 February 2005, ‘Iraq: Withdrawal of EHRR’.

²²⁹ Letter Quarrey to Owen, 19 January 2005, ‘Iraq’.

²³⁰ Minute Phillipson to Prime Minister, 19 January 2005, ‘Iraq: Meeting with Geoff Hoon and CDS 1130, 20 January’.

²³¹ Telegram 10 Basra to FCO, 21 January 2005, ‘Southern Iraq: security and political round-up 13 January-20 January’.

confidence in the Iraqi Security Forces and had “expressed a desire to mobilise JAM” in order to provide effective election security.

436. Mr Collis commented: “While all this suggests widespread determination to vote, there is also the risk of increased violence with militias on the streets and the IPS [Iraqi Police Service] nervous of attack.”

437. Mr Hoon and Gen Walker met Mr Blair on 21 January.²³² At the meeting,²³³ Gen Walker advised that the US campaign against the insurgency had stalled and the US was reviewing its operations. The UK “needed to recognise that if our voice was to count with the US we would have to offer to play a part in the plan that emerged”.

438. If the UK wanted to resist the likely request to extend its operation beyond MND(SE), it would need to accept reduced influence in strategic discussions about MNF-I strategy. Gen Walker did not consider the insurgency to be growing, but popular support for it was.

439. The record of the meeting stated:

“The Prime Minister said the bottom line was that we had to complete the mission. The key question was when we could hand responsibility for security over to the ISF. CDS [Gen Walker] said it very much depended on the environment. Muthanna and Basra were reasonably calm. But it was not clear that they would stay that way without any MNF presence ...

“The Prime Minister said he was only prepared to redeploy UK forces beyond our current area of operations if there was a viable plan or product. But he was not prepared simply to follow along with US wishes. We needed to have a coherent plan to do the job ... Simply asking us to take over MND(CS) was not a plan.”

440. Mr Blair and President Bush spoke by video conference on 25 January and discussed messaging around the imminent election.²³⁴ Mr Blair considered that talking publicly about withdrawal would smack of defeat. Rather, he suggested that: “Our aim was to make our role redundant.”

441. Mr Blair said that he would speak to Mr Annan before the election and encourage him to be positive about the impact of the vote. White House and No.10 staff would speak about the media plans for the days after the election.

442. At the last meeting of the AMHGIR before the Iraqi elections, the FCO gave a detailed briefing on the elections and the process required to form a government.²³⁵

²³² Letter Phillipson to Baker, 21 January 2005, ‘Iraq: Future Strategy’.

²³³ The Inquiry Secretary, Ms Aldred, was present at this meeting.

²³⁴ Letter Phillipson to Owen, 25 January 2005, ‘Prime Minister’s VTC with President Bush, 25 January: Iraq’.

²³⁵ Minutes, 26 January 2005, Ad Hoc Group on Iraq Rehabilitation meeting.

443. The FCO reported that the number of registered candidates was impressive, and one third were women; technical preparations were on track, including for out of country voting and results would likely be known by 10 February and certified 10 days later. The level of Sunni participation remained “the key variable” with turnout predictions between five and 40 percent, although the FCO considered that a key message for the period was “we should not judge the success of elections by the Sunni turnout”.

444. On 27 January, Mr Hoon told Parliament:

“Dutch forces have made good progress in Muthanna, both in ensuring the stability of the province and building the capability of the Iraqi Security Forces (ISF). This means a significantly smaller force package is now able to perform these tasks and the General Officer Commanding (GOC) MND (SE) has concluded that a force of some 600 personnel will be adequate to support and mentor Iraqi Security Forces in providing general security in Muthanna, as well as providing protection for the Japanese reconstruction battalion located there.

“The majority of the personnel required will come from UK units already deployed in Iraq.”²³⁶

445. Mr Hoon explained that an additional 220 UK troops would be deployed temporarily to assist with logistics and other essential support functions. That number would reduce by 70 once the initial deployment had been completed.

446. Elections for the TNA and Provincial Assemblies took place across Iraq on 30 January.²³⁷

447. The 5,232²³⁸ polling stations across the country were secured by approximately 130,000 Iraqi Security Forces personnel, supported by 184,500 MNF-I troops.²³⁹

448. Mr Quarrey reported to Mr Blair that “crucially, the ISF reported for duty in large numbers”.²⁴⁰

449. Maj Gen Riley described election day in southern Iraq as “extraordinary” with an almost festive atmosphere.²⁴¹ He observed that:

“We should not forget that this was an Iraqi election and in the end, it was Iraqis who organised it and whose forces secured it. The ISF needed our help but their momentum gathered. They had the courage to stand up and be counted. This is the heaviest blow that Iraqis could deliver to everything that the insurgency represents.”

²³⁶ House of Commons, *Official Report*, 27 January 2005, column 24WS.

²³⁷ Public hearing Chaplin, 7 December 2009, page 12.

²³⁸ Minute Quarrey to Prime Minister, 31 January 2005, ‘Iraq Elections’.

²³⁹ 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. 2011.

²⁴⁰ Minute Quarrey to Blair, 31 January 2005, ‘Iraq Elections’.

²⁴¹ Report Riley, 2 February 2005, ‘CG MND(SE) – Southern Iraq Update – 2 February 2005’.

450. In a Parliamentary Statement the following day, Mr Straw commented that the elections had been:

“... a moving demonstration that democracy and freedom are universal values to which people everywhere aspire.”²⁴²

451. A report on the elections sent to Mr Blair on 31 January suggested that overall turnout might exceed 60 percent and recounted a number of anecdotes “pointing to Iraqis’ courage and determination”, including:

“... in Sadr city, people wounded by a mortar attack rejoined the queue to vote; villagers near Abu Ghraib sought US military protection as they went to vote; relatives of terrorist victims told the media that voting was their duty to the memory of those who had died.”²⁴³

452. Reflecting on the election in a telephone call with President Bush on 31 January, Mr Blair said that the media had reported events positively, and had recognised the importance of the occasion.²⁴⁴ He considered that it was vital to use the elections to generate “some real momentum” in Iraq.

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453. On 1 February, Mr Blair suggested to President Bush that they should focus on four areas in order to exploit post-election momentum:

- Iraqisation, including ensuring that the ITG had 8-10,000 “crack troops who could deal with any situation”;
- political outreach, including “whittling away at the opposition, so that the hard core were left isolated”;
- drawing in the international community; and
- reconstruction, including areas in which there could be a quick impact (eg power generation).²⁴⁵

454. Mr Blair proposed that these areas should be drawn into a plan by the ITG, which the UK and US could then support.

455. The UK provided a draft of such a statement to the US in early April, where it met “some scepticism at official level”.²⁴⁶

²⁴² House of Commons, *Official Report*, 31 January 2005, column 573.

²⁴³ Minute Quarrey to Prime Minister, 31 January 2005, ‘Iraq Elections’.

²⁴⁴ Letter Phillipson to Adams, 31 January 2005, ‘Prime Minister’s discussion with President Bush, 31 January: Iraq and MEPP’.

²⁴⁵ Letter Quarrey to Owen, 1 February 2005, ‘Prime Minister’s VTC with President Bush, 1 February’.

²⁴⁶ Minute Phillipson to Prime Minister, 7 April 2005, ‘Bilateral with President Bush: 0800-0845, 8 April’.

456. On 3 February, just before the election results were announced, the JIC assessed the nature and strength of insurgents in Iraq, the threat they posed and the response of both the ISF and the MNF-I.²⁴⁷ It judged:

“The scale and intensity of the Sunni insurgency continues to put at risk the achievement of a unified and democratic Iraq. In Sunni areas the military campaign is not containing the insurgency ... While the political process offers an opportunity to detach some insurgents from the hard core, a significant Sunni insurgency will continue through 2005 and beyond.

“Foreign jihadists continue to form a small minority of insurgents, but have been responsible for many of the most serious attacks. However, al-Zarqawi’s violent Islamist message, including his rejection of democracy, is not accepted by most Iraqis – including by some Sunni Arab insurgents.

“Shia insurgents are largely dormant. The threat of some Shia violence, however, will persist ...

“Insurgents are not unified among the Sunni or nationally, although they have a common enemy: the MNF and those Iraqis associated with supporting the ‘occupation’. This has led to possibly increasing local cooperation between some groups, notably foreign jihadists and Iraqi Sunni Arabs.”

457. The JIC judged that:

“... the military campaign is not effectively containing the insurgency in Sunni areas. Law and order, the pace of economic reconstruction, the availability of jobs and general quality of life have not matched expectation ... Sunni ‘hearts and minds’ are being lost.”

458. The JIC reported that there had been around 300 security incidents on election day itself, which had killed 30 Iraqis, but “the effect on the elections was not as significant as had been feared or as al-Zarqawi and others had threatened”.

459. On 3 February, Mr Straw told Cabinet that the elections had gone “better than anticipated”, which “provided an opportunity to shift the debate about Iraq”. The ISF had also performed better than had been expected.²⁴⁸

460. Mr Chaplin told the Inquiry that substantial numbers of Sunni Arabs boycotted the election, and those who voted did so largely on sectarian lines.²⁴⁹ He judged that there were a number of reasons why Sunnis felt unable to participate:

“One was security; another was I think they hoped until quite late on that the elections wouldn’t take place because of insecurity, and I think they felt very sore

²⁴⁷ JIC Assessment, 3 February 2005, ‘Iraq: Insurgency and Counter-Insurgency’.

²⁴⁸ Cabinet Conclusions, 3 February 2005.

²⁴⁹ Public hearing, 7 December 2009, pages 12-13.

and very excluded ... not just because of the attacks on Fallujah, but because of their exclusion from the process – what they saw as the government not paying enough attention to their particular concerns.”²⁵⁰

461. On 3 February, Mr Chaplin wrote to Mr Crompton setting out a “snapshot” of progress in drafting the new Iraqi Constitution and thoughts about the role the UK might play.²⁵¹

462. Mr Chaplin reminded Mr Crompton that they said that the TNA’s core task, as set out in Articles 60 and 61 of the Transitional Administrative Law, was to:

“... prepare a draft of a permanent Constitution, following public debate, by 15 August and to present it to the Iraqi people in a referendum by 15 October 2005. Our assumption is that the intervening period is for further debate and explanation, not for amendment. There is scope to extend the drafting process by six months by a majority vote in the TNA, but little indication of what the steps of that drafting process should be. Presumably this will be decided when the TNA draws up its own internal procedures and structures ...”

463. On the UK role in the process, Mr Chaplin wrote that it should include:

- encouraging the UN to take a leading role in co-ordinating the form of the Constitution and the drafting process with the TNA;
- encouraging broad political involvement and contributions from civil society; and
- exploring practical support such as funding the production of useful material.

464. Mr Chaplin suggested that “it would be good to do some rapid internal thinking, or commission others to think about the pros and cons of certain constitutional options in the Iraqi context” although any UK advocacy of a specific proposal would need to be “discreet”.

465. On 7 February, in response to a Parliamentary Question from Mr Bob Spink, Mr Hoon said that the additional 220 troops for Muthanna which he had announced on 27 January would be found by re-deploying other UK forces in MND(SE).²⁵² Mr Hoon said that the total number of UK troops in Iraq was 8,150 and was expected to fall to around 7,900 by March.

466. Ms Aldred and her team in the Cabinet Office co-ordinated a strategy paper for the 9 February meeting of the Ad Hoc Ministerial Group on Iraq which focused on how to achieve coalition objectives in post-election Iraq.²⁵³

²⁵⁰ Public hearing, 7 December 2009, pages 20-21.

²⁵¹ Letter Chaplin to Crompton, 3 February 2005, ‘Iraq: Helping to Draft the New Constitution’.

²⁵² House of Commons, *Official Report*, 7 February 2005, columns 1168-1169.

²⁵³ Paper Cabinet Office, 7 February 2005, ‘Iraq Strategy for 2005’.

467. The paper defined the key elements for the coming year as:

- building the capability of the Iraqi Security Forces;
- outreach by the ITG to bring in those currently supporting the insurgency;
- drawing in the international community and giving it a new sense of purpose; and
- reviewing reconstruction to find ways to make a difference quickly.

468. The paper concluded that the UK should not increase force numbers in Iraq and should not provide personnel for operations outside its current area of operations. Instead, it should continue with the training effort in MND(SE), develop a strategy for the Iraqi police service and offer support to the Iraqis in developing their intelligence capability, and in maximising and co-ordinating international assistance.

469. According to the paper, outreach to insurgents was primarily the responsibility of the ITG. The UK and US should encourage the active involvement of Sunni Arabs within the ITG, a relaxation of the de-Ba'athification rules and ensure that the arrangements for drafting the Constitution were inclusive. Further work to accelerate reconstruction was also essential, along with:

“... a clear **declaratory plan for MNF drawdown**, agreed with the ITG, which includes milestones on the progressive handover to Iraqi control. It may not, at this stage, require a timetable as such.”

470. The Chairman's Brief produced for Mr Blair ahead of the meeting on 9 February emphasised the need to “task MOD to lead work with FCO and DFID to prepare more detailed thinking on what we can offer” in relation to increasing the UK's contribution on “training, police policy, intelligence structures, and capacity building”.²⁵⁴

471. Mr Quarrey advised Mr Blair to press Mr Hoon on the proposals for Iraqisation, observing that not all in the MOD were persuaded that the SSR effort should focus on developing counter-insurgency capacity in the ISF, arguing instead that a broader-based generalist capacity was more appropriate.²⁵⁵

472. Mr Quarrey also advised that Mr Blair should press for agreement on as much of the detail in the strategy paper as possible, and that it should be sent to the US as “the basis for a US/UK strategy review”.

473. When it met on 9 February, the Ad Hoc Ministerial Group on Iraq approved the strategy paper and agreed that No.10 should share an updated version with the US.²⁵⁶

²⁵⁴ Briefing Cabinet Office, 9 February 2005, ‘Ad Hoc Ministerial Group on Iraq meeting to be held in the Cabinet Room on Wednesday 9 February 2005 at 15:00: Chairman's Brief’.

²⁵⁵ Minute Quarrey to Prime Minister, 8 February 2005, ‘Iraq: 2005 Strategy’.

²⁵⁶ Minutes, 9 February 2005, Ad Hoc Ministerial Group on Iraq meeting.

474. Ministers agreed that when sharing the paper, No.10 should also raise the question of US funding for reconstruction projects in southern Iraq, which had been diverted to other parts of the country.

475. Mr Hoon said that proposals in the paper should be applied “vigorously” in the UK area, where the UK had not yet made enough progress and there was a risk of providing a pool of supporters for Shia dissidents.

476. Sir Nigel Sheinwald sent a copy of the paper, updated to reflect the discussion and including a list of niche contributions that other countries might be pressed to provide, to Mr Hadley on 11 February.²⁵⁷ He suggested that they might consider a video conference between the White House and No.10 to discuss it.

477. In early February, Mr Asquith reported to Mr Straw’s Private Secretary that US priorities for the political process included ensuring that the ITG did not remove personnel or structures (such as Committees) that worked well, outreach to the Sunni community and establishing effective co-ordination with Provincial Councils.²⁵⁸

478. Mr Asquith’s own view was that “the security policies will be rendered ineffective unless the political process is adequately handled now”.

479. Sir David Manning reported from Washington that President Bush’s policy was that the US would not support specific parties or individuals in the process of forming the new government.²⁵⁹

480. The election results were announced on 13 February.²⁶⁰

481. Mr Abdul al-Hakim’s United Iraqi Alliance won 48 percent of the vote and 140 of the 275 seats, two more than were required to achieve a majority. In second place was the Kurdistan Alliance, led by Mr Jalal Talabani, with 75 seats and nearly 26 percent of the vote. Mr Allawi’s Iraqi List secured 40 seats and just under 14 percent of the vote. The Sadrist group National Independent Cadres and Elites secured three seats.

482. The British Embassy Baghdad told the FCO:

“We don’t yet know the final number of Sunnis who will be taking up seats in the TNA. But in addition to Sunni Kurds, there are significant numbers of Sunnis on the UIC (some six to eight Sunnis in their top 140 candidates) and Allawi lists, as well as Ghazi’s five seats [Iraqis] and the Liberation and Reconciliation Gathering’s one seat.”

²⁵⁷ Letter Sheinwald to Hadley, 11 February 2005, ‘Iraq’ attaching Paper ‘Iraq: Strategy for 2005’.

²⁵⁸ Minute Asquith to PS/SoS [FCO], 10 February 2005, ‘Visit to Iraq, 3-8 February 2005’.

²⁵⁹ Telegram 17181/05 Washington to FCO London, 11 February 2005, ‘Iraq: US Views; DG Political’s Visit to Washington’.

²⁶⁰ Telegram 99 Baghdad to FCO London, 13 February 2005, ‘Iraq: Provisional Election Results’.

Table 2: Iraqi election results, January 2005

Political Group	Seats
United Iraqi Alliance/Coalition	140
Kurdistan Alliance	75
Iraqi List	40
Iraqis Party	5
Turkoman Iraq Front	3
National Independent Cadres and Elites Party	3
People's Union (Communist)	2
Kurdistan Islamic Group	2
Islamic Action Organisation in Iraq	2
National Democratic Alliance	1
Al-Rafideen National List	1
Liberation and Reconciliation Gathering	1
Total:	275

483. In a telephone call with President Bush on 15 February, Mr Blair described the electoral turnout in Sunni areas as “extraordinary”.²⁶¹

484. Mr Blair suggested that the elimination of the threat from Abu Musab al-Zarqawi – the most visible part of the insurgency – would make a big difference and offered the view that:

“Basically we had to reduce the insurgency to the hard core and then eliminate it.”

485. On 16 February, the JIC issued an Assessment of the emerging political landscape and of key political and security issues.²⁶²

486. The JIC assessed that perhaps fewer than 10 percent of voters had probably turned out in the Sunni heartlands, and only two percent in Anbar province. Overall turnout was 58 percent.

487. The JIC judged that the UIA was “likely to stick together long enough to decide on the new Prime Minister and makeup of the Presidency”. Prime Minister Allawi was unlikely to retain his post.

488. The JIC’s Key Judgements included:

“II. There are already encouraging signs of Shia outreach to the Sunnis, but the test will be the degree to which the Shia are willing to include them in the Government and in drafting the Constitution, and the extent to which Sunnis are willing to

²⁶¹ Letter Phillipson to Owen, 16 February 2005, ‘Prime Minister’s phonecall with President Bush, 15 February: Iraq and Syria/Lebanon’.

²⁶² JIC Assessment, 16 February 2005, ‘Iraq; Post Election Landscape’.

respond. Inclinations towards inclusiveness by Shia leaders will have to be balanced against wider Shia expectations of dominating the Government and transforming years of repression into real power.

“III. Without Sunni engagement in the political process, it will not be possible significantly to undermine the insurgency ...

“IV. The insurgents will maintain their attempts to derail the process. Sectarian attacks, especially on the Shia, and attacks on Iraqis associated with the coalition will continue. The announcement of the Assembly and the Government will give the insurgents a new range of targets.”

489. The JIC also assessed that Iran would want the new Shia-led Government to succeed but would try to influence it. A perception of strong Iranian influence or control over the Iraqi Transitional Government would undermine the potential for Sunni engagement.

490. In early 2005, consideration began to be given to whether the UK should seek to make contact with those close to the Sunni insurgency who would “retain a malign and potentially decisive influence unless squared”.²⁶³

491. To avoid creating distrust, Mr Asquith’s advice to Mr Straw on 17 February was that the UK’s work should be undertaken with the full knowledge (though not necessarily explicit agreement) of both the US and Iraqi authorities.

492. On 22 February, the Australian Prime Minister Mr John Howard announced that a 450-strong Australian Muthanna Task Group would be deployed to southern Iraq, to “provide a stable and secure environment for the Japanese Reconstruction and Support Group” and assist in training the Iraqi Army.²⁶⁴

493. Mr Blair and President Bush met over breakfast on 22 February, during the President’s visit to NATO and the EU.²⁶⁵ The record of their discussion indicates that they did not discuss the strategy for 2005.

494. Sir Nigel Sheinwald observed to officials across Whitehall and in diplomatic posts:

“You will have noticed that his [President Bush’s] formulations on Iraq, Iran and G8 in particular owed a good deal to the advice he had sought from the Prime Minister.”²⁶⁶

²⁶³ Minute Asquith to PS/PUS & PS [Secretary of State] [FCO], 17 February 2005, ‘Iraq: developing a dialogue with those close to the Iraqi insurgency’.

²⁶⁴ Australian Government Department of Defence, Annual Report 2004-05, ‘Special Feature – al-Muthanna Task Group’.

²⁶⁵ Letter Sheinwald to Adams, 22 February 2005, ‘Prime Minister’s meeting with President Bush: 22 February’.

²⁶⁶ Letter Sheinwald to Adams, 22 February 2005, ‘President Bush’s visit to Brussels: 22 February’.

495. On 24 February, the FCO briefed the AHMGIR on the election outcome.²⁶⁷ In discussion, the point was made that the elections would “change the feel of our bilateral relationship with the new Iraqi Government as they would now have the confidence that came from having a mandate”.

496. The FCO reported that several Sunni groups appeared to have recognised that boycotting the elections had been “counter-productive” and there were signs some were looking to join the political process.

497. In discussion it was suggested that a “key objective” for the UK would be to protect the provision in the TAL that the three provinces could veto the Constitution. Originally seen as safeguarding Kurdish interests, this was now even more important for the Sunni.

498. Ministers asked for a plan for “co-ordinated bilateral contacts” with the new Iraqi Government as soon as it was in place.

499. On 25 February the JIC considered the links between Syria and the Iraqi insurgency.²⁶⁸ It judged that:

“Syria’s policy towards Iraq is one of limited support for the insurgency ... Its attitude to jihadists and Iraqi Ba’athists differs markedly: some concern and action against jihadists; tolerance, even encouragement, of Ba’athists.”

500. Mr Blair wrote a note to his Private Secretary on 25 February instructing that Mr Straw be “put in charge” of the Ad Hoc Ministerial Group on Iraq and asked to minute him each week with actions on “eg reconstruction in the South; Sunni outreach; progress on security plan”.²⁶⁹

501. Ms Aldred chaired a video conference discussion of the strategy for 2005 paper with the US on 28 February.²⁷⁰ It was agreed that the UK should send the US further papers setting out areas to be covered by a national policing plan for Iraq; a high level security plan; and on a possible further international conference to follow on from the one held in Sharm el Sheikh in November 2004.

March 2005

502. Referring to negotiations on the formation of the ITG, Mr Blair commented to President Bush on 1 March that: “We needed a stable outcome.”²⁷¹

²⁶⁷ Minutes, 24 February 2005, Ad Hoc Group on Iraq Rehabilitation meeting.

²⁶⁸ JIC Assessment, 25 February 2005, ‘Syria and the Iraqi Insurgency’.

²⁶⁹ Manuscript comment Blair on Minute Quarrey to Prime Minister, 25 February 2005, ‘Iraq Update’.

²⁷⁰ Minute Fergusson to Sheinwald, 2 March 2005, ‘Iraq: VTC meeting with NSC/Department of State/Pentagon, 28 February 2005’.

²⁷¹ Letter Quarrey to Siddiq, 2 March 2005, ‘Prime Minister’s VTC with President Bush, 1 March: Middle East’.

503. On 7 March, UK forces assumed command from the Dutch battalion in Muthanna.²⁷²

504. Air Chief Marshal Sir Glenn Torpy told the Inquiry that there was “considerable concern” when the Dutch Government, an important contributor to MND(SE), announced its intention to withdraw:

“Despite the serious gap this would leave in the force structure, which potentially risked having to be filled by the UK, the FCO (and MOD) were slow to engage the Dutch diplomatically to persuade them to stay, to the extent that when they were eventually engaged preparations for their departure were too far advanced to reverse. Although the Australians stepped into the breach the outcome could have had serious implications for the UK, which could possibly have been avoided by earlier and more substantive action in Whitehall.”²⁷³

505. Lt Gen Riley told the Inquiry the Dutch withdrawal was disruptive for the MNF-I.²⁷⁴ In his view, the disruption was exacerbated by:

“... a great reluctance in Foreign Office circles to admit that what the Dutch were saying publicly was actually what would happen and somehow we could persuade them to stay, whereas it would have been much less disruptive to have recognised the reality and either talked early to the Australians, who had given indication that they would be willing to help if asked, or got on and made a contingency plan using British forces, which we were having to do with the help of PJHQ and elements of the MOD covertly anyway.”

506. In Baghdad, negotiations on the formation of the ITG continued.

507. In conversation with President Bush on 8 March, Mr Blair said that the US and UK should not seek to influence the selection of the new Government, but that they should try to “shape” how it would address certain issues, such as Iraqisation.²⁷⁵

508. On 10 March, Mr Charles Heatly, a former Adviser to Prime Minister Allawi, reported to Mr Blair that the lack of a government was:

“... down to a combination of the Shi’a coalition list being badly divided with no obvious leader ... the Kurds making ... unreasonable demands, and the large number of groups/individuals getting involved directly or indirectly.”²⁷⁶

509. Mr Heatly considered that protracted negotiations over the formation of the ITG had exposed tensions between the political groupings in Iraq, which he thought would be evident as the process of writing the Constitution got under way. He predicted

²⁷² Press release MOD, 7 March 2005, ‘Dutch handover to British forces in al Muthanna – Iraq’.

²⁷³ Statement Torpy, 18 January 2011, page 8.

²⁷⁴ Public hearing, 14 December 2009, page 8.

²⁷⁵ Letter Quarrey to Siddiq, 8 March 2005, ‘Prime Minister’s VTC with President Bush, 8 March’.

²⁷⁶ Minute Heatly to Prime Minister, 10 March 2005, ‘Iraq: Risks and the Media Impact’.

that Sunni/Shia and religious/secular tensions could be exacerbated by the fact of a predominantly Shia religious government coming into power, with the new Government set to take early decisions (including on the de-Ba'athification process) which would confirm a sceptical Sunni audience's worst fears. Raised political tension and increased violence risked feeding off each other.

510. On 10 March, at the first meeting of the Ad Hoc Ministerial Group on Iraq since Mr Straw became Chair, 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”.²⁷⁷

511. The meeting discussed Iraqisation, the political process, broadening international engagement and reconstruction. Ministers agreed that the FCO and MOD would circulate an outline of a possible security strategy announcement by the end of 14 March and that the FCO would circulate a note on forthcoming international events on Iraq. They asked the FCO to follow up concerns over the safety of judges, prosecutors and witnesses in the Iraqi Special Tribunal.

512. On 11 March, Mr Sawers sent Mr Straw a minute covering impressions from his visit to Iraq.²⁷⁸

513. Mr Sawers wrote that the situation was encouraging, which he attributed to the “boost” from elections. Politics remained “firmly on a confessional basis”, but:

“... each community is getting organised, good quality people are emerging as chief negotiators, and they are working for a consensus, building on existing agreements, above all the TAL.”

514. The Shia list had settled on Dr Ibrahim Ja'afari as its candidate for Prime Minister. Mr Sawers noted that “the Kurds are the most cohesive group”, and “the Sunni Arabs are beginning to sort themselves out too”, recognising in some cases that they had missed out by boycotting the elections. One of the keys to the next phase would be for each of the four main factions – Shia Islamists, Sunni Arabs, Kurds and Allawi's secularists – to be able to negotiate authoritatively on the constitution.

515. Prime Minister Allawi had absented himself from the political negotiations²⁷⁹ and Mr Sawers suggested Mr Blair should call him to encourage him to take part.²⁸⁰ In Mr Sawers' view, there was a need for a secular force bringing together Shia and Sunni Arabs, to keep the Shia Islamists in check. He also considered that the Sunni Islamists were uncomfortably strong.

²⁷⁷ Minutes, 10 March 2005, Ad Hoc Ministerial Group on Iraq meeting.

²⁷⁸ Minute Sawers to Foreign Secretary, 11 March 2005, 'Iraq: Impressions'.

²⁷⁹ Telegram 123 Baghdad to FCO London, 1 March 2005, 'Iraq: Formation of New Government: Allawi Bows Out'.

²⁸⁰ Minute Sawers to Foreign Secretary, 11 March 2005, 'Iraq: Impressions'.

516. Mr Chaplin told the Inquiry that Dr Allawi was seen as “a genuinely secular figure who was Shia but not sectarian, seen as non-ideological; a tough man, someone who would have some credibility with the military”.²⁸¹ For these reasons, Mr Asquith told the Inquiry, it had been the view of “quite a large number, yes, from the Prime Minister downwards” that it would have been better if Dr Allawi had stayed in government.

517. Mr Blair telephoned Dr Allawi on 14 March and encouraged him to remain in government.^{282,283}

518. The TNA met for the first time on 16 March.²⁸⁴

519. Mr Chaplin reported concerns about the impact of the delay in forming the ITG:

“... the longer the delay, the more frustrations grow and goodwill between the parties dissipates ... We have continued to press all our contacts hard to conclude their negotiations, at least on the core package, before the inevitable break for Kurdish New Year on 21 March ... pointing to the loss of credibility both internationally and domestically ... The parties assure us that they are keen to conclude their negotiations, and intend to wrap up a deal by the end of March at the latest. If they show signs of overshooting that target as well, we may need to step up the pressure with some co-ordinated high level UK/US messages.”²⁸⁵

520. On 18 March, Mr Blair reminded Mr Quarrey: “I need J[ack] S[traw] to do me a note each week on progress (to keep him at it).”²⁸⁶

521. Mr Straw’s first report to Mr Blair, dated 24 March, covered the first three meetings²⁸⁷ of the Ad Hoc Ministerial Group on Iraq.²⁸⁸ He summarised their content as:

“The shape of an early Iraqi statement on their security strategy is under discussion with the US, with a view to early agreement with the ITG. MOD work to deliver Military Transition Teams in MND(SE), as part of the move towards regional control, is well advanced. The continuing delay in the establishment of the ITG is a serious concern, and we are working closely with the US to push for speedy resolution. Plans for early engagement with the ITG are already in place. The concept of the International Conference is being fleshed out, with a focus on inclusivity and donor co-ordination. We are looking at how we can achieve both short and medium-term improvements in the power situation.”

²⁸¹ Private hearing, 15 June 2010, page 8.

²⁸² Letter from Quarrey to Siddiq, 14 March 2005, Iraq: Allawi’.

²⁸³ He did not, in the end, join the ITG, but took his seat in the National Assembly, where he formed a new alliance of political parties under the Iraqi National List, which contested the December 2005 elections to the Council of Representatives (see Section 9.4).

²⁸⁴ UN Security Council, Press Release 11 April 2005 (SC/8355).

²⁸⁵ Telegram 147 Baghdad to FCO London, 17 March 2005, ‘Iraq: Formation of the New Government: Slow Progress’.

²⁸⁶ Manuscript comment Blair on minute Quarrey to Prime Minister, 18 March 2005, ‘Iraq Update’.

²⁸⁷ Held on 10 March 2005, 17 March 2005 and 24 March 2005.

²⁸⁸ Minute Straw to Prime Minister, 24 March 2005, ‘Iraq: Ad Hoc Ministerial Meetings’.

522. Mr Straw described the benefits of an early announcement on a security strategy as being “a sense of direction for the Iraqi people; and the beginning of a plan for draw-down for coalition partners”.

523. On the political process, Mr Straw reported 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”.

524. On international engagement, Mr Straw wrote that the objectives of a conference would be “ensuring an inclusive approach to build a wide base of support for the Iraqi political process; and a reformed approach to donor co-ordination”. The scope for bringing other international partners into key activities in Iraq was also being considered.

525. In the last week of March, the US and UK Governments were encouraging the Iraqi parties to conclude negotiations to form a new Government.²⁸⁹

526. Sir Nigel Sheinwald told Mr Hadley that the UK was increasingly frustrated with the stalemate and concerned about its consequences.²⁹⁰

April 2005

527. Lieutenant General Robin Brims, who had commanded 1 (UK) Armoured Division during the invasion of Iraq in 2003, succeeded Lt Gen Kiszely as SBMR-I in April 2005.

528. On 6 April, the JIC assessed the state of the insurgency in Iraq after the January elections.²⁹¹

529. The JIC judged that:

“A significant Sunni insurgency will continue through 2005 and beyond, but the opportunities for reducing it appear greater than we judged in early February.”

530. The JIC confirmed its earlier assessment that “there is no unified Sunni insurgency”. Although a high level of violence remained, the atmosphere created by the January election had encouraged some opposition groups, including some insurgents, to rethink their strategy. The actions of the ITG would be critical in changing Sunni perceptions. If it failed to respond effectively to Sunni concerns it would play into the hands of the insurgents and deepen the violence. But if the political process gained momentum, Sunni support for the insurgency would diminish.

531. The JIC reported that the week of the Iraqi elections had seen more than 1,000 recorded attacks by insurgents, one of the highest weekly totals since the invasion.

²⁸⁹ Letter Sheinwald to Adams, 23 March 2005, ‘Conversation with National Security Adviser, 23 March 2005’.

²⁹⁰ Letter Quarrey to Siddiq, 1 April 2005, ‘Nigel Sheinwald’s phone call with Steve Hadley, 31 March’.

²⁹¹ JIC Assessment, 6 April 2005, ‘Iraq: The State of the Insurgency’.

532. Since the election the number of recorded attacks had reduced, and by the end of March had fallen to below 400 a week, the lowest level since March 2004. Attacks on the MNF-I, which made up 75 percent of the total, were down slightly whereas attacks on Iraqi citizens had increased slightly. The weekly average number of casualties was 300.

533. The JIC assessed the Shia militias as “largely dormant”. Muqtada al-Sadr was concentrating on the political process but his organisation remained “fractious” and the risk of some Shia violence by Sadrists and others was expected to persist. Foreign jihadists remained “capable of mounting attacks with disproportionate impact”.

534. On 7 April, the TNA elected its first Speaker and swore in the Presidential Council and Prime Minister Designate.²⁹² Mr Jalal Talabani, leader of the PUK, became President. Mr Adel Abdul-Mahdi (Shia) and Mr Ghazi Yawer (Sunni) were both appointed Vice-President. Dr Ibrahim al-Ja’afari, of the Dawa Party, was sworn in as Prime Minister Designate.

The Dawa Party

The Dawa Party, to which both Prime Minister Ja’afari and his successor Mr Nuri al-Maliki belonged, is the oldest of the two Shia Islamist movements in Iraq.²⁹³

Although there are differing accounts of the details of the party’s formation, it emerged in the late 1950s and was initially dominated by a young Shia scholar, Muhammed Baqir as-Sadr, who sought to reverse the decline of Islam within Iraqi society.²⁹⁴

The Dawa Party’s ideology is based on technocratic rule within the framework of an Islamic state.

After its formation, Dawa expanded rapidly until the Ba’ath Party took power in Iraq in 1968 and began a crackdown on Shia political activism, resulting in the imprisonment and execution of Dawa members throughout the 1970s. In 1977, despite a government ban, the party organised a religious procession (the marad al-ras) which was attacked by police, leading to a wave of protests in southern Iraq.

Dawa formed a military wing in 1979 and was proscribed by Saddam Hussein’s regime in March 1980. Following a failed attempt to assassinate Tariq Aziz, as-Sadr was detained and later executed.

At this time many Dawa members, including Dr Ja’afari and Mr Maliki, fled Iraq, and branches of the party were established in Tehran, Damascus and London.

After narrowly avoiding detention, Mr Maliki left Iraq in October 1979, settling first in Syria and then in Iran.²⁹⁵ He left Iran for Syria in the late 1980s, when Iranian security services

²⁹² *BBC News*, 7 April 2005, *Talabani: Iraq’s pragmatic new leader*.

²⁹³ *BBC News*, 17 June 2004, *Who’s who in Iraq: Daawa Party*.

²⁹⁴ Shanahan R, Shi’a political development in Iraq: the case of the Islamic Da’wa Party. *Third World Quarterly* **25**: 943-954 (2004).

²⁹⁵ Parker N & Salman R, Notes from the Underground: The rise of Nouri al-Maliki and the New Islamists. *World Policy Journal* **30**: 63-76 (2013).

began to harass and kill Dawa members. Mr Ja'afari served as the Dawa spokesman in London.

After returning to Iraq in 2003, Mr Maliki became the Dawa Party spokesperson, and represented the party on the United Iraqi Alliance's political committee.²⁹⁶

535. Mr Straw reported the election of President Talabani to Cabinet on 7 April and observed that it would be important to generate momentum for the new government, and to ensure “people understood how much progress had been made”.²⁹⁷

536. Mr Straw and Mr Hoon agreed that Iraq was moving towards a position where a drawdown of British troops could, in time, be possible.

537. In April 2005, an FCO delegation led by Mr Asquith had initial discussions with a group judged to have influence on the political leadership of the Sunni insurgency.²⁹⁸ Mr Asquith's report of the discussions concluded that:

“This was a worthwhile exercise ... They were appreciative of the opportunity ... However, the opposition remains incoherent ... Sunni distrust of the Shia political leadership of the ITG is matched by exasperation with US forces whose practices are strengthening support for rejectionists. The Sunni opposition leadership look on us as the only honest broker around with the necessary influence on the relevant parties. I made clear ... that we were not in the business of imposing outcomes and that this was an Iraqi affair, for Iraqis themselves to sort out.

“We need to encourage their political networking efforts, giving due weight to the established Sunni political leadership. Left to themselves, the Iraqi parties will not sort this out ... We need to push the parties together, while avoiding appearing to interfere in the democratic process. Discretion is key.”

538. Mr Asquith recommended that the UK should continue its contacts with this and similar groups and press the US and Iraqi Government to make a similar effort.

539. In a meeting with Sir Nigel Sheinwald on 13 April, Mr Paul Wolfowitz, US Deputy Secretary of Defense, warned that there was a danger of losing the momentum generated by the January elections.²⁹⁹ In his view, “Iraq was going in the right direction, but not fast enough”. Sir Nigel agreed.

²⁹⁶ Briefing DIS [junior official], 24 April 2006, ‘Pen Picture – Jawad al-Maliki (aka Nouri Kamel and Abu Isra)’.

²⁹⁷ Cabinet Conclusions, 7 April 2005.

²⁹⁸ Minute Asquith to Sawers, 8 April 2005, ‘Iraq: Developing a Dialogue with Those Close to the Iraqi Insurgency’.

²⁹⁹ Letter Phillipson to Adams, 16 April 2005, ‘Nigel Sheinwald's Meetings in Washington, 13 April: Middle East Issues’.

540. The JIC assessed the impact of Iraq on the threat from global Islamic terrorism on 13 April.³⁰⁰ Its Key Judgements included:

- “I. The conflict in Iraq has exacerbated the threat from international terrorism and will continue to have an impact in the long term. It has confirmed the belief of extremists that Islam is under attack and needs to be defended using force. It has reinforced the determination of terrorists who were already committed to attacking the West and motivated others who were not.
- “II. The Iraq conflict has resulted in an increase in co-operation between terrorist networks ...
- “III. Some jihadists who leave Iraq will play leading roles in recruiting and organising terrorist networks ... It is inevitable that some will come to the UK.
...
- “V. Iraq is likely to be an important motivating factor for some time to come in the radicalisation of British Muslims and for those extremists who view attacks against the UK as legitimate.
- “VI. An Iraqi government that includes strong Sunni representation and speaks out clearly against the jihadists would carry considerable credibility in the Muslim world, and the ejection of foreign jihadists by them would be a powerful message.”

541. The JIC judged that Al Qaida had “capitalised on the Iraq jihad” and had benefited in particular from co-operation between terrorist networks to gain access to a broader range of operatives and support. New relationships across networks were allowing the exchange of expertise and skills.

542. Lt Gen Kiszely completed his tour as SBMR-I and sent his “hauldown” report to Gen Walker on 16 April.³⁰¹ Looking back at six months in Iraq, he wrote:

“... the insurgency has been confined to Sunni areas or to Sunni interfaces with Shia or Kurd communities. What little violence has been seen elsewhere – 10 out of 18 provinces see only 2 percent of the violence – can be categorised as terrorism.”

543. Progress in MND(SE) had been good, with all four provinces likely to be under Provincial Iraqi Control by March 2006, offering “the potential for considerable reductions in UK force levels”. Set against that was the possibility that other troop contributors would withdraw, creating a need to backfill, and the “yet to be articulated” US desire for the UK to take on MND(CS).

³⁰⁰ JIC Assessment, 13 April 2005, ‘International Terrorism: Impact of Iraq’.

³⁰¹ Minute Kiszely to CDS, 16 April 2005, ‘SBMR-I’s Hauldown Report’.

544. Lt Gen Kiszely reflected that:

“As a nation which contributes only about 5 percent of the forces and 1 percent of the money, UK continues to exert influence on campaign direction and conduct disproportionate to its contribution ...”

545. Of the 27 nations with the coalition, only the UK sought to exert influence over the US by committing significant numbers of officers to MNF-I and MNC-I headquarters. Lt Gen Kiszely considered that the ability to do so “results largely from identifying key posts and filling them with the right officers”. He suggested that the influence and effectiveness of some officers would be enhanced by increased tour lengths:

“With the US military on 12-month tours, the 6-month UK tours create turbulence and attract criticism. This is particularly the case for appointments involved in developing relationships with host-nation officers and officials. We should identify posts requiring longer tour-lengths, increase them to 9-12 month tours, and provide appropriate support packages.”

546. On 19 April, a CIG assessed the threat posed by Abu Musab al-Zarqawi’s organisation to British interests in Iraq, prompted by a statement claiming to be from AQ-I which had appeared on several websites, some of which had previously been used by al-Zarqawi for similar purposes.³⁰²

547. The statement threatened intensive military attacks against UK forces and their allies in the south of Iraq, and also attacks against Iraqi “agents and spies” and “collaborators” working with the UK.

548. Although the authenticity of the statement could not be verified, the JIC judged that “it must be taken seriously”. The JIC assessed that the threat posed in Iraq was “diverse”, as al-Zarqawi had in the past been responsible for suicide bombings, complex attacks and kidnappings.

549. The JIC judged that non-military UK interests in Iraq, although not specifically mentioned in the statement, could be under threat as well as military and civilian targets in the South. Attacks on UK interests outside Iraq could not be ruled out.

550. On 19 April, the Iraq Senior Officials Group was briefed that delays in forming the ITG were having an impact on the constitutional process, “putting its already ambitious timetable under even greater pressure”.³⁰³

551. Further delay was possible because of the TAL’s “lack of resonance as an Iraqi document”. Delays to the parliamentary elections scheduled for December would mean additional costs for the MNF-I in maintaining security.

³⁰² JIC Assessment, 19 April 2005, ‘Al-Zarqawi Threatens UK forces in Iraq’.

³⁰³ Letter Fergusson to Asquith, 19 April 2005, ‘Iraq: Senior Officials Group’.

552. Reporting a discussion of the Chiefs of Staff on 20 April about the threat from Abu Musab al-Zarqawi, Ms Aldred wrote to Sir Nigel Sheinwald: “as there is no information on possible targets or timing, the military view was that little more could be done. The Prime Minister should be alerted to the threat.”³⁰⁴

553. Ms Aldred also reported that the next military rotation would result in UK force levels increasing by around 480 personnel. Ms Aldred:

“... made the point that in circumstances where we were benefiting from the improvement in security in Iraq in general, and MND(SE) in particular, it would be very hard to explain why an increase in force levels of this magnitude was required on top of the increase which had already taken place to compensate for the Dutch withdrawal from Muthanna. Jock Stirrup ... saw the point ...”

554. On 28 April, Prime Minister Designate Ja’afari presented the majority of his Cabinet to the TNA for ratification.³⁰⁵

555. The list, which was approved by 180 of the 185 TNA members present, covered two of the four Deputy Prime Minister positions and 27 of the 32 Ministerial posts. Eight of the Cabinet had previously held Ministerial office in Iraq in either the Iraqi Governing Council or Interim Iraqi Government.

May 2005

556. On 2 May, Mr Chaplin reported that many Sunnis had:

“... responded critically to the announcement of the new government ... They are unhappy that Ja’afari chose to put his Cabinet to the vote before a satisfactory agreement had been reached on acceptable Sunni representation.”³⁰⁶

557. Negotiations between the political parties on how to fill the remaining posts had continued right up to the last moment. The British Embassy Baghdad reported that in the end Dr Ja’afari had concluded that announcing a nearly-complete list was better than announcing nothing.

558. Dr Ja’afari emphasised to the TNA that the Ministers were chosen for their competence and willingness to work as part of the team. Ministries were not fiefdoms and a Minister was “not an emperor”. Speaking about efforts to ensure Sunni Arab participation, he said the election results should be honoured but “the unfairness done to our brother Sunni Arabs in those elections” should also be acknowledged.

559. Mr Chaplin commented that, although the main Sunni parties had put forward a number of prospective candidates for Ministerial posts, very few had been appointed. Some suspected that Dr Ja’afari’s party intended to “impose” their own Sunni Arab

³⁰⁴ Minute Aldred to Sheinwald, 20 April 2005, ‘Iraq – COS 20 April’.

³⁰⁵ eGram 3590/05 Baghdad to FCO London, 28 April 2005, ‘Iraq: New Cabinet Ratified by the TNA’.

³⁰⁶ eGram 3762/05 Baghdad to FCO London, 2 May 2005, ‘Iraq: New Government: Finishing the Job’.

candidate for Minister of Defence. Mr Chaplin reported that UK and US officials were continuing to encourage negotiation.

560. Mr Chaplin reported that many Sunni Arabs were unhappy about the way in which the new Government had been formed but were continuing negotiations in a “last ditch attempt to secure acceptable Sunni representation”.

561. The atmosphere had been soured by a series of incidents on 29 and 30 April. A raid on the Baghdad office of the National Council for Dialogue on 29 April was followed by a car-bombing of the same office the following day.

562. Several senior politicians (including the TNA Speaker, Hajim al-Hassani, and one of the Vice-Presidents, Ghazi Al Yawer) had complained about the Iraqi security forces’ violent entry into a number of Sunni mosques, and the arrest of 32 Sunni imams on 29 April. Mr Chaplin had seen no evidence that the arrests had sectarian motives, but they were perceived by the Sunni Arab community as such.

563. Looking forward to the months ahead, Mr Chaplin commented:

“It remains clear that significant Sunni figures are seeking a way back into the political process for their community. They attach more importance to having a voice in the constitutional debate and retrieving their position in the next elections than the formation of this government. But having been led to believe that government positions are on offer, there will be a correspondingly negative reaction if these hopes are dashed, which will not help the next stage of negotiations over the constitutional process. The Shia meanwhile find the Sunnis disorganised and unreasonably demanding, given their boycott of the elections, and even those who do not share fears of re-Ba’athification believe that many Sunnis have not yet adjusted to the new realities of having to share power. The Kurds have made clear publicly their support for Ja’afari’s government, but would be very uncomfortable if credible Sunni representatives were not included.”³⁰⁷

564. On 3 May, members of the ITG were sworn in and formally took power.³⁰⁸

565. Six of the seven vacant Ministerial posts were filled on 8 May.³⁰⁹ The final post, Minister for Human Rights, was filled on an acting basis by another Minister for the duration of the ITG³¹⁰ after Mr Hashim al-Shible turned down the post shortly after the TNA had approved his appointment.³¹¹

³⁰⁷ eGram 3762/05 Baghdad to FCO London, 2 May 2005, ‘Iraq; New Government: Finishing the Job’.

³⁰⁸ *The Telegraph*, 3 May 2005, *Iraq’s new government sworn in*.

³⁰⁹ *BBC News*, 8 May 2005, *Iraq fills crucial cabinet post*.

³¹⁰ University of Utah Global Justice Project: Iraq, [undated], *Government and Legislature – 2003 to date*.

³¹¹ *BBC News*, 8 May 2004, *Iraq fills crucial cabinet post*.

566. In addition to the Prime Minister and his three deputies, the ITG included 31 Ministers, six of whom were Sunni, in line with the estimated Sunni proportion of Iraq's population.³¹²

567. Mr Asquith commented in his evidence to the Inquiry that the momentum injected into the political process by the elections was squandered because it took four months to form the ITG.³¹³

568. Lt Gen Brims told the Inquiry that the delay forming the ITG had created a political vacuum that had been filled by street violence.³¹⁴

569. In a telegram dated 6 May, Mr Chaplin outlined the key challenges facing Prime Minister Ja'afari:

- a progressive handover from the MNF-I to the Iraqi Security Forces (ISF);
- improvement in public services;
- managing the economy, including keeping inflation under control;
- progress on the Constitution; and
- managing public expectations.³¹⁵

570. Mr Chaplin added that the ITG had a clear electoral mandate and some experienced Ministers, but also a number of serious handicaps, including the risk of discord within Prime Minister Ja'afari's political grouping, the possibility that the Kurdish members of the TNA would seek to have him replaced, and other issues (such as de-Ba'athification) "which could stoke up tensions within government to the point of collapse".

571. Mr Chaplin concluded that "there are reasons to hope that the political imperative of delivering results, and the awfulness of the alternatives, will force the necessary compromises to be made".

572. Mr Chaplin reported on 6 May that there was "a widespread assumption that the timetable laid down in the Transitional Administrative Law ... is too tight, although we continue to insist that every effort should be made to meet it".

³¹² University of Utah Global Justice Project: Iraq, [undated], *Government and Legislature – 2003 to date*; *The New York Times*, 12 May 2005, Q&A: *Iraq's Cabinet*.

³¹³ Public hearing, 4 December 2009, page 6.

³¹⁴ Public hearing, 14 December 2009, page 28.

³¹⁵ eGram 4045/05 Baghdad to FCO London, 6 May 2005, 'Iraq: Prospects for the Ja'afari Government'.

The UK General Election

In the UK General Election of May 2005, Mr Blair's Labour Party was returned for a third term in office.³¹⁶

Following the election, Mr Jack Straw remained as Foreign Secretary and Mr Hilary Benn remained as Development Secretary. Dr John Reid was appointed Defence Secretary, succeeding Mr Geoff Hoon, who became Leader of the House of Commons.

573. In May 2005, a note to Dr Reid as incoming Defence Secretary from Sir Kevin Tebbit, said:

“Internally, your immediate focus will be on Iraq and Afghanistan. In Iraq, the US-led coalition's main effort will this year shift from providing direct security to building the capability and capacity of the Iraqi Security Forces ... significant reductions in Coalition force levels (including UK forces) are unlikely to be possible until 2006. This is 6-12 months later than our initial hopes. It inevitably has knock-on consequences for the next planned increase in our military effort – expanded stabilisation operations in Afghanistan – and the size of our force there.”³¹⁷

574. On 13 May 2005, Dr Reid's Private Secretary advised Mr Blair's Private Secretary that the rotation of troops in progress in Iraq would result in an increase of 435 UK military personnel in Iraq.³¹⁸ This was a result of UK forces:

“... shifting their main effort from framework security to security sector reform ... to create the conditions to transfer responsibility for provincial security to the Iraqis from autumn this year.”

575. The Private Secretary added:

“At this stage, it is too early to accurately predict the force levels required for the rest of 2005, but the next force level review, which will take place over the summer, will provide greater clarity. This review is expected to report in September.”

576. Mr Chaplin's valedictory report, dated 16 May, observed that a “certain gloom seems to have descended in London and Washington about prospects for Iraq”.³¹⁹ He acknowledged that there was “certainly plenty of bad news around”, citing the surge of violence that had followed the formation of the new government (around 70 attacks a day with a “nasty sectarian tinge to much of the killing”). But, despite acknowledging that his own perspective was limited to what he saw in the “Green Zone”, he pointed also to:

“... some encouraging signs ... credible Sunni figures in the Cabinet ... key Ministers look competent and have been saying all the right things about delivering results

³¹⁶ *BBC News*, 7 May 2005, *Final election results declared*.

³¹⁷ Minute Tebbit to Secretary of State, 6 May 2005, ‘Welcome’.

³¹⁸ Letter Naworynsky to Quarrey, 13 May 2005, ‘Iraq: UK Roulement and Force Level Review’.

³¹⁹ eGram 4529/05 Baghdad to FCO London, 16 May 2005, ‘Iraq: Valedictory: Still In The Balance’.

and inclusiveness ... There are at last serious numbers of trained and equipped ISF to deploy ... With UK help, a coherent national policing plan should soon be in place ... Opinion polls show most Iraqis determinedly optimistic about the future.”

577. Mr Chaplin saw two key risks:

- that the constitutional process would be insufficiently inclusive, so that the debate “instead of being an instrument for bringing Iraqis together, will drive them apart, with moderate Sunnis retreating into the arms of the extremists”; and
- that the Alliance would split into factions, with Muqtada al-Sadr deciding that he could gain more influence by opposing the government: “Coping with Shia unrest in the south as well as a Sunni insurgency in the centre and north remains the nightmare scenario for any Baghdad government, and for the MNF.”

578. Mr Chaplin considered that both risks needed to be taken seriously, although in his view the second was unlikely to materialise unless Grand Ayatollah al-Sistani died. Although there was an aspiration to agree a Constitution that would be inclusive, “the missing bit is an inclusive constitutional process”.

579. On 19 May, Mr Blair commented to President Bush that the delay in forming the ITG had created uncertainty over its effectiveness.³²⁰

580. Reporting a recent visit to Iraq to Cabinet on 19 May, Dr Reid observed that the inclusion of Sunni Ministers in the ITG was encouraging, as was “their desire to be identified as Iraqis rather than by their religious or ethnic background”.³²¹

581. Less comforting was the lack of Sunni participants in the Constitutional Committee, which needed to be addressed if the process was to be successful.

582. Mr Blair confirmed the strategic importance of Iraq to both regional security and the establishment of democracy in the region. It was therefore essential to continue the fight against terrorism and to defeat the “campaign of destabilisation”.

583. On 25 May, Dr Reid told Parliament that after the forthcoming troop rotation there would be approximately 8,500 UK military personnel in Iraq, an increase of just over 400.³²² He explained that:

“The reason for this small increase is in order to allow greater effort to be put into the training, development and mentoring of the Iraqi security forces: this will enable them to take on ever greater responsibility for their own security and so pave the way for UK troops to withdraw.”

³²⁰ Letter Quarrey to Siddiq, 19 May 2005, ‘Prime Minister’s video-conference with Bush, 19 May’.

³²¹ Cabinet Conclusions, 19 May 2005.

³²² House of Commons, *Official Report*, 25 May 2005, column 15WS.

584. 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.³²³

585. Mr Blair committed to reinforcing the ITG's message that it was “an inclusive Government for all Iraq's communities”.

586. On 26 May, Mr Blair told President Bush that he was concerned about increasing sectarian tensions in Iraq, and how they might be exploited by insurgents.³²⁴ He thought that the US and UK should make sure that the programme of Sunni outreach was pursued “with real vigour”.

587. The newly formed Iraq Sub Committee of the Defence and Overseas Policy Committee (DOP(I)) met for the first time on 26 May, chaired by Mr Blair.³²⁵

588. The Committee was briefed by Mr Ehrman on attitudes within the Sunni community to the political process, and by Gen Walker on the military campaign and Security Sector Reform.

589. In discussion it was observed that the number of sectarian attacks was increasing, and that in considering force posture in Iraq, the UK would also need to consider the “strategic balance with UK military activity in Afghanistan”. It was essential that operations in Iraq and Afghanistan each had sufficient military and civilian resources available.

590. Mr Benn gave an overview of the reconstruction process and the need to increase international involvement (see Section 10.2).

591. At the end of the meeting, Mr Blair asked for more advice, including a Sunni outreach strategy and an options paper on UK force posture in Iraq over the next nine months.

³²³ Letter Quarrey to Siddiq, 26 May 2005, ‘Prime Minister's Conversation with Ja'afari’.

³²⁴ Letter Quarrey to Siddiq, 26 May 2005, ‘Prime Minister's videoconference with President Bush’.

³²⁵ Minutes, 26 May 2005, DOP(I) meeting.

SECTION 9.4

JUNE 2005 TO MAY 2006

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Introduction

1. This Section addresses:

- the UK role in preparing for a referendum on Iraq's new Constitution and for Parliamentary elections on 15 December, leading to the appointment of an Iraqi Government led by Prime Minister Nuri al-Maliki;
- plans for the phased withdrawal of UK forces, and parallel decisions on the UK response to the new US "ink-spot" strategy for Iraq and on the deployment of troops to Helmand province in Afghanistan;
- rising sectarian violence in Iraq and a growing UK focus on outreach to the Sunni community; and
- concerns about the risks of strategic failure and civil war in Iraq.

2. This Section does not address the UK contribution to the reconstruction of Iraq and reform of its security sector, covered in Sections 10 and 12 respectively.

3. The Inquiry's conclusions in relation to the events described in this Section can be read in Section 9.8.

June 2005

4. In June 2005, Mr Edward Chaplin, the first British Ambassador to Iraq since the early 1990s, was succeeded in post by Mr William Patey. At around the same time, Ambassador Zalmay Khalilzad succeeded Ambassador John Negroponte as the US Ambassador to Iraq.

5. Giving evidence to the House of Commons Defence Committee in 2012, Sir William Patey said:

"When I was sent to Iraq was the first time I have ever had my objectives delivered directly to me by the Prime Minister. One of the objectives he set me was to get some troop withdrawals by the following year – by June 2006. It was clear to me that we were looking for extra troops, which we did not have, to send to Afghanistan."¹

6. Section 9.3 sets out UK views on the importance of participation by the Iraqi Sunni community in the political process, and the beginning of direct engagement with some individuals in pursuit of that aim.

7. The FCO had been considering the scope for broadening its earlier contact with Sunni insurgents with a further round of talks.² In early June, briefing on the options for further Sunni engagement was provided in response to a request from Mr Blair's

¹ House of Commons, *Corrected transcript of oral evidence*, 4 September 2012, 'Securing the Future of Afghanistan', page 4.

² Minute senior government official specialising in the Middle East to Quarrey, 2 June 2005, 'Iraq: Sunni engagement' and Minute senior government official specialising in the Middle East to Asquith, Richmond and Foreign Secretary, 1 July 2005, [name of operation].

Private Office. This time, the discussion would have the specific objective of agreeing a temporary cease-fire in part of Anbar province in the hope that this would help separate Sunni nationalists from foreign jihadists and act as a model for similar developments elsewhere in Iraq. It would be for the Iraqi Transitional Government (ITG) and the Multi-National Force (MNF) to decide whether any demands made in return for such a cease-fire could be met.

8. On 6 June, Sir Nigel Sheinwald, Mr Blair's Foreign Policy Adviser, sent a Note from Mr Blair to President Bush via Mr Stephen Hadley, the US National Security Advisor.³

9. The Note, which covered a wide range of countries and issues, was a reflection on "a huge opportunity ... to leave a clear and morally powerful agenda in place when we go".

10. On Iraq, Mr Blair wrote that:

"Iraq has been tough and we all know now the reserves of political and military strength required for any military action. The international community should be united behind us, urging us on, but they're not."

11. A brief for the visit by Mr Antony Phillipson, Mr Blair's Private Secretary for Foreign Affairs, suggested that the key point on Iraq was the need for the US to remain active and engaged in the detail, after a non-interventionist period between the election and the formation of the ITG "during which we lost valuable momentum".⁴

12. In practice, that meant the US and UK should press the ITG to deliver Sunni outreach (including sensitive handling of de-Ba'athification and a media strategy for the Sunni community) and be active in reaching out to Sunnis themselves.

13. On 7 June, Mr Blair and President Bush held talks on a range of foreign policy issues in the White House.⁵

14. In the discussion on Iraq, Mr Blair said that a stable, secure and democratic Iraq would have a "transforming effect" on Iran and Syria. But the increasing tension between Sunni and Shia needed to be watched. He judged that:

"Ultimately, without an improvement in security, little progress could be made."

15. Mr Blair commented that the Iraqiisation process was "going OK". Mr Blair and Sir Nigel Sheinwald indicated that the UK hoped to start reducing troops in the next 12 months, and to make a more significant reduction in Multi-National Division (South East) (MND(SE)) in the first half of 2006. It was important to stick to the political timetable, as providing security for the next round of elections was a constraint on withdrawals.

³ Letter Sheinwald to Hadley, 6 June 2005, [untitled] attaching Note [Blair] to Bush, [undated], 'Note to President Bush'.

⁴ Minute Phillipson to Prime Minister, 3 June 2005, 'Visit to Washington, 7 June'.

⁵ Letter Phillipson to Adams, 7 June 2005, 'Prime Minister's talks with President Bush, 7 June'.

16. On 13 June, Mr Jack Straw, the Foreign Secretary, sent Mr Blair an update on progress towards a new Iraqi Constitution, including the procedural challenges ahead.⁶

17. Mr Straw reported that there had been progress. The National Assembly (TNA) had formed a Constitutional Committee, to which the UN had offered its expertise. But the detail had yet to be agreed.

18. In Mr Straw's view, the key challenges were to ensure that the draft text was seen to reflect the views of Iraq's three main communities (Shia Arabs, Sunni Arabs and Kurds) and sticking to the timetable set out in the Transitional Administrative Law (TAL).

19. The TAL said that a draft Constitution should be produced by 15 August, ahead of a referendum on 15 October and elections by 15 December.

20. Mr Straw described the UK urging key players to maintain momentum, while putting in place a process which would deliver a credible text on time. The UK would also provide practical assistance as necessary.

21. Attached to Mr Straw's minute was a paper written by the IPU at the request of the Iraq Strategy Group which provided more detail on the drafting process and what could be done to improve it.

22. The paper said that the Constitutional Committee had formed sub-committees tasked with particular themes (for example, federalism) and Prime Minister Ja'afari had appointed a Ministerial Constitutional Committee.

23. Mr Nicholas 'Fink' Haysom, Head of the UN Office of Constitutional Support (UNOCS), had offered the Constitutional Committee UN support and guidance, and initially received a "cautiously welcoming" response.

24. The IPU paper set out the two main challenges to the process. The first was ensuring credibility, by "correcting the Sunni Arab deficit" in the membership of the Constitutional Committee and starting public outreach early. The second was keeping to the schedule. If the timetable slipped, the UN's plan was to extend the drafting period and compress the time for consultation before the referendum on 15 October.

25. Prime Minister Ja'afari told Mr Patey that the Ministerial Committee was intended "to help drive the process forward" and so ensure completion on time.⁷

26. On 14 June, Mr Patey reported to the FCO that there remained no agreement on Sunni representation on the Constitutional Committee.⁸ Only two of its 55 members were Sunni Arabs.

⁶ Minute Straw to Prime Minister, 13 June 2005, 'Iraq: Constitution' attaching Paper IPU, 10 June 2005, 'Iraq: Improving the Constitution Process'.

⁷ eGram 6667/05 Baghdad to FCO London, 15 June 2005, 'Introductory Call on Prime Minister Ja'afari, 14 June 2005'.

⁸ eGram 6606/05 Baghdad to FCO London, 14 June 2005, 'Constitutional Committee Update'.

- 27.** The Committee Chair, Sheikh Hummam Hammoudi, had indicated that a further 13 places might be allocated to Sunni members, but there remained pressure to increase this number.
- 28.** Mr Patey wrote that he was “encouraging the Sunnis to be realistic in their demands”, taking into account that they made up around 20 percent of the Iraqi population. He suggested that “they cannot expect to achieve much more than parity with the Kurds”, who also accounted for about 20 percent of Iraq’s population.
- 29.** Mr Patey also reported that the Committee had been “won over” to the idea of practical help from the UN and international community.
- 30.** Mr Chaplin told the Inquiry that the UK lobbied Iraqi politicians on the need to ensure an adequate number of credible Sunni figures in the Committee.⁹
- 31.** Mr Patey told the Inquiry that the UK also spent a lot of time trying to convince the TNA and Shia politicians that de-Ba’athification had gone too far, and that the de-Ba’athification provisions should be excluded from the Constitution.¹⁰
- 32.** Mr Blair and President Bush spoke by video conference on 15 June.¹¹ Mr Blair said that the main issue was “making sure Sunni outreach went ahead in the right way”; it would be important to draw them into what was still a “very fragile” political process.
- 33.** In discussion of plans for future speeches, Mr Blair suggested that it would become increasingly important to “flesh out” plans for transition to Iraqi leadership on security, and the drawdown of troops that would follow. By the elections in December, “the moderates in Iraq would need to be able to show that things were changing”.
- 34.** Dr John Reid, the Defence Secretary, circulated a paper on the options for future UK force posture in Iraq to the Defence and Overseas Policy Committee (Iraq) (DOP(I)) on 16 June.¹²
- 35.** Dr Reid explained that the existing policy position, which he did not see a reason to change, was that the UK should not:
- agree to any changes to the UK area of responsibility;
 - agree to any significant deployments outside MND(SE); or
 - agree to any significant increase in the roughly 8,500 UK service personnel currently deployed in Iraq.
- 36.** Dr Reid noted that there was a “clear UK military aspiration” to transfer security responsibilities to Iraqi forces in Muthanna and Maysan in October 2005, with the

⁹ Public hearing, 7 December 2009, page 21.

¹⁰ Public hearing, 5 January 2010, page 6.

¹¹ Letter Quarrey to Siddiq, 15 June 2005, ‘Prime Minister’s VTC with President Bush: Iraq, MEPP and the UN’.

¹² Paper Reid, 14 June 2005, ‘Options for future UK force posture in Iraq’.

remaining MND(SE) provinces (Basra and Dhi Qar), following in April 2006. That was expected to lead to a significant reduction in the overall level of UK troops in Iraq to around 3,000 personnel.

37. The paper asked Ministers to agree that the UK should keep open the options of agreeing to a small scale, more flexible UK deployment from mid-2006 and that UK representatives at the June Multi-National Force – Iraq review should turn down any proposal to extend the UK Area of Responsibility. Dr Reid would provide more advice in late summer.

38. Members of DOP(I) considered Dr Reid’s paper on 16 June, alongside a briefing from Mr William Ehrman, Chairman of the Joint Intelligence Committee (JIC), on Sunni engagement and a discussion on progress of police reform and reconstruction in the justice sector.¹³

39. No specific conclusions about the UK’s future force posture were recorded, but Dr Reid was asked to report on US thinking on drawdown of the Multi-National Force – Iraq (MNF-I) at a future meeting. DOP(I) agreed that the UK should concentrate on “seeing progress” on the justice and policing sectors and should push for resolution of the question of Sunni involvement in the Constitutional Committee.

40. On 16 June, the British Embassy Washington reported that the US Administration was again coming under pressure on Iraq, with renewed calls from Democrat politicians for an exit strategy and a timeline for withdrawal of US troops from Iraq.¹⁴

41. Opinion polls showed dwindling public support for US involvement, with increasing concern about military overstretch and US casualties. The Embassy reported that the White House was planning to respond to these criticisms in a significant speech by the President, on the anniversary of the transfer of sovereignty at the end of June.

42. On 17 June, Mr Patey reported that the Constitutional Committee had agreed that 15 additional Sunni Arab representatives should be appointed as members, with a further 10 as expert advisers.¹⁵ He observed:

“This allows Sunni politicians to argue that they have secured agreement to their demand for the participation of 25 Sunni Arab representatives in the Committee whilst preserving the necessary balance between the different political and religious groups ...”

43. On 22 June, Mr Patey told the FCO that a list of 15 additional Sunni representatives had been submitted, and that he expected the main work of the Committee to begin

¹³ Minutes, 16 June 2005, DOP(I) meeting.

¹⁴ eGram 6982/05 Washington to FCO London, 16 June 2005, ‘Iraq: the US public debate’.

¹⁵ eGram 6916/05 Baghdad to FCO London, 17 June 2005, ‘Iraq: Agreement on Sunni Arab Inclusion in the Constitutional Committee’.

within the week.¹⁶ The UNOCS was pressing ahead with its programme of assistance and:

“We have agreed to identify Civil Service experts who might contribute to UN seminars. The UNOCS have asked if we can suggest an authority on military-civilian relations, and have intimated that further support from us in facilitating the access of experts would be most welcome.”

44. Air Chief Marshal Glenn Torpy, Chief of Joint Operations, submitted a paper entitled ‘Operational Transition in Iraq’ to the Chiefs of Staff on 22 June setting out a possible timeline for withdrawal of UK forces.¹⁷ In the paper he proposed a four-phase transition:

- “Security Assistance”, meaning active involvement in SSR;
- “Transfer to Provincial Iraqi Control with Tactical Overwatch”, meaning the Iraqi Security Forces (ISF) would take the lead on security with the UK in support;
- “Operational Overwatch” meaning operating from a reduced number of MNF bases in order to reduce profile, while providing reinforcement to Iraqi forces; and
- “Strategic Overwatch”, described as “The Coalition posture that will underwrite Iraqi self-reliance and the normalisation of bilateral relationships.”

45. The second phase would be reached in Muthanna and Maysan in autumn 2005, and in Dhi Qar and Basra the following spring.

46. ACM Torpy stated: “The key condition that guides this time-based approach is the relative capacity of Iraqi provinces to assume full responsibility for their security.” He went on to explain that:

“Operational Transition depends on growing Iraqi capacity, which *must remain the dynamic, coherent and properly-funded Main Effort.*”

47. On 22 June, the British Embassy Baghdad reported that General George Casey, Commander of the MNF-I, had returned to the US in order to present his MNF-I Force Structure Review.¹⁸ That review did not envisage any fundamental changes in the Campaign Plan, and:

“The US, at the local military level, accept and understand UK plans in relation to MND(SE) including the point that any future changes in the level of UK forces in the south east would not (not) release troops for redeployment to other areas of Iraq.”

¹⁶ eGram 7276/05 Baghdad to FCO London, 22 June 2005, ‘Iraq: Constitution: Two Months and Counting’.

¹⁷ Minute CJO to COSSEC, 22 June 2005, ‘Op Telic: Operational Transition in Iraq’.

¹⁸ eGram 7335/05 Baghdad to FCO London, 22 June 2005, ‘Iraq: MNF-I Campaign Assessment: Emerging [illegible]’.

48. The Embassy recorded that two points required consideration in relation to changes in UK troop levels in MND(SE); the provision of protection for all UK activity in the region and how to maintain the security of the oil infrastructure.

49. Mr Blair wrote to President Bush on 27 June, to share concerns raised with him by his human rights envoy, Ms Ann Clwyd, during her recent visit to Iraq.¹⁹

50. Ms Clwyd had observed that it would be important not to burden the Iraqi authorities with a very large volume of security detainees when responsibility for security was transferred and had therefore recommended that the UK and US seek to reduce the number held, possibly by way of an amnesty. Mr Blair wrote that: “A carefully managed process of releases could help our Sunni outreach efforts.”

51. Ms Clwyd had also raised concerns about the Iraqi Special Tribunal (IST), which had been set up to try members of the previous regime. Mr Blair commented that a credible IST process which delivered “justice for the appalling crimes of the previous regime” would have a major political impact but that the coalition may need to ensure that the IST did not “rush to try the most serious cases before they are ready”.

52. Mr Blair noted that both these issues would require careful handling and his and President Bush’s personal attention, not least because of their impact on Iraqi – and especially Sunni – opinion. Sir Nigel Sheinwald would follow up on the detail with Mr Hadley.

53. On 28 June, President Bush spoke to the US public from Fort Bragg, North Carolina.²⁰ He described Iraq as the “latest battlefield” in the Global War Against Terror and told listeners that:

“Our mission in Iraq is clear. We’re hunting down the terrorists. We’re helping Iraqis build a free nation that is an ally in the war on terror. We’re advancing freedom in the broader Middle East. We are removing a source of violence and instability ...”

54. President Bush emphasised the importance that the coalition was placing on training the ISF and the new steps that US forces were taking to make this process more effective. On the question of when US troops would be withdrawn, he said:

“I recognize that Americans want our troops to come home as quickly as possible. So do I. Some contend that we should set a deadline for withdrawing US forces. Let me explain why that would be a serious mistake. Setting an artificial timetable would send the wrong message to the Iraqis, who need to know that America will not leave before the job is done. It would send the wrong message to our troops, who need to know that we are serious about completing the mission they are risking their lives to achieve. And it would send the wrong message to the enemy, who would know that

¹⁹ Letter Sheinwald to Hadley, 27 June 2005, ‘Iraq’ attaching Note Blair to Bush, [undated], ‘Note from the Prime Minister to President Bush’.

²⁰ The White House, 28 June 2005, ‘President addresses nation, discusses Iraq, war on terror’.

all they have to do is wait us out. We will stay in Iraq as long as we are needed, and not a day longer.”

55. The Chiefs of Staff considered ACM Torpy’s paper ‘Operational Transition in Iraq’ on 29 June.²¹ They were broadly content with the paper, though noted that consideration would need to be given to sustaining Iraqi capacity building during the drawdown phase, including the work that other government departments (primarily the FCO and DFID) were doing in Iraq.

56. The Chiefs considered that:

“The UK was in a good position to force the pace of drawdown in the comparatively benign MND(SE), but it was essential that this did not create a perception of break-up within the coalition, or undermine UK/US relations, particularly as early transition would be possible in all areas except those in which the US were operating, since they tended to be the more difficult ... The UK plan needed to be presented as the lead element of the overall Transition plan from Iraq; the US position was likely to be that no exit strategy was planned for Iraq as a whole, but rather that a gradual drawdown from parts of Iraq would occur on a conditional basis.”

57. On 29 June, at the request of the Cabinet Office Overseas and Defence Secretariat, the JIC looked specifically at the role of Islamist jihadists in Iraq.²²

58. The JIC judged that jihad in Iraq was “getting worse” and that the MNF were not yet degrading the jihadists’ campaign:

“Islamist jihadists represent a small but growing proportion of the insurgency. Their suicide bombing campaign is intensifying and having disproportionate impact on the security situation ... This has affected international public opinion and damaged the credibility and confidence of the Iraqi Transitional Government ...

“Most suicide bombers are foreigners, but the Iraqi component of the jihad is increasing. The jihadists’ extreme methods remain repellent to most Sunnis. But a combination of their successful attacks, anti-coalition/American stance and opposition to a perceived Shia and Iranian dominated government is attracting more support and enabling greater co-operation with some Iraqi Sunni Arab insurgents ...

“The viability of the jihadist campaign will only come under threat if the wider Sunni insurgency diminishes and the Iraqi Sunni Arabs are prepared, and able, to reject the foreign jihadists in their midst.”

²¹ Minutes, 29 June 2005, Chiefs of Staff meeting.

²² JIC Assessment, 29 June 2005, ‘The Islamist Jihad in Iraq: Getting Worse’.

59. After reading the JIC Assessment, Mr Blair commented:

“The absolute key is to divide the Sunnis from the jihadists. I need a proper submission on how this can be done with a detailed plan. I then want to get it agreed with GWB [President Bush].”²³

60. By the end of June, the names of the additional 15 Sunni representatives for the Constitutional Committee had not been agreed.²⁴ The British Embassy Baghdad was told that de-Ba’athification checks were not complete but pressed for the list to be accepted in full, on the basis that the conditions for membership must still be met. Any further delay would mean the Committee had fewer than six weeks to complete its task.

July 2005

61. On 5 July, Mr Patey reported that the TNA had formally endorsed the Constitutional Committee (now re-named a Commission) with its additional 15 Sunni representatives.²⁵ The first full meeting of all 71 members was scheduled for the following day.

62. Mr Straw wrote to Mr Blair with an update on the constitutional process on 5 July.²⁶ He reported that the timetable remained “tight, but doable”. The UK would need to maintain pressure on the constitutional drafters and senior Iraqi politicians to stick to the principle of consensus and work towards agreement on a document which reflected the values and aspirations of all Iraqis.

63. Mr Straw enclosed a paper produced by the FCO Research Analysts which set out the substantive issues that the Constitutional Commission needed to address. They were:

- Fundamental rights, including freedom of religion, expression, movement and assembly, and equality of all citizens before the law.
- Using the TAL as the basis of the new Constitution. It was essential that the constitutional process was Iraqi-led “using the TAL where helpful but not being ‘cut and pasted’ from it”.
- The inclusion of 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 its development.
- 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 TAL.

²³ Manuscript comment Blair on Minute Quarrey to Prime Minister, 1 July 2005, ‘Iraq Update’.

²⁴ eGram 7986/05 Baghdad to FCO London, 30 June 2005, ‘Iraq: Constitution: Nearing Crunch Point?’

²⁵ eGram 8222/05 Baghdad to FCO London, 5 July 2005, ‘Iraq: Agreement on Expanded Constitutional Commission’.

²⁶ Letter Straw to Prime Minister, 5 July 2005, ‘Iraq: Constitution’ attaching Paper Research Analysts, June 2005, ‘Constitutional Issues’.

- A “system in which the main communities can informally share the key senior positions, without sectarianism being formally entrenched”; the Research Analysts recognised that it might be difficult to reach agreement on this, commenting that the answer might be to retain the tripartite structures at the head of government – Presidency Council, Prime Minister and Speaker – which implied the division of roles between the three main communities but without a specific sectarian quota.
- Federalism – this was expected to be a key red line for each of the main communities and the source of most distrust; the UK had “a strong interest in avoiding any arrangement which would entrench sectarian divisions, eg a single large federation in the South”. The Kurds were expected to champion the devolution of oil revenues and the ability to manage their own economic development. Shia Arabs were increasingly calling for some sort of economic federalism of the South and a greater share of Iraq’s oil revenues.
- Religion and national identity – the UK wished to see language similar to the TAL, in which Islam was recognised as one source of legislation rather than the only source. It would also be essential for the drafters to find a way of expressing both Iraq’s identity as an Arab nation and the Kurdish desire for greater recognition.
- Militias – the question of whether the militias should be disbanded or integrated into the Iraqi Security Forces would need to be resolved at some point, though it was possible that this should happen separately from the development of the Constitution.
- The electoral system – although it was recognised that the Sunni Arabs, in particular, were likely to wish for changes in the electoral system (for example to move to a constituency-based arrangement). Any provision on this within the Constitution should not be framed in such a way as to require its implementation before the December elections, since that would mean delay.

64. Mr Blair met President Bush at the G8 Summit at Gleneagles on 7 July.²⁷ Mr Blair said that the US and UK objective should be to divide the Sunni insurgents from the foreign jihadists.

65. In Mr Blair’s view, a strong effort was needed to pull Iraqis away from the insurgency; he had no concern about talking to those on the fringes of the insurgency in order to achieve that.

66. Mr Blair suggested that it would be important to handle conversations about the issue of withdrawing the MNF with great care. He remained convinced that a “visible forward plan” was needed so that it was clear the MNF wanted to leave when they could, but were staying because of the scale of the insurgency. The plan would show a projection of the coalition’s drawdown as Iraqi forces built up. In MND(SE) Mr Blair

²⁷ Letter Sheinwald to Adams, 8 July 2005, ‘Prime Minister’s Meeting with President Bush, 7 July’.

said that coalition forces tried to stay in their barracks and were called into “population centres” only as necessary.

67. In his note of the discussion, Sir Nigel Sheinwald recorded that he would follow up with Mr Hadley in order to develop a coherent joint US/UK strategy on Iraq.

68. Speaking during an Adjournment Debate on “Defence in the World” on 7 July, Dr Reid told Parliament:

“We have not set down rigid time lines for the downsizing or withdrawal of troops. Rather, we have made that conditional upon progress on political development and security and, to a lesser extent ... economic development. This is not a prediction or a pledge, because our movement of troops will be conditional on the conditions ... but I have said that I envisage that the trained complement of the Iraqi army ... could begin the process of taking the lead ... in some parts of Iraq in the next 12 months. We would provide multi-national support for that as long as the Iraqi Government wish ...”²⁸

The London bombings

On Thursday 7 July, four suicide bombers struck in central London, killing 52 people and injuring more than 770 others.²⁹ Three of the bombs exploded on Underground trains and the fourth on a double-decker bus.

Exactly two weeks later, on 21 July, three further bombs were placed on Underground trains and a fourth on a bus.³⁰ None of those devices exploded. A fifth device was found two days later abandoned in bushes.

The Intelligence and Security Committee (ISC) examined the attacks and reported to Mr Blair on 30 March 2006.³¹ The *Report of the Official Account of the Bombings in London on 7th July 2005* was published on 11 May.

The ISC wrote that the motivations of the bombers remained “only partly clear”. The best indication of the group’s motivation was offered by a video statement made by one of the bombers, Mr Mohammad Sidique Khan, which had been first aired by the Al Jazeera network on 1 September 2005. The Report noted that the focus of the video was on “perceived injustices by the West against Muslims”.

Mr Khan’s statement included the passage:

“Your democratically elected governments continuously perpetuate atrocities against my people all over the world.

“And your support for them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters.

²⁸ House of Commons, *Official Report*, 7 July 2005, columns 472-473.

²⁹ *Report of the Official Account of the Bombings in London on 7th July 2005*, 11 May 2006, HC1087.

³⁰ *BBC News*, [undated], *London Attacks: In Depth, 21 July Attacks*.

³¹ *Report of the Official Account of the Bombings in London on 7th July 2005*, 11 May 2006, HC1087.

“Until we feel security, you will be our targets. And until you stop the bombing, gassing, imprisonment and torture of my people we will not stop this fight.

“We are at war and I am a soldier. Now you too will taste the reality of this situation.”³²

69. At its meeting on 13 July, the JIC reviewed the state of the insurgency in Iraq and, separately, the effectiveness of the ITG’s efforts to bring Sunni Arabs into the political process.³³

70. The JIC judged that the majority of Iraqi insurgents were Sunni Arabs, to whom a significant proportion of the Sunni community were sympathetic. Jihadists³⁴ remained in a minority but represented a growing proportion of the insurgency and the proportion of Iraqi jihadists was increasing.

71. Although Sunni insurgents and jihadists had some common aims – opposing the MNF and ITG – the JIC judged that most insurgents were not motivated by Islamist zeal and most ordinary Iraqi Sunnis wanted to be rid of the foreign jihadists. The Assessment said:

“Political engagement with the Sunnis will be key to exploiting this. Currently Sunni Arab insurgents have no strong reason to turn on the jihadists.

“Actions of the ITG will be critical. If political progress is slow and Sunni expectations not met, a significant insurgency in Sunni areas will persist and probably get worse through 2006 and beyond. To counter this, the Iraqi security forces (ISF) in hard core Sunni areas will need extensive MNF support through 2006 and beyond.”

72. The JIC also considered the wider security situation in Iraq, including the activities of the Shia militia and the situation in MND(SE). It judged that:

“Sectarian attacks are increasing but the presence of the MNF means that the danger of civil war is currently remote.

“Shia militias remain largely restrained. Muqtada al-Sadr is content for the movement to concentrate on the political process; any appetite within his organisation for a return to violence is being suppressed. We have no indications that this is about to change. A small minority of other Shia extremist groups continues to attack the MNF. Some have been trained by Iran.

³² *BBC News*, 1 September 2005, *London bomber: Text in full*.

³³ JIC Assessment, 14 July 2005, ‘Iraq: State of the Insurgency’; JIC Assessment, 14 July 2005, ‘Iraq: Outreach to Sunni Arabs’.

³⁴ The JIC used the term “jihadists” to describe extremists who believed they had a religious obligation to fight the West and apostate regimes and who described their attacks as “jihad”.

“Sporadic violence against the MNF in MND(SE) continues, but at a much lower level than in the Sunni areas: some 1 percent of all attacks in Iraq. There has been considerable development of the ISF in the South, but they remain largely untested.”

73. On engagement with Sunni Arabs, the JIC judged that:

“Winning over Iraq’s Sunni Arab population is key to reducing the insurgency over time. Outreach to them by the Shia-dominated Iraqi Transitional Government has been slow and in some cases reluctant. International pressure has helped create some momentum. But overall, outreach has been insufficient to reduce Sunni Arab concerns.

“Sunni attitudes to the political process are mixed. Sunni Arab political groupings remain fluid, and their politicians have not developed a common political platform. But there is a general perception that the Shia and Kurds are reluctant to share political power; that the national reconstruction effort is not benefitting Sunni areas; that some of the Iraqi Security Forces are targeting Sunnis; and that ministries are being purged of Sunnis under the guise of de-Ba’athification. While some of these claims have a basis of fact, many are exaggerated. A timetable for MNF withdrawal also features strongly among Sunni demands.

“The extent to which Sunni concerns are taken into account in next month’s draft Constitution (particularly about federalism and the need for them to benefit from natural resources); whether it is approved in October’s referendum; and the outcome of December’s elections will all be critical for establishing a sense of enfranchisement for the Sunnis. Even on the most optimistic scenario, their expectations will not be fully met. They have not become reconciled to their loss of dominance.

“There are links between some Sunni political figures and insurgent leaders, but we do not believe the Sunni political parties can yet exert enough influence to command a reduction in violence.”³⁵

74. The JIC assessed that many Sunnis believed that the Shia coalition that led the ITG was an Iranian stooge with an anti-Sunni agenda. At a local level, there was anecdotal evidence and allegations to suggest that Sunnis were being forced out of their homes in predominantly Shia areas and that some of the ISF (particularly those controlled by the Shia Minister of the Interior) were responsible for inflaming sectarian tensions by detaining and even killing Sunnis without justification. Although those reports and allegations could not be verified, and the JIC assessed that many of the claims that had been made were exaggerated, it judged that in Basra there was some justification for the feeling of discrimination and that the perception was reinforcing sectarian divisions.

³⁵ JIC Assessment, 14 July 2005, ‘Iraq: Outreach to Sunni Arabs’.

75. On 15 July, the Iraq Strategy Group (ISG) considered a draft version of a paper for DOP(I) from Dr Reid on operational transition in Iraq.³⁶

76. The paper described a process in which Iraqi Security Forces would take primacy province by province. The MNF would take on a reserve role as they did so. So long as Iraqi capacity continued to increase and the security situation did not deteriorate seriously, the transfer would be implemented from October in Maysan and Muthanna. Basra and Dhi Qar would follow in spring 2006. This would lead to a reduced profile for UK forces, and reductions in numbers to around 3,000 by summer 2006.

77. Dr Reid wrote that:

“The plans are entirely consistent with Multi-National Forces – Iraq (MNF-I) planning; General Casey (the US force commander in Iraq) has been briefed on them and is content.”

78. In the paper, Dr Reid asked DOP(I) to agree that detailed plans should be drawn up for explaining the process to the Iraqi people, the US, other allies, Parliament and the UK public.

79. After a discussion, the ISG concluded that the paper needed to:

- make clear that the process of force reduction was reversible;
- explain the degree of US concern about the possibility of “MND(SE) getting out in front”, which should not be over-emphasised;
- explain the context in terms of ISF development; and
- cover more clearly the implications for other government departments and international actors.³⁷

80. Dr Reid spoke to Mr Jonathan Powell, Mr Blair’s Chief of Staff, on 18 July about the arrangements for handling the paper, given the sensitivity surrounding the issue and the risk of leaks.³⁸ They agreed that it would be best for Dr Reid to produce a full paper for Mr Blair and a single page of recommendations for other Ministers who were members of DOP(I).

81. In the event, the full paper was circulated by the Cabinet Office to all DOP(I) members with the instruction that it should not be shared further.³⁹

82. Dr Reid described the principal risks to the timetable for drawdown as:

³⁶ Letter Cabinet Office [junior official] to Iraq Senior Officials, 15 July 2005, ‘MOD Paper on Operational Transition in Iraq’ attaching MOD Paper, ‘Operational Transition in Iraq’.

³⁷ Letter Cabinet Office [junior official] to Sheinwald, 15 July 2005, ‘Iraq Strategy Group’.

³⁸ Letter Reid to Powell, 18 July 2005, ‘Operational Transition in Iraq’ attaching Paper Secretary of State for Defence, [undated], ‘Operational Transition in Iraq’.

³⁹ Minute Aldred to DOP(I), 20 July 2005, ‘Note by the Secretaries’ attaching Paper Secretary of State for Defence, ‘Operational Transition in Iraq’.

- “a deterioration in the security situation resulting from a change in the Shia quiescence”;
- a failure to deliver an effective ISF (including police) and wider criminal justice capacity; and
- a prolonged delay in the political process, caused (for example) by the rejection of the draft Constitution in the October referendum.⁴⁰

83. Dr Reid recognised that drawdown could have an impact on the broader UK and international effort in the South:

“It is also possible that other (FCO and DFID) activity in Iraq aimed at developing the Iraqi Police Service and reconstruction will need to be curtailed or reduced, with consequent implications for HMG’s wider effort, because of the difficulties of running projects without UK military support and protection. This will need to be looked at in more detail with Other Government Departments.

...

“The announcement of any drawdown of UK forces in the South will have to be managed carefully to ensure that there is no loss of confidence by major NGOs (in particular the UN Agencies and the World Bank), which might lead them to postpone plans for greater engagement in Iraq.”

84. Dr Reid also recognised that although the drawdown was likely to deliver a significant cost saving to the military there would be a cost increase to other parts of the system:

“Other Government Departments operating in Iraq may ... face increased security costs as they are forced to seek commercial alternatives to military force protection.”

85. Mr Blair and President Bush spoke by video conference on 19 July.⁴¹

86. A brief for the discussion prepared by Mr Phillipson suggested that it should include an emerging UK strategy for supporting mainstream Islam internationally.⁴² Mr Phillipson recorded that:

“A key objective of this strategy will be to rebut claims that current terrorism is a result of our actions in Afghanistan and Iraq.”

87. In their conversation, Mr Blair commented to President Bush that there was a clear need to take on terrorist ideology after the London attacks. Terrorists should not be allowed to present themselves as the legitimate voice of Afghanistan and Iraq: “Defeating terrorism in Iraq was crucial to defeating it everywhere.”⁴³

⁴⁰ Paper Secretary of State for Defence, 18 July 2005, ‘Operational Transition in Iraq’.

⁴¹ Letter Quarrey to Siddiq, 19 July 2005, ‘Prime Minister’s videoconference with President Bush’.

⁴² Minute Phillipson to Prime Minister, 19 July 2005, ‘VTC with President Bush, 1405-1450 19 July’.

⁴³ Letter Quarrey to Siddiq, 19 July 2005, ‘Prime Minister’s videoconference with President Bush’.

- 88.** The two key issues in relation to Iraq were what more could be done on Sunni outreach and driving forward Iraqiisation in order to create the conditions for MNF transition.
- 89.** Also on 19 July, Mr Blair met Ambassador Negroponte, now the US Director of National Intelligence, at No.10.⁴⁴ Mr Negroponte said that it was important to keep the political process moving forward, and to ensure that the ISF were not torn apart by sectarian tensions.
- 90.** Mr Blair agreed, and said that a “key part of our strategy had to be keeping people’s attention properly focused”. Some commentators were beginning to suggest that, although their tactics were unacceptable, the aims of terrorist groups were legitimate.
- 91.** In a separate conversation, Sir Nigel Sheinwald told Ambassador Negroponte that the UK aimed to start handing over its provinces in Iraq by the end of the year.
- 92.** DOP(I) met on 21 July, chaired by Mr Blair, and considered Dr Reid’s paper on operational transition.⁴⁵
- 93.** The Chairman’s Brief, written by Cabinet Office officials for Mr Blair, suggested that he would “want to focus the meeting on **ensuring individual Departments drive forward work over the summer**”.⁴⁶ As the Committee would not meet again until after the Parliamentary recess, Mr Blair should “**emphasise that the UK effort must not lose impetus over the summer** as the preparations for key events in Iraq (Constitution, elections, and transition) will need to be well advanced.”
- 94.** DOP(I) agreed Dr Reid’s recommendation that, subject to the continuation of current trends in the capacity of the Iraqi security forces and to there being no major deterioration in the security situation, the UK should plan to implement transition to Iraqi control in two provinces of southern Iraq around October 2005, and in the other two around March 2006.⁴⁷
- 95.** Mr Blair emphasised the importance of avoiding giving the “erroneous impression that we intended to leave whatever the circumstances” and gave the instruction that no further written papers should be produced until there had been consultation with the US and the Iraqi Government.
- 96.** The second paper considered by DOP(I) on 21 July was written by the FCO and presented by Mr Patey. It was entitled ‘Iraq: Splitting the Jihadists from the National Opposition’.⁴⁸

⁴⁴ Letter Phillipson to Jeffrey, 19 July 2005, ‘Prime Minister’s Meeting with John Negroponte, 19 July’.

⁴⁵ Minutes, 21 July 2005, DOP(I) meeting.

⁴⁶ Minute Cabinet Office [junior official] to Prime Minister, 19 July 2005, ‘DOP(I) – Chairman’s Brief’.

⁴⁷ Minutes, 21 July 2005, DOP(I) meeting; Paper Secretary of State for Defence, 18 July 2005, ‘Operational Transition in Iraq’.

⁴⁸ Paper FCO, 18 July 2005, ‘Iraq: Splitting the Jihadists from the National Opposition’.

97. The paper described jihadists as “principally foreigners, but an increasing number of Iraqis”. It recommended:

- 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 a province-based rather than a national-based one in order to maximise Sunni Arab participation;
- progressive release of detainees and improved regimes in detention facilities;
- 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;
- reforming the judicial system, including increasing the capability of the Iraqi Special Tribunal and urging the appointment of a Human Rights Minister;
- redeploying members of the Multi-National Force away from sensitive areas and making clear there were no aspirations for long-term bases;
- identifying and brokering local cease-fires with those leaders in the Sunni community who were capable of being brought into the political process;
- implementing reconstruction projects rapidly following large-scale counter-insurgency operations or local cease-fires.

98. These were to be accompanied by a strong media strategy, aimed at undermining the jihadists’ “un-Islamic” message, and active engagement with neighbouring states.

99. DOP(I) agreed the broad approach proposed by the FCO.⁴⁹

100. A few hours after DOP(I) met on 21 July, the Defence and Overseas Policy Committee (DOP) also met, chaired by Mr Blair.

101. The MOD invited DOP to consider whether or not it wished to move the UK Provincial Reconstruction Team (PRT) from the north of Afghanistan to Helmand province and to decide what, if any, additional force package should be deployed to support it.⁵⁰

102. There was a brief mention towards the end of the paper for DOP on the possible impact of Iraq on the UK’s military operations in Afghanistan. It said that plans for UK military drawdown in Iraq were under consideration and remained both highly sensitive in the context of maintaining coalition cohesion and highly dependent on ISF capability. It was anticipated that it would be possible to manage a significant drawdown over the next two years.

⁴⁹ Minutes, 21 July 2005, DOP(I) meeting.

⁵⁰ Paper MOD officials, 19 July 2005, ‘Afghanistan: Resources and Strategic Planning’.

103. The paper concluded with a caution that:

“... any substantial prolongation of the UK military commitment in Iraq at current force levels would have significant impact on individual personnel, the logistic feasibility of any commitment in Afghanistan, and overall resourcing. If drawdown in Iraq were to slip significantly, the MOD would be able to resource Options 2 and 3 in terms of manpower and equipment, but the effects ... [on personnel, logistics and overall resourcing] would be exacerbated significantly.”

104. When the MOD paper was circulated to DOP members for consideration, it was accompanied by an appendix, produced by Cabinet Office officials, setting out the estimates of financial pressures associated with the Iraq campaign during the financial years 2005/06, 2006/07 and 2007/08.

105. The minutes of the DOP discussion on 21 July do not indicate that there was any discussion of the specific impact on the Iraq campaign of the proposed deployment to Helmand.⁵¹

106. Dr Reid argued that “sorting out Helmand” was central to resolving Afghanistan’s wider problems and that a UK deployment was a necessary, though “not sufficient”, element in this. Given the security situation, if the deployment went ahead, it would have to be on the basis of the largest option: a PRT with an infantry battlegroup and full helicopter support.

107. General Sir Michael Walker, Chief of the Defence Staff, did make reference to Iraq, and advised DOP that the risk of UK casualties in Helmand would be higher than in northern Afghanistan, but lower than in Iraq.

108. Mr Des Browne, the Chief Secretary to the Treasury, questioned whether the UK could afford to take on another substantial military operation, given the cost of operations in Iraq.

109. DOP agreed in principle to deploy the PRT to Helmand with an infantry battlegroup and full helicopter support.

110. The paper provided for DOP’s discussion said that this option comprised “around 2,500 personnel in total”.⁵²

111. On 22 July, Sir Nigel Sheinwald provided Mr Blair with a minute entitled ‘Iraq: A Comprehensive Strategy’.⁵³

⁵¹ Minutes, 21 July 2005, DOP meeting.

⁵² Paper MOD officials, 19 July 2005, ‘Afghanistan: Resources and Strategic Planning’.

⁵³ Minute Sheinwald to Prime Minister, 22 July 2005, ‘Iraq: A Comprehensive Strategy’.

112. The minute began:

“You ask how alarmed you should be about Iraq. Of course we should be concerned – about the continuing high level of violence; lack of grip of the ITG; slow pace of reconstruction etc. It is difficult to see these things being remedied quickly.

“At the same time we need to make a hard-headed calculation: are we headed for strategic failure? I do **not** think we are, principally because the political process remains on track and, so far, the insurgents have not succeeded in fomenting any widespread sectarian conflict. Those are the bottom line strategic risks.”

113. Sir Nigel suggested that the objective over the next six months should be:

“... to build the right political and security platform so that:

- the elected Iraqi Government after the December elections can really take charge and govern the country; and
- the MNF can begin a substantial withdrawal next year, and leave the country in the hands of the ISF, without precipitating a civil war. At present there is no doubt that the presence of the MNF contains the sectarian violence.”

114. Achieving the objective required “a **comprehensive political strategy**”. Sir Nigel suggested that the FCO paper discussed at DOP(I) contained all the necessary elements of such a strategy. One of the key requirements was:

“A **delivery mechanism**: close co-ordination between the UK and US Ambassadors and military in Baghdad; Jack [Straw] and Condi [Rice] in charge of the political process; John [Reid] and Rumsfeld engaged on the security strategy.”

115. Attached to Sir Nigel’s advice was a draft note for Mr Blair to send to President Bush, prepared by Mr Blair’s Private Secretary.⁵⁴ It emphasised “if we are going to achieve decisive effect within the necessary timescale, we need clearer lines of responsibility for managing delivery”.

116. Mr Blair wrote in manuscript on Sir Nigel’s advice: “I agree strongly with your analysis. My concern is delivering the strategy.”⁵⁵

⁵⁴ Minute Sheinwald to Prime Minister, 22 July 2005, ‘Iraq: A Comprehensive Strategy’ attaching ‘Note for President Bush, Iraq: A Comprehensive Political Strategy’.

⁵⁵ Manuscript comment Blair to Sheinwald on Minute Sheinwald to Prime Minister, 22 July 2005, ‘Iraq: A Comprehensive Strategy’.

117. On 25 July, the TNA passed a referendum law which defined two conditions that must be met for a “yes” vote on the new Iraqi Constitution to be valid.⁵⁶ They were:

“Firstly, there is the positive condition that ‘a majority of the voters in Iraq approve’. Secondly, there is the negative condition that ‘two-thirds of the voters in three or more governorates do not reject it.’”

118. Mr Patey reported that debate had broken out over the meaning of the first condition; did it refer to a majority of those who voted, or of those on the electoral list? UN elections experts believed the former, as did the drafters. However, Mr Patey warned:

“If this ‘electoral list’ interpretation prevails, the risk that the Constitution will be rejected increases. On the basis that those sponsoring this reading will shortly realise their ploy is fraught with risk, we will seek to support UN efforts for a clarification in favour of the ‘votes cast’ interpretation by explaining to key interlocutors the dangers of gambling on a high turnout.”

119. On 25 July, Mr Patey informed the FCO that the first full draft of the Constitution had been circulated.⁵⁷

120. The text was “rough” and many issues of substance remained unresolved, including how the status of Kirkuk would be determined. Mr Patey also recorded concerns about the qualification of women’s rights by Shar’ia Law, “unnecessary and unhelpful” references to de-Ba’athification, and about judicial independence.

121. Passing Mr Patey’s telegram to Mr Straw, the IPU reported that a “gathering of senior Iraqis” was expected to thrash out the issues of substance later in the week.⁵⁸ There were positive signs of continued commitment to the drafting timetable.

122. The IPU also highlighted that control of natural resources was a key issue in the debate on federalism in the Constitution. Three options were on the table:

“Two of these stipulate resources will be managed by the federal government, with a portion allocated to the regions. The third allows the regions to exploit natural resources under supervision of the federal government.”

123. Mr Blair spoke to President Bush by video conference on 26 July and said that the US and UK needed to “knit our political and security strategies together”.⁵⁹ The ITG needed active support in reaching out to the Sunni community, and the UK and US should “press hard for a big push”, including with helpful partners in the region.

⁵⁶ eGram 9728/05 Baghdad to FCO London, 25 July 2005, ‘Iraq: Referendum Law Passed’.

⁵⁷ eGram 9738/05 Baghdad to FCO London, 25 July 2005, ‘Iraq: Constitution Update, 25 July’.

⁵⁸ Minute Fawcett to Foreign Secretary, 26 July 2005, ‘Iraq: Constitution: Update’.

⁵⁹ Letter Quarrey to Siddiq, 26 July 2005, ‘Prime Minister’s VTC with President Bush: 26 July 2005’.

124. On 31 July, in a report to Gen Walker, Lieutenant General Robin Brims, the Senior British Military Representative – Iraq (SBMR-I), reported that:

“At long last, and with much steering by the US and prompting by ourselves, the first meeting of the Joint Commission on Conditions-Based Transition will be this Tuesday and I will chair the coalition side after the first meeting (when General Casey will take the lead) ... The idea is to present agreed recommendations to the PM by 26 September with announcements after the constitutional referendum. Current thinking proposes not setting the conditions bar too high and is aiming for some early transfers of suitable cities from coalition forces to appropriate civil authorities – with all transfer decisions being joint ones.”⁶⁰

125. Lt Gen Brims also reported the establishment of a US/UK “Red Team” (or “Red Cell”). Its purpose was to examine counter-insurgency strategy critically and “determine which enemy is the greatest challenge and what they think of our strategy”.

126. Lt Gen Brims wrote that he saw the review as “a most important exercise to ensure we test and adjust our strategy as necessary”.

August 2005

127. On 2 August, Sir Nigel Sheinwald sent Mr Hadley a Note by Mr Blair for President Bush.⁶¹ It set out the things that Mr Blair considered “we need to work on urgently”, and suggested a discussion.

128. On Iraq, Mr Blair listed Sunni outreach, security transition and organisation as the three areas requiring attention.

129. Mr Blair identified Sunni participation as key to the success of December’s elections and wrote that “we will have to take over the Sunni outreach or at least the strategy behind it”. The component parts of that would be:

- some detainee releases;
- installing a provincial list system for the December elections;
- vigorous outreach by the ITG;
- a transparent and rules-based de-Ba’athification process;
- US/UK contacts with insurgents, which could “allow local cease-fires”;
- reconstruction; and
- drawing in “friendly neighbouring states”.

⁶⁰ Minute Brims to CDS, 31 July 2005, ‘SBMR-I Weekly Report (172) 31 July 2005’.

⁶¹ Letter Phillipson to Hadley, 2 August 2005, [untitled] attaching Note TB [Blair to Bush], 2 August 2005, ‘Note’.

130. Under the heading “security transition”, Mr Blair wrote that the problem was:

“... if we look as if we’re wanting to go, that undermines our resolve; if we look as if we’re wanting to stay, that undermines our political strategy to help Iraq stand on its own feet as a democracy.”

131. The solution, he suggested, was an Iraqi-led transition plan before the elections, setting out “how we intend to proceed”, with a media strategy for its communication.

132. On organisation, Mr Blair stressed the need for effective political engagement and suggested that he and President Bush should receive a regular report from Mr Patey and Ambassador Khalilzad “specifically on the political outreach”.

133. Mr Blair spoke to President Bush on 5 August and suggested that an informal contact group was needed to take forward a conference to bring Sunni and Shia groups together.⁶² Mr Blair considered that the key was “to draw in the silent Sunni majority” and suggested that the UK and US Ambassadors should report progress on a weekly basis.

134. The British Embassy Baghdad reported a last-ditch attempt by key Iraqi politicians to achieve consensus on the Constitution on the eve of 15 August.⁶³ Discussion of the draft text continued into the night. The Embassy judged that a short extension to the drafting deadline was the most likely outcome.

135. Negotiations continued on 15 August, focused on the proposed process for achieving federal autonomy, and on natural resources.⁶⁴ Half an hour before the expiry of the deadline (at midnight) the Speaker of the TNA proposed an amendment to the TAL extending the drafting deadline to 22 August, which was passed unanimously by the TNA.

136. Following a visit to Iraq from 13 to 18 August, Mr Asquith commented that the constitutional negotiations had “exposed the crystalline brittleness of the political process”.⁶⁵ In his view, the Shia Islamist and Kurdish leaders had:

“... always known that they could achieve a Constitution (text and sufficient votes in a referendum) over the wishes of the Sunni, by trading with each other Islamist and federal language that satisfied their respective key objectives.”

137. Mr Asquith noted that both had, so far, pulled back from such a “bilateral stitch-up”. That was in his view significant, and should help to encourage Sunni participation in the referendum and elections, something which he considered of fundamental importance.

⁶² Letter Phillipson to Wilson, 5 August 2005, ‘Prime Minister’s VTC with President Bush, 5 August: Iraq, Syria, Iran, engaging mainstream Islam/tackling extremism’.

⁶³ eGram 11208/05 Baghdad to FCO London, 15 August 2005, ‘Iraq: Constitution: Hangs in the Balance’.

⁶⁴ eGram 11265/05 Baghdad to FCO London, 15 August 2005, ‘Iraq: Constitution: 7 More Days’.

⁶⁵ Minute Asquith to Howells, 22 August 2005, ‘Iraq: Visit 13-18 August 2005’.

138. Mr Asquith also described increasing tension at the heart of the Shia community over the question of federalism:

“The Sadrist trend is split, with Muqtada’s supporters siding with the Sunni anti-federalist tendency; the Shia federalists in the South-East don’t know what they want (decentralisation or federalism) ...”

139. On 22 August, the IPU alerted Mr Straw’s Private Secretary to the risk that the Shia and Kurdish representatives might reach agreement on the linked issues of federalism and control of natural resources which did not have Sunni buy-in.⁶⁶ The IPU proposed a joint US/UK demarche⁶⁷ on Shia and Kurdish leaders, to be agreed between Mr Straw and Dr Condoleezza Rice, US Secretary of State.

140. Mr Straw’s Private Secretary reported the conversation between Mr Straw and Secretary Rice later that evening.⁶⁸

141. During the discussion, Mr Straw had expressed concern over reports that the Shia and Kurds might “stitch up” a deal on federalism at the expense of the Sunnis. That, Mr Straw feared, would be destabilising. In his view any solution which involved merging provinces should be approved by the TNA. Secretary Rice said that she would speak to the US Ambassador to Iraq and then call back.

142. Mr Straw and Dr Rice again discussed progress on constitutional negotiations on 24 August.⁶⁹ Secretary Rice reported that agreement appeared close.

143. On federalism, the Shia were prepared to commit to take no steps towards forming newly federated regions for four years, on the basis of a firm assurance from the US that it would not oppose any measures to form a federation after that period, and that it would give due consideration to the needs of the South in providing financial assistance packages.

144. Secretary Rice added that “there appeared to be a latent suspicion that the UK would repeat the history of the 1920s and undercut agreements reached with the Iraqis”, and therefore suggested that the UK might also offer these firm assurances. Mr Straw discussed this point with Mr Blair, and agreed to sign up to these commitments. He commented that “we could not in any case prevent the Iraqis from forming federated regions and we actually channelled most of our aid to the South already”.

145. The ISG reviewed progress on the Constitution on 26 August.⁷⁰ It considered that although a deal seemed likely, the level of Sunni support for it was in serious doubt and

⁶⁶ Email IPU [junior official] to Siddiq, 22 August 2005, ‘Proposed FS call on Rice’.

⁶⁷ A formal diplomatic expression of displeasure.

⁶⁸ Email Siddiq to Asquith, 22 August 2005, ‘Iraq: FS Rice 21 Aug 2004 [sic]’.

⁶⁹ Minute Siddiq to Sawers, 24 August 2005, ‘The Foreign Secretary’s Conversation with the US Secretary of State, 24 August’.

⁷⁰ Letter Cabinet Office [junior official] to Sheinwald, 31 August 2005, ‘Iraq Strategy Group’.

that “presented corresponding risks for an increase in the insurgency and sectarian violence”.

146. The ISG also discussed the anticipated report of the Red Team and recognised that the UK would need to consider what its “legacy” in MND(SE) would be. The FCO and MOD were commissioned to produce an assessment of the UK legacy in MND(SE) one year on, for discussion at the next meeting.

147. In response to that commission, the IPU produced a paper on the UK’s objectives for MND(SE).⁷¹ The paper suggested that objectives for the South-East were that it should:

- identify itself as part of Iraq, connected to Baghdad;
- engage in a constructive but not servile relationship with Iran;
- have credible local government delivering effective services;
- have security forces loyal to the state and capable of providing sufficient law and order to “avert a descent into full-blown criminality and chaos”;
- improve the supply of services such as electricity in the short term and have a credible long-term development plan; and
- achieve economic sustainability.

148. The challenges to achieving those objectives included Saddam Hussein’s legacy of neglect in the South, significant differences in political vision, militia activity, poor local governance and tribal violence.

149. According to the paper:

“We cannot stay in Southern Iraq indefinitely and our aim remains to reduce our military presence over the next 12 months. Against our broader global strategy, our plans are to draw down significant numbers of personnel next Autumn. We therefore need to take decisions on what we should do in the interim to give the South-East the best possible chance of going it alone.”

150. A telegram from the British Embassy Office Basra was supplied to be read in conjunction with the IPU paper.⁷² On the UK legacy in MND(SE) it advised:

“The South cannot be seen in isolation from developments in Baghdad. Our ability to achieve anything will be affected by the outcome of the constitutional debate and the future balance of power following elections. The legacy we leave in the South will to a large part be dependent on outside factors, such as the Sunni reaction in central Iraq to the Constitution.

⁷¹ Paper Iraq Policy Unit, 26 August 2005, ‘MND(South East) in Autumn 2006: Discussion Paper’.

⁷² eGram 12326/05 Basra to FCO London, 1 September 2005, ‘Southern Iraq: The Legacy’.

“The legacy will be imperfect, but we should not be too defensive. The challenge was great, and the achievements are considerable. If we can contain the politicisation of the IPS from getting out of control, get the multilateral agencies more engaged, and plan now on some longer-term priorities, we can leave knowing that southern Iraq has the capability of realising its massive economic potential for the whole country. We should be able to leave with the goodwill of the majority of the population in southern Iraq (there would come a point when that is less certain). But we need to prepare the ground now to lower UK public and international expectations of what we are leaving behind.”

151. The Constitutional Commission presented the text of the draft Constitution to the TNA on 28 August.⁷³

152. Mr Patey described the document that had been produced as “an admirable document which contains much we should applaud”.⁷⁴ Its “key achievements” were “protection of fundamental rights including minorities and women” and it came closer to meeting Sunni concerns than the draft as it stood on 15 August.

153. The immediate Sunni reaction to the text was reported by Mr Patey to be “muted ... with many still considering their position”.⁷⁵ But a “key positive” was that “almost all are encouraging participation in the referendum thus acknowledging that influence is won more effectively by voting than by violence”.

154. In the period after the Constitutional Commission announced that it had reached agreement on the draft text, the US encouraged further discussion between parties aimed at increasing Sunni Arab support for the Constitution.⁷⁶

155. Sir Nigel Sheinwald told the Inquiry that Mr Blair’s aspirations for the Iraqi Constitution were:

“... that it should get agreed and the referendum should go ahead and it should have a very broad base of support in the population; that we should keep to the timetable, we should keep the show going, we shouldn’t get derailed by the violence which of course continued, intensified ...”⁷⁷

156. Mr Asquith told the Inquiry that the UK’s objectives for the Constitution were:

“To lay the basis for a representative democracy which kept the country together; which didn’t build in sectarian advantages or ethnic advantages; and which didn’t create a form of federalism which was going to increase the risk of the country

⁷³ Allawi AA. *The Occupation of Iraq: winning the war, losing the peace*. Yale University Press, 2007.

⁷⁴ eGram 12004/05 Baghdad to FCO London, 28 August 2005, ‘Iraq: Constitution; Worth Waiting For’.

⁷⁵ eGram 12058/05 Baghdad to FCO London, 30 August 2005, ‘Iraq: Constitution: Further Reaction from Sunni Arabs and Others’.

⁷⁶ Deeks AS & Burton MD. Iraq’s Constitution: A Drafting History. *Cornell International Law Journal*, Volume 40 (2007).

⁷⁷ Private hearing, 3 September 2010, page 73.

splitting, fundamentally; with, of course, a series of structures, both in terms of provincial, legislative structures and government structures, that could command the loyalty of Iraqis and respected the authority of government.”⁷⁸

157. In a telephone conversation on 29 August, Sir Nigel Sheinwald and Mr Hadley agreed that the draft Constitution was a good document, but that the outcome was “at best mixed in terms of bringing the Sunnis into the process”.⁷⁹ They agreed that the possibility of further changes should be kept open.

158. Commenting on the Constitution in conversation with Secretary Rice in late August 2005, Mr Straw said that he was:

“... very struck by the progress which had been made ... The fact that the decisions on further federalism had been parked to the new National Assembly ... had both down and up sides to it. The down side was that there was no built in protection by way of special majorities or special processes for the Sunni to make more difficult greater devolution of power which they feared. On the other hand, the fact that this question was going to be left to simple majorities of the National Assembly opened up the possibility for ... deals by simple majority to provide some of the protection which the Sunnis were seeking.”⁸⁰

159. Mr Patey reported to Mr Asquith on 31 August that he had delivered the commitment Secretary Rice had outlined to Mr Straw, explaining:

“I ... spoke to Adel Abdel Mehdi to tell him that we could align ourselves with US assurances. As you know, the UIA [United Iraqi Alliance] finally agreed that [the] issue of further federalism would be left to the next National Assembly. Adel has now followed up and asked for this in writing as promised.

“The US assurances turned out to be in the form of a commitment to use their good offices to hold the Kurds to a separate political agreement with the UIA on the content of new legislation. I have provided a similar commitment ...

“In passing our assurance on to Adel Abdel Mehdi, I have made it clear that this is not for publication. This would make it more difficult to convince Sunnis that the issue of future federalism was still open.”⁸¹

160. The Red Team established by Ambassador Khalilzad and Gen Casey in July reported at the end of August.⁸² The team’s objective had been to produce a strategy aimed at breaking the back of the insurgency within a year and defeating it within three.

⁷⁸ Private hearing, 15 June 2010, page 13.

⁷⁹ Letter Sheinwald to Hayes, 29 August 2005, ‘Conversation with US National Security Adviser, 29 August’.

⁸⁰ Letter Straw to Sheinwald, 30 August 2005, ‘Conversation with US Secretary of State, 29 August’.

⁸¹ Letter Patey to Asquith, 31 August 2005, [untitled].

⁸² Report US Red Team, 31 August 2005, ‘An integrated counterinsurgency strategy for Iraq’.

161. The Red Team assessed that the coalition's current strategy, which focused on the transition of responsibility for security to the Iraqi Government, would enable coalition forces to disengage from Iraq but would leave Iraqi Security Forces that would not be able to defeat the insurgency in the foreseeable future.

162. The Red Team proposed a new strategy based on the "ink-spot" counter-insurgency model, with tighter integration of military and civilian efforts and additional resources for the political, economic and governance activities. It did not propose additional military resources, but considered that redeployment of some of the existing resources might help achieve greater effect.

163. The Red Team defined the ink-spot model as:

"... the integration of security, economic, social and political actions to achieve significant local control. The concept is to introduce sufficient security forces to control a defined area, use traditional counter-insurgency practices to establish persistent security, exploit intelligence provided by the local population, provide [the] local population with the benefits of economic development and better governance, and communicate effectively with local and national audiences."

164. Once an area was secured, it could be expanded or new areas secured, so that the area under control was gradually extended. These local actions would be supported by action at the national level to develop an inclusive political process, provide economic opportunities, and improve governance.

165. The Report proposed that a Joint Inter-Agency Counter-Insurgency Task Force should be established to plan, co-ordinate and implement governance reform and economic sector development work in support of the counter-insurgency campaign, and that fully-staffed Provincial Support Teams should be established in each ink-spot.

166. Sir John Sawers, FCO Director General Political at the time of the Report's publication, told the Inquiry that he would not have described the Red Team exercise as a major review like the one carried out by the Baker-Hamilton Commission a year later (see Section 9.5) which was "the real turning point in strategy".⁸³ Rather, he saw the 2005 Red Team exercise as a good way of examining alternative approaches, which did not lead to significant changes.

167. Sir Nigel Sheinwald told the Inquiry:

"I think maybe what it did encapsulate was the greater readiness of the American system to approach this on a counter-insurgency basis and to understand the nature of what we were dealing with, to subjugate the military approach to political ends. And it combined with Ambassador Khalilzad's own outreach to the Sunni community and so on, and that was in a critical moment in the run-up to the December 2005

⁸³ Public hearing, 16 December 2009, page 41.

elections. And we ourselves were engaging in various outreach events to the Sunni community during that period, both at Ministerial and official level. So I think if there was an encapsulation, it was that we were adopting a more politically sophisticated approach both to security and to politics in that critical period, or were trying to.”⁸⁴

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168. Mr Blair and President Bush spoke by video conference on 1 September.⁸⁵

169. Mr Blair proposed that the political strategy in Iraq should focus on the December elections and should have two strands:

- ensuring greater Sunni participation, by “activity in Iraq led by Khalilzad and William Patey” and by involving regional actors; and
- “building a moderate, secular platform which could succeed in the elections”.

170. Mr Blair said that it would become clear to voters in Iraq that they had a choice between a “strong unified and democratic Iraq” and one which was “weak, divided and sectarian”.

171. The 26 August IPU paper was discussed by the Iraq Strategy Group on 2 September.⁸⁶

172. The record of the meeting shows that Sir Nigel Sheinwald highlighted a number of issues emerging from the paper, for which clarity was needed on how they were being resolved, specifically:

- cancelled DFID programmes (see Section 10.2);
- lack of progress on the police (see Section 12.1); and
- a gap in funding for the Iraqi armed forces (see Section 12.1).

173. The FCO was commissioned to produce a revised paper by 14 September which would address in direct terms what the UK would be able to say it had achieved by early in 2006.

174. The ISG also considered Sunni reactions to the Constitution, and observed that they were “not united”.

175. The advice of Mr Patey was “to give the Sunnis a little more time to take stock, and to support them seeking some further final changes to the draft”.

⁸⁴ Public hearing, 16 December 2009, pages 41-42.

⁸⁵ Letter Quarrey to Siddiq, 1 September 2005, ‘Prime Minister’s VTC with President Bush’.

⁸⁶ Letter Cabinet Office [junior official] to Sheinwald, 6 September 2005, ‘Iraq Strategy Group’.

176. At a meeting of the Iraq Senior Officials Group (ISOG) on 9 September, attendees were told that:

“... we continued to push for final changes to meet Sunni concerns. The areas for possible movement were: Arab identity; and the electoral law. The UN was increasingly concerned that they would miss their deadline for distributing copies of the Constitution to the Iraqi population.”⁸⁷

177. As work to finalise the Constitution continued, concerns were mounting about security, including in MND(SE).

178. On 9 September, Mr Blair’s Private Secretary provided him with an update on Iraq.⁸⁸ He reported “further cause for concern”, including about:

- Lebanese and Iranian involvement in Iraq;
- 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”; and
- the key role being played by a breakaway group from the Jaysh al-Mahdi (JAM).

179. The Private Secretary wrote:

“We still do not have the comprehensive picture that we need of what is going on in Basra. Kim Howells [FCO Minister of State] 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.”

180. Mr Blair’s reply said:

“This is v. worrying. It all depends on the ISF being built up credibly. But we need strong messages to Iran, Lebanon and what do we do to disrupt Hizballah?”⁸⁹

181. At its meeting on 9 September the ISOG considered the Red Team Report.⁹⁰

182. Officials commented that the Report was not an alternative campaign plan, but a “set of ideas”. The MOD “did not see the report having great traction in Washington, except at the margins” on the question of how the MNF could pursue the current strategy more effectively.

183. The ISOG also observed that the Red Team’s Report contained “risks ... for the UK” as it suggested that “forces (coalition and Iraqi) should be moved from benign to difficult areas”. The FCO was tasked to provide comments on the Report.

⁸⁷ Letter Cabinet Office [junior official] to Asquith, 14 September 2005, ‘Iraq: Senior Officials’.

⁸⁸ Minute Quarrey to Prime Minister, 9 September 2005, ‘Iraq Update’.

⁸⁹ Manuscript comment Blair on Minute Quarrey to Prime Minister, 9 September 2005, ‘Iraq Update’.

⁹⁰ Letter Cabinet Office [junior official] to Asquith, 14 September 2005, ‘Iraq: Senior Officials’.

184. On 12 September, Dr Reid wrote to Mr Blair with the results of the most recent review of UK forces in Iraq.⁹¹ He explained that:

“... considerable progress has been made in training the Iraqi Security Forces (ISF) since the last roulement in May. Consequently, an overall reduction of about 500 troops will be possible in ... October/November.”

185. That reduction would bring force levels down to around 8,000. Dr Reid noted that “incident levels have remained much lower than in other parts of Iraq, but attacks on UK forces have grown in sophistication”. He added: “It should be emphasised that agreeing to the roulement **does not** trigger implementation of our transition plans in MND(SE).”

186. On the same day, Dr Reid’s Assistant Private Secretary sought a specific assurance from Gen Walker that the MOD’s planning assumptions for deployment in Afghanistan – as presented to DOP in July 2005 – would be achievable in the event of a slower than expected drawdown of UK forces in Iraq.⁹²

187. In a bilateral meeting with President Bush in the margins of a summit on 14 September, Mr Blair said that he had read the Red Team Report and that “some of its conclusions were worrying, but at least it set out some clear ideas on the forward strategy”.⁹³ He suggested that the conclusions should be evaluated in London and Washington, and taken forward “where they made sense”.

188. On 14 September, Mr Paul Fox, Head of the IPU, wrote to Mr Straw’s Private Office on the implications of a Kurdish/Shia “deal” on the Constitution.⁹⁴

189. The deal stated that the issue of federalism would not be determined until after elections to the National Assembly, which would then decide the rules and procedures for forming federal regions. It stipulated that the National Assembly must consider federalism in the first weeks of its existence.

190. Mr Fox wrote:

“This deal and our assurances have a number of implications. It is a deal with two parties effectively cutting out the third, the Sunnis, and goes some way to closing the door to them on the issue of federalism ...

“While the deal, the assurances and their confidentiality are likely to hold this side of elections in December ... what follows could change that. If the elections lead to the fragmentation of the UIA and if Shia groups less enamoured of federalism gain a decent foothold in the assembly, then SCIRI [Supreme Council for Islamic

⁹¹ Letter Reid to Blair, 12 September 2005, [untitled].

⁹² Minute Naworynsky to PSO/CDS, 12 September 2005, ‘Iraq/Afghanistan commitments’.

⁹³ Letter Quarrey to Hayes, 14 September 2005, ‘US Millennium Review Summit; bilateral with President Bush’.

⁹⁴ Minute Fox to Private Secretary [FCO], 14 September 2005, ‘Iraq’s Constitution: UK Assurances on a Kurdish/Shia deal’.

Revolution in Iraq] might be tempted to go public with these assurances to strengthen their hand. This would have a negative impact on the Sunnis but they would be in a stronger political position and therefore the impact would be less than it might otherwise have been. We would then make clear that we were not bound by these assurances, given the expressed will of the National Assembly chosen in free and fair elections. We would have to contend with the unhappiness of the UIA but they would have been warned of the consequences of such an action.”

Al Qaida declares war

On 14 September, the leader of Al Qaida in Iraq, Abu Musab al-Zarqawi, declared an “all-out war” on Shia Muslims in Iraq in response to a US–Iraqi offensive on the town of Tal Afar.⁹⁵

On 18 September, Lt Gen Brims’ weekly report to Gen Walker recorded the impact of this declaration.⁹⁶

A series of 12 car bombs in Baghdad had increased the number of attacks there by almost half. The weekly casualty numbers rose by 122 percent, and 479 of the 782 people killed were civilians. Although al-Zarqawi claimed the attacks in Baghdad, Lt Gen Brims observed “we should not under-estimate the extent of involvement of local Iraqi insurgents in planning and executing many of the attacks”.

191. On 15 September, the JIC produced an Assessment covering the draft Constitution and Sunni violence, at the request of the ISOG.⁹⁷ Its Key Judgements included:

“I. Many leading Sunni figures are unhappy with aspects of the draft Constitution ... At the grass-roots many Sunnis wish to vote: most who do are likely to reject the draft.

“II. It is unlikely that the Sunnis can mobilise a two-thirds majority against the draft in the requisite three provinces ...

“III. Actions of the insurgents will be critical to the size of the Sunni vote. The hard core of the insurgents ... see the political process as a threat and will try to disrupt the referendum. Their continued violence will inhibit the turnout by Sunnis; less so by Shia.”

192. On 16 September, the IPU advised Mr Straw and Sir Michael Jay, FCO Permanent Under Secretary, that the frequency and sophistication of attacks in Basra was increasing and the British Embassy Office Basra was locked down.⁹⁸

⁹⁵ *Al Jazeera News*, 14 September 2005, *Al-Zarqawi declares war on Iraqi Shia*.

⁹⁶ Minute Brims to Walker, 18 September 2005, ‘SBMR-I Weekly Report (179) 18 September 05’.

⁹⁷ JIC Assessment, 15 September 2005, ‘Iraq: the Draft Constitution and Sunni Violence’.

⁹⁸ Minute Jeffrey to PS [FCO], 16 September 2005, ‘Basra Security Situation’.

193. The IPU recommended that the number of staff be kept under review and that Sir Michael Jay press the MOD for a dedicated helicopter service.

194. On the same day, Mr Blair commented on an Iraq update from his Private Secretary to which reports of security in Iraq were attached:

“This shows the vital importance of renewing our focus and getting the Red Team report implemented.”⁹⁹

195. The update said that Sir Nigel Sheinwald was working on a paper for Mr Blair on the UK’s strategy and the structures for implementing it, to be submitted the following week.

196. On 17 September, UK forces detained two leading members of a JAM splinter group.¹⁰⁰

197. Mr Patey reported on 18 September that the TNA had adopted changes to the draft Constitution and had sent the text to the UN for printing.¹⁰¹

198. There had been some last minute problems with the published text when Sheikh Hammoudi, Chair of the Constitutional Committee, produced a foreword that made reference to the “religious maraj’iya”. The use of that phrase, which describes the highest religious authority in Shia Islam, was strongly opposed by Kurdish representatives and secular groups.

199. Mr Patey considered that the incident was likely to deepen the mistrust between the participants and might be:

“... indicative of shifting trends in the political process: from the even slight degree of engagement and private dialogue necessary to craft a Constitution, towards the outright public jockeying for position necessary to fight a referendum and elections.”

200. Lt Gen Brims reported on 18 September that Gen Casey had “commissioned work (coincidentally staffed largely by British colleagues) on some of the strategic policy implications of the Red Team Report” to inform MNF strategic thinking.¹⁰²

201. On 19 September, Mr Patey reported that the issue of what would constitute a “yes” vote in the referendum appeared to have been resolved.¹⁰³ Ms Carina Perelli, Head of the UN Electoral Affairs Division, had reported that the TNA’s Legal Affairs Committee had clarified that the referendum law referred to a majority of those who vote. The Embassy was seeking to confirm that was the case.

⁹⁹ Manuscript comment Blair on Minute Quarrey to Prime Minister, 16 September 2005, ‘Iraq Update’.

¹⁰⁰ Letter Naworynsky to Quarrey, 23 September 2005, ‘Iraq Update’ attaching COS MND(SE), ‘GOC MND(SE) – Southern Iraq update – 21 September’.

¹⁰¹ eGram 13580/05 Baghdad to FCO, 18 September 2005, ‘Iraq: Constitution: the Fat Lady Sings’.

¹⁰² Minute Brims to CDS, 18 September 2005, ‘SBMR-I Weekly Report (179) 18 September 05’.

¹⁰³ eGram 13644/05 Baghdad to FCO London, 19 September 2005, ‘Iraq: Elections: Update’.

202. Gen Walker's Private Office replied on 19 September to the request from Dr Reid's Private Office for an assurance that the MOD's planning assumptions for deployment in Afghanistan – as presented to DOP in July 2005 – would be achievable in the event of a slower than expected drawdown of UK forces in Iraq.¹⁰⁴ The minute said:

“The short answer is yes ... CJO [Chief of Joint Operations] ... is clear that our plans for Afghanistan are deliverable even if events slow down our Iraq disengagement; furthermore, DCDS(C) [Deputy Chief of the Defence Staff (Commitments)] has factored the possibility of such a slippage into the MOD's strategic planning for Afghanistan and our strategic intent for future commitments.”

203. Such a situation would lead to “some pain-and-grief”, in particular the pressure on already stretched services such as helicopter support would continue:

“But, our ability to fulfil our plan in Afghanistan is not predicated on withdrawal of such capabilities from Iraq and ... in the event that our ... plan for progressive disengagement from southern Iraq is delayed, we will still be able to deliver our ... mandated force levels in Afghanistan.”

204. Dr Reid told the Inquiry that he had asked for this assurance from General Walker because he was:

“... slightly worried that although there was a chronological coincidence with the downturn in Iraq, the downsizing of forces and the going into Helmand, I did not want one to be reliant upon the other, in case we couldn't get out of Iraq.”¹⁰⁵

205. Gen Walker's assurance had met his concern:

“... there wasn't a concern in my mind that this [going into Helmand] would result in a diminution of our resources in Iraq, personnel or otherwise. Why? Because I had asked that specific question and been told, 'No'.”¹⁰⁶

206. Sir Kevin Tebbit, MOD Permanent Under Secretary from 1998 to 2005, told the Inquiry:

“I was apprehensive [about the deployment of UK forces to Helmand] and I made my concerns known to my planning staff and to the Chiefs of Staff. I think their view was that they could do it and it was manageable ... since it was [the Chiefs of Staff] who would actually have to ensure they could do this, I did not press my objections fully.”¹⁰⁷

207. Dr Reid told the Inquiry that Sir Kevin had not shared his concerns on this issue with him.¹⁰⁸

¹⁰⁴ Minute PSO to APS2/SoS, 19 September 2005, 'Iraq/Afghanistan Commitments'.

¹⁰⁵ Public hearing, 3 February 2010, page 58.

¹⁰⁶ Public hearing, 3 February 2010, page 63.

¹⁰⁷ Public hearing, 3 February 2010, pages 15-16.

¹⁰⁸ Public hearing, 3 February 2010, pages 61-62.

208. On 19 September, after a discussion with senior Whitehall officials and Mr Patey in Baghdad, Sir Nigel Sheinwald produced detailed advice for Mr Blair on UK Iraq strategy and priorities for the next three to six months.¹⁰⁹

209. Sir Nigel identified an “underlying conflict” between the objective defined for the Red Team and the coalition’s current objective to:

“... hold to the political timetable (Constitution, referendum, elections in 2005) and build up Iraqi capabilities so that the coalition can begin a progressive withdrawal, starting next year.

“This involves a concept of ‘sufficiency’, i.e. we accept that the insurgency will go on for some time, but aim to contain it sufficiently for the political and security transition to be credible and for us to be able to draw down without appearing to cut and run dishonourably.”

210. Sir Nigel commented that the coalition’s current strategy recognised that in order to win over Sunni opinion, it would be necessary to show that the coalition would honour its commitment to withdraw and not occupy Iraq indefinitely.

211. In contrast, the Red Team’s approach implied additional US resources, which the US Administration might not be willing to provide, and no withdrawal for at least three years. It would also require “a massive Iraqi co-ordination effort, of which they are at present incapable”.

212. Sir Nigel observed that the “ink-spot” approach recommended by the Red Team was similar to the coalition’s current concept of operations in Fallujah, Samarra and other areas. To date there had been “**no** success stories in Sunni areas” and it was “not obvious how this would change quickly”. He continued:

“Arguably, this strategy comes two and a half years late. It might have been possible to try something like this immediately after the invasion, but to do so now, fifteen months after the Occupation formally ended, and with the definitive government about to be elected, is – to put it mildly – counter-intuitive.”

213. Sir Nigel wrote that the Red Team Report was nevertheless to be welcomed because:

- It is realistic in its assessment, and comprehensive in its scope;
- It insists on an integrated campaign (security, political, economic);
- It specifies actions that need to be taken, and demands active follow-through.”

214. On political priorities, Sir Nigel considered that the UK was facing two phases of activity. Until the end of 2005, “the bottom line requirement is to keep the show on the road, ie provide an environment in which the referendum and elections can take place”.

¹⁰⁹ Minute Sheinwald to Prime Minister, 19 September 2005, ‘Iraq: UK strategy’.

215. Sir Nigel wrote that, after the elections:

“... we have to focus on **outcomes**, not just **process** ... What we need is a **centrist** government capable of (a) **executive effectiveness** and (b) **political inclusiveness** or at least a government with a strong centrist/non-religious component. In present circumstances, the only person capable of fitting this bill, for all his faults, is **Ayad Allawi**. I see it as a legitimate aim of British policy to buttress him and others in the centre of Iraqi politics ...”

216. Sir Nigel concluded:

“Above all, we (ie Khalilzad and ourselves) will need to ensure that a **new Iraqi government** is formed **quickly** after the December elections and has the best possible composition from the point of view of our objectives.”

217. Sir Nigel recommended that the UK should continue its work on Sunni outreach, upgrade its political effort in Basra and provide “a clear demonstration that we are taking our legacy seriously”. The UK also needed to establish political channels to Muqtada al-Sadr and Grand Ayatollah al-Sistani.

218. On security, Sir Nigel noted that it would be important for the MNF to get the right balance both between ISF training and counter-insurgency work, and action against foreign fighters and dealing with “home-grown” Iraqi insurgents. He observed that:

“The key new point over the past few months has been **increased and vicious sectarianism**. Some of this is coming from the insurgents; some of it is coming from Shia elements within the police and armed forces, and from the Shia militia. This not only risks an escalation into a much bigger civil conflict, it is also changing the political climate, and eroding even further Sunni trust in the new political institutions. We have to come down very hard on the Iraqi government on this.”

219. Sir Nigel recommended strengthened US/UK and UK Ministerial co-ordination structures. There should be monthly meetings of DOP(I) chaired by Mr Blair, with fortnightly meetings in between chaired alternately by Mr Straw and Dr Reid which “should aggressively chase progress against our strategy”.

220. At the end of his minute, Sir Nigel concluded:

“In short, we have to cut our strategic cloth according to the environment we are now in and our resources. We cannot turn back the clock to May 2003. Overall, and in a rough and ready way, our best chance is to ensure that we prop up the centre in Iraqi politics, do all we can to get an effective government after December, focus on key improvements meanwhile to the ISF, and ensure an integrated political and security campaign in Iraq. On that basis we stand a reasonable chance of securing the political and security transition we want, including starting the draw-down of our forces next year.”

221. Sir Nigel asked Mr Blair whether he agreed with the approach he set out, or preferred the Red Team approach of “delaying the transition until the insurgency is significantly reduced”.

222. On 19 September, two UK soldiers were arrested by the Iraqi Police Service (IPS) in Basra.¹¹⁰

223. According to the account provided to No.10 by Dr Reid’s Private Office, the two soldiers 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, cocking their weapons.

224. The two 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 officers, the soldiers tried to escape but were blocked by police in several marked vehicles who opened fire. At this point, the two soldiers put down their weapons and produced their identification.

225. Although the uniformed police initially appeared willing to talk constructively with the soldiers, “the atmosphere changed significantly” when Iraqi plainclothes police arrived.

226. The two UK soldiers were reported to have been beaten and then taken to the Jameat police station, which was known to house a “notorious detention facility” and was the home of the serious crimes unit of the Basra police, “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”.

227. Negotiations for the return of the arrested soldiers, in line with agreed practice when Iraqi Security Forces arrested members of the MNF, failed and the negotiators themselves were unable to leave the Jameat station.¹¹¹

228. The Governor and Chief of Police in Basra 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 Ministry of the Interior in Baghdad were similarly disregarded.

229. A rescue operation was successfully mounted by MND(SE) using armed force to free the six negotiators and the two soldiers. This 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

¹¹⁰ Letter Naworynsky to Quarrey, 23 September 2005, ‘Iraq Update’ attaching COS MND(SE), ‘GOC MND(SE) – Southern Iraq update – 21 September’.

¹¹¹ Minute DCDS(C) to APS/S of S [MOD], 21 September 2005, ‘Unrest in Basra – 19 Sep 2005’.

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. The episode became known as “the Jameat incident”.

230. Dr Reid updated Cabinet on the incident on 20 September.¹¹² He emphasised the need to put the incident in context against the substantial progress made in Iraq, “which the media had not reported”, specifically the January elections and creation of the Constitution. Those who opposed the creation of a democratic state in Iraq were “engaged in frantic and frenetic activity” to stop the Constitution being agreed and the December elections.

231. Mr Blair invited the FCO, the MOD and No.10 to produce a note explaining the continuing policy of keeping the political process on track and building up the ISF, that the MNF were in Iraq in support of a UN resolution and that the insurgency “was not a struggle against occupying forces”.

232. On 21 September, Mr Blair’s Private Secretary for Foreign Affairs provided him with a minute setting out points to make in a phone call with President Bush that afternoon.¹¹³ In relation to the events at the Jameat police station it said:

“The incident confirms what we already knew: that Sadrists are a serious and malign force in the Basra Police; the civil authorities in Basra are either ineffectual in dealing with, or to some extent complicit in this, and that the central government’s influence is limited. We need a very strong response, both on the Police/armed forces and with the civil authorities, in both Baghdad and Basra.”

233. In their telephone conversation, Mr Blair told President Bush that the events in Basra showed that “an unrepresentative minority” in the city was prepared to use violence; a JAM splinter group was involved.¹¹⁴

234. Mr Blair judged that the basic strategy in Iraq remained the right one, with key tactical questions in the coming months being whether enough was being done on Sunni outreach and how to establish confidence in the development of the ISF.

235. On 21 September, Mr Powell sent Mr Blair a personal note in response to Sir Nigel’s advice of 19 September.¹¹⁵ It was not sent to anyone else.

¹¹² Cabinet Conclusions, 20 September 2005.

¹¹³ Minute Phillipson to Prime Minister, 21 September 2005, ‘Secure phonecall with President Bush, 1410 21 September’.

¹¹⁴ Letter Quarrey to Hayes, 21 September 2005, ‘Prime Minister’s Phone Call with Bush’.

¹¹⁵ Minute Powell to Prime Minister, 21 September 2005, ‘Iraq: Strategy’.

236. Mr Powell commended Sir Nigel’s paper as “a serious piece of work” which made “some good points”. He agreed with the proposed next steps but disagreed with what he saw as Sir Nigel’s “dismissal of the red team approach”. Mr Powell wrote:

“The Red Team concludes – and no one seriously contests this – that we are in danger of strategic failure in Iraq, with the situation degenerating into civil war or even victory for the terrorists. If this is the case then we have to rethink our strategy and – as important – how we deliver it. The fundamental choice is between continuing as we are with the principal aim of getting our troops out and handing over to the Iraqis next year even though we do not believe that the Iraqi government and security forces will be able to survive alone in the face of the insurgent threat, or alternatively aiming at success (defined below) and making getting our troops out next year a subsidiary aim. Once you think about it, I do not think we can responsibly do anything other than aim at the latter ... Nor do I think muddling on is an option. We are losing the support of even those who supported the war, because they can see no light at the end of the tunnel. They think we are incompetent and have no plan to succeed in Iraq. We need a new strategy that people can see and believe is leading to success if we are to maintain public tolerance. That is why we should build on the red team analysis and – to a certain extent – their recommendations.”

237. Mr Powell recommended:

- More focused and intensified Sunni outreach, splitting the “reconcilable” from the “irreconcilable” by tackling high unemployment in Sunni regions.
- Continuing to pursue Abu Musab al-Zarqawi, but without viewing his death or capture as a primary aim in itself because “even when we capture him the insurgency will not be over”.
- Integrating the military, political and economic strategies and operations because “at the moment they are running on separate tracks with separate commands. We need a joint taskforce, as the paper recommends, with one person in charge. That person should be Khalilzad and he should be reporting back to you and Bush regularly. It is worth devoting a good deal of your and Bush’s time to getting it right. We need to reduce the length of the command and control system and make it more flexible, so that if you and Bush give an instruction something actually happens on the ground.”
- Ensuring that insurgents were not able to re-take cities after MNF operations – which meant both an increase in MNF troops and increasing the effectiveness of the ISF. Mr Powell commented: “Linked to this is the fundamental need, that you have been banging on about for ages, to have properly trained Iraqi armed forces and police. We still don’t have either. Why not? ... There is no point in carrying on doing what we are doing at the moment if it is not producing what we need. In particular, we need to be able to announce a new initiative on the police within the next month.” He added that it was important to “get something done ...

rather than talking about it. If that requires getting into the detail of it yourself, then do it”.

- Rebuilding Iraqi civil society – “we need to take capacity building seriously and reinforce the judiciary, Ministries etc. You should demand to see a plan.”
- Ensuring that the new Iraqi Government was firmly “in charge, even if this is difficult for us. We cannot count on Allawi winning, and indicating we support him is probably the kiss of death. But we do need a strong national unity government that puts an end to sectarianism. I am very uncomfortable about the secret guarantee we appear to have given the Kurds and Shia on federalism ... This could come back to haunt us in a big way.”
- Developing a new strategy for Basra “to be set by the military on the ground with stronger political support in the consulate [the British Embassy Office Basra]”.

238. Mr Powell also emphasised to Mr Blair the importance of making sure that the UK’s policy was properly understood:

“... you need to start making the argument again both internationally and domestically instead of keeping silent. We have to explain why this battle matters, and why it is not in the interest of the rest of the world to watch Iraq going down the tubes. You need to convince both audiences that there is light at the end of the tunnel, and that we have a plan for stabilising Iraq. You should define success. It does not mean an end to all terrorist attacks, any more than it does in NI [Northern Ireland] or Palestine. But it does mean that we split the reconcilable from the irreconcilable insurgents, that the Iraqi government and security forces can control the situation, that jobs are being created and that something resembling civil society is beginning to emerge under a democratically elected government.

“Announce a revised strategy ... we have lost credibility and you have to reassure people that there is a plan that will work ... Make your speech on Iraq – Lord Mayor’s Banquet – and then get a real debate going in the country and internationally rather than trying to stay silent. People have to understand why it matters to them. And challenge the UN and international community to play their role.”

239. Mr Powell’s note concluded:

“The people dealing with Iraq, particularly in the front line, are not surprisingly tired and discouraged. Nothing seems to work, and they have given up trying to come up with new ideas. A weary cynicism and feeling that it is all inevitable has sunk in. It always does in wars. The job of leadership is to raise their sights, inspire them with a vision of how the war can be won, set a new strategy, and then ensure it has public support. If we can’t do that, we are sunk. But it is doable, and we should not give up. A meeting right after Conference with JR [Dr Reid], JS [Mr Straw], military etc.”

240. On the front of Mr Powell's minute, Mr Blair wrote:

"I agree with all of this. You will have to spend much time pushing it through."¹¹⁶

241. On 23 September, Mr Straw chaired a meeting attended by Dr Reid, Mr Hilary Benn, the International Development Secretary (by telephone), Gen Walker, Sir Nigel Sheinwald and other officials from No.10, the MOD and the FCO to discuss advice on South-East Iraq, and in particular the impact of the Jameat incident.¹¹⁷

242. Mr Straw told those present that Mr Blair required a paper which "examined" current policy. Sir Nigel emphasised that advice was needed on how to deal with the political and security strands of the existing policy; Mr Blair was not expecting "a sudden lurch in any direction away from our current plan".

243. In his Iraq update on 23 September, Mr Blair's Private Secretary told Mr Blair that Sir Nigel had emphasised that the UK must not be complacent because "internationally – including in the Arab media and Washington – there were serious questions being asked about our strategy in the South-East".¹¹⁸ Sir Nigel was also reported to have said:

"... we were looking for a smarter and more effective strategy, which was likely to mean us being more active in certain areas. But no one was suggesting eg a significant increase in force levels."

244. A record of the meeting by Dr Reid's Private Secretary said that:

"During discussion it was stressed that the [Jameat] incident ... should be seen as a relatively minor one which had resulted in a great deal of media attention. But on the ground reporting had now confirmed that the atmospherics in Basra were returning to normal, though the Governor and Provincial Council were still refusing to engage with MNF-I. That said, the Consul [General] in Basra had reported that normal engagement and outreach should be possible by early next week. It was also clear that ... the IPS showed no diminution of support."¹¹⁹

245. The meeting agreed:

"... that the [Jameat] 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."

¹¹⁶ Manuscript comment Blair to Powell on Minute Powell to Prime Minister, 21 September 2005, 'Iraq: Strategy'.

¹¹⁷ Letter Naworynsky to Asquith, 26 September 2005, 'Meeting to Discuss South East Iraq: Impact of Security Incident in Basrah'.

¹¹⁸ Minute Quarrey to Prime Minister, 23 September 2005, 'Iraq Update'.

¹¹⁹ Letter Naworynsky to Asquith, 26 September 2005, 'Meeting to Discuss South East Iraq: Impact of Security Incident in Basrah'.

246. Mr Straw commented that:

“... a change in strategy was not a practical or realistic option. However, we might wish to adjust our activities on the ground and design ways of responding more effectively to evolving situations.”

247. It was agreed that a paper would be circulated by officials from the FCO, the MOD and DFID, and sent to Mr Blair the following week.

248. It was also agreed that the FCO should pursue the possibility of asking Sir Ronnie Flanagan, Her Majesty’s Chief Inspector of Constabulary for England, Wales and Northern Ireland, to provide an assessment of the IPS in MND(SE). That is addressed in Section 12.1.

249. The Jameat incident had repercussions within the MNF, as Lt Gen Brims’ weekly report on 25 September explained:

“I believe we acted most skilfully in Basra in how we handled last week’s events and conducted the operations correctly ... My focus was ... on the ‘Baghdad fall-out’ of the events, trying to assuage the concerns of General Casey and, together with the British Ambassador, dealing with the initial criticism of the British forces’ actions by senior figures in the Iraqi Transitional Government.

“General Casey initially received erroneous information on 19 September ... that the British had stormed Basra police station and he believed MND(SE) was acting under the direction of London rather than the coalition. He told me he had arranged for a plane to take me [Brims] to Basra to take command of the British battle space ... I gave him accurate information, which did calm him somewhat ... Nevertheless, there was a period when relations with Gen Casey were the most strained I have experienced, and I believe that the events of 19th September and a number of subsequent occurrences (including some media handling) has left him with a residual doubt about whether the UK element of MND(SE) is more under the direct operational command of London/PJHQ than of MNC-I and the coalition.”¹²⁰

250. Lt Gen Brims told the Inquiry that this perception had put him in a “slightly awkward position” and it had lingered for some time after the event.¹²¹

251. The ITG had also gained a negative impression of the UK’s actions in Basra on 19 September.¹²²

252. Lt Gen Brims emphasised that it was “vital” to prevent it souring the relationship and “making it much more difficult for us – and the Coalition generally – to operate”. At the same time, the ITG needed to be “confronted with the reality of militia-led elements

¹²⁰ Minute Brims to CDS, 25 September 2005, ‘SBMR-I Weekly Report (180) 25 September 05’.

¹²¹ Public hearing, 14 December 2009, page 32.

¹²² Minute Brims to CDS, 25 September 2005, ‘SBMR-I Weekly Report (180) 25 September 05’.

of the Security Forces acting illegally and beyond their control and that of the local Chief of Police or Governor”.

253. Although Lt Gen Brims reported that he and Mr Patey had “made some progress along these lines” in their meetings with senior Iraqi leaders, there remained concern about the way the UK had handled events, in particular the fact that the senior figures in the ITG had not been aware of the UK’s plans for the operation in which two leading members of a JAM splinter group had been arrested. A member of the ITG proposed that ground rules should be agreed for covert operations by the MNF, which Lt Gen Brims considered reasonable.

254. An FCO paper produced some time later, in April 2006, suggested that the UK recognised at the time of the Jameat incident that:

“... stability [in Basra] was threatened by intense rivalry among political parties and their militias who had an interest in criminality ... At that time, we recognised that our only real option was to maintain the course we had set and to see the job through. Asserting direct control over local government and institutions was, and remains, out of the question. Pulling out of Basra, and leaving a political and security vacuum in a key strategic area was equally unacceptable.”¹²³

255. On 22 September, a senior government official specialising in the Middle East wrote to Mr Asquith to explain that an approach had been received:

“... from Muqtada al-Sadr to establish a discreet dialogue with HMG following recent events in southern Iraq ... Subject to your views [a plan was being drawn up] to meet representatives of al-Sadr in Amman in the near future ...

“... the message he had received from al-Sadr was that he wanted to resolve the current difficulties in southern Iraq. He was prepared to make calming statements to his people, but could not do so with [JAM1]¹²⁴ in detention. [JAM1] was important to him and he needed him to be released. The reaction to events in Basra was upsetting his preparations for the elections in December. He was prepared to send senior representatives to Amman to meet British representatives and to discuss what could be done.”¹²⁵

256. The response had been that the UK Government could not negotiate over the detention of JAM1 because:

“We had evidence he was behind recent attacks on British troops in MND(SE) and linked to Lebanese Hizballah and the Iranians. We also said we were surprised

¹²³ Paper FCO, 27 April 2006, ‘DOP(I): Basra’.

¹²⁴ The name of this individual has been replaced with the cipher JAM1 throughout the Report, for security reasons.

¹²⁵ Minute senior government official specialising in the Middle East (1) to Asquith, 22 September 2005, ‘Overture from Muqtada al-Sadr’.

al-Sadr remained close to [JAM1], as we had understood [JAM1] was no longer under the control of al-Sadr. The action against [JAM1] had not been directed at al-Sadr, but at an organiser of lethal attacks against UK forces. HMG saw al-Sadr's increasing involvement in the political process as a positive development and one to be encouraged. [The organisation to which the senior official belonged] believed it would be in his [MAS1's] interests to distance himself from people such as [JAM1]."

257. The individual making the approach, to whom the Inquiry will refer as MAS1:

"... considered that when he passed back the message of no negotiation over the detention of [JAM1], al-Sadr would still be interested in his representatives meeting HMG officials ... without preconditions, to discuss the broader way ahead. [MAS1] felt that al-Sadr wanted to continue moving in to mainstream politics, but to do this he needed to resolve the conflicts in the South. His attempt to have [JAM1] released did not necessarily mean that they were still closely associated. It could be that al-Sadr was not strong enough to be seen publicly to abandon [JAM1]. If [there was confirmation] ... that HMG wanted to go ahead with a meeting, he would find out who would represent al-Sadr in advance. In return ... [MAS1] would need to confirm who was coming from HMG, ie officials from the FCO or ..."

258. Mr Asquith was advised that MAS1:

"... has sufficient track record to warrant taking this approach seriously. The value of proceeding with a meeting ... would depend on who was designated as al-Sadr's representative. But in current circumstances, I suggest it would be worthwhile establishing a channel to al-Sadr, if only to explain why UK forces took the action they did in Basra. If the channel develops, it could help to reduce tension in MND(SE) and, more broadly, assist in the political process as we move towards the referendum and elections. It would therefore act as a line of Shia outreach in parallel to those ... with the Sunnis."

259. The recommendation was for a meeting with Muqtada al-Sadr's representatives.

260. Mr Asquith wrote on the minute: "I agree the meeting should proceed."¹²⁶ He added that Mr Patey must be kept "fully in the picture" and that establishing a nominated representative of Muqtada al-Sadr in Basra was an important objective for the meeting.

261. On 27 September, Mr Patey sent a report to the FCO in London entitled 'Sadrist Outreach'.¹²⁷ In it he reported a meeting with MAS1, "a senior Sadrist understood to be close to Muqtada al-Sadr" who "claims [JAM1] innocent of charges against him and of attacks on British forces and asks for his immediate release" and suggested that "his continued detention will ensure the hostility of Jaysh al-Mahdi to British forces in Basra".

¹²⁶ Minute senior government official specialising in the Middle East (1) to Asquith, 22 September 2005, 'Overture from Muqtada al-Sadr' including manuscript comment Asquith.

¹²⁷ eGram 14221/05 Baghdad to FCO London, 27 September 2005, 'Iraq: Basra: call on Sadrist [MAS1]'.

262. Mr Patey said in response that the UK welcomed the participation of Sadrists in the political process and hoped to see it continue. But the UK “would not hesitate to respond firmly to those who attacked British troops”. JAM1 had been detained because the UK had credible evidence that he had been involved in such attacks. He was believed to have been operating outside the control of Muqtada al-Sadr and JAM. His detention “should be understood as action taken against a specific individual; it was not part of any broader policy to work against the Sadrist movement”.

263. Mr Patey reported that MAS1 had responded:

“[JAM1] was very popular in the Jaysh al-Mahdi. By detaining him, we would destroy any chance of winning over the Jaysh al-Mahdi in Basra and instead cause it to turn wholly against the UK forces. Rather than helping strengthen the national forces we said we wanted to support, UK action would be a reason for Iranian rejoicing.”

264. Mr Patey had “emphasised our concern to protect our troops” and that JAM1 had admitted, whilst in custody, participating in previous attacks against UK soldiers.

Mr Patey said that:

“We would look again at the information we held but [MAS1] should not be under any illusion – there was no chance that [JAM1] would be released any time soon ... it was important not to make too much of [JAM1]’s case against the wider backdrop.”

265. At the end of his report, Mr Patey commented:

“It was striking that [MAS1] did not once refer to Muqtada al-Sadr by name and it is difficult to assess the state of [MAS1]’s current relationship with al-Sadr. Most of the views he expressed reflect standard Sadrist lines but it may be that his defence of [JAM1] was stronger than that which al-Sadr himself might have offered. I am still waiting for the Minister of Transport (Sadrist) to return to Baghdad. When he does I will continue my Sadrist outreach campaign.”

266. Mr Straw’s Private Secretary confirmed on 29 September that Mr Straw had seen the minute from the senior official and “agrees with your proposal to open a channel to al-Sadr”.¹²⁸

267. At the end of September the JIC tasked itself to produce an Assessment of the security situation in southern Iraq.¹²⁹ It judged that:

“Despite an increase in the number of lethal attacks on the Coalition by a few Shia extremist groups, the overall security situation in southern Iraq has remained calm in comparison to other parts of the country. But this position is fragile: popular support

¹²⁸ Letter Hayes to senior government official specialising in the Middle East (1), 29 September 2005, ‘Overture from Muqtada al-Sadr’.

¹²⁹ JIC Assessment, 28 September 2005, ‘Iraq: the Security Situation in the South’.

for the Coalition presence is diminishing. Recent incidents in Basra will increase animosity to the Multi-National Forces (MNF) in some quarters ...

“Shia political factions, including some violent extremists, are able to exert strong influence on local Iraqi authorities and security forces. Most members of the security forces, particularly the police, have multiple loyalties. Under pressure their reliability will be doubtful. A significant number actively colludes with Shia extremist militias. The current Iraqi government has neither the will nor capacity to tackle these problems: this will probably not change after the elections.”

268. The JIC concluded that:

“In the South the widespread expectation of MNF withdrawal, together with the current focus on manoeuvring for December’s elections, is adding pressure to a complex political and security landscape ... The security situation is unlikely to improve in the build up to the elections. Shia politics in the South are deeply fractured ... Criminal groups will ... exploit the absence of effective civil authority. Shia extremists from all groups will resort to violence: against the MNF, rival factions, or the Sunni minority. Deepening sectarian tensions and further attacks by Sunni Arab insurgents and jihadists are likely. Managing these pressures will depend crucially on whether al Sadr encourages renewed violence or remains willing and able to restrain his followers.”

269. On 30 September, Mr Straw’s Principal Private Secretary sent Mr Blair’s Private Secretary a paper containing the advice of FCO, MOD and DFID officials on the implications of the Jameat incident.¹³⁰ Mr Straw had not yet seen and agreed their advice. The paper said:

“The ... incident ... 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. In better circumstances police training should by now have gone beyond the basics to deal with the broader problems posed by divergent loyalties to both militias and police.”

270. The paper observed that “alternative options to our current policy are limited”. As the UK was no longer an Occupying Power, “**asserting direct British control** over local

¹³⁰ Letter Hayes to Quarrey, 30 September 2005, ‘Iraq: Basra’ attaching Paper FCO/MOD/DFID, 30 September 2005, ‘South-East Iraq: Impact of Security Incident in Basra’.

government and rule of [law] institutions is out of the question” and pulling troops out more rapidly would leave a vacuum. The authors therefore concluded:

“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.”

271. The paper identified a practical problem; the possibility of reprisal attacks against UK personnel made it questionable when UK civilian trainers and mentors could return to work alongside Iraqis after their current period of lockdown.

272. The authors recommended a number of actions including:

- getting a “clear commitment from Baghdad politicians to grip the South-East”;
- persuading the Interior Minister to visit Basra immediately;
- demonstrating “to the international community (in particular, the US) that we can handle the situation”;
- putting an “effective Chief of Police in place”; and
- despatching “a senior UK police officer (eg Sir Ronnie Flanagan) with relevant background in such sectarian issues to audit the police in MND(SE)”.

273. The paper also cautioned that “we may not be able to deliver, by next year, the minimum standards required in rule of law and governance” and that “we will need to allocate more resources, which might include military resources, to security”.

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274. An Iraqi investigation into the Jameat incident concluded by early October that “80 percent of the blame was down to the British”.¹³¹ Mr Patey reported that the ITG was unlikely to publish the investigation report as “we will have no choice but to take issue with it”. Of most concern was the failure of the ITG to act on militia infiltration of the Basra police.

275. SIS3 told the Inquiry that the event was a “wake-up call” to what was happening in Basra, where the police had become integrated with the militias, and commented that:

“What we were looking for ... was Iraqiisation. What we ended up with at this point was a different kind of Iraqiisation ... In other words, we were pulling back and the Iraqi Government was not occupying the space, I think because it was too early for the Iraqi Government to be able to do that. So in that gap you ended up with a different kind of Iraqiisation, which was militia-isation, criminalisation, intimidation,

¹³¹ eGram 14641/05 Baghdad to FCO London, 1 October 2005, ‘Iraq: Basra Investigation’.

control over key economic facilities and points in Basra by particular parties of political forces, whether it was JAM or Fadhila.”¹³²

276. Mr Blair considered the separate pieces of advice from Sir Nigel Sheinwald and Mr Powell on the implications of the US Red Team Report; the FCO/MOD/DFID advice on the implications of the Jameat incident; and the 28 September JIC Assessment over the weekend of 1 and 2 October.¹³³

277. In a note to No.10 staff dated 2 October, Mr Blair said that essentially he agreed with Sir Nigel’s advice, but he did not consider that the Red Team was advocating a different strategy, just a means of implementing the existing one.¹³⁴ Mr Blair wrote:

“We do need to have a posture of wanting to withdraw; but when the job is done. We should be able, on either case, to get some troops withdrawn next year but right now I don’t think that is the key. The key is effective implementation.”

278. In Mr Blair’s view, the insurgency had to be presented “clearly and plainly” as an obstacle to, not the pretext for, withdrawal. He added:

“The ‘ink-spot’ strategy is right. It isn’t what we’ve done so far ... This needs to be articulated, planned and followed through.”

279. Mr Blair also supported “behind-the-scenes” help for Mr Allawi, reaching out to the Sadrists to bring them “into some sort of understanding”, and emphasised that “we are totally underestimating the degree to which the present problems are the product of bad government”.

280. On the police, Mr Blair commented: “We need someone put in charge of sorting out this mess.” He supported the recommendation to strengthen the UK’s co-ordinating machinery at Ministerial level, proposing that he would chair fortnightly meetings.

281. Mr Blair wrote:

“I also favour giving JR [Reid] the lead as much as possible. We should split it up. JR on security, Iraqiisation and to be out there defending the case. JS [Straw] on political outreach.”

282. Mr Blair and President Bush spoke by video conference on 3 October.¹³⁵

¹³² Private hearing, 2010, pages 54-58.

¹³³ Minute Quarrey to Prime Minister, 30 September 2005, ‘Iraq update’.

¹³⁴ Note TB [Blair], 2 October 2005, ‘Note’.

¹³⁵ Letter Quarrey to Siddiq, 3 October 2005, ‘Prime Minister’s VTC with President Bush: Middle East issues’.

283. In discussion about Iraq, Mr Blair described the December election as “a one-off opportunity to deliver a strong, moderate central government” and identified four priorities for the period ahead:

- ensuring the Sunni outreach strategy was delivered;
- refining the coalition’s public message to be clear that it wanted to begin draw down the following year, depending on the state of the insurgency and the ISF;
- getting the police training strategy right; and
- drawing the right lessons from the Red Team Report about securing cities from which terrorists had been removed, including by developing local civil authorities.

284. On 3 October, a senior government official specialising in the Middle East (1) wrote to Mr Asquith with an account of the meeting that had been authorised in September.¹³⁶ He wrote that during the meeting it had become evident that MAS1 “was not speaking on behalf of al-Sadr and was pursuing a personal initiative to effect the release of [JAM1]”:

“[MAS1’s] stance was unequivocal: the detention of [JAM1] represented a major obstacle to stability in Basra and HMG could instead be encouraging Iraqi Shia, like [JAM1], who opposed Iranian interference in Iraq’s affairs. [JAM1]’s arrest sent a clear signal that HMG supported the unrepresentative ‘pro-Tehran’ government in Baghdad. Curiously, [MAS1] conceded that [JAM1] had British blood on his hands from an earlier stage of the conflict but said that, since OMS [Office of the Martyr Sadr]’s change of policy, these earlier crimes were no longer relevant.”

285. In response, MAS1 had been told that “[JAM1]’s arrest was in response to criminal activity and was not a political issue” and the senior official reported that no commitment was made, “beyond agreeing to convey [MAS1]’s concerns to London”.

286. It was unclear how good the relationship was between Muqtada al-Sadr and MAS1. In an attached report a different official said that there were indications elsewhere that senior OMS officials were lobbying current and former members of the Iraqi Government in an effort to secure JAM1’s release.

287. The senior official proposed to test the extent to which the exchange reflected the views of Muqtada al-Sadr, by sending a message through other means seeking confirmation of his support.

288. Mr Asquith responded to say that before doing so the senior official should check that Mr Patey was content.¹³⁷

¹³⁶ Minute senior government official specialising in the Middle East (1) to Asquith, 3 October 2005, ‘Overture from Muqtada al-Sadr’ plus attachment.

¹³⁷ Minute senior government official specialising in the Middle East (1) to Asquith, 3 October 2005, ‘Overture from Muqtada al-Sadr’ and attachment including manuscript comment Asquith.

289. On 4 October, Sir Nigel Sheinwald wrote to Mr Straw's Principal Private Secretary in response to the FCO/MOD/DFID paper of 30 September on the implications of the Jameat incident.¹³⁸ Copies of the letter were sent to Cabinet Office, MOD, DFID, FCO, Home Office and Treasury officials as well as to C, to GCHQ and to diplomatic posts in Iraq, the US, Brussels, and across the Middle East.

290. Sir Nigel wrote:

“The Prime Minister agrees that we do not need to change our overall strategy. He is convinced, however, 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 Iraqiisation of security.

“This will require changes above all in the intensity of our work, in our (and the Americans’) implementation of policy, and the structures for delivering them, and will need to be underpinned by a more effective communications strategy.”

291. Sir Nigel went on to set out Mr Blair's views in relation to policy on the political process, on security and on reconstruction.

292. On the first, Sir Nigel reported that Mr Blair did not believe that the UK or US were active enough. In his view:

“Higher Sunni turn out in December's elections is the key to a successful political process, leading to an increased willingness by Sunni politicians to take part in a representative coalition government.”

293. Mr Blair considered that the situation required:

- a more vigorous and co-ordinated US and UK plan of activity focused on contact with Sunni politicians;
- continued engagement with Iraqi leaders who could play a leading role in effective government after the elections;
- pressure on Iraq's neighbours to support the political process;
- effective lines of communication to Grand Ayatollah al-Sistani and Muqtada al-Sadr;
- a revitalised UN effort on political dialogue; and
- a programme of high-level UK engagement in South-East Iraq, including Ministerial visits.

¹³⁸ Letter Sheinwald to Hayes, 4 October 2005, 'Iraq Strategy'.

294. In order to repair the UK position following the Jameat incident, the MOD and the FCO were asked to work up a form of words “to draw a line under this issue and enable future co-operation”.

295. Mr Straw was asked to lead on drawing together and monitoring the implementation of the political strategy.

296. On security, Mr Blair looked forward to regular reports from Dr Reid, including analysis of the effectiveness of the new Iraqi forces. Mr Blair was concerned that the poor state of the IPS would be a drag on further progress and Sir Nigel 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.”

297. Sir Nigel reported that Mr Blair agreed Sir Ronnie Flanagan 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.

298. On the Red Team Report, Sir Nigel wrote:

“The ‘ink-spot strategy’ ... may not be exactly right. But it highlights the vulnerability of our efforts so far to reclaim key cities from the terrorists. It also, rightly in the Prime Minister’s view, stresses the importance of co-ordinated implementation, involving both the Coalition and the Iraqis ...

“There is still some uncertainty over the fate of the Red Team Report. We should press Khalilzad and Casey to agree an authoritative plan for the next few months, working with UK counterparts.”

299. Dr Reid was asked to oversee the overall security strategy. A video conference involving President Bush, Mr Blair, Gen Casey and Lt Gen Brims, Ambassador Khalilzad and Mr Patey would be held in the week of 10 October to “help focus on some of these issues”.

300. The minute said that Mr Blair was planning a major speech on Iraq, and that No.10 Press Office would co-ordinate other Ministerial media activity. A key challenge was to communicate that substantial troop withdrawals were planned in 2006, provided that Iraqi capabilities built up as planned.

301. On structures, Sir Nigel reported that Mr Blair planned to chair a meeting of DOP(I) every fortnight if possible. Sir Nigel would chair weekly meetings of senior officials. Mr Straw and Dr Reid were also to chair regular Ministerial meetings in their areas.

302. Sir Nigel would also be discussing more effective ways for the UK to join up with the US system, including the creation of a joint working group on political strategy in the run up to elections.

303. On 5 October, Lieutenant General Andrew Ridgway, the Chief of Defence Intelligence, sent an account of his recent visit to Iraq to Gen Walker and senior members of the MOD.¹³⁹

304. The report highlighted the “very apparent deterioration in the security situation in Baghdad over successive visits” and that sectarian tensions were at “an unprecedented level”. The “best figures” Lt Gen Ridgway could obtain were that some 150 bodies, mainly Sunni Arabs, were being found per week. AQ-I and others had benefited from the resulting backlash.

305. Lt Gen Ridgway wrote:

“Whichever way you look at the metrics of the insurrection in terms of attacks, bombings, killings, public opinion and so on, the clear conclusion is that the security situation is getting progressively worse. This is occurring despite the progress with the political process, the investment in infrastructure and the significant improvement in the capability of the ISF ... if the trend of the last two years continues the conclusions must be that, unless we do something very different, we will get progressively further away from the point where conditions are conducive to drawdown. Indeed even a very significant improvement will not begin to get us close to this sort of outcome.”

306. On 5 October, Mr Asquith sent advice to Mr Straw on key Iraq issues for the coming three months and how to tackle them.¹⁴⁰ He wrote:

“We need to keep the Sunni Arabs engaged in the political process by focusing them on the sixty-two laws required by the Constitution to regulate basic principles. Only by being represented in the Council of Representatives (the new National Assembly) will they be able to influence the legislative content.”

307. Mr Asquith judged that: “Domination of the political scene (and TNA) by a Shia Islamist and assertive Kurdish bloc has resulted in an imperfect Constitution”, and stressed the need to build the centre ground.

308. Other actions identified by Mr Asquith included building the centre ground in Iraqi politics, keeping the coalition together, securing a new Security Council resolution, building relationships with key US players and improving Whitehall mechanisms.

309. Mr Asquith advised that:

“The creation of a small group of Ministers (Foreign, Defence and International Development Secretaries) and senior officials ... meeting on a regular basis (eg fortnightly) might provide the opportunity to talk through complex and key

¹³⁹ Minute CDI to CDS, 5 October 2005, ‘CDI’s visit to Iraq 26-30 Sep 05’.

¹⁴⁰ Minute Asquith to Straw, 5 October 2005, ‘Iraq: The Next Three Months’.

issues, co-ordinate policy, reach common conclusions and recommend decisions in advance of PM-chaired DOP(I) Committees.”

310. Mr Straw’s Private Secretary replied to Mr Asquith two days later to report agreement to his proposals for informal meetings.¹⁴¹ Mr Straw also agreed that “we should continue to keep Sunni Arabs engaged in the political process”.

311. President Talabani and Mr Blair met at No.10 on 6 October.¹⁴² A record of the meeting said that the President suggested Sunni participation in the December elections would increase because they “regretted their boycott in January”. He agreed with Mr Blair that the UK must “do all we could to encourage greater Sunni participation, through contact work in Iraq and with the regional players, especially Jordan and Saudi Arabia”.

312. In a brief one-to-one exchange, President Talabani emphasised that “the UK had to be very active on the Sunni outreach agenda if [we] were to get the right outcome in December”.

313. Mr Blair asked President Talabani to take a personal interest in forced returns to Iraq from the UK as he “attached great importance to early progress” on the issue.

314. At the press conference after the meeting, Mr Blair told reporters that the continued presence of the MNF in Iraq was “about making sure that we remain until the Iraqi forces are capable of securing their own country and so that Iraq is then capable of becoming a proper functioning and sovereign democracy, as it should be”.¹⁴³

315. When President Talabani spoke he addressed those calling for a drawdown of UK troops:

“... we too want to see an end of the presence of the Multi-National Force, but the actions of the terrorists are keeping them there. An early pull-out would be a catastrophe for the people of Iraq and for the cause of democracy and it will be a win for terrorism.”

316. In the questions that followed, Mr Blair was asked about allegations of Iranian involvement in Iraq. He told reporters:

“What is clear is that there have been new explosive devices used, not just against British troops but elsewhere in Iraq. The particular nature of those devices lead us either to Iranian elements or to Hizballah ... that is funded and supported by Iran. However we cannot be sure of this at the present time.”

¹⁴¹ Minute Siddiq to Asquith, 7 October 2005, ‘Iraq: The Next Three Months’.

¹⁴² Letter Quarrey to Siddiq, 6 October 2005, ‘Iraq: Talabani’.

¹⁴³ Transcript of Press Conference Given by the Prime Minister, Mr Tony Blair, and the Iraqi President, Mr Jalal Talabani in London on Thursday, 6 October 2005.

317. Whilst British forces were in Iraq under a UN mandate, Mr Blair warned that “There is no justification for Iran or any other country interfering in Iraq ...”

318. On 10 October, Dr Reid told Parliament that in November 2005 the UK would be reducing the number of its troops in Iraq from approximately 8,500 to 8,000.¹⁴⁴ He explained that: “The United Kingdom is in Iraq for as long as we are needed and as long as we need to be there, and no longer.”

319. Dr Reid described the situation in Basra as “largely calm” after the Jameat incident, which he characterised as “an extremely complex operation in defence of our own soldiers”.

320. The change in the number of UK troops in Iraq reflected:

“... the closure of two small bases in Basra, the transfer of some training tasks to the Iraqi security forces and structural differences between the two brigades. These are relatively minor adjustments, however, and will not affect activities being carried out by United Kingdom forces.”

321. In October 2005, the Joint Committee to Transfer Security Responsibility (JCTSR) produced ‘Conditions for Provincial Transfer’, which set the framework for the MNF-I to transfer security responsibility to an Iraqi civilian authority.¹⁴⁵ The document set out a series of standards in four areas:

- the insurgency threat;
- ISF capability;
- governance capacity; and
- residual support from coalition forces.

322. For a province to be deemed ready for transfer to Iraqi control, the document said that the MNF-I, the Iraqi Ministries of Interior and Defence and the National Intelligence Co-ordination Council would all need to have assessed the terrorist/insurgent threat level (including external border security) in that province as “low” and either forecast it as “steady or on a downward trend”. The IPS’s crime assessment and the presence of armed groups must not materially change these assessments. Threats to critical infrastructure and communications should also be assessed as low, and a programme for handing in unauthorised weapons should be in place.

323. The standards set out for the IPS included that they should be assessed by the MOI and the MNF-I to have the capacity to maintain domestic order, to prevent a resurgence of terrorism, and to co-ordinate counter-insurgency (COIN) operations

¹⁴⁴ House of Commons, *Official Report*, 10 October 2005, columns 24-27.

¹⁴⁵ International Mandate Republic of Iraq National Security Council, 10 October 2005, ‘Joint Committee to Transfer Security Responsibility’.

with the Iraqi Army and Special Police. Border guards should be capable of interdicting cross-border support to insurgents and terrorists.

324. In relation to the Iraqi Army, standards included having the capability to lead COIN operations, and contain the insurgency in co-ordination with the IPS. Logistics systems capable of sustaining operations, with coalition assistance, should be in place, as should mechanisms to co-ordinate the response to requests for assistance from the IPS and to ensure the security of strategic infrastructure.

325. In governance terms, the Provincial Governor should be assessed as capable of overseeing security operations and the Provincial Joint Co-ordination Centre and Joint Operations Room should be in operation, to co-ordinate and monitor. Ministry structures and intelligence capabilities should be capable of supporting provincial operations, and systems for detention, trial and incarceration should be in place.

326. On coalition forces, the document specified that they should maintain the capability and posture to reinforce if ISF capabilities were exceeded, and to conduct counter-terrorism operations. They should co-ordinate civil construction activities and provide support and force protection for Transition Teams operating in the area.

327. During a visit to Washington from 10 to 11 October, Sir Nigel Sheinwald reported to Mr Hadley that Mr Blair considered “a surge of UK-US effort” was needed over the next few months, in capitals and in Iraq, starting with regular video conferences.¹⁴⁶ Mr Hadley “stressed the need for these to draw up detailed implementation plans and then ensure that there was the necessary follow-through”.

328. The Assessments Staff issued an intelligence update on prospects for the constitutional referendum on 11 October.¹⁴⁷ They judged:

“A majority of Iraqis from across all governorates intend to vote in the referendum, according to polling carried out by the US State Department, although the poll showed that public awareness of the content of the Constitution was limited.”

329. The Assessments Staff reported that the referendum coincided with Ramadan, which in previous years had been marked by increased violence. There were suggestions that some insurgents were trying to disrupt referendum preparations and intimidate voters.

330. The number of attacks across the country had risen to more than 100 a day from a daily average of about 75 four weeks earlier. The MNF predicted a surge of co-ordinated attacks closer to polling day, but there was no intelligence about insurgent tactics on the day itself.

¹⁴⁶ Letter Phillipson to Wilson, 12 October 2005, ‘Nigel Sheinwald’s Visit to Washington, 10/11 October’.

¹⁴⁷ Paper Assessments Staff, 11 October 2005, ‘Iraq’s Constitution: Referendum Prospects’.

331. The Assessments Staff reported that Sunni political groups did not consider they had sufficient votes to veto the Constitution, and judged that “local Sunni tribal leaders will have considerable sway over the voters in their area; some have recommended a ‘no’ vote, but we do not know the views of many others”.

332. By 12 October, Iraqi parties agreed a series of amendments to the draft Constitution, including:

- strengthening the provisions guaranteeing the unity of Iraq;
- making clear that membership of the Ba’ath Party was not, in itself, a reason for exclusion from public office and providing that de-Ba’athification was to be subject to review by a separate body;
- clarification over the use of official languages (Arabic and Kurdish were designated national official languages throughout Iraq, though with the expectation that Kurdish would be used primarily within Kurdistan; Turcoman and Syrian were official languages within the areas where they were spoken); and
- providing for a constitutional review body to review the Constitution and make recommendations for change to the National Assembly within four months.¹⁴⁸

333. The last point met a long-standing Sunni Arab demand for a major role for the next National Assembly in approving the Constitution.

334. Dr Reid sent Mr Powell a draft of a paper on security for consideration by DOP(I) on 11 October, describing it as “inadequate, but a start”.¹⁴⁹

335. Dr Reid wrote that his paper was “meant as the first step in what is really required – which is a detailed and co-ordinated Implementation plan”.

336. DOP(I) met on 12 October and considered two papers: one from the IPU on the UK’s next steps in supporting the political process towards elections and Dr Reid’s paper on the security situation.¹⁵⁰

337. The IPU paper defined the UK Government’s main aim as maximising the electoral strength of the national and non-sectarian centre ground, so that the resulting government represented each of the ethnic and confessional groups and was committed to plurality, non-sectarianism and the unity of Iraq.¹⁵¹

338. The IPU paper contained Mr Asquith’s recommendation for a new meeting of Ministers and senior officials to be held in advance of DOP(I). He also reminded the

¹⁴⁸ Letter Straw to DOP(I) Committee Members, 13 October 2005, ‘Iraq: Constitution Paper’ attaching Paper IPU, ‘Constitution: Potential Points of Contention’; eGram 15446/05 Baghdad to FCO London, 12 October 2005, ‘Iraq: Constitution: Update, 12 October 2005’.

¹⁴⁹ Minute (handwritten) Reid to Powell, 11 October 2005, attaching Paper ‘Iraq Security Update’.

¹⁵⁰ Minutes, 12 October 2005, DOP(I) meeting.

¹⁵¹ Paper IPU, 10 October 2005, ‘Political Strategy: Next Steps’.

Committee that the legal framework for MNF operations in Iraq expired at the end of 2005. As a result:

“We need the ITG to state publicly its requirement for a continued MNF-I presence. This will be politically sensitive. We therefore need to distance the roll over from the electoral campaign. We have agreed with the US to present a short resolution ... to the UNSC [United Nations Security Council] soon after the referendum for adoption by the end of October. From lobbying of partners and UNSC members this looks achievable.”

339. Dr Reid reported in his paper that “the general level of activity among the insurgency remains broadly unchanged across Iraq”.¹⁵² Although there had been an increase in the number of lethal attacks on the MNF within MND(SE), the situation remained calm in comparison to other parts of Iraq:

“The position, however, is fragile with the militias able to promote unrest when they choose.”

340. Dr Reid judged that “successful Iraqisation remains the key”. Progress with the Iraqi Security Forces was satisfactory, progress with the Iraqi Police Service less so. Dr Reid proposed that the UK should review its strategy on policing. If responsibility should fall to the MOD, then “it is imperative that the resource issue is resolved unequivocally”.

341. Dr Reid’s paper also commented on the Red Team Report:

“Whilst the report is accurate in its analysis, it defines a strategic approach that could only have been successful if it had been adopted at the outset of military operations; it is not consistent with either existing MNF strategy, or the scale of economic and military investment.

“It seems likely, however, that some elements of the plan (e.g. boosting Ministry capacity and greater co-ordination of military and non-military activity) will be followed up rather than the Red Team Report being adopted wholesale. **We will need to work with the US on incorporating these elements into an authoritative plan which can be agreed with the Iraqi government.**”

342. Dr Reid promised a plan for enhanced engagement with the US by MOD Ministers, the military and senior officials. He also committed to:

“Institute regular (weekly or fortnightly) ad hoc ministerial meetings in MOD to oversee Iraq security issues to which other government departments will be invited.”

¹⁵² Paper Reid, 11 October 2005, ‘Iraq: Security Update’.

343. Finally, Dr Reid's paper considered the UK's "overall Iraq strategy":

"Our overall approach on Iraq across Government needs more coherence.

The following steps would help:

- A highlighting of our objectives for the end of 2005 and for the end of 2006, along with any milestones in between.
- A definition of what would constitute success (preferably in measurable terms) in the political, military and social/reconstruction spheres.
- The establishment of an ad-hoc communications group chaired by a Minister to oversee our approach."

344. DOP(I) agreed that:

- the MOD should take the lead on police issues in Iraq as the situation called for paramilitary rather than civilian policing;
- Mr Blair should reinforce UK concerns about the need for a consistent approach to the insurgency during his next video conference with President Bush; and
- UK concerns about conditions in Iraqi detention facilities should be followed up with Iraqi authorities.¹⁵³

345. Mr Blair also agreed with Dr Reid's proposal that an increased focus on communications on Iraq was needed. Ministers agreed that Dr Reid should convene meetings on communications issues.

346. Mr Straw told DOP(I) that the next few months would be a crucial period for Iraq. Although the political process was on timetable, this was not the same as on track.

347. Mr Blair said that there were two essential objectives: to ensure good Sunni turn-out at the elections, and to ensure that any Shia or Iranian backlash against efforts to achieve a more inclusive, centrist government could be dealt with.

348. In discussion, Ministers noted that the Constitution was likely to be agreed by the referendum, although this could not be taken for granted. The UK needed to have fall-backs ready.

349. DOP(I) agreed that the UK should work even more closely with the US to deliver a significant Sunni turn-out at the elections and as centrist a government as possible, and that Mr Straw should update colleagues on progress against the objectives at subsequent DOP(I) meetings.

350. Mr Straw wrote to DOP(I) members the following day, advising them that "despite its inevitable deficiencies, the draft Constitution represents a major achievement".¹⁵⁴

¹⁵³ Minutes, 12 October 2005, DOP(I) meeting.

¹⁵⁴ Letter Foreign Secretary to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper'.

351. The paper attached to Mr Straw's letter explained that the Constitution deferred critical decisions to a future elected Council of Representatives, which risked future conflicts between a weakened central government and increasingly assertive regions. The following areas were likely to be controversial:

- Federalism: the latitude that the Constitution gave regional authorities to maintain a significant armed force would increase the anxiety of Sunni Arabs and others who claimed that federalism would lead to fragmentation.
- Natural resources: the language of the Constitution was a "model of imprecision".
- Role of Islam: the extent to which Islam would influence the legislative programme remained to be determined.
- Kirkuk: the Kurdish desire for a referendum was made explicit. Kirkuk would be free to form a region or join another region, and the potential for a rise in ethnic tension and violence was high.

352. Mr Straw's letter was not shown to Mr Blair.¹⁵⁵

353. On 13 October, Mr Straw told Cabinet that "contrary to original expectations" the timetable for transition to democratic government in Iraq set out in resolution 1546 had "so far, kept to time".¹⁵⁶ He commented that that was "impressive".

354. Mr Straw expected that turnout for the constitutional referendum would be high, and there would be a two-thirds majority in most provinces.

355. Mr Blair said that he was encouraged by the political progress being made, although the security situation remained a cause for concern. He quoted a UN poll which showed the population split roughly 50/50 on whether things were getting better or worse. The main issue seemed to be lack of electricity.

356. General Sir Mike Jackson, Chief of the General Staff, visited Iraq from 10 to 13 October and sent an account of his visit to Gen Walker.¹⁵⁷ He commented:

"This was a sobering visit in comparison to my last one in April, when the post election-euphoria [sic] was still palpable and the campaign was being looked at through somewhat rose-tinted spectacles. I detected little such optimism on this visit: the atmosphere was rather more gritty ...

"My analysis will appear gloomy; intentionally so. Though there is no sense of defeatism in theatre, the possibility of strategic failure was mentioned in earnest on this visit more than on any before. Everyone agreed that the next 6-12 months would

¹⁵⁵ Letter Foreign Secretary to DOP(I) Committee Members, 13 October 2005, 'Iraq: Constitution Paper' including manuscript comments Quarrey and Sheinwald.

¹⁵⁶ Cabinet Conclusions, 13 October 2005.

¹⁵⁷ Minute CGS to CDS, 18 October 2005, 'CGS visit to Iraq: 10-13 Oct 05'.

be critical and that it would take longer still to achieve the campaign objectives we have currently set ourselves.”

357. Gen Jackson went on to comment on the problems with reconstruction, Security Sector Reform and the military counter-insurgency strategy. He assessed that “the prognosis for the SE is more optimistic than elsewhere” and that the Jameat incident was “regarded now by the US as a little local difficulty, but indicative of the deep, widespread corruption in the IPS across Iraq”.

358. Gen Jackson wrote: “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”.

359. He concluded with a reference to the pressure that the helicopter support fleet and the air bridge were facing, commenting “we really need to take stock of our AT [air transport] capability in the round, especially in light of our impending commitment to Afghanistan”. Gen Jackson’s report was sent only to senior military officers, not to Ministers nor to senior officials within the MOD.

360. The referendum on Iraq’s draft Constitution took place on 15 October.¹⁵⁸ Mr Patey reported that the day had “passed off largely peacefully across Iraq” with 89 attacks reported, significantly below the levels of violence experienced during the January elections. The early predictions were that the turnout had been over 60 percent.

361. Mr Patey reported to the FCO:

“The referendum process has gone as well as we could have hoped. If a turnout of over 60 percent is confirmed this will undermine the sceptics. It looks clear that there will be a high turnout in Sunni areas, which enhances the legitimacy of the result and bodes well for the elections in December.”

The Iraqi Constitution

The new Constitution comprised six sections, which covered:

- **Fundamental principles.** This defined the Republic of Iraq as “a single, federal, independent and full sovereign state” and Islam as its official religion such that “No law may be enacted that contradicts the established provisions of Islam.” Arabic and Kurdish were named as official languages, the “Saddamist Ba’ath” Party was banned and provision made for to the ISF to be “composed of the components of the Iraqi people, with due consideration given to their balance and representation without discrimination or exclusion”. The formation of militia groups was prohibited.
- **Rights and liberties.** This section enshrined equality before the law for all Iraqis, the right to “life, security and liberty”, rights to privacy, “so long as it does not contradict the rights of others and public morals”, conditions for citizenship, and the independence of the judiciary. This section contained protections for private property,

¹⁵⁸ eGram 15692/05 Baghdad to FCO London, 16 October 2005, ‘Iraq: Constitution: Referendum Day Passes Peacefully’.

public assets and freedom of movement. It guaranteed healthcare, including for “the handicapped and those with special needs”, education and environmental protection. It defined rights regarding freedom of expression, including “freedom of thought, conscience, and belief” and the free practice of religious rites “including the [Shia] Hussein rituals”.

- **Federal powers.** This section defined the division of legislative and executive power and described the roles of independent commissions. In relation to the Council of Representatives (the federal legislature), it said that “the representation of all components of the people shall be upheld in it”. It described the powers of the President, Council of Ministers, Higher Judicial Council and Supreme Court.
- **Powers of the Federal Government.** This section defined the areas in which the federal authorities had exclusive competence, including foreign policy, national security policy, fiscal and customs policy and the budget. It said Iraq’s oil and gas reserves would be managed by the federal government “with the producing governorates and regional governments”.
- **Powers of the regions.** The federal system was defined in this section as “made up of a decentralized capital, regions, and governorates, as well as local administrations”. One or more governorates could form a region following a referendum, and each region would adopt its own constitution, which should not contradict the national Constitution on areas in which the federal government was competent. An “equitable share” of revenues would be allocated to regions and governorates.
- **Final and transitional provisions.** This section defined the process by which the Constitution could be amended, including through the formation of a committee to recommend amendments comprising members of the Council of Representatives “representing the principal components of the Iraqi society”. It also stipulated that a “Presidency Council” should be “elected by one list and with a two-thirds majority” in the Council of Representatives, to undertake the role of the President in the first term after the Constitution was adopted.

362. The day after the referendum, President Talabani issued a decree, announcing that Parliamentary elections would take place on 15 December in accordance with the TAL.¹⁵⁹

363. Political negotiations about the possibility of postponing the December election had continued to the last moment. Mr Patey reported that the US and UK had lobbied hard against postponement as “the extra time would almost certainly not have helped”. In his view, “our pressure was crucial in keeping the various parties on track”.

364. On 16 October, Mr Blair had lunch at Chequers with Secretary Rice.¹⁶⁰

365. Mr Blair made clear that Iraq was the number one priority for the UK and that active UK and US work would be needed over the coming critical months.

¹⁵⁹ eGram 15761/05 Baghdad to FCO London, 17 October 2005, ‘Iraq: Elections’.

¹⁶⁰ Letter Sheinwald to Hayes, 16 October 2005, ‘Prime Minister’s meeting with US Secretary of State, 16 October 2005: Iraq’.

366. Mr Blair and Secretary Rice agreed on the need to step up contacts with Sunni groups and the importance of ensuring an effective, competent, centrist government after the elections. Mr Blair raised the issue of the future of the coalition forces, emphasising the importance of avoiding the impression both of cutting and running and of wanting to stay for ever. He had originally believed that the coalition should agree with the current Iraqi Government a clear plan for the build up of Iraqi forces and drawdown of coalition forces, but had concluded that it would be better to wait until the new government was formed.

367. The Chiefs of Staff considered strategy on Iraq when they met on 18 October.¹⁶¹ They concluded that the insurgency had continued to worsen and that: “Without a change in the coalition strategy or its implementation, this trend could be expected to continue.”

368. Although most of the attacks had been in Baghdad and the three Sunni-dominated northern provinces, “they might spread more widely if the insurgency continued to grow”.

369. The Chiefs considered that the UK’s main effort in Iraq should remain Security Sector Reform. The existing UK strategy was:

“... not fundamentally flawed, but its implementation was failing. Inadequate funding was contributing significantly to this and reflected a lack of cross-Government buy-in to the campaign and the incoherence of inter-Departmental activities. The military effort was well-resourced compared to the commitments by other Government departments to other Lines of Operation.”

370. The Chiefs also concluded that “Ministers needed to be clear that the campaign could potentially be heading for ‘strategic failure’, with grave national and international consequences if the appropriate actions were not taken”. They believed that “the establishment of well defined Ministerial ownership would be a key factor in addressing it”. Although the UK/US relationship was strong at the military level, “political connections needed to be strengthened”.

371. Lieutenant General Robert Fry, Deputy Chief of the Defence Staff (Commitments), was commissioned to produce two papers. The first was to set out the risk and nature of strategic failure in Iraq and “the importance of ensuring that the PM was clear about these issues and could therefore be expected to direct appropriate cross-Government action”. The second paper would set out the links needed to improve UK engagement with the US and “energise the cross-Whitehall approach to Iraq”.

¹⁶¹ Minutes, 18 October 2005, Chiefs of Staff meeting.

The Iraqi Special Tribunal

On 19 October, the Iraqi Special Tribunal (IST) began the first trial of Saddam Hussein. He and a number of his senior aides were charged with killing 148 Shia men from Dujail in 1982, following an attempt there on Saddam Hussein's life.¹⁶² All eight defendants pleaded not guilty. The trial was adjourned until 28 November.

Although Human Rights Watch raised concerns about prospects for a fair trial, a spokesman for the Iraqi Government said:

“Iraqis have not forgotten yet that the reason why the country is in such a mess, it's because one man stole the will of 27 million people for 35 years and pushed them into wars and misery.”

Two defence counsel were killed, and a third wounded, in two separate incidents on 20 October and 8 November.¹⁶³ As a result the trial was adjourned once again to 5 December to allow time for replacement counsel to be found.¹⁶⁴

Lord Goldsmith, the Attorney General, told Cabinet on 27 October that there were huge challenges in providing security for the court and protection for those participating.¹⁶⁵ The trial was not, as some alleged, being orchestrated by the US and the UK – “we had simply provided support for the Iraqis”.

A second set of proceedings against Saddam Hussein commenced on 21 August 2006. These concerned the accusation of genocide against the Kurds in the Anfal campaign in the late 1980s, for which Saddam Hussein and six other defendants stood accused.

While the proceedings in relation to the Anfal charges were continuing (and before what was expected to be a series of other proceedings against Saddam Hussein had been commenced), the IST reached its verdict on the first (Dujail) trial. On 5 November 2006, Saddam Hussein was sentenced to death for the Dujail killings. He was executed on 30 December 2006.

372. On 19 October, Secretary Rice told the US Senate Foreign Relations Committee that she believed the US could “assure victory” in Iraq, by majoring on the “clear-hold-build” concept.¹⁶⁶ She explained:

“We are moving from a stage of transition toward the strategy to prepare a permanent Iraqi government for a decisive victory ... With our Iraqi allies, we are working to:

- Clear the toughest places – no sanctuaries to the enemy – and disrupt foreign support for the insurgents.

¹⁶² *BBC News*, 19 October 2005, *Defiant Saddam pleads not guilty*.

¹⁶³ *BBC News*, 21 October 2005, *Saddam trial lawyer is found dead*; *BBC News*, 8 November 2005, *Saddam trial lawyer is shot dead*.

¹⁶⁴ *BBC News*, 28 November 2005, *Saddam team looks for new lawyers*.

¹⁶⁵ Cabinet Conclusions, 27 October 2005.

¹⁶⁶ ‘Secretary of State Condoleezza Rice Iraq and US Policy to US Senate Committee on Foreign Relations’, 19 October 2005.

- Hold and steadily enlarge the secure areas, integrating political and economic outreach with our military operations.
- Build truly national institutions working with more capable provincial and local authorities. Embodying a national compact – not tools of a particular sect or ethnic group – these Iraqi institutions must sustain security forces, bring rule of law, visibly deliver essential services, and offer the Iraqi people hope for a better economic future.

None of these elements can be achieved by military action alone. None are purely civilian. All require an integrated civil-military partnership.”

373. Secretary Rice observed that compromise and politics were replacing violence and repression within Iraq, but argued the Iraqi Government needed to build more effective international links. She also announced that the US intended to introduce Provincial Reconstruction Teams (PRTs) in Iraq, building on the successful model that had been used in Afghanistan.

374. The British Embassy Washington reported that, despite pressure from Senators, Secretary Rice refused to give a timetable for troop withdrawal, and that the questions underlined increasing scepticism that the policy was working:

“Rice conceded to Senator Obama (Democrat) that the political and military process ‘might not work, but every day we have to get up and work our hardest to make it work. And that everything thus far suggests that they’re trying to hold it together.’”¹⁶⁷

375. On 20 October, Mr Phillipson told Mr Blair that the referendum vote in Ninawa was looking closer than expected.¹⁶⁸ Since more than two-thirds of voters in two other provinces had voted “no”, the Ninawa vote brought a real possibility of the Constitution being rejected. The UN was investigating allegations of irregularities in the province.

376. If the Constitution was rejected, Mr Phillipson wrote:

“... the elections in December will be for another Transitional Government, which will have to repeat the Constitution-drafting process.”

377. Mr Blair suggested to President Bush in their video conference on 20 October that if the Constitution was rejected “we should emphasise that there was a process and that the Sunnis had made their views count”.¹⁶⁹

378. If it passed, “it would be important to stress the new arrangements available for reviewing the Constitution after the election”.

¹⁶⁷ eGram 16119 Washington to FCO London, 20 October 2005, ‘US: Iraq: Rice at the Senate Foreign Relations Committee, 19 October 2005’.

¹⁶⁸ Minute Phillipson to Prime Minister, 20 October 2005, ‘VTC with President Bush, 1335 20 October’.

¹⁶⁹ Letter Quarrey to Siddiq, 20 October 2005, ‘Prime Minister’s VTC with President Bush, 20 October’.

379. Iraqi leaders should be encouraged to say that Sunni views expressed in the referendum would be taken into account to “soften the edges” of a positive, but close, result.

380. Mr Blair and President Bush spoke by video link on 25 October.¹⁷⁰ Mr Straw, Mr Powell, Sir Nigel Sheinwald and Lt Gen Fry also joined the discussion as did Vice President Dick Cheney, Secretary Rumsfeld and Secretary Rice, Mr Hadley and Ambassador Khalilzad. Mr Patey, Gen Casey and others joined from Baghdad.

381. Two key priorities for the political track were identified:

- splitting off the rejectionists from the Saddamists and the jihadists; and
- getting maximum turnout in the elections so that they led to a broad-based, centrist government.

382. Mr Patey cautioned that there were “formidable challenges” to come and that the UK and US should not take increased Sunni participation in the December elections for granted. Mr Straw and Secretary Rice advocated pressing Kurdish and Shia leaders to signal future amendments to the Constitution, to show that the process for amending it was a real one.

383. In response to a question from President Bush about the situation in the South, Mr Patey said that the political process had exposed deep divisions within the Shia community which had impacted on local government. Local “turf wars” were not being restrained by central government. Lieutenant General Nicholas Houghton, the SBMR-I, said that the security situation remained calmer in the South, which might be able to lead the process of security transition.

384. Mr Blair agreed with the need to challenge increasing Iranian interference in Central and South Iraq, which would sharpen if the elections went well. He concluded by reiterating the point that Sunni outreach would be crucial in the coming weeks and that this would mean “digging some way into the insurgency”.

385. The referendum results were formally released on 25 October, confirming that the Constitution had been passed.¹⁷¹

386. Nationally, the “Yes” vote was 78.59 percent, with a total turnout of more than 63 percent. There was a majority “Yes” vote in 15 of the 18 governorates (in 12 of these, the ‘Yes’ vote was more than 90 percent). Although it was rejected by a majority in the three remaining provinces (Anbar, Salah ad Din and Ninawa), in only two of these (Anbar and Salah ad Din) was the two-thirds rejection threshold passed.

¹⁷⁰ Letter Quarrey to Siddiq, 25 October 2005, ‘Iraq: London/Washington/Baghdad VTC’.

¹⁷¹ eGram 16570/05 Baghdad to FCO London, 26 October 2005, ‘Iraq: Constitution Passes: Final Referendum Results’.

387. Reflecting on the results, Mr Patey commented:

“On the plus side, this result demonstrates overwhelming Iraqi popular support for the draft Constitution and opens the way to the election of a permanent, four-year government ... The process was well-run and robust enough to strongly resist any allegations that fraud or other kinds of irregularities materially affected the overall result.

“On the negative side, the vote was highly polarised, with almost all Shia and Kurds voting in favour and almost all Sunni Arabs voting against. We should not forget that small numbers of all three major communities voted against the mainstream, including in those areas where they would have been under fierce social pressure to vote the other way (e.g. Anbar). The Shia turnout overall was significantly down on the January elections and we must assume that, in addition to apathy, at least some of those who stayed away did so because they did not support the Constitution. We continue to warn Shia and Kurds against the dangers of triumphalism, and are urging them to temper their response, [and] acknowledge publicly Sunni dissatisfaction ...

“We will continue to work closely with the US to encourage maximum Sunni participation in the elections, including through intensive political engagement with the Sunnis themselves ...”¹⁷²

388. Mr Straw reported to Cabinet on the outcome of the referendum on 27 October.¹⁷³ He commented that the decisions of key Sunni parties to support the constitutional process was a step forward, but most Sunnis had voted against the Constitution.

389. Security incidents on election day had been “only a third of the level on 30 January”. The next milestone was the election on 15 December, meanwhile the UK was “working hard” with the US and others to “provide support to Iraqi politicians in developing the democratic process, building alliances and considering coalitions for government”.

Assessment of the Constitution

Mr Asquith told the Inquiry that the Constitution did not command the support of the Sunni Arab community, principally because they had boycotted the January 2005 elections, and to a large extent had therefore written themselves out of the political programme thereafter until the next set of elections.¹⁷⁴

¹⁷² eGram 16570/05 Baghdad to FCO London, 26 October 2005, ‘Iraq: Constitution Passes: Final Referendum Results’.

¹⁷³ Cabinet Conclusions, 27 October 2005.

¹⁷⁴ Private hearing, 15 June 2010, page 13.

Mr Ali A Allawi judged that:

“The Iraqi Constitution of 2005 was not the national compact that many had thought necessary and desirable, but a document arising from a series of political deals. It was seen as a necessary step in the political process and was not vested with the quasi-sacred status that such documents had in other countries. Nevertheless, it enshrined basic rights and opened up the possibility of a different type of Iraqi state than the one that had gone so disastrously awry.”

Dr Rice judged in her memoir that the size of the Iraqi ‘yes’ vote sent “a firm signal about those citizens’ yearning for democratic governance.”¹⁷⁵

President Bush went further, describing it as “the most progressive constitution in the Arab world – a document that guaranteed equal rights for all and protected the freedoms of religion, assembly and expression.”¹⁷⁶

390. After the discussion by video conference on 25 October, Mr Blair asked the FCO to produce a paper on “how we can intensify our efforts on Sunni Arab outreach in the run-up to and beyond the December elections and formation of the next Government”.¹⁷⁷

391. Mr Straw’s Private Secretary sent a paper, cleared by Mr Straw, to Mr Blair’s Private Secretary on 27 October. The paper set out actions for the UK and US in order to:

- identify more of those who control or influence the insurgency;
- determine what they wanted and what could reasonably be offered;
- prepare them for direct dialogue with the Shia and Kurds;
- bring the Shia and Kurds to the dialogue;
- hold all sides to the deals they struck; and
- take supporting action.

392. The paper acknowledged that “exploring the less savoury reaches of the opposition risks alienating Shia and Kurdish politicians”, and that there would be difficulties “selling this to the Americans who remain cautious of dealing with those who, when offered a choice between violence and politics, will choose both”.

393. If Mr Blair agreed with the paper’s approach, then the FCO aimed to instigate direct and indirect contact between Sunni Arabs, Shia Arabs and Kurds, both inside and outside Iraq plus “supporting action in the media ... focusing Sunni Arabs on the process ahead and the incentives for participating in the next elections”.

394. Mr Blair responded that the paper was “good. We need now to action it comprehensively, and in concert with the Americans.”¹⁷⁸

¹⁷⁵ Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

¹⁷⁶ Bush GW. *Decision Points*. Virgin Books, 2010.

¹⁷⁷ Letter Siddiq to Quarrey, 27 October 2005, ‘Iraq: Sunni Arab Outreach’ attaching IPU Paper, 27 October 2005, ‘Sunni Arab outreach’.

¹⁷⁸ Manuscript comment Blair on Minute Quarrey to Blair, 28 October 2005, ‘Iraq Update’.

395. Following a meeting between Mr Blair and President Massoud Barzani on 31 October, Mr Quarrey reported to Mr Straw's Private Secretary that:

“The Prime Minister wants us to keep Sunni outreach as our number one priority on the political track in the coming weeks ... He wants us to get on and implement the strategy ... as quickly as possible.”¹⁷⁹

396. In October 2005 a senior government official specialising in the Middle East (1) proposed that an independent link to Muqtada al-Sadr and to one or two other leading Sadrists should be established.¹⁸⁰

397. Mr Asquith,¹⁸¹ Mr David Richmond (FCO Director General Defence and Intelligence),¹⁸² and Mr Straw¹⁸³ all agreed the advice.

398. In advance of a video conference with President Bush on 1 November, Mr Phillipson advised Mr Blair that he should focus the discussion on confirming the President's support for “a vigorous programme of Sunni outreach” including agreement to some specific activities, such as a regional contact group.¹⁸⁴

399. Mr Phillipson advised that Mr Blair should reassure President Bush that the UK was looking at what needed to be done in MND(SE) in response, including trying to identify moderate political leaders and “the combination of a tough approach to militia penetration of the Police with a more effective Police training programme”.

November 2005

400. In conversation with President Bush, on 1 November Mr Blair made the case that the US and UK should “push ahead in a big way” with Sunni outreach before the elections.¹⁸⁵

401. In response to a request from No.10, advice was provided in early November on how the UK might best target its efforts to engage those close to the Sunni insurgency to avoid duplicating other initiatives in Iraq to engage with the Sunni community and its militias.¹⁸⁶

¹⁷⁹ Letter Quarrey to Siddiq, 31 October 2005, ‘Iraq: Barzani and Next Steps’.

¹⁸⁰ Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, ‘[NAME OF OPERATION]’.

¹⁸¹ Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, ‘[NAME OF OPERATION]’ including manuscript comment Asquith.

¹⁸² Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, ‘[NAME OF OPERATION]’ including manuscript comment Richmond.

¹⁸³ Minute senior government official specialising in the Middle East (1) to Asquith, Richmond & Foreign Secretary, 28 October 2005, ‘[NAME OF OPERATION]’ including manuscript comment Straw.

¹⁸⁴ Letter Phillipson to Prime Minister, 1 November 2005, ‘VTC with President Bush, 1355 1 November’.

¹⁸⁵ Letter Quarrey to Siddiq, 1 November 2005, ‘Prime Minister's VTC with President Bush’.

¹⁸⁶ Letter senior government official specialising in the Middle East to Quarrey, 4 November 2005, ‘[...] insurgents’.

402. It was envisaged that the Sunni insurgent leaders were likely to wish to discuss, among other things, a timetable for MNF withdrawal from Iraq and the conditions under which it might be possible. They might also wish to discuss prisoner releases, an end to house raids, possible future amnesties, the conduct and integrity of the elections, federalism, and employment in the Iraqi armed forces and security forces.

403. On 4 November, the ISOG commissioned a number of papers for the meeting of DOP(I) on 15 November.¹⁸⁷ These included papers on Sunni outreach, election prospects, “the centrists” and the security strategy in the South (including Iraqiisation).

404. The ISOG also discussed the variety of plans and matrices being maintained by departments to track activity in Iraq. They acknowledged that it was not practical to join them all together, but the point was made that “any work reflected in the matrices should be ‘real’ and funded” and should reflect UK work only.

405. The ISOG also commissioned a review of the 2005 Iraq Strategy, to be led by the Cabinet Office.

406. On 8 November, the UN Security Council adopted resolution 1637 (2005).¹⁸⁸

407. Annexed to the resolution was a letter from Prime Minister Ja’afari to the President of the Security Council requesting an extension of the mandate for international forces in Iraq, and by a letter from Secretary Rice confirming that they would stay as requested.

408. Prime Minister Ja’afari wrote that:

“The Iraqi security forces, which are growing in size, capacity and experience day by day, need more time to fill out their ranks, fully equip themselves and complete their training with a view to assuming responsibility for all security matters and providing adequate security for the Iraqi people. Until such time as Iraqi security forces assume full responsibility for Iraq’s security, we need the continued support of the international community, including the participation of the Multi-National Force, in order to establish lasting peace and security in Iraq.”

409. The resolution extended the mandate for the MNF established by resolution 1546 until 31 December 2006. The mandate would be reviewed either at the request of the Government of Iraq or no later than 15 June 2006. As in resolution 1546, the new resolution also declared that the Security Council would terminate the mandate “earlier if requested by the Government of Iraq”.

¹⁸⁷ Letter Cabinet Office [junior official] to Sheinwald, 8 November 2005, ‘Iraq Senior Officials Group’.

¹⁸⁸ UN Security Council Resolution 1637 (2005).

410. On 8 November, the JIC issued an Assessment of Al Qaida's strategy.¹⁸⁹ The JIC judged that:

"Iraq is currently central to the core Al Qaida leadership's focus of effort. The situation there has significantly increased ... [their] opportunities to confront Western, particularly US, interests. It has also provided access to extremist networks across Europe that may extend the core Al Qaida leadership's ability to conduct terrorist attacks, including in the UK. The core Al Qaida leadership sees an opportunity to establish a base in an ungoverned and exploitable space in the Sunni areas of Iraq."

411. On 10 November, Dr Reid wrote to Mr Blair about the transition to Iraqi responsibility for security in Muthanna and Maysan.¹⁹⁰ His letter said:

"Military judgement remains that it would, in principle, be possible to hand over responsibility for security for the Iraqis in Muthanna and Maysan provinces by around February 2006."

412. The letter explained that two factors implied a need to extend that timetable: the failure of the Iraqi Government to set out the context for transition and the US desire to maintain a Japanese presence in Iraq combined with unwillingness by the Japanese to move away from Muthanna.

413. Dr Reid reported that Prime Minister Ja'afari had agreed the conditions for transfer set out by the JCTSR and that a public handling strategy for their release was being developed. The assessment of provinces and cities that were likely to move to Iraqi security control was unlikely to take place until after the December election.

414. On force levels, Dr Reid wrote:

"The extension to the timeline for the handover of security to the Iraqis in MND(SE) has force level implications. Assuming security conditions allow, reductions in UK force numbers which might have been possible from around February might now be deferred to early summer (May), when we should be able to reduce our troop numbers in MND(SE)."

415. Mr Straw visited Baghdad from 10 to 11 November.¹⁹¹ He saw representatives from the two main Sunni Arab coalitions, the Iraqi Front for National Dialogue and the National Consensus Front, and urged them to take full advantage of the opportunity offered by the elections.

¹⁸⁹ JIC Assessment, 8 November 2005, 'Al Qaida's Grand Strategy'.

¹⁹⁰ Letter Reid to Blair, 10 November 2005, [untitled].

¹⁹¹ eGram 18079/05 Baghdad to FCO London, 14 November 2005, 'Iraq: Visit by Secretary of State, 10-11 November: Sunni Arab Outreach, Electoral Process'.

416. In a report to Mr Blair of his visit, Mr Straw described:

“Qualified optimism that Sunni participation in the elections may be sustained through to the formation of a new government. But the situation requires active management. The default setting of the Sunnis is angry resentment at their dispossession. A key danger period will be following the results (late December). The Constitution allows for three months (90 days) to form a government; in certain circumstances four months.”¹⁹²

417. On 13 November, members of the US military visited a Ministry of the Interior (MOI) controlled detention facility in Baghdad, known as the Jadiriyah bunker, to facilitate the release of a detainee.¹⁹³ 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.

418. The discovery, and the response of the Minister of the Interior, are described in more detail in Section 12.1.

419. In a speech at the Lord Mayor’s Banquet on 14 November, Mr Blair discussed the challenges of globalisation, highlighting international terrorism as “the most obvious”.¹⁹⁴ He said:

“What is obvious now to all is that this [terrorism] is a global movement and requires global action in response, of which the successful completion of a democratic process in Afghanistan and Iraq is a major component.”

420. A senior government official specialising in the Middle East (1) wrote to Mr Asquith again on 14 November to inform him that lines of communication had been established to both Grand Ayatollah al-Sistani and Muqtada al-Sadr.¹⁹⁵ He also reported that attempts would be made to maintain and develop the link to MAS1:

“My letter to you of 3 October 2005 described [the] encounter with him ... [MAS1] said he was disenchanted with al-Sadr and considered him too close to the Iranian regime. [MAS1] claimed to represent the Arab, Iraqi nationalist section of the Sadrist movement ...”

421. The senior official asked for Mr Asquith’s views on messages to be passed through the new lines of communication to Grand Ayatollah al-Sistani and Muqtada al-Sadr and suggested that they should be tested before seeking to utilise them at short notice “eg to help reduce any sudden increase in tension in MND(SE)”.

¹⁹² Letter Straw to Prime Minister, 14 November 2005, ‘Iraq’.

¹⁹³ Telegram 18170 Baghdad to FCO London, 14 November 2005, ‘Iraq: Detainees Found in Bunker’.

¹⁹⁴ National Archive, Prime Minister’s Office, ‘Lord Mayor’s Banquet Speech 14 November 2005’.

¹⁹⁵ Minute senior government official specialising in the Middle East (1) to Asquith, 14 November 2005, ‘Lines to the Shia’.

422. Mr Asquith suggested:

“Sistani – don’t promote UIC alone; caution about large federal region in south;
Constitutional Commission – must be taken seriously (45 percent Shia did not vote)

“MAS – Iran: no friend of yours.”

423. As commissioned by the ISOG, the IPU provided a paper on Sunni outreach, for the 15 November meeting of DOP(I).¹⁹⁶

424. The IPU said that the British Embassy Baghdad had intensified its focus on Sunni Arab politicians, including those who were believed to have some influence with the insurgency. Plans were in hand for Sir Nigel Sheinwald to meet a combination of harder-line Sunni nationalist leaders and local insurgent leaders later in the month.

425. Sunni Arab demands remained the same: less robust US military practices, detainee releases and an amnesty; the appointment of Sunni Arabs to the Iraqi Security Forces; a more level electoral playing field; and a timetable for transition.

426. The IPU reported some progress, both on detainee releases and with the announcement by Iraqi Defence Minister Mr Saadoun al-Dulaimi that all former army personnel, up to and including the rank of Major, were invited to re-apply to join the ISF. The IPU commented that the latter was “a start, but not what former Generals in the insurgency will settle for”. The IPU judged that more work was needed to encourage Iraqi politicians to repeal the de-Ba’athification law and abolish the de-Ba’athification Commission.

427. The IPU commented that it was clear that the US Administration was prepared to countenance a broad swathe of US and UK outreach activity, but on the condition that the US should be “careful not to ‘pick winners’”.

428. A Cabinet Office official provided Mr Blair with a Chairman’s brief for the meeting of DOP(I).¹⁹⁷ It said:

“We **have made progress since your last meeting** ... We now have the basic tools ... to run an outreach strategy ... But, your **conversation with Khalilzad showed we don’t yet have an agreed US/UK operational plan** – we need to fix this.”

429. At the meeting Mr Straw summarised his impressions from his recent discussions with Sunni leaders in Iraq.¹⁹⁸ He felt that the Sunnis now understood that boycotting the elections had been a mistake, and wanted to enter the political process. In discussion it was observed that Sunnis were starting to realise that the coalition were “the best available guarantors of their interests”.

¹⁹⁶ Paper IPU, 10 November 2005, ‘Sunni Arab Outreach: Update as of 10 November 2005’.

¹⁹⁷ Minute Cabinet Office [junior official] to Blair, 14 November 2005, ‘DOP(I) – Chairman’s Brief’.

¹⁹⁸ Minutes, 15 November 2005, DOP(I) meeting.

430. Members of DOP(I) also discussed an MOD paper on the UK's contribution to the "overall Iraq security strategy".¹⁹⁹ The paper identified the different strategic end states adopted by the UK Government and the MNF-I (see Section 9.3), and defined the following as key outcomes:

- delivering security in the run up to the December 2005 elections (the immediate focus);
- delivering a secure environment in MND(SE) which permitted training of the ISF to the point that they can take on responsibility for security (the short-term focus); and
- delivering Iraqi Security Force "self-reliance" (the medium-term focus).

431. The MOD said that those outcomes would be achieved through a cross-departmental effort, focused on: establishing a secure environment; transitioning tactical, operational and strategic oversight; developing an effective and self-sufficient IPS; and building the capacity of key Ministries within the security sector.

432. At the DOP(I) meeting, Sir Nigel Sheinwald handed Dr Reid's letter of 10 November on transition in Muthanna and Maysan to Mr Blair.²⁰⁰

433. Dr Reid told members of DOP(I) that the UK's exit from Muthanna and Maysan had been delayed until May 2006, reflecting the UK's commitment to the Japanese.²⁰¹ Dr Reid hoped it would be possible to complete the handover within this timescale in order to start reducing the UK's troop commitment in Iraq during 2006.

434. Members of DOP(I) were also given a paper on the 'Iraq Communications Strategy for the UK Audience', which was not discussed at the meeting.²⁰²

435. The paper recorded the creation of the Iraq Communications Group (Ministerial),²⁰³ which brought together No.10, DFID, the FCO and the MOD to co-ordinate the Iraq message for the domestic audience.

436. The paper said:

"... there are relatively few resources dedicated specifically to Iraq communications. This is a poor reflection of the magnitude of the issue and its importance to HMG and needs to change."

¹⁹⁹ Paper MOD officials, [undated], 'Strategy for the UK's Contribution to Iraq Security'.

²⁰⁰ Manuscript comment Sheinwald on Letter Reid to Blair, 10 November 2005, [untitled].

²⁰¹ Minutes, 15 November 2005, DOP(I) meeting.

²⁰² Paper, [undated], 'Update on the Iraq Communications Strategy for the UK Audience' attaching 'Iraq – Core Script' and 'Core Script'.

²⁰³ This group was not a Cabinet Sub-Committee.

437. Attached to the paper was a core script on Iraq, and one on the December elections, which said:

“We have a strategy and it has remained constant. It is to participate alongside the international community in supporting the development of democracy, peace and security in Iraq ...

“Any immediate withdrawal, or one determined by arbitrary timeliness or under the threat of terror, would hand over Iraq to the terrorists and be a victory for terrorism – not only in Iraq but in wider international terms.”

438. On 16 November, at the request of the ISOG, the JIC considered the prospects for the election.²⁰⁴ It assessed that:

“Even with international pressure, the process of forming a new Iraqi cabinet after December’s election is unlikely to be swift: we expect a period of protracted wrangling, well into early 2006, during which time there will be no effective government. Negotiations will centre on the number of Ministerial slots for each political group; the relative importance of each slot; and the personalities of individual candidates. We expect vigorous arguments from Sunni Arabs to keep out ‘Iranian-backed’ politicians, and from Shia to deny ‘Ba’athists’ senior office.”

439. The JIC judged that the new Assembly was likely to be more politically complex than the TNA, with greater influence wielded by both Sunni Arabs and Sadrists.

440. The new Ministerial team would need to reflect that complexity. On the one hand, this would demonstrate a more inclusive approach, which would undermine the causes of the Sunni insurgency; on the other, the inclusion of credible Sunni figures would add to the government’s fragility.

441. In a telegram to London reflecting on the likely departure of Prime Minister Ja’afari and who might succeed him, Mr Patey wrote:

“Like the TAL, the Constitution provides for a weak Prime Minister, dependent on consensus. Any successor to Ja’afari will have a hard time managing what will still be a large, unwieldy and ill-disciplined coalition and increasingly independent and self-confident institutions.”²⁰⁵

442. In a video conference on 22 November, Mr Blair reported to President Bush that Sunni outreach activity seemed to be bearing fruit.²⁰⁶

²⁰⁴ JIC Assessment, 16 November 2005, ‘Iraq: Election Prospects’.

²⁰⁵ eGram 18722/05 Baghdad to FCO London, 19 November 2005, ‘Iraq: After Ja’afari, What Next?’.

²⁰⁶ Letter Quarrey to Siddiq, 22 November 2005, ‘Prime Minister’s VTC with President Bush: Iraq’.

443. The minute given to Mr Blair by his Private Secretary in preparation for the discussion said:

“Some of our Sunnis [sic] contacts have raised the possibility of co-ordinated cease-fires in the run-up to the elections. We need to be careful not to signal any equivalence between MNF/ISF activity on the one hand and the insurgency on the other. But we should explore the scope for local deals which would help draw in those who are close to the insurgency but politically biddable”.²⁰⁷

444. The Private Secretary also suggested that the possibility of detainee releases should be considered as part of the approach to Sunni outreach.

445. A senior government official specialising in the Middle East (1) wrote on 25 November with an update, and reported that:

“A senior Sadrist close to Muqtada al-Sadr, who is a member of the Iraqi nationalist trend opposed to Iranian influence in Iraq, has confirmed through a UK-based intermediary that he is prepared to meet [one of the senior official’s colleagues] in either [another location] or London ... He may be able to act as a channel from HMG to al-Sadr but could also shed light on the fractures within the Sadrist movement. I have previously suggested the need for us to test out this channel if we are to seek to rely on it in case of security need in MND(SE).”²⁰⁸

446. On 25 November, Gen Walker wrote to Dr Reid with an outline of the main issues he had identified during a visit to Iraq from 22 to 23 November.²⁰⁹

447. Gen Walker reported:

“Levels of consent from MNF presence were slowly declining throughout the AOR [Area of Operations]. When considering military activity in the AOR, broadly 60 percent of our effort was devoted to force protection and sustainment of the UK laydown, 30 percent to SSR [Security Sector Reform] and just five percent or so to UK COIN [counter-insurgency].”

448. Under the heading “Where Are We?” Gen Walker reported that an Iraqi insurgency remained active and was targeting the political process. The new Constitution was not viewed as a national compact, although the majority of the Sunni population was committed to the political process. The upcoming election and perceptions of sectarian conduct by some Ministries were inhibiting progress.

²⁰⁷ Minute Phillipson to Prime Minister, 22 November 2005, ‘VTC with President Bush’.

²⁰⁸ Minute senior government official specialising in the Middle East (1) to Asquith, 25 November 2005, ‘[NAME OF OPERATION] update II: [Plan] to influence the Electoral outcome in Iraq’.

²⁰⁹ Minute CDS to SofS [MOD], 25 November 2005, ‘CDS’s Visit to Iraq 22-23 Nov 05’.

449. Looking ahead, Gen Walker told Dr Reid that a new campaign plan had been drafted by Gen Casey and Ambassador Khalilzad, which sought to:

- develop processes and machinery to remove corrupt officials;
- seize the resources of terrorists and foreign fighters;
- address sectarian, corrupt or subversive activities by the ISF;
- create an electricity plan for the next year;
- ensure that food reached the most needy and test the elimination of subsidies for food and fuel; and
- disrupt the flow of illegal resources into Iraq, particularly from Iran and Syria.

450. Gen Walker advised Dr Reid that:

“The jury is out on the pilot PRTs – both amongst the military and the diplomats. Whatever the outcome, I recommend an early bid to run them in the four MND(SE) provinces to save us heartache later. If we don’t, they have the potential to fix us through force protection requirements at places and for periods not of our choosing.”

451. On transition, Gen Walker wrote:

“Nothing I heard indicated that our transition aspirations are flights of fancy. Gen Babakir may have been optimistic in his assessment of the speed with which the IA would be in a position to assume the security role (by late 06) but I suspect much will hinge on the view of the new government.”

The kidnapping of Mr Norman Kember

On 26 November, at 1430 local time, Mr Norman Kember and three others – Mr Harmeet Singh Sooden and Mr James Loney, both Canadian, and US citizen Mr Tom Fox – were kidnapped in Baghdad.²¹⁰ The van in which they were travelling was hijacked in the northwest part of the city after a leaving a meeting with members of the Muslim Ulema Council.

Two of the four worked for an NGO called Christian Peacemaker Teams (CPT), and the other two, including Mr Kember, were in Iraq as guests of CPT.

The UK Government’s emergency response mechanism – COBR – was activated in relation to Mr Kember’s kidnap.

The body of Mr Fox was found in the Mansour district of Baghdad on 9 March 2006.²¹¹

Two weeks later Mr Kember, Mr Sooden and Mr Loney were rescued from captivity in a house in western Baghdad in an operation involving UK, US and Canadian forces.

²¹⁰ Briefing [unattributed], 28 November 2005, ‘Kidnapping of Norman Kember – Baghdad, Iraq – Saturday 26 November 2005’.

²¹¹ *BBC News*, 23 March 2006, *British Iraq hostage Kember freed*.

452. President Bush set out his strategy for Iraq in a speech to the US Naval Academy in Annapolis on 30 November.²¹²

453. The British Embassy Washington commented that he had invoked the spirit of Churchill and Roosevelt: the US objective in Iraq was “nothing less than complete victory”. He had acknowledged the validity of debate but said that an “artificial timetable” would be wrong. President Bush had anticipated US troop reductions as Iraqi forces stood up, but had avoided timelines.

454. In parallel with the President’s speech, the National Security Council published its “National Strategy for Victory in Iraq”.²¹³

455. The strategy set out three stages of victory in Iraq:

– Short term, Iraq is making steady progress in fighting terrorists, meeting political milestones, building democratic institutions, and standing up security forces.

– Medium term, Iraq is in the lead defeating terrorists and providing its own security, with a fully constitutional government in place, and on its way to achieving its economic potential.

– Longer term, Iraq is peaceful, united, stable, and secure, well integrated into the international community, and a full partner in the global war on terrorism.”

456. The strategy was “conditions based” and did not set a date by which it would be achieved because:

“No war has ever been won on a timetable and neither will this one.”

457. The strategy said that US force posture would change with conditions in Iraq. It was expected that some changes in posture would take place over the following year “as the political process advances and Iraqi security forces grow and gain experience”.

458. At the FCO’s request, the JIC considered the relationship between Iran and Iraq on 30 November.²¹⁴

459. The Assessment reiterated earlier JIC judgements that the Iranian leadership aspired to:

“... help create a stable and unified Iraq which is Shia-led with a strong Islamic identity; open to Iranian political and commercial influence; unable to pose a military threat and inclined to defer to Iran over issues of mutual interest; and free of significant Western influence.”

²¹² eGram 19675/05 Washington to FCO London, 1 December 2005, ‘Iraq/US: Bush’s speech and the public debate’.

²¹³ National Security Council, November 2005, ‘National Strategy for Victory in Iraq’.

²¹⁴ JIC Assessment, 30 November 2005, ‘Iran and Iraq’.

460. The JIC judged that Iran would continue to encourage some Shia extremists to attack coalition forces with the aim of deterring further Western military involvement in the region. But in pursuit of long-term stability, a Shia-led government was likely to have Iranian support in tackling Sunni insurgency, including the jihadist campaign. Although the next Iraqi government might be less sensitive to Iranian interests than the ITG, the JIC judged that the Iranians would:

“... work hard to maintain and if possible improve their position, keeping up links ... with its existing Shia allies ... [and] Kurdish parties, and seeking new ones, perhaps even with some Sunni Arab groups. Of all Iraq’s neighbours, Iran will maintain the greatest influence.”

December 2005

461. On 1 December, members of DOP(I) considered a paper on introducing PRTs.²¹⁵

462. A paper written by the IPU recommended that the UK should establish a PRT structure in southern Iraq, adapting the US model to suit the circumstances in each province.²¹⁶ The IPU recommended creating one (“mini”) PRT in each province, then moving to a “single super-PRT” in Basra. The first could be up and running by February 2006.

463. The IPU anticipated only “benefits at the margins” from the new structure.

464. Mr Straw explained that the paper “proposed that we went along with the United States’ proposal for the creation of PRTs across Iraq but without disrupting our own plans for military transition”.²¹⁷

465. Dr Reid agreed that the UK response should be positive, but stressed the need to keep control of and tailor developing PRT plans in the provinces where the UK was directly involved.

466. Sir Nigel Sheinwald held a series of meetings with senior Sunni representatives outside Iraq from 7 to 8 December.²¹⁸ In each discussion, he set out that:

“The Prime Minister wanted a stable, united, democratic and prosperous Iraq. A true democracy respected the views of the majority but also protected the rights of minorities. If the Sunni community wanted a fair share of power we would work to support that objective. But we would not support a return to domination. We were under attack primarily from the Sunni community, even though we were their best guarantors of a fair outcome, as the constitutional negotiations showed. Sunni violence was counter-productive. It could not defeat the MNF or change the

²¹⁵ Minutes, 1 December 2005, DOP(I) meeting.

²¹⁶ Paper IPU, 28 November 2005, ‘Iraq: Provincial Reconstruction Teams’.

²¹⁷ Minutes, 1 December 2005, DOP(I) meeting.

²¹⁸ Letter Quarrey to Siddiq, 9 December 2005, ‘Iraq: Sunni Outreach’.

international community's approach. But it did drive the Shia further toward Iranian influence and prolong the presence of the MNF.

"The Sunnis had made a mistake in not taking part in January's elections. We welcomed the recent change of mood. We wanted full participation in December's elections, leading to an effective and representative government.

"We wanted the Sunni leadership to commit to: encouraging participation in the political process; reducing violence before the elections and sustaining the calm after the elections; removing foreign fighters; and using their influence to release hostages and end the practice of kidnapping, which did grave damage to Iraq's reputation. In return we were prepared to discuss transition (though this would remain conditions based – we would not leave a security vacuum), MNF tactics, de-Ba'athification and detainee releases.

"The Prime Minister was committed to taking forward this dialogue, which he had discussed with President Bush. Bush was aware of these meetings. In summary, we wanted to develop a shared, balanced agenda with Sunni leaders."

467. Following Sir Nigel Sheinwald's meetings, Mr Blair asked officials to keep in touch with those he had spoken to and to consider whether Sir Nigel should have a further series of meetings in early 2006.²¹⁹

468. Mr Blair also asked Mr Patey and Lt Gen Houghton to relay specific messages to their US interlocutors on the need for the MNF to give the Sunnis space before the elections; to work for local cease-fires and avoid major offensive operations afterwards; and to look at some detainee cases with a view to early release if the names given to Sir Nigel presented no significant security threat.

469. The British Embassy Baghdad, in concert with the US, called on Sunni Arab interlocutors to halt attacks on the MNF and on Iraqi Security Forces over the period of the December 2005 Iraqi elections.²²⁰

470. Gen Casey promised to suspend major operations during the elections; in return, the National Consensus Front called on 12 December for jihadists and insurgents to cease operations between 13 and 18 December. There were two significant releases of detainees.

471. On 12 December, Major General James Dutton, GOC MND(SE), sent his end of tour report to ACM Torpy.²²¹

472. Maj Gen Dutton described the victim-initiated Passive Infrared Explosively Formed Projectile as the "dominant feature" of his last four months in Iraq. It had restricted

²¹⁹ Letter Quarrey to Siddiq, 12 December 2005, 'Iraq: Sunni Outreach'.

²²⁰ eGram 21055/05 Baghdad to FCO London, 17 December 2005, 'Iraq: Sunni Arab Outreach'.

²²¹ Report Dutton to Torpy, 12 December 2005, 'June to December 2005 – Hauldown Report'.

freedom of manoeuvre and inhibited SSR by necessitating the movement of military resources away from SSR and onto security and stability operations and self-protection.

473. On Basra province, Maj Gen Dutton wrote:

“... there is still much work to be done (in particular with the Police) but we are going to remain in Basra for the longest time. I continue to believe that we can assist in an internal reformation of the Basra Police if we really want to ... The more resources we can apply, the quicker they [the Iraqis] can be ready to take control themselves.”

474. Mr Blair and President Bush spoke by video conference on 13 December, two days before the Iraqi election.²²² Mr Blair said things were “looking good” for the election and proposed pushing for a new government to be in place by the end of January. He felt that “there was a sense of ordinary politics for the first time”.

475. Mr Blair also felt that a “turning point” may have been reached on Sunni engagement, with some Sunni leaders distancing themselves from the insurgency and wanting to participate in the political process.

476. On 14 December, the eve of the Iraqi election, the JIC updated its July 2005 assessment of the Sunni insurgency in Iraq.²²³ Its Key Judgements included:

“I. In Sunni areas of central and northern Iraq the insurgency is firmly entrenched and shows no sign of diminishing. The underlying long-term trend of attacks has been upwards. Sectarian violence has also continued to escalate.

“II. The driving force of the insurgency are **Iraqi Arab Sunni nationalists**. They are responsible for most attacks ... dialogue between Sunni insurgents and politicians is increasing and they share some political goals. Improved Sunni political cohesion could strengthen the ability of Sunni politicians to influence the insurgents ...

...

“IV. Not all Sunni expectations will be met but if the next Iraqi government could deliver on at least some, alienation of the Sunni community could be reduced ... The possibility of isolating the jihadists and other hard-core rejectionists could be enhanced, although the risk of sectarian violence will remain.

“V. In such circumstances the Iraqi Sunni Arab nationalist insurgency might slowly begin to reduce. But a hard-core is likely to remain irreconcilable and reject the political process. We continue to judge that a significant insurgency in Sunni areas will persist beyond 2006.

“VI. The **jihadists** also reject the political process and are determined to fight on. They are a minority within the overall insurgency but have disproportionate impact:

²²² Letter Quarrey to Siddiq, 13 December 2005, ‘Prime Minister’s VTC with President Bush: Middle East’.

²²³ JIC Assessment, 14 December 2005, ‘The Iraqi Sunni Insurgency: Where Next?’

they are responsible for most suicide attacks. Jihadist groups are now predominantly Iraqi. We see no sign that their campaign is abating.”

477. Iraq’s parliamentary election took place on 15 December. Mr Patey reported to the FCO that the day had passed off peacefully with no major security events.²²⁴

478. Initial predictions of turnout were that it had been significantly higher than for the January 2005 elections, particularly in Sunni Arab areas, including Anbar.

479. The election was monitored by more than 300,000 observers and the initial assessment of the International Mission for Iraqi Elections was that it had generally met international standards.

480. Mr Asquith told the Inquiry:

“I think we did enough to get them [Sunni Arabs] to vote in December 2005. Did we do enough thereafter in continuing that relationship? Possibly not. In retrospect, I think we thought we had done the job.”²²⁵

481. Mr Straw and Secretary Rice discussed the election on 17 December.²²⁶

482. Mr Straw said that DOP(I) was concerned that the Iraqi parties should have access to expertise on forming a coalition, including developing a coalition agreement and methods of dispute resolution. The UK was talking to the Italians and the Germans about what expertise they might offer.

483. Papers for the final DOP(I) meeting of 2005, on 20 December, included a post-election work plan by the IPU, an update on progress with Iraqiisation and a note on the handover of security responsibility.²²⁷

484. The work plan described the UK’s immediate objectives post-election as:

- **A short and well-managed** interregnum between Transitional Government and the next Government, leading to;
- **Rapid formation of a competent and representative Government**, legitimate in the eyes of all Iraq’s communities, followed by;
- **A limited number of key decisions** (which serve the Iraqi people and partnership between Iraq and the coalition) taken quickly and visibly, in parallel with;
- Increasing Sunni Arab political participation and;
- Smooth progress in the South-East towards transition

²²⁴ eGram 20961/05 Baghdad to FCO London, 16 December 2005, ‘Iraq: Elections: Election Day’.

²²⁵ Private hearing, 15 June 2010, page 50.

²²⁶ Letter Straw to Sheinwald, 19 December 2005, ‘Conversation with US Secretary of State, 17 December’.

²²⁷ Agenda Cabinet Office, 20 December 2005, ‘DOP(I) Meeting: Agenda’.

- Visible **international commitment**, in context of 2006 partnership with Iraq.²²⁸

485. The IPU hoped that it might be possible for an Iraqi government to be formed by the end of January, six weeks after the election.

486. At DOP(I) on 20 December, Mr Patey cautioned that there could be a tension between the desire for a representative and effective government and the hope that it could be achieved rapidly.²²⁹ If that were the case, he judged that a representative and effective government would be more important than speed.

487. Mr Blair told DOP(I) that he had discussed US/UK engagement in forming the new government with President Bush. They were agreed that full engagement was necessary and legitimate. Ambassador Khalilzad and Mr Patey:

“... should be clear that they had a mandate to send a tough message to the Iraqis, particularly to the Kurds, about our expectation that they should use their bargaining power to push for a moderate, centrist government. Our support for them rested on them doing so.”

488. In a paper on the handover of security responsibility, the MOD reported that the development of the ISF was “broadly on track”. The two key challenges remained agreeing what the role of the Iraqi Government should be in defining the handover plan; and the capacity of the Iraqi administration and Security Forces to assume responsibility, given the risk of increasing sectarianism and militia infiltration.²³⁰

489. Lt Gen Houghton spoke to the MOD paper at the meeting.²³¹ He reported that the development of the ISF in southern Iraq was “going well”. The Iraqi Army in particular had progressed well although they would need support for another year and further work was needed on counter-insurgency operations and logistics. Police capacity lagged behind, as per the original US military plan for ISF development.

490. The record of Mr Blair’s video conference with President Bush on 20 December shows that Mr Blair argued that communication with the Sunni community needed to continue: “We needed a sense that we were starting to split people away from the insurgency.”²³²

491. Mr Blair suggested that a reduction in the level of violence would have a dramatic political impact and that it was important to “set out the forward perspective” on security, in order to “cement the changes brought by the election”.

²²⁸ Paper IPU, 16 December 2005, ‘Iraq: Post-Election: UK Work Plan’.

²²⁹ Minutes, 20 December 2005, DOP(I) meeting.

²³⁰ Paper MOD, [undated], ‘Ensuring the Iraqis are Ready for a Handover of Security Responsibility’.

²³¹ Minutes, 20 December 2005, DOP(I) meeting.

²³² Letter Quarrey to Siddiq, 20 December 2005, ‘Prime Minister’s VTC with President Bush: Middle East Issues’.

492. Sir Nigel Sheinwald sent the UK's post-election work plan to Mr Hadley on 21 December.²³³ Sir Nigel observed that "early action will be needed with Shia and Kurdish politicians to promote the broad-based and inclusive government the Prime Minister and President want".

493. On 21 December, ACM Torpy warned Lt Gen Fry that "we need to press ahead rapidly, to keep the initiative" on PRTs.²³⁴

494. ACM Torpy wrote that MOD funding might be needed if "as first indications suggest, neither FCO nor DFID can find any further financial resources". He observed that "we will also need to push the other Departments to deploy the staff necessary to get the PRTs off the ground quickly".

495. Mr Straw spoke by telephone to President Talabani on 21 December. He emphasised:

"... 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."²³⁵

496. Mr Blair visited Basra on 22 December to meet British troops and civilians based there.²³⁶ He also had a discussion about the political process following the election and about security issues with senior UK and US diplomats and military officers including Gen Walker and Gen Casey.

497. Mr Blair's Private Secretary reported that:

"The Prime Minister said we needed to keep the political and military strategies in synch. What were the prospects for eg further detainee releases and negotiated local cease-fires? Casey said the US were working on further, large-scale releases. But these had to be part of a wider reconciliation process and secure some movement from the other side. We would also have to look carefully at the reintegration process, as detainees were often radicalised by their experience of detention."

498. Mr Blair told the group of diplomats and military officers that the US and UK would need to work quickly with the new government "on a forward perspective", covering security and Iraqisation and MNF drawdown as well as the government's broad programme which "could serve as a rallying point for international support to the new government".

²³³ Letter Sheinwald to Hadley, 21 December 2005, 'Iraq'.

²³⁴ Minute CJO to DCDS(C), 21 December 2005, 'Key Operational Issues for Early 2006'.

²³⁵ Email Wilson to Asquith, 22 December 2005, 'Foreign Secretary's Call to Talabani: 21 Dec'.

²³⁶ Letter Quarrey to Hayes, 22 December 2005, 'Iraq: Prime Minister's Visit to Basra'.

499. On 23 December, Mr Blair sent a Note to President Bush.²³⁷ It began:

“We are agreed on the strategy: hands-on; to form a unity government; with a competent team in charge, especially of MOI and MOD. How?”

500. In answer to that question, Mr Blair proposed that:

- US and UK political teams should be highly active, which he commented was “clearly happening”;
- Sunni outreach should be maintained so that the Sunni community knew that “whatever happens in the election we are the guarantors that they won’t be cut out”;
- Mr Allawi should be “bound in to a role”;
- neighbouring Arab states should be encouraged to support Iraqi Sunnis;
- the Kurds should be told to engage constructively;
- the US and UK should respond to Grand Ayatollah al-Sistani’s legitimate concern about too rapid a withdrawal of the MNF by making clear that “the price of our staying is a ‘unity Government’”;
- the US and UK should reach out to Muqtada al-Sadr; and
- the UN should play a “real role”, including by endorsing the unity government approach.

501. Mr Blair suggested that these actions should be “tracked and reported on” by the US and UK on a weekly basis. He wrote:

“I came back convinced, more than ever, that this is ‘make or break’, with Iraqis basically wanting unity but lacking the guidance to get there. We should be the guides.”

502. In the final section of his Note, Mr Blair wrote: “Part of the whole business is about communication.” He considered that in Iraq there was still a “massive level of misunderstanding” of coalition motives and proposed that as soon as possible after a new government had been formed “we publish a roadmap or forward vision” as the joint work of the Iraqis and the coalition, endorsed by the UN.

503. That should set out a programme for completing Iraqi security capability, a phased drawdown of the MNF with conditional timelines, a programme of reconstruction and a set of political goals. Mr Blair concluded: “Of course, it all depends on getting a good government!”

504. On the last day of 2005, Mr Patey reported:

“There are a number of contenders for the post of Prime Minister in the new government ... Realistically we expect the battle to come down to a showdown

²³⁷ Letter Quarrey to O’Sullivan, 23 December 2005, ‘Iraq’ attaching Note [Blair to Bush], [undated], ‘Iraq’.

between the two principal UIA contenders, Adel Abdul Mehdi (SCIRI) and Ibrahim Ja'afari (Dawa). We see little sign of any willingness from any of the principal parties in the UIA ... to switch their support from their first choice candidate ... and no chance that they would allow even a Shia outsider ... to take the job."²³⁸

505. Mr Patey advised that the UK should not express a preference for a particular candidate but should continue to encourage all the parties to agree a broad-based representative coalition.

506. Mr Patey reported that he had been:

“... pressed by some for an indication of the UK’s preferences, particularly on candidates for Prime Minister. I have emphasised to all my interlocutors that, while the UK has a clear interest in the outcome, our priority is for an acceptable overall package ensuring a broadly effective and balanced government, containing competent Ministers who should be non-sectarian, particularly where the key security positions are concerned.”

January 2006

507. Lt Gen Houghton reported to Gen Walker on 1 January that Gen Casey was considering how best to prioritise and implement the various elements of the military campaign (defeating terrorism, neutralising the Sunni insurgency and supporting transition to effective ISF) in 2006 and how to respond to US political aspirations for significant troop level reductions.²³⁹

508. In Lt Gen Houghton’s view, “the principal focus for 2006 should be the support to Transition” with a campaign that focused on:

- building ISF capacity, with particular focus on the police and the security ministries;
- reducing MNF presence and visibility and putting ISF increasingly in the lead;
- resourcing the stabilisation (principally by ISF) of the nine strategic cities;
- increased use of the “soft elements of power rather than a kinetic approach”;
- addressing the problem of militias; and
- accelerating progress in establishing the Rule of Law.

509. Lt Gen Houghton indicated that he thought that this type of focus on transition was likely to be Gen Casey’s preferred approach, but “it may not play well to US aspirations for the defeat of terrorism”. He also commented that he thought that Gen Casey was

²³⁸ eGram 21805/05 Baghdad to FCO London, 31 December 2005, ‘Iraq: Formation of New Government’.

²³⁹ Minute Houghton to CDS, 1 January 2006, ‘SBMR-I Weekly Report (193) 01 January 06’.

unlikely to wish to reduce US force levels by more than five brigades by the autumn. He concluded:

“Of course, the Iraqis also have a vote – and I continue to judge that accelerated transition (aka an end to occupation) will be their determined intent.”

510. Lt Gen Houghton also reported “widespread, largely Sunni, demonstrations against electoral fraud”.

511. In a meeting with former Prime Minister Allawi in early January, Mr Blair emphasised that the UK intended to be much more “hands on” in helping to form a government this time round:

“It was essential to promote the emergence of a unity government ... The US/UK could not of course force the formation of an NUG [National Unity Government] but there was strong international support for this among regional governments and from the UN ... as well as the coalition. Within Iraq also, there was strong disposition for an NUG ...”²⁴⁰

512. In discussion with President Bush on 10 January, Mr Blair said that it would help to unlock outstanding aid pledges if the new government set out a “forward programme” covering security, coalition posture and reconstruction, which the UN and the coalition could get behind:

“This would allow us to explain again that we were only in Iraq to help a democratic government withstand anti-government forces, and that a reduction in violence would make it easier for us to draw down.”²⁴¹

513. Mr Straw visited Basra and Baghdad in early January.²⁴² He met representatives of political parties from all the main communities, reinforcing the need for a unity government. In his view, achieving that mattered more than who became Prime Minister.

514. Mr Straw reported to Mr Blair that some Sunni representatives told him 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”.

515. In preparation for a discussion at DOP(I) on 12 January 2006, the British Embassy Baghdad submitted “a plan for engagement with Sadrists”.²⁴³ The Embassy proposed to approach senior figures with Sadrist links who could ultimately persuade Muqtada al-Sadr that dialogue would be in his interests.

²⁴⁰ Letter Prentice to Quarrey, 3 January 2006, ‘Prime Minister’s meeting with Iyad Allawi, Amman, 2 January’.

²⁴¹ Letter Quarrey to Siddiq, 10 January 2006, ‘Prime Minister’s VTC with President Bush: Middle East issues’.

²⁴² Letter Straw to Prime Minister, 11 January 2006, ‘Iraq: Post-Elections and Government Formation’.

²⁴³ eGram 343/06 Baghdad to FCO London, 8 January 2006, ‘Iraq: Sadrist Outreach’.

516. At DOP(I) on 12 January, Mr Straw said that “the key issue was how we encouraged the creation of a credible, sustainable government of national unity in Iraq”.²⁴⁴

517. During his recent visit, Shia contacts had told him that they were finding it “increasingly difficult to restrain their community in the face of Sunni insurgent activity” and felt the UK and the coalition were showing too much partiality to the Sunnis.

518. In discussion, (unidentified) attendees made the points that:

“The longer the political vacuum continued, the greater the risk of losing momentum and of seeing a further deterioration in security. However, it was essential to get the new Iraqi government right and this might result in delay.

“We should continue to emphasise to the Shia that the Sunnis must participate in the next government as of right, on the basis of the results of the elections.”

519. On 15 January, Lt Gen Houghton reported that Gen Casey had returned from Washington with “political cover” for two key issues: that transition would be the central focus of the Campaign Plan during 2006 and that there would be no political demand for troop reductions beyond what Gen Casey was content with.²⁴⁵

520. Lt Gen Houghton wrote that:

“The emphasis on transition has had the effect of bringing some of the practicalities and difficulties into sharp focus. From the perspective of MND(SE) there are a number of local challenges: the Japanese, PRTs, logistic practicalities and US concerns regarding the Iranian border. I judge that all of these can be finessed ... The major threat to UK aspirations for transition is one of timing and derives from the desire for the Iraqi government to be the authority for making the decisions on provincial transfer. It is in this context that the early seating of the next government is important ... for every week beyond the end of February that the government fails to form, a further week must be added to the anticipated timing of transfer ...

“What we must avoid doing at all costs, I judge, is to do our own thing (unilaterally) regardless of the niceties of the internal Iraqi process. I say this for two primary reasons:

- a. First the UK is acknowledged to be the USA's primary strategic partner in Iraq, with a proportionate political and military investment. To break company with the US on the process of transition would be to risk undermining that strategic partnership ...

²⁴⁴ Minutes, 12 January 2006, DOP(I) meeting.

²⁴⁵ Minute Houghton to CDS, 15 January 2006, ‘SBMR-I Weekly Report (195) 15 January 06’.

- b. Second, the Iraqis believe in the UK's commitment to their newly won Iraqi sovereignty. They anticipate that we will depart, not in the manner of our arrival, but at the invitation of the sovereign government.

“Against this background, it is very important that MND(SE) are forward leaning in selling their transition plan up the coalition chain of command. There is a lingering suspicion in Baghdad, borne of events last September, that MND(SE) is an independent UK fiefdom run from London, rather than a fully integrated coalition partner. It is important that our coalition credentials are immaculate during what will be an occasionally fractious period.”

521. On 17 January, Mr Blair suggested to President Bush that “most Iraqis” wanted a unity government but “were not sure how to get there”.²⁴⁶

522. The Italian Government announced on 19 January 2006 that it hoped to withdraw Italian troops from the province of Dhi Qar by the end of the year.²⁴⁷

523. The uncertified results of December's election were announced on 20 January.²⁴⁸

524. The United Iraqi Alliance gained the highest number of seats (128) but fell short of the 138 required for an absolute majority. Mr Patey reported that the abnormally high turnout figures for some areas suggested either inaccurate voter registration or electoral fraud, which would need to be addressed before further elections could be held.

²⁴⁶ Letter Quarrey to Siddiq, 17 January 2006, ‘Prime Minister's VTC with President Bush: Middle East issues’.

²⁴⁷ *BBC News*, 19 January 2006, *Italy to pull out of Iraq in 2006*.

²⁴⁸ eGram 1344/06 Baghdad to FCO London, 23 January 2006, ‘Iraq: Elections: Announcement of Uncertified Results’.

Table 1: December 2005 election results

Party	% votes	Seats won
United Iraqi Alliance	41.2%	128
Kurdish Alliance	21.7%	53
Iraqi Tawafuq (Consensus) Front	15.1%	44
National Iraqiya List	8.0%	25
Iraqi Front for National Dialogue (Hiwar)	4.1%	11
Kurdish Islamic Union	1.3%	5
Al-Risaliyun (Progressives)	1.2%	2
Liberation & Reconciliation Gathering	1.1%	3
Iraqi Turkmen Front	0.7%	1
Al-Rafidain (Assyrian Christians)	0.4%	1
Mithal Al-Alousi	0.3%	1
Yezidi Movement	0.2%	1
Other parties/invalid votes	4.8%	0
TOTAL	–	275

525. Visiting Washington on 20 January, Sir Nigel Sheinwald told all of his interlocutors (from the National Security Council, State Department and Department of Defense) that Mr Blair placed importance on “seizing the opportunity presented by the elections”.²⁴⁹

526. That meant moving quickly to form a genuine unity government, with capacity to make and implement decisions. Sunni outreach should continue, and the new government should make “an early, comprehensive statement of their programme”. That would set the context for a “conditions-based drawdown of forces in MND(SE)”.

527. Diplomatic reporting from Baghdad in early 2006 was heavily focused on the formation of a new government. As the reports contained accounts of private discussions with individual politicians, many of whom remain active in Iraqi politics, the Inquiry will not give a detailed description of them.

528. Mr Asquith told the Inquiry that after the election “there was a series of visits from the Foreign Secretary, and from senior officials to Iraq, to Baghdad, to try and persuade the politicians, the Iraqi politicians, to come to agreement”.²⁵⁰

²⁴⁹ Letter Phillipson to Hayes, 21 January 2006, ‘Nigel Sheinwald’s talks in Washington, 20 January: Middle East issues and Afghanistan’.

²⁵⁰ Private hearing, 15 June 2010, page 21.

529. Evidence seen by the Inquiry confirms that in January and February the UK stepped up its efforts to encourage the Iraqis to form a broad and inclusive government of national unity through high-level visits and rounds of phone calls.²⁵¹

530. On 17 January, Dr Roger Hutton, MOD Director Joint Commitments Policy, provided Dr Reid with advice on the timing and detail of the deployment of UK forces to Helmand province.²⁵²

531. Dr Hutton advised that the Chiefs of Staff recommended the immediate deployment of the full Helmand Task Force (HTF), and that they believed the three conditions for this set by Dr Reid had now been satisfied; there was a coherent UK force posture in Helmand; there was a coherent NATO force posture for Afghanistan; and other UK government departments were prepared to engage in a coherent cross-departmental effort in Helmand.

532. The Chiefs of Staff's recommendation was "also crucially dependent" on fulfilling three criteria, including:

"Achievability within current UK commitments. The HTF, taken together with the HQ ARRC [Allied Rapid Reaction Corps] deployment, calls on a variety of capabilities, and a lengthy and complex logistic tail. With the continued commitment to Iraq through 2006, this presents significant but manageable challenges, particularly for logistic enablers (including air transport). During this period we will still be able to undertake immediate contingency operations, but on a limited basis."

533. The advice was considered by a group of Ministers and officials, known colloquially as the "Reid Group", on 18 January, and they agreed to recommend that the UK proceed with the immediate deployment of the full HTF.

534. Dr Reid wrote to Mr Blair the following day, to say that the Ad Hoc Ministerial Group recommended to Cabinet that the UK should proceed with a full deployment of the HTF to Afghanistan.²⁵³ Dr Reid would be seeking a discussion and decision at Cabinet on 26 January.

535. Dr Reid's letter recalled the assurances he had been given, including that "UK forces can meet the planned level of commitments in Iraq and Afghanistan, though some capabilities will be tight". He recognised that Mr Browne was "disappointed" at the anticipated additional call on the Reserve, but explained:

"I have assured him that we will look at how the changing complexion of our operations in Iraq and the Balkans might, with the agreement of Other Government

²⁵¹ 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'.

²⁵² Minute Hutton to APS/SofS [MOD], 17 January 2006, 'Afghanistan Deployments'.

²⁵³ Letter Reid to Blair, 19 January 2006, [untitled].

Departments, provide savings against the Reserve over the period of the Helmand deployment.”

536. Lord Walker told the Inquiry:

“We were being asked can we do this, and we said, ‘Yes, we can do it and this is the penalty we pay’ but none of those penalties were sufficient, I think, for us to say ‘Those are so grave that you should not do this.’ So we were giving them the advice, which they were following. I don’t think we had any difficulty with that.”²⁵⁴

537. Lt Gen Fry told the Inquiry that, although some people argued that further commitments should not be taken on until it was clear that the UK could draw down significantly in Iraq, there were a lot of competing arguments, including “a view within the British army that they could have more success in Afghanistan than they could have in Iraq”.²⁵⁵

538. As planning for transition continued, Mr James Tansley, the British Consul General in Basra, reported on 20 January that:

“There is some nervousness, particularly in US circles, that if the British military leave Maysan then the border would become more porous to the smuggling of weapons. But this argument pre-supposes that MND(SE) have control over the border, which they do not (and nor realistically could they with current resources). Their efforts have rather been on building capacity in the DBE [Department of Border Enforcement], which is likely to continue post-election. There is also a less defined concern about Iranian influence. But again it is difficult to see how military transition would affect that.”²⁵⁶

539. Mr Tansley added:

“The situation ... in Maysan and Muthanna underlines why PRTs in those provinces are not required. Military transition will mean no international staff will be stationed in Maysan and Muthanna, and travel there by them is likely to be only possible with military escort (it would likely require a battle group).”

540. On 24 January, Gen Walker wrote to Lieutenant General David Richards, Commander of the ARRC, to summarise the UK’s position.²⁵⁷ Gen Walker described:

“... the very tight capability and resource position that HMG and the British Armed Forces currently face, with two concurrent medium scale operations in prospect soon in Iraq (UK’s top foreign policy priority) and Afghanistan, together with a range

²⁵⁴ Public hearing, 1 February 2010, pages 57-58.

²⁵⁵ Public hearing, 16 December 2009, pages 96-97.

²⁵⁶ eGram 1266/06 Basra to FCO London, 20 January 2006, ‘Iraq: Military Transition in Maysan and Muthanna’.

²⁵⁷ Letter Walker to Richards, 24 January 2006, [untitled].

of other concurrent commitments around the world including an enduring small scale deployment in the Balkans.”

541. Gen Walker returned to the issue of resources later in his letter:

“Militarily, the UK force structure is already stretched and, with two concurrent medium scale operations in prospect, will soon become exceptionally so in niche areas.”

542. When he spoke to President Bush on 24 January, Mr Blair suggested that they should maintain a very firm line that only a national unity government would be acceptable.²⁵⁸

543. The decision to deploy to Helmand was approved in Cabinet on 26 January 2006.²⁵⁹

544. The minutes record that Dr Reid “was looking carefully at where the burden on our troops could be reduced, including in Iraq and Bosnia and hoped to be able to report troop and cost reductions in coming months”.

545. Mr Blair concluded that:

“The Ministry of Defence and FCO should continue to discuss with Her Majesty’s Treasury the opportunities to draw down force levels in other operational areas, including the Balkans.”

546. That afternoon, in a statement to Parliament, Dr Reid announced that the UK was “preparing for a deployment to southern Afghanistan” which included a PRT as “part of a larger, more than 3,300-strong British force providing the security framework”.²⁶⁰

547. Dr Reid explained that the total number of UK troops in Afghanistan would fluctuate over the next few months, peaking at 5,700 before reducing to fewer than 4,700 and that:

“The size and structure of the task force has been guided by a careful assessment of the likely tasks and threats that it will face. What matters is that we put the right forces in to do the job and to do it safely and well, and I make no apology if that requires more soldiers than some people originally envisaged.”

548. Dr Reid stated that “careful account” had been taken of the UK’s other commitments, when determining the size of the deployment: “This deployment is manageable alongside those other, wider commitments, including Iraq. It does not

²⁵⁸ Letter Quarrey to Siddiq, 24 January 2006, ‘Prime Minister’s VTC with President Bush: Middle East Issues’.

²⁵⁹ Cabinet Conclusions, 26 January 2006.

²⁶⁰ House of Commons, *Official Report*, 26 January 2006, columns 1529-1533.

require draw down in Iraq. As we have said continually, that will be based on conditions in Iraq itself.”

549. In the debate that followed, Dr Reid commented that he did not consider that “building a modern Afghanistan ... will be an easy or a short process”.²⁶¹ Part of the reason, in his view, was that “unlike Iraq”, Afghanistan lacked:

- a central corporate governance, in tradition and structure;
- a developed middle class; and
- mineral resources.

550. Mr Blair told the Inquiry that the proposal to deploy significant numbers to Afghanistan had come from the MOD:

“... they said it is going to be tough for us, but they said we can do it and we should do it. So in a sense, right at the moment it was difficult in Iraq, we were prepared to make the additional commitment to Afghanistan.”²⁶²

551. In his weekly report on 29 January, Lt Gen Houghton wrote:

“I am aware that there are many in London who would like a greater degree of certainty about the viability of UK transition plans. I judge that, for the moment, I am not able to give such reassurances ... the process for the transfer of security control in the provinces must rest on political and security decisions made in Baghdad ... and both decisions have attendant problems:

- a. Political – The (Iraqi) political problem regarding decision-making is primarily one of timing. If the new government is not seated until April, then the desired window for the transfer of Maysan will come under severe pressure. But at least the decision itself will be an easy one since the new government are likely to seize on the political benefits that derive from the early transition of certain provinces.
- b. Security – The security decision is a more complex one. It is less an issue of meeting the stipulated conditions and more an issue of whether or not General Casey is content with our plan. The most disturbing element of the plan – as viewed through US eyes – is the intent to physically vacate Maysan Province, with the (potentially wrongly) inferred possibility of a less secure border ... My judgement is that our plan is sound and will result in a situation in which the border could receive more focused attention and the likelihood of violence will reduce, since so much of it is simply an emotive response to our presence. But we should not underestimate the US concerns about Iranian influence.”²⁶³

²⁶¹ House of Commons, *Official Report*, 26 January 2006, columns 1529-1533.

²⁶² Public hearing, 29 January 2010, page 224.

²⁶³ Minute Houghton to CDS, 29 January 2006, ‘SMBR-I Weekly Report (196) 29 January 06’.

552. Mr Blair met Secretary Rice on 30 January and set out a proposal that the new Iraqi Government should announce a forward programme, including security transition, soon after it had been formed.²⁶⁴ Secretary Rice was reported to have agreed.

553. In a video conference with President Bush on the same day, Mr Blair said that he was concerned about the length of time it was taking to form a new government.²⁶⁵

February 2006

554. Gen Walker advised DOP(I) on 2 February that, although Gen Casey remained content that the UK should continue to aim for transition in Muthanna and Maysan in May, Gen Casey had raised concerns about the approach during a recent visit to MND(SE).²⁶⁶

555. In particular, Gen Casey was worried about “opening up the coalition’s flank to Iran”. He had also questioned whether the proposed “one-step” model for transition would set an unhelpful precedent for the rest of Iraq.

556. DOP(I) commissioned the MOD to produce a paper reflecting cross-departmental concerns about the handover “based on a robust assessment of the conditions in the two provinces”.

557. The following day, a Private Secretary advised Mr Blair that what was needed was for the MOD to “produce a thorough and rigorous analysis of the conditions in Muthanna and Maysan, setting out why these allow for hand over”.²⁶⁷

558. Mr Blair commented that “there must be no sense of our cutting back unless it is consistent with the state of security”.²⁶⁸

559. On 3 February, an update for Mr Blair on forming the new government said:

“Little progress this week, though the main party leaders are now meeting. There is a danger that, in London at least, the system is too focused on security transition ... and not enough on government formation ... We keep pressing for new thinking on possible forcing mechanisms.”²⁶⁹

560. Mr Blair signalled with a tick that he agreed a proposal to write to members of DOP(I) expressing concern about the pace of government formation and explaining it should be the main effort in coming weeks.

²⁶⁴ Letter Sheinwald to Hayes, 31 January 2006, ‘Prime Minister’s meeting with US Secretary of State, 30 January’.

²⁶⁵ Letter Quarrey to Siddiq, 31 January 2006, ‘Prime Minister’s VTC with President Bush: Middle East Issues’.

²⁶⁶ Minutes, 2 February 2006, DOP(I) meeting.

²⁶⁷ Minute Quarrey to Prime Minister, 3 February 2006, ‘Iraq update’.

²⁶⁸ Manuscript comment Blair on Minute Quarrey to Prime Minister, 3 February 2006, ‘Iraq update’.

²⁶⁹ Minute Quarrey to Prime Minister, 3 February 2006, ‘Iraq Update’.

561. Lt Gen Houghton reported similar concerns expressed by Gen Casey in his weekly report on 5 February, but:

“The good news is that, so long as the conditions are met, he [Casey] is absolutely content with the timeframe for and principle of transition in Maysan and Muthanna. We can brief that to our Ministers with confidence.”²⁷⁰

562. Dr Reid presented a paper on transition in Maysan and Muthanna to DOP(I) on 15 February.²⁷¹ He recommended that, as part of a longer-term plan to achieve a small residual MNF presence in MND(SE) by the end of 2006, both provinces should make the transition in May, which would require a firm decision in early March. Delay would risk a further erosion of Iraqi consent.

563. To assuage US concerns, the plan had been adapted to include a residual UK military presence (of approximately 120 troops) to provide ongoing support and mentoring to the Iraqi army. Dr Reid’s paper acknowledged, however, that the MNF had only limited control of the 285km border with Iran.

564. DOP(I) agreed the approach set out in the paper.²⁷²

565. Mr Blair made clear that his key concern was that the UK should be able to demonstrate clearly that the conditions for transition had been met and that this was as a result of the increasing capacity of the Iraqi Security Forces. The UK should not be handing over for political reasons.

566. In the same meeting Dr Reid, explained that he was concerned to maintain the morale of UK troops in Iraq. While this was, at present, “adequate” and did not affect effectiveness, he believed that the troops felt that they were fighting an asymmetric battle in which the enemy was increasingly bold and their own actions were increasingly constrained.

567. Mr Blair told DOP(I) that a delay in the formation of a government was not necessarily disadvantageous, as it presented an opportunity to exploit underlying splits in the UIA.

568. DOP(I) agreed to pursue contact with Muqtada al-Sadr.

569. Mr Straw visited Baghdad once again from 20 to 21 February, with objectives “squarely on government formation”.²⁷³ With all his interlocutors he pressed the case for rapid formation of a government of national unity.²⁷⁴

²⁷⁰ Minute Houghton to CDS, 5 February 2006, ‘SBMR-I Weekly Report (197) 5 February 06’.

²⁷¹ Paper Secretary of State [MOD], 14 February 2006, ‘Iraq: Handover of Security in Maysan and al Muthanna Provinces’.

²⁷² Minutes, 15 February 2006, DOP(I) meeting.

²⁷³ Briefing FCO, 17 February 2006, ‘Iraq: Foreign Secretary’s Visit, 20-21 February 2006’.

²⁷⁴ eGram 3684/06 Baghdad to FCO London, 22 February 2006, ‘Iraq: Foreign Secretary’s Visit, 20-21 February 2006: Formation of Govern[ment]’.

570. Mr Blair gave instructions on 20 February to push forward plans to reach out to al-Sadr, focusing initially on his inner circle, but making clear that an invitation for direct talks was on the table.²⁷⁵

571. As the period of time taken to form a new government extended, British military commanders in Iraq observed an increase in violence.²⁷⁶

572. Lieutenant General John Cooper, GOC MND(SE) from December 2005 to July 2006, told the Inquiry that the lack of a new national government following the elections in December 2005 created a vacuum “and on the security side, everything was containable but there was this sense of increasing military activity, particularly from the Jaysh al-Mahdi.²⁷⁷ JAM was increasingly active and better equipped, and benefiting from direct assistance from Iran.

573. On 22 February, the al-Askari mosque in Samarra, the fourth most revered shrine in Shia Islam and the only major Shia shrine under sole Sunni protection, was bombed.²⁷⁸

574. Early in the morning, a group of men dressed as Iraqi Police Commandos entered the mosque and detonated explosives beneath its dome, bringing it down.²⁷⁹

575. In a video conference with President Bush later that day, Mr Blair commented that an event such as the bombing could become either a moment of unity or a further step into sectarianism.²⁸⁰ It was important that Shia and Sunni leaders should come together. The US and UK should expose and oppose the terrorists’ aim to promote sectarianism, and should consider providing funds for the reconstruction of the shrine.

576. A minute on the bombing written for Mr Blair by his Private Secretary on 23 February said:

“This could serve as a catalyst for overcoming sectarianism and securing national unity. But there is a risk that (if mismanaged) violence could escalate. The Iraqi Government’s response will be crucial. A curfew is in place in Baghdad and Samarra. All police on leave have been recalled: aim is to ensure top security around Friday’s prayers in Samarra.”²⁸¹

²⁷⁵ Letter Banner to Wade, 20 February 2006, ‘Iraq: Muqtada al-Sadr’.

²⁷⁶ Public hearing Houghton and Style, 5 January 2010, pages 8-9.

²⁷⁷ Public hearing, 15 December 2009, pages 17-18.

²⁷⁸ Minute Banner to Prime Minister, 23 February 2006, ‘Samarra Shrine Bombing – Background and Update’.

²⁷⁹ CNN, 22 February 2006, *Explosion heavily damages Shiite holy shrine*.

²⁸⁰ Letter Banner to Siddiq, 22 February 2006, ‘Prime Minister’s VTC with President Bush, 22 February: Iraq’.

²⁸¹ Minute Banner to Prime Minister, 23 February 2006, ‘Samarra Shrine Bombing – Background and Update’.

577. The British Embassy Washington reported on 23 February that President Bush had strongly condemned the al-Askari attack.²⁸² His statement also urged the Iraqi people to exercise restraint, and “to pursue justice in accordance with the laws and Constitution of Iraq”.

578. An official from the National Security Council had told Embassy officials:

“Notwithstanding blanket US media coverage depicting imminent civil war, the Administration were reserving judgement on whether counter-attacks on Sunni mosques and demonstration represented a total breakdown along sectarian lines. The conduct of Friday prayers could be a litmus test of which way events would turn.”

579. The JIC reviewed the state of the jihad in Iraq on 23 February.²⁸³ It recorded that the number of suicide bombings in Iraq had fallen by 25 percent since October, but did not know why.

580. The JIC’s Key Judgements included:

“II. al-Zarqawi’s Al Qaida in Iraq (AQ-I) and other jihadist groups remain a potent, confident force with proven resilience ...

“III. Jihadist groups are now predominantly Iraqi and Iraqi-led. Increasing numbers of Iraqis are becoming suicide bombers. Foreign fighters continue to travel to Iraq but the jihad in Iraq is becoming self-sustaining in manpower, although external funding is still important.

...

“V. Many Iraqi jihadists (and certainly Zarqawi and most foreign fighters) will never be reconciled to the current political process. But some of their Iraqi followers might be, if the new government includes credible Sunni representation and is able to deliver on at least some Sunni expectations. Conversely, continuing Sunni alienation will drive the jihadists and nationalists closer together.”

581. The JIC judged that not all members of the Iraqi jihadist groups were driven by Islamist extremism:

“... the jihadist message of uncompromising resistance to ‘occupation’ and a government perceived as dominated by Shia and Iran resonates strongly with many Sunnis. The activities of the Ministry of Interior (MOI) security forces, widely believed by Sunnis to be behind a campaign of sectarian assassinations, and the human rights abuses revealed at the MOI detention centres, have served to increase support.”

²⁸² eGram 3812/06 Washington to FCO London, 23 February 2006, ‘Iraq: Attack on the Al-Askariya Shrine: US Reactions’.

²⁸³ JIC Assessment, 23 February 2006, ‘The State of the Jihad in Iraq’.

582. The JIC assessed that a minority of Sunnis regarded suicide attacks on Shia targets as justified. AQ-I was capitalising on the increasing sectarian tensions, and was claiming to have assassinated 26 Badr members since the start of the year under the guise of protecting the Sunni community.

583. On 25 February, the British Embassy Baghdad reported to the FCO on the aftermath of the al-Askari bombing.²⁸⁴ Mr Patey summarised the situation as:

“Iraqi politicians begin to pull together. Agreement to a first meeting of the broadly-based National Advisory Committee this evening, 25 February. Khalilzad and I will attend. Level of violence now significantly lower with imposition of curfew helping to reduce number of incidents. 119 confirmed civilian deaths in total to date. But situation remains fragile and vulnerable to a terrorist spectacular.”

584. Mr Patey also reported a “well-received” press conference by Prime Minister Ja’afari, “in which he highlighted that those behind the recent violence were using sectarian tensions to provoke a civil war in the country”. He had announced the deployment of armed forces to the most affected areas and special measures to protect places of worship across Iraq. Unconfirmed figures suggested that 51 mosques had been attacked in a wave of violence following the al-Askari bombing.

585. Sir Nigel Sheinwald continued his efforts to reach out to those close to the Sunni insurgency with another round of talks in mid-February.²⁸⁵

586. The following week he wrote to Mr Hadley explaining that the aim of the talks was to maintain the dialogue and to expand the group, an aim he had achieved.

587. In particular, Sir Nigel had wanted to persuade his interlocutors to stick with the political process despite its frustrations and their concerns over Iran and rising sectarianism. With the exception of the Ba’athists, all those with whom he spoke had reiterated their commitment to the political process and promised to use their influence with the insurgents.

March 2006

588. Dr Howells told DOP(I) on 2 March that, although it had been hoped that the al-Askari bombing would have “a positive catalytic effect on Iraqi politicians, and push them toward the early formation of a unity government”, unfortunately that did not appear to be happening and the security situation remained “tense”.²⁸⁶ Further delay was possible in the formation of a government.

²⁸⁴ eGram 3932/06 Baghdad to FCO London, 25 February 2006, ‘Iraq: Al-Askariya Aftermath’.

²⁸⁵ Letter Sheinwald to Hadley, 28 February 2006, ‘Meetings with Iraqi Sunnis’.

²⁸⁶ Minutes, 2 March 2006, DOP(I) meeting.

589. In discussion, it was proposed that the UK should take a view on next steps in the political process. Was it better to hold out for a strong government, or have a government as quickly as possible? Ministers agreed that “we should establish a clear British view on next steps in the political process”.

590. In his weekly report on 5 March, Lt Gen Houghton reflected on whether Iraq was at risk of civil war:

“The potential for civil war in Iraq does have to be thought through, if only to plan more thoroughly to avert it. Assessments here indicate that the underlying conditions conducive to civil war exist in Iraq now, but not yet at a level of severity which makes civil war either imminent or inevitable. The main conditions ... are: ethno-sectarian divisions; high levels of violence; an erosion of central authority; and the rise of competing centres of authority. Many of the underlying indicators which presage a move towards civil war are becoming more evident. Specifically, there has been a change in the character of the violence: it is now more sectarian and less anti-coalition. There is some ethno-sectarian mobilisation of militias and some minor movement of populations. The indicators are worrying.

“But the innate resistance to civil war in Iraq is strong, as evidenced most recently by the reaction to the destruction of the Golden Mosque in Samarra. Whatever the ultimate statistics are for the extent of the subsequent sectarian violence, it was relatively restrained, indicating the power of Shia religious leadership to control their people in the interests of Iraq as a whole. Coalition presence (military and diplomatic) also acts as a block against the underlying conditions becoming more acute. But, given the planned and anticipated reductions in coalition presence, the importance of sustaining central authority becomes ever clearer. The current government is not ... perceived as even-handed in security issues. Its continuation in power makes civil war more likely. I therefore see the early seating of a strong, representative, national government as vital.”²⁸⁷

591. On 7 March, Mr Blair told President Bush that in forming the new government it was important to get the balance right between speed and quality.²⁸⁸ He suggested that it was important to try and secure a new government that month, and then for the US and UK to support it and explain that it really was a national unity government.

592. On 9 March, Mr Straw’s Private Secretary reported to Sir Nigel Sheinwald that the focus on Sunni outreach was on Anbar province, where work was in hand to bring up levels of Sunni participation in the police and the army, and significant releases of detainees were planned.²⁸⁹

²⁸⁷ Minute Houghton to CDS, 5 March 2006, ‘SBMR-I Weekly Report (201) 5 March 06’.

²⁸⁸ Letter Banner to Siddiq, 7 March 2006, ‘VTC with President Bush: Middle East issues’.

²⁸⁹ Letter Siddiq to Sheinwald, 9 March 2006, ‘Iraq: Sunni Outreach’.

593. Dr Reid wrote to Mr Blair on 9 March that, as a result of the latest Force Level Review, troop levels would be reduced in May 2006, from approximately 8,000 to around 7,200.²⁹⁰

594. The reduction had been made possible by the “completion of various security sector reform tasks, a reduction in the support levels for those tasks, and recent efficiency measures in theatre”.

595. Dr Reid wrote that he intended to announce the new force package in the House of Commons on 13 March, and would make clear that “this is not a formal handover of security responsibility” but would also “trail that the Joint Iraqi/coalition assessment phase to look at future handover will begin shortly”.

596. That would leave the way clear for a statement by the Iraqi Prime Minister on security, so enabling the UK to confirm its intention to hand over in Muthanna and Maysan in May/June.

597. Dr Reid told DOP(I) on 9 March that the assessment of conditions in Maysan and Muthanna would take place formally in April on a timetable that allowed handover to take place in May.²⁹¹ He observed that emerging security problems might have an impact on this.

598. On 10 March, the JIC assessed the Islamist terrorist threat in the UK.²⁹²

599. The JIC assessed that the conflict in Iraq fitted easily into the jihadists’ “single narrative” that a Zionist-Christian alliance was waging a war against Islam and that Muslims must therefore take up arms against this alliance and its supporters, confirming the belief of extremists that Islam was under attack and needed to be defended using force. That reinforced the determination of terrorists who were already committed to attacking the West and motivated others who were not.

600. The JIC judged that:

“Iraq is likely to be an important factor for some time to come in the radicalisation of British Muslims and in motivating those extremists who view attacks against the UK as legitimate.”

601. Other conflicts – such as Bosnia, Chechnya and Palestine – had served a similar purpose, but the UK’s profile in Iraq and Afghanistan was much higher.

602. On 13 March, Dr Reid made a statement in the House of Commons about operations and force levels in Iraq.²⁹³ He announced that from May 2006 UK force levels would reduce to “just over 7,000”, a reduction of around 800 personnel.

²⁹⁰ Letter Reid to Blair, 9 March 2006, ‘Iraq: Force Level Review and Announcement’.

²⁹¹ Minutes, 9 March 2006, DOP(I) meeting.

²⁹² JIC Assessment, 10 March 2006, ‘The Islamist Terrorist Threat in the UK’.

²⁹³ House of Commons, *Official Report*, 13 March 2006, columns 1151-1153.

603. Dr Reid told the House:

“That reflects the completion of our security sector reform tasks to develop the capability of the Iraqi forces, including training the trainers and those involved in guarding their own institutions. The reduction also reflects improvements in the way we configure our own forces.”

604. In relation to the al-Askari bombing, Dr Reid said:

“Some commentators have suggested that that act of terror will lead to a slide into civil war. Those acts of terrorism are cruel and barbaric but they are not mindless. They have a purpose: to undermine the efforts of the vast majority of the Iraqi people who seek peace, stability and democracy in their country, and to try to break the will of the coalition forces supporting them in that quest.

“... Our analysis is that civil war is neither imminent nor inevitable. However, in some areas of Iraq, including Baghdad, there has been an increase in sectarian violence.”

605. On 13 March, Mr Asquith updated the Iraq Strategy Group on the latest developments in forming an Iraqi government.²⁹⁴ The meeting of the Council of Representatives planned for 12 March had been delayed by a week and it remained uncertain who would be Prime Minister.

606. Sir Nigel Sheinwald observed that:

“In our messages to the Iraqis, we should be clear about the political difficulties the continuing political vacuum was causing the US and UK. We should also press for Condoleezza Rice to visit Iraq to inject momentum into the process.”

607. Lt Gen Fry, who had taken up post as SBMR-I on 9 March, told the Iraq Strategy Group that Iraq was not yet in a state of civil war and that although there were real risks, “a significant event” would be required to tip the balance. US Central Command’s view was that “Iraq was still some way off being in an irrecoverable position”.

608. On 15 March, at the request of the FCO and the MOD, the JIC assessed the security situation in southern Iraq.²⁹⁵

609. The JIC judged that:

“I. Levels of violence in southern Iraq are much lower than in Baghdad and Sunni areas in the centre and north ...

“II. The greatest potential for widespread violence lies in tensions between SCIRI’s Badr organisation and Muqtada al-Sadr’s Jaysh al-Mahdi militia ...

²⁹⁴ Letter Cabinet Office [junior official] to Sheinwald, 13 March 2006, ‘Iraq Strategy Group’.

²⁹⁵ JIC Assessment, 15 March 2006, ‘Iraq: the Security Situation in the South’.

“III. Across the South, there is no strong administrative machinery to promote security and stability ...

“IV. The Iraqi security forces 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.”

610. The JIC considered the background, motives and objectives of Muqtada al-Sadr on 16 March.²⁹⁶

611. The JIC judged that al-Sadr had emerged from the December election with “great political clout” because Prime Minister Ja’afari depended on him to secure his nomination.

612. In terms of motivation, the JIC assessed:

“Sadr’s overriding priority is to increase his own power. He probably wants to be a leading Shia religious authority, above party politics but able to influence key government policies. He has a genuine desire to see (and get credit for) improvements in the quality of life for his core constituency; his declared goals also include: maintaining the unity of Iraq and delaying federalism; ensuring the centrality of religion in politics; and securing a timetable for the departure of ‘occupation forces’.”

613. The majority of JAM members were, in the JIC’s judgement, loyal to al-Sadr’s directives, but a minority were under no effective control and continued to attack the MNF.

614. The JIC assessed that al-Sadr had consistently refused direct contact with representatives of the coalition and judged that this reluctance was “unlikely to change in the foreseeable future”.

615. In his weekly report on 19 March, Lt Gen Fry reported that the MNF-I command group had “wargamed” the implications of a “genuine civil war” in Iraq.²⁹⁷

616. The command group had concluded that civil war was not inevitable; a properly constituted government of national unity could still defuse sectarian tension. But the longer Iraq continued without such a government, the more likely civil war became. Empirical evidence of civil war was growing but not yet conclusive. The level of violence

²⁹⁶ JIC Assessment, 16 March 2006, ‘Muqtada al-Sadr’.

²⁹⁷ Minute Fry to CDS, 19 March 2006, ‘SBMR-I Weekly Report (203) 19 March 06’ attaching Paper “Civil War”.

could be high, but neither side had the capacity to deliver a decisive level of combat power. Violence was concentrated in Baghdad and areas around it; other parts of country could be peaceful.

617. Civil war would further complicate the coalition’s mission, which was already balanced, “rather uneasily”, between counter-insurgency and counter-terrorism.

618. Lt Gen Fry wrote:

“We can talk ourselves into civil war, but my assessment is that we are some way short of it at the moment. More importantly, given the limitations in sectarian interface and combat power, it is difficult to see the condition in which civil war would be an appropriate description. I judge that we are currently in a condition of sectarian conflict characterised by insidious but relatively limited violence, and that an escalation into the larger scale operations prosecuted by more formally defined military entities which would constitute civil war is unlikely. This is not just military semantics: civil war is an emotive, inflammatory and technically inaccurate description, and we need to say so. A clear message to our domestic audience, coalition partners and the Iraqi political classes would put the record straight, counter speculation and stiffen the resolve of those in need of reassurance.”

619. Lieutenant General Sir Robert Fry told the Inquiry:

“I see this with greater clarity in retrospect, but I think at the time what was actually happening is that incoherent insurgency was becoming much more coherent, and also there were reciprocal acts of provocation and violence between the Sunni and the Shia communities which were leading to this rapidly escalating process ... it looked very much like civil war at the time.”²⁹⁸

620. Dr Reid visited Iraq from 17 to 20 March, beginning in Baghdad and then spending time in the South.²⁹⁹

621. In discussion with Gen Casey, Dr Reid noted that there had been “a real retreat into sectarianism” in Iraq. Gen Casey agreed, but was of the view that Iraq was not in the grip of civil war. He listed five conditions that would have to be met for a state of civil war to exist:

- It had to be widespread ...
- It had to be sustained ...
- It had to be intense ...
- The Government would have to fail ...
- The Armed Forces also had to fail ...”

²⁹⁸ Public hearing, 16 December 2009, page 103.

²⁹⁹ Minute McNeil to PS/Policy Director, 21 March 2006, ‘Secretary of State’s Visit to Iraq’.

622. In the South, Dr Reid met Maj Gen Cooper who:

“... noted that corruption and intimidation were on the rise as was the murder rate. Basra City was becoming a ‘criminal kingdom’. Outside this however there were hopeful signs, with Muthanna progressing very well towards handover.”

623. Dr Reid then visited Muthanna, where his Assistant Private Secretary recorded that:

“The clear impression from commanders and troops alike was that the job ... was largely done and that the Iraqi security forces there were ready and able to take on the task.”

624. In preparation for a video conference with President Bush, on 21 March Mr Phillipson told Mr Blair that:

“The security situation remains difficult. Since the Samarra bombing, [the] number of murders has more than doubled to around 28 per day, with a significant proportion ‘execution style’. It’s impossible to say how many of these are ‘sectarian’, but there is wider evidence – internal refugees, obvious and active militias – which suggest [sic] an upsurge in strictly sectarian violence. But it is not a civil war, and the sort of escalation of combat activity that would be needed to justify that description is unlikely to happen.”³⁰⁰

625. Mr Blair and President Bush did not discuss sectarian violence in their video conference on the same day.³⁰¹

626. Mr Blair said that it would be important to have a clear communications strategy for the immediate aftermath of the formation of a new Iraqi Government. Iraqi politicians would need to stress that they were part of a national unity government and that they welcomed the presence of the MNF. A programme setting out what work the US/UK and Iraqis would do to take forward security and reconstruction should then be developed rapidly.

627. At Cabinet on 23 March, Dr Reid reported that there was a growing sectarian divide in Iraq, with increasing militia and sectarian killings.³⁰² Much of it was based on deliberate provocation from Al Qaida-associated terrorists, many of whom were foreigners, or supporters of the former regime who were massacring Iraqi Shia and attacking their holy sites. In response, the Shia were beginning to kill Sunnis, many of whom were not associated with the violence. Dr Reid did not believe, however, that the violence constituted a civil war. That was also the view of every Iraqi politician he had met.

³⁰⁰ Minute Phillipson to Prime Minister, 21 March 2006, ‘VTC with President Bush, 1335 21 March 2006’.

³⁰¹ Letter Banner to Siddiq, 21 March 2006, ‘Prime Minister’s VTC with President Bush, 21 March: Middle East issues’.

³⁰² Cabinet Conclusions, 23 March 2006.

628. Mr Benn reported to Cabinet that Prime Minister Ja'afari had promised a new government would be formed by the end of April. Dr Reid said that he was confident that a government of national unity would be formed.

629. By the end of March, Mr Blair regarded the problem of forming a government in Iraq as the top foreign policy for the UK and US governments.³⁰³

630. Sir Nigel Sheinwald and Mr Straw were to visit Iraq to try and add momentum to the process. Mr Blair did not rule out a personal visit, if it would help.

631. Mr Straw spoke to Secretary Rice on 29 March and agreed that they would visit Baghdad together. Mr Straw observed that they:

“... would have to threaten the Iraqi leaders that US and UK support was not unconditional and that we might be put in a position where we had to reconsider our presence in Iraq.”³⁰⁴

632. On 30 March, Dr Reid reported to DOP(I) that the operational conditions for handover in Maysan and Muthanna existed and that the UK should continue to press for an accelerated process in theatre while showing due concern for the views of the Iraqis and other allies.³⁰⁵

633. Mr Blair did not attend DOP(I) on 30 March.

634. On the following day, Mr Blair's Private Secretary advised the MOD that Mr Blair had been considering the issue of transition in the light of DOP(I)'s agreement that the UK should continue to press for an accelerated transition process and:

“He feels strongly that we should avoid pushing too hard on transition timescales, and avoid any appearance that UK planning is based on our own internal priorities rather than those of the Iraqis.”³⁰⁶

635. The note asked for an assessment of the realistic timeframe for transition, in the light of the emerging delays to the process, for Mr Blair's weekend box.

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636. Mr Blair postponed a visit to Washington, planned for early April, because he believed that it would be better to wait until after a new Iraqi Government had been formed.³⁰⁷

³⁰³ Minute Sheinwald to Straw, 28 March 2006, 'Iraq'.

³⁰⁴ Letter Siddiq to Sheinwald, 29 March 2006, 'The Foreign Secretary's Telephone Call with the US Secretary of State, 29 March'.

³⁰⁵ Minutes, 30 March 2006, DOP(I) meeting.

³⁰⁶ Letter Banner to McNeil, 31 March 2006, 'Iraq: Transition'.

³⁰⁷ Minute Sheinwald to Phillipson, 29 March 2006, 'US/UK/Iraq'.

637. Sir Nigel Sheinwald explained to Mr Hadley that Mr Blair believed the “main effort had to be to get the government formed quickly and then put a major effort into the public presentation”.

638. On 1 April, Sir Nigel sent Mr Hadley a Note from Mr Blair to President Bush and asked that it be passed to the President in advance of a planned telephone conversation.³⁰⁸

639. Mr Blair wrote that the purpose of his note was to consider how the political context in both the US and UK might be changed. It covered other foreign policy issues as well as Iraq. Mr Blair explained that he would have welcomed a discussion in person, but had concluded that the political context was not right for a visit to the US.

640. Mr Blair observed to President Bush that “Iraq pulls us down” and that the weight of “propaganda” obscured an “inherently strong” case.

641. Mr Blair considered that people considered the coalition to be “right in theory” since the Iraqi people wanted democracy, but that in practice sectarian violence and the lack of a government meant that “the facts on the ground beat the argument”.

642. Mr Blair continued:

“We can’t afford for this to continue. I think it is time we started to take risks. We need to put Iraq in a different place and then build out from there. I want to suggest a strategy.”

643. That strategy was:

- Go “all out” to get a unity government in Iraq, including a high quality and neutral Minister of the Interior who would send the message that Shia violence would not be tolerated.
- Publish a programme for the new Iraqi Government and for security transition from the MNF to full Iraqi control which would create “a huge collective sense of moving forward” and needed to be “a complete turning point.”

644. Mr Blair proposed that “we should asap then build out from there” and use the “renewed credibility of Iraq” to act in other areas including the Middle East Peace Process, world trade, energy and climate change and Sudan. This would only be as persuasive as it could be if Iraq was in better shape. Mr Blair argued that “this is the time to go for it; to take risks. To strive and fail is so much better than not striving. But actually, I think it could just succeed.”

³⁰⁸ Letter Sheinwald to Hadley, 1 April 2006, [untitled] attaching Note TB [Blair to Bush], 1 April 2006, ‘Note’.

645. In his phone call with President Bush on 2 April, Mr Blair reiterated the message that “we had to go all out for a unity Government”.³⁰⁹ Once it was formed the key was to set out a “coherent programme” in particular on security. It would also be necessary to provide help “on the media side”.

646. Mr Straw and Secretary Rice visited Baghdad on 2 April to try to add momentum to the political process.³¹⁰

647. The IPU briefing for the visit advised that the focus should be “squarely on government formation”, with the objective of pushing the Iraqis to agree a permanent government.

648. The British Embassy Baghdad reported that Mr Straw and Secretary Rice called on President Talabani on 2 April.³¹¹

649. After acknowledging that President Talabani and other Iraqi leaders were facing a difficult moment, Secretary Rice said that:

“She and the Foreign Secretary were in Iraq to urge them to finish the job of forming the government quickly. The Iraqi people were becoming impatient and increasingly concerned about stability. The ability of the country to sustain another event similar to the Samarra mosque bombing was questionable. Every day that passed without the formation of a new government increased that risk. Talabani knew how much the US wanted Iraq to succeed. But the patience of the American people was being exhausted and a democratic leader could do little without the support of his people.

“Key to making progress was to break the deadlock over agreeing the Prime Minister. The US and UK shared the assessment of others that it was not going to be possible for Ja’afari to secure the position. He did not have the necessary cross-party support nor the full support of his own Alliance. It was clear that the choice of Prime Minister was one for Iraqis to make. But it was equally clear that a decision needed to be made on this as soon as possible.”

650. President Talabani was reported to have welcomed the visit and “asserted that most of the main issues surrounding the structure of the new government had now been resolved”. He agreed that Dr Ja’afari was not the right person to lead Iraq at that time:

“But matters needed to proceed step by step if they were to reach a successful conclusion. Perhaps with the help of this visit progress on the Prime Ministerial nomination could be made in a matter of days.”

³⁰⁹ Letter Phillipson to Hayes, 3 April 2006, ‘Prime Minister’s phonecall with President Bush, 2 April’.

³¹⁰ Briefing FCO, 31 March 2006, ‘Iraq: Foreign Secretary’s visit, 2-3 April 2006’.

³¹¹ eGram 9200/06 Baghdad to FCO London, 3 April 2006, ‘Iraq: Joint Visit by US Secretary of State and the Foreign Secretary, 2-3 April 2006: Talabani’.

651. In her memoir, Secretary Rice described meeting Dr Ja'afari during this visit:

“Jack and I had agreed that we'd take turns making the argument that he had to end his pursuit of the prime minister position: I would go through the basic facts of the situation, and Jack would appeal to him politician to politician. Everything we tried met with stubbornness and obtuseness ... I held my tongue and let Jack try again. After a while, though, I just said to Ja'afari, 'You aren't going to be prime minister. You have to step down. This isn't because the United States wants it this way. The Iraqis don't want you, and that's what matters.' Jack appeared a little taken aback, but I'd learned to be direct with Ja'afari, who now looked hurt as the translation rolled forward. But he held his ground.

“... Not convinced that we'd gotten through, we went back to Ja'afari, and this time, with only our interpreter in the room, delivered the message again. Even though he resisted, we knew we'd gotten through this time.”³¹²

652. In his weekly report on 2 April, Lt Gen Fry wrote:

“Sectarian tension and the possibility of civil war has tended to attract our attention recently, but I judge the insidious and increasingly pervasive influence of the militias to be the greatest single security challenge facing Iraq. This is particularly the case where they provide not only gunmen on the street, but also an integrated political/military organisation with the capacity to provide rudimentary social services: essentially a state within a state.”³¹³

653. Mr Blair met Secretary Rice on the evening of 3 April before she returned to Washington after her visit to Iraq.³¹⁴

654. They agreed on the need for rapid formation of an acceptable government of national unity. Mr Blair explained the centrality of Iraq to the rest of the US and UK agenda; without an Iraqi Government he and President Bush would get no traction for their arguments on Iraq or other major international issues. Once a government was formed it would be “desirable to build outwards and make ambitious moves in other parts of the agenda in order to regain the political initiative”.

655. On 4 April, Mr Patey sent an update to the FCO on the formation of a new Iraqi Government following the visit by Secretary Rice and Mr Straw.³¹⁵ Although the visitors had “delivered a strong message to Ja'afari”, he had nonetheless “affirmed his determination to continue the fight to stay in situ”.

³¹² Rice C. *No Higher Honour: A Memoir of My Years in Washington*. Simon & Schuster, 2011.

³¹³ Report SBMR-I to CDS, 2 April 2006, 'SBMR-I Weekly Report (205) 2 April 2006'.

³¹⁴ Letter Sheinwald to Hayes, 4 April 2006, 'Prime Minister's meeting with US Secretary of State Rice, 3 April'.

³¹⁵ eGram 9415/06 Baghdad to FCO London, 4 April 2006, 'Iraq: Government Formation: Follow-Up to Visit by Foreign Secretary and US Secretary Rice, 2-3 April'.

656. Mr Patey and Mr Sawers, who was visiting Baghdad, were therefore conducting an “immediate and intensive” round of talks with those Iraqi politicians “committed to getting a replacement to Ja’afari” to encourage them to say that they would not support him in a Parliamentary vote.

657. Mr Patey judged that:

“We will need to press the parties to reach clear agreement on who they will support if Ja’afari is removed to avoid another uncomfortably close or split vote rather than the broad cross-party consensus necessary to give a new government of national unity the strongest possible start in the circumstances.”

658. Mr Patey also commented:

“... in the long run we needed to get away from reliance on sectarian based parties and to reach out to moderates from all communities”.

659. On 5 April, the JIC reviewed sectarianism in Iraq.³¹⁶

660. The JIC judged that ethnic and sectarian rivalries had been a feature of Iraqi society since the foundation of the state and had been exacerbated by Saddam Hussein’s predominantly Sunni regime. Since his removal in 2003, tensions had resurfaced.

661. The JIC judged that:

“I. Sectarian violence in Iraq has been increasing since mid-2005: it has intensified in the aftermath of the Samarra mosque bombing. Much of the violence is concentrated among the mixed populations of Baghdad and its satellite towns. Thousands of people – both Sunni and Shia – have been displaced.

“II. Al-Zarqawi’s Al Qaida in Iraq (AQ-I) initiated the anti-Shia campaign, exploiting existing deep-seated tensions. Although AQ-I remains dominant, some Sunni Arab nationalist insurgents are also carrying out sectarian attacks, in response to ordinary Sunnis’ resentment of what they see as a Shia-dominated government backed by Iran.

“III. The public Shia response to the increasing sectarian violence has been restrained. Grand Ayatollah al-Sistani remains an important moderating figure. But Shia patience may be wearing thin. Further attacks on Shia shrines or leading political and spiritual leaders, are likely, and will severely test Shia resolve.

“IV. The greatest potential for large-scale street disorder aimed at Sunnis comes from Muqtada al-Sadr’s Jaysh al-Mahdi (JAM) militia, particularly in Baghdad where they are in de facto control in parts of Sadr City. But the most disciplined anti-Sunni campaign is being run by the SCIRI party’s paramilitary Badr organisation, which

³¹⁶ JIC Assessment, 5 April 2006, ‘Iraq: Sectarianism’.

they have systematically embedded into state security structures, particularly the Ministry of Interior (MoI) ...

“V. Sectarian tension will not diminish: in some areas the violence has gained its own momentum. MoI forces, the police and, to a lesser extent the Army, have their own ethnic and sectarian fault-lines: if conflict deepens, their cohesion would be in doubt, particularly in areas of religious diversity such as Baghdad. They would be unable to cope in such areas without significant and close Multi-National Force support.”

662. The JIC concluded that the issues facing Iraq’s politicians in the coming months – federalism, de-Ba’athification and the influence of the Shia militias in the security forces – were ones that were likely to increase sectarian divisions still further, despite the anti-sectarian rhetoric of the politicians and that: “Reversing the growing trend of sectarianism will take many years.”

663. Dr Reid’s Private Secretary wrote to Mr Blair’s Private Secretary on 6 April in response to his letter of 31 March which set out Mr Blair’s views about accelerating transition.³¹⁷

664. Dr Reid’s Private Secretary wrote:

“The Secretary of State agrees that we need to avoid the perception that we are pressing too hard on transition timescales for national reasons, but he is anxious that we do as much as possible to avoid further delays ...”

665. The Private Secretary explained that MND(SE) had submitted its first assessment results for the four southern provinces to the MNF command in Baghdad; the results for Muthanna, in particular, were encouraging. It was unlikely that MNF command would reach a decision before 22 April, when Gen Casey would meet his Divisional Commanders.

666. The timetable for military transition was discussed at the Iraq Strategy Group on 7 April, with Mr Martin Howard, MOD Director General Operational Policy, reporting that while the Governor of Muthanna had signed off the assessment for transition there, the Governor of Maysan had not yet done so.³¹⁸

667. Mr Asquith reported that the rocket attacks on Basra Palace on 4 April and the continuing non-co-operation by the local authorities there meant that some of the civilian staff were unable to operate effectively and an audit had indicated that there was “no added value” from keeping them there. The FCO and DFID planned to recommend to their Ministers a drawdown of civilian staff from Basra Palace until conditions on the ground had improved.

³¹⁷ Letter Beadle to Banner, 6 April 2006, ‘Iraq: Transition’.

³¹⁸ Letter Cabinet Office [junior official] to Sheinwald, 10 April 2006, ‘Iraq Strategy Group: 7 April 2006’.

668. Sir Nigel Sheinwald observed that this was a significant development and asked the FCO and DFID to “consult more widely than their respective Secretaries of State”. The subsequent advice to Ministers should make clear that:

“Set against the issue of not keeping people somewhere they could not operate, there was the problem of re-entry [getting civilian staff back once they had withdrawn] and the political or practical fall-out of the UK being driven out of the Basra Palace by terrorists. A decision to locate our civilian presence at the airport would represent a major failure.”

669. In relation to the formation of the new Iraqi Government, Mr Asquith briefed the Iraq Strategy Group that “the action had shifted to Najaf”. UK input to the debate was difficult to manage, given the lack of a direct channel to Grand Ayatollah al-Sistani. The Group considered plans to send a letter from Mr Blair directly to the Grand Ayatollah.

670. A draft of that letter intended to be “a clear request to help move events forward” was provided to Mr Blair a few days later; he signed it on 12 April.³¹⁹

671. Mr Blair wrote:

“... as leader of a country which has made huge sacrifices for Iraq, I trust it is understandable that we attach great importance to there being an effective government of national unity.”³²⁰

672. Mr Blair asked Grand Ayatollah al-Sistani:

“... to encourage leaders of the Shia community to recognise the need for urgent agreement, in the next few days, on who should lead the next government.”

673. Mr Blair’s letter was sent via an intermediary, and the UK could not be sure that it would reach him.³²¹

674. On 13 April, Sir Nigel told Mr Hadley:

“... despite the momentum created by the Straw/Rice visit, there was a risk of things getting bogged down again. We needed to keep up the pressure and try to use the meeting of the Council of Representatives planned for Monday as a further stimulus to get the Shia to make a firm decision.”³²²

675. Sir Nigel proposed that he and Mr Hadley should visit Baghdad together “in order to keep up the external pressure”.

³¹⁹ Minute Banner to Prime Minister, 11 April 2006, ‘Letter to Sistani’.

³²⁰ Letter Blair to Sistani, 12 April 2006, [untitled].

³²¹ Minute Banner to Prime Minister, 11 April 2006, ‘Letter to Sistani’.

³²² Letter Sheinwald to Hayes, 13 April 2006, ‘Conversation with US National Security Adviser, 13 April 2006’.

676. In his weekly report on 16 April, Lt Gen Fry commented:

“The continued debate about the nature of sectarian violence and the possibility of civil war habitually misses a central point: the failure of AQ-I strategy. The organisation has conducted a series of devastating attacks against the Shia community ... Whether their motive has been to disrupt the political process or provoke civil war is irrelevant; on either count they have failed. Indeed, the most interesting question is not ‘are we in civil war’ but ‘why are we not in civil war, given the provocations?’ The answer has something to do with the resilience of Iraqi society, residual hope in a better future and the orchestration of popular response by senior leadership ... Despite a run of attacks which have killed hundreds and destroyed several places of worship there has been no large scale response and it may be that the larger prize of a Shia government has imposed its own discipline. Equally intriguing is what happens when this constraint no longer applies.”³²³

677. Discussions between the UK and US on the need for a new government continued on 16 April when Mr Straw and Secretary Rice spoke by telephone.³²⁴

678. Mr Straw was “very worried indeed about the endless delays” and said that “we had to keep up the pressure on the Iraqis, though the levers we had were limited”. He and Secretary Rice agreed to make more phone calls to Iraqi politicians.

679. At DOP(I) on 20 April, Mr Straw summarised the latest developments on government formation.³²⁵

680. Although there was agreement on the candidates for President and Vice President, the nominee for Prime Minister was yet to be agreed. In discussion it was observed that the reasserting “the writ of government over ‘the street’” was becoming critical.

681. Dr Reid reported that the readiness assessment for handover in Muthanna and Maysan had been downgraded to “amber” by a senior US military officer on the basis of “political uncertainty at the centre” and the risk of “the Sadrists causing problems in the South”.

682. Dr Reid considered that there were “real political risks” to any delay; local Iraqi politicians and the public would be frustrated when it became clear that an assessment of readiness had been overturned. There was also a risk of Shia resentment if the Kurdish provinces in the North were handed over first.

683. Mr Blair agreed with Dr Reid’s assessment and thought that concerns would be largely resolved by the anticipated appointment of capable Ministers of Interior and Defence.

³²³ Minute Fry to PSO/CDS, 16 April 2006, ‘SBMR-I Weekly Report (207): 16 April 2006’.

³²⁴ Note Straw to Sheinwald, 16 April 2006, Rice call – Sunday 16 April 2006 6.00PM’.

³²⁵ Minutes, 20 April 2006, DOP(I) meeting.

684. A review of the UK's Sunni outreach efforts dated 21 April concluded that "a wide range of Sunni politicians are now involved in the politics around government formation, and a swathe of Sunnis with links to the nationalist insurgency have direct contact with the coalition".³²⁶

685. Those developments were not necessarily a direct consequence of the UK's efforts, but there was a belief that the UK had contributed.

686. Late on 21 April, the United Iraqi Alliance announced the selection of Mr Nuri al-Maliki from the Dawa party as its candidate for Prime Minister.³²⁷

687. Mr Patey told the Inquiry that Mr Maliki was a "surprise candidate" for the UK.³²⁸

688. Mr Asquith said that the UK had missed him as a potential contender because he was not a prominent political figure in the Dawa party, and had occupied no position in which the UK had to deal with him.³²⁹ Section 9.3 contains more information on the Dawa party.

689. In Mr Asquith's view, Mr Maliki was selected because the supporters of the other candidates would not switch their votes to alternatives, except for him.³³⁰

690. The BBC reported President Bush's congratulations for this "milestone on Iraq's path to democracy".³³¹

691. President Talabani was elected to a second term in post and Mr Blair spoke to him on 24 April to offer his congratulations.³³²

692. Mr Blair "hoped that the rest of the Government could now be formed quickly – this would bring a renewed sense of hope to Iraq". President Talabani estimated that it would take two weeks to finalise the Ministerial team.

693. Sir Nigel Sheinwald visited Baghdad from 22 to 25 April and urged senior Iraqi politicians to move quickly to complete the formation of the Government. It would then "need to set out a positive vision – communicating this effectively to its own people and to the international community – including on security".³³³

694. Mr Patey reported that the visit was "a timely opportunity to urge the politicians to seize this moment to give real momentum to the political process after months of delay".

³²⁶ Letter senior government official specialising in the Middle East to Banner, 21 April 2006, '[...]: Way Ahead'.

³²⁷ eGram 13011/06 Baghdad to FCO London, 24 April 2006, 'Iraq: Formation of the New Government: Al-Maliki Nominated by UIA as Prime Minister'.

³²⁸ Public hearing, 5 January 2010, page 37.

³²⁹ Private hearing, 15 June 2010, pages 21-22.

³³⁰ Private hearing, 15 June 2010, page 22.

³³¹ *BBC News*, 22 April 2006, *Maliki endorsed as new Iraqi PM*.

³³² Letter Phillipson to Siddiq, 24 April 2006, 'Prime Minister's Phonecall with President Talabani, 24 April'.

³³³ eGram 13972/06 Baghdad to FCO London, 27 April 2006, 'Iraq: Visit by Prime Minister's Foreign Policy Adviser'.

695. In a video conference with President Bush on 25 April, Mr Blair reported a sense of optimism from Iraqi politicians.³³⁴ He thought that if strong Sunni Ministers could be brought into the Government there could be a real change for the better. Once that had happened the US and UK would need to persuade the new Government to set out a forward programme that would “make it clear to the international community that we had started a new chapter”.

696. On 27 April, Sir Nigel Sheinwald sent Mr Blair an account of his visit to Iraq.³³⁵ Sir Nigel wrote that:

“We are widely seen as having played a major part in getting Sunni outreach going. Casey and Zal [Khalilzad] will continue with it. I pressed them to try to move quickly into a structured dialogue aimed at agreeing a ‘cease-fire’. Casey agrees with the aim, but is moving cautiously.”

697. In relation to the new Iraqi Government, Sir Nigel assessed that: “This is – so far – a **real government of national unity**.”

698. Sir Nigel set out a package of proposed support for the new Government including policy officials, press officers and advisers for the new Defence Minister (see Section 10.2 for further details). Sir Nigel also reported:

“I said bluntly that we needed a right of veto over the Defence and Interior Ministries. This was not contested.”

699. Sir Nigel’s report concluded:

“This is the last big moment in the political timetable we created in 2004 and have, despite all the problems, stuck to. The next few months will decide whether it is possible to form a durable and effective unity government; and whether they can construct a political and security strategy which bears down quickly on the sectarian violence.

“If so, Iraq could look very different by the end of the year.”

700. Mr Blair annotated Sir Nigel’s advice: “We need a lot more work on their programme, the transition, and a plan of communications inside and outside of Iraq.” He asked Sir Nigel to supervise that work personally.

701. Sir Nigel Sheinwald told the Inquiry that Sunni outreach:

“... was one of the areas where the Americans consistently thought that the UK – because of history, because it was one of our political and diplomatic talents ... they regarded it as something where we had a voice and needed to be allowed to get

³³⁴ Letter Phillipson to Hayes, 25 April 2006, ‘Prime Minister’s VTC with President Bush, 25 April: Middle East issues’.

³³⁵ Minute Sheinwald to Prime Minister, 27 April 2006, ‘Visit to Iraq’ including manuscript comment Blair.

on with it and were worth listening to anyway. I would say this, the political process generally, the external and international aspects of handling Iraq, whether it was the UN, the regional groupings, working with the neighbours, the Saudis and others; I think these were all areas where there was a British expertise and experience which the Americans paid attention to.”³³⁶

702. Mr Blair spoke to Mr Maliki on 28 April to congratulate him and assure him that the UK would do everything possible to support and help him as he addressed the challenging situation facing him.³³⁷

703. Mr Blair added that the UK needed Mr Maliki’s assistance in addressing the political situation in Basra. Mr Maliki said that he was doing his best to achieve reconciliation between all parties and would continue to work at it. In return, he asked the UK to accelerate the training of Iraqi Security Forces.

May 2006

704. On 1 May, US forces symbolically handed over responsibility for security in Helmand Province, southern Afghanistan, to UK troops taking command of its Provincial Reconstruction Team.³³⁸ The full complement of 3,300 UK troops, led by 16 Air Assault Brigade, was due to be in place by June.

705. Dr Reid described their mission as “to protect the reconstruction and development of the Afghan economy, democratic government and security forces”.

706. In preparation for a video conference with President Bush, on 2 May Mr Phillipson told Mr Blair that:

“We’ve heard rumblings from the US system about UK failure to grip the security situation in what they regard as a strategically vital part of Iraq ...”³³⁹

707. In the video conference with President Bush, Mr Blair said that once a new Iraqi Government was in place, the next step would be “to persuade the Sunni insurgency to wind itself down, building on Sunni inclusion in a government for national security”.³⁴⁰

³³⁶ Private hearing, 3 September 2010, pages 85-86.

³³⁷ Letter Banner to Siddiq, 28 April 2006, ‘Nouri al-Maliki’.

³³⁸ *BBC News*, 1 May 2006, *UK troops take over Afghan duties*.

³³⁹ Minute Phillipson to Prime Minister, 2 May 2006, ‘VTC with President Bush, 1615 2 May 2006’.

³⁴⁰ Letter Banner to Hayes, 2 May 2006, ‘Prime Minister’s VTC with President Bush, 2 May: Middle East issues’.

Loss of a Lynx and its crew in Basra

On 6 May, a Lynx helicopter exploded in mid-air over Basra, killing all five of its crew.³⁴¹ There were difficulties recovering the wreckage and the bodies of those killed because of public disorder, attributed to increasing hostility towards UK forces in Basra at the time.

Eye-witness accounts suggested that the explosion was caused by the aircraft being fired on from the ground.

Maj Gen Cooper reported that the crowds had numbered only 200-300 individuals at their height and the situation had been brought under control within two or three hours.³⁴² It seemed likely that the attack had been “perpetrated by rogue elements of JAM”.

Maj Gen Cooper reminded colleagues in London that, despite the significance and tragedy of the loss of the Lynx and its crew, “in tactical terms the threat remains higher on the ground than in the air”.³⁴³

The Board of Inquiry into the Lynx crash concluded in June 2006 that the helicopter had been shot down in a hostile attack, using man-portable surface to air missile (MANPAD) technology.³⁴⁴

708. There was concern that the Lynx incident was evidence of technology transfer. Lt Gen Fry observed in his weekly report that:

“... if there is evidence of MANPAD technology transfer following the route established by EFP [Explosively Formed Projectile] it will certainly ... reinforce the Zelikow³⁴⁵ hypothesis that Basra is vital ground, to be held by coalition forces until the latter stages of the campaign”.³⁴⁶

709. Lt Gen Fry reported that Gen Casey had recommended a security initiative in Basra to match those in Baghdad and Ramadi.

710. After visiting Iraq in early May, Air Chief Marshal Jock Stirrup, who had become Chief of the Defence Staff in April 2006, reported to Dr Reid that:

“... there was no Basra insurgency, levels of violence in the city were well down on the other ‘red provinces’, and with different provincial leadership the prospects could improve significantly.”³⁴⁷

³⁴¹ Final report JHC/4022, 20 June 2006, ‘Aircraft Crash – Lynx AH Mk 7(XZ614) of 847 NAS in Basra, Iraq 06 May 06’. Those killed were Wing Commander John Coxen, Lieutenant Commander Darren Chapman, Captain David Dobson, Flight Lieutenant Sarah-Jayne Mulvihill and Marine Paul Collins.

³⁴² Letter McNeil to Banner, 12 May 2006, ‘Iraq: Update’ attaching ‘GOC MND(SE) – Southern Iraq update – 10 May 2006’.

³⁴³ Minute Cooper, 10 May 2006, ‘Iraq: Update’ attaching ‘GOC MND(SE) – Southern Iraq Update – 10 May 2006’.

³⁴⁴ Final report JHC/2022, 20 June 2006, ‘Aircraft crash – Lynx AH Mk 7(XZ614) of 847 NAS in Basra, Iraq 06 May 06’.

³⁴⁵ Philip Zelikow, then a Counsellor at the US State Department.

³⁴⁶ Minute Fry to PSO/CDS, 7 May 2006, ‘SBMR-I Weekly Report (210): 7 May 2006’.

³⁴⁷ Minute Stirrup to SofS [MOD], 8 May 2006, ‘CDS Visit to Iraq and Afghanistan – 5-7 May 06’.

711. During the visit, ACM Stirrup was briefed by Gen Casey on his updated campaign plan, which included a reduction from 14 US brigades to 10 by the end of 2005 and five by the end of 2007, subject to successful build-up of the Iraqi Security Forces.

712. Despite the growing problems in Basra, ACM Stirrup judged that there was:

“... no logic for precipitate change in our military plans. Indeed there are compelling reasons why security handover remains the right strategy. Militarily, in Maysan and Muthanna the Iraqi Security Forces are ready, and there is political appetite. And progress in those provinces will set the conditions for Basra, which is the key. The obstacles there are: 1) militias, and 2) governance. Neither is substantially in our hands, and we need firm action by the government in Baghdad. But as consent continues to reduce (as we have always foreseen it would), so too does our ability to effect further (significant) improvement. The law of diminishing returns is now firmly in play, and there is an increasing risk that we become part of the problem, rather than of the solution. So, for these reasons and for reasons of momentum, I judge that we should press on ...”

713. ACM Stirrup visited Afghanistan as part of the same trip, and concluded:

“... the main similarity between both theatres is that, whilst we will continue militarily to hold the ring as best we can, ultimate success can only be delivered by non-military instruments of government, be they UK, international or indigenous. But it is the contrasts between the two campaigns that struck me most. In Iraq, our forces sit within a well found and well organised US-led force, with immense combat power, effective command and control, coherent political oversight (in the form of the US and UK embassies), and a coalition comprised of countries that ... are prepared to accept the costs, in blood and treasure, of operations in Iraq. This is just as well for the coalition is viewed popularly as a force of occupation, suffers inexorably declining levels of popular consent, and faces a multi-faceted, but sophisticated and dangerous enemy.”

714. ACM Stirrup contrasted circumstances in Iraq with the situation in Afghanistan where the UK position in Helmand was “sound – indeed exemplary” but it was positioned within a NATO force with insufficient combat power and a difficult command and control structure. He asked:

“So what? In Iraq, we are in clear ‘law of diminishing returns’ territory. Even if we were invited to stay (which looks improbable) it is difficult to see what military advantage might flow from our remaining in any significant numbers beyond 2007. That said, the security picture, particularly in Basra but also in Maysan, may not look at all appetising as we pull out, and astute conditioning of the UK public may be necessary if we are to avoid the charge of strategic failure. In Afghanistan, we face immediate opportunity, tempered by uncertainty ...”

“Should anything be done differently? At the operational level, I judge not. We need to maintain the momentum of security handover in Iraq, and continue our build up in Afghanistan, but stay alert and agile. At the strategic level, there are at least two areas worth our early attention. In Iraq, and I recognise that this is essentially a political issue, there will be the need to think through the presentational challenge of a post-security handover Iraq – and particularly Basra – that retains some fairly ugly aspects. In Afghanistan, the issue is NATO’s capability ...”

715. ACM Stirrup also reported the views of UK staff based in Baghdad that “the remainder of 2006 would be both decisive and challenging, with the trajectory depending principally on the new Iraqi Government’s effectiveness”.

716. On 10 May, Maj Gen Cooper reported that the Basra Provincial Council announced that it was ending an official boycott of engagement with the Multi-National Force (MNF), which had complicated relations between the MNF and local authorities since the Jameat incident in September 2005.³⁴⁸

717. The British Consul General and local Brigade Commander had been invited to attend the Governor’s Provincial Security Committee on 9 May.

718. On 10 May, the JIC reviewed the recent trends in violence in Iraq and a possible change of attitude among Sunni insurgents towards the MNF and jihadist groups.³⁴⁹

719. The JIC’s Key Judgements included:

“I. Violence in Iraq has been rising since the start of the year, mainly in the Sunni heartlands and Baghdad. The sustained violence in April has been unprecedented, maintaining levels only previously seen in spikes associated with the January election and constitutional referendum in October 2005. Increased sectarian violence shows no sign of reducing.”

720. The JIC assessed that there had been some change in the nature of the violence, with more Iraqis being killed. Attacks on the Iraqi Security Forces accounted for around 15 percent of all attacks and sectarian violence had risen sharply since the bombing of the al-Askari mosque in Samarra in February.

721. The JIC judged that the “commitment of Sunni Arab nationalists to a violent campaign is largely undiminished” and that support among the general Sunni population for attacks on the MNF “remains strong”. In addition:

“III. In many areas co-operation between Sunni Arab nationalist insurgents and jihadists is growing. The distinction between some groups is becoming increasingly

³⁴⁸ Minute Cooper, 10 May 2006, ‘Iraq: Update’ attaching ‘GOC MND(SE) – Southern Iraq Update – 10 May 2006’.

³⁴⁹ JIC Assessment, 10 May 2006, ‘Iraq: How is the Sunni Insurgency Evolving?’

blurred. Al Qaida in Iraq (AQ-I) is the most prominent jihadist group, with the greatest organisational capacity ...

“IV. There are limited signs that a small number of Sunni insurgents are considering drawing away from violence, at least against the MNF. An enduring theme from them is the need to combat the activities of AQ-I and the Iranians. Coalition outreach has identified some Sunni insurgent leaders willing to engage ... The ability of these tentative contacts to affect broader insurgent violence is unknown.

“V. The strength of the insurgency is in part affected by Sunni participation in the political process ... 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.

“VI. Many insurgents have probably already decided that the political process will not give them influence or benefit, or at least see no contradiction in pursuing a twin-track approach of political participation and violence. A hard core of Sunni Arabs will remain irreconcilable and join the jihadists in rejecting the political process. A strong Sunni Arab insurgency is likely to persist beyond 2006.”

722. On 12 May, a view of the situation in Basra was provided to Mr Tim Dowse, Chief of the Assessments Staff.³⁵⁰ It said:

“... the general security situation in Basra is in steady, if generally unspectacular, decline ... There are now 8-10 assassination-style murders a day, usually of Sunnis. Religious, criminal and politically motivated intimidation is prevalent ... The situation is aggravated by the growing heat resulting in armed demonstrations at night against the local authorities complaining of lack of electricity and other services ... Political life in Basra revolves around money, patronage and intimidation ... The capacity of local militias to influence politics through a show or threat of force was apparent during the December elections ... The police and Iraqi army have shown no appetite to confront JAM and their capability to do so is untested.”

723. The brief provided to Mr Dowse considered that the attacks on UK forces in Basra were being conducted in part by elements of JAM and in part by renegade elements within the Iraqi Security Forces:

“The problem of renegade security forces requires an Iraqi solution that depends on tackling corruption and militia penetration of the Iraqi Security Forces and increasing the influence of the central government over the provincial government in Basra.”

³⁵⁰ Minute senior government official specialising in the Middle East to Dowse, 12 May 2006, ‘Situation in Basrah’.

724. In a video conference with President Bush on 16 May, Mr Blair said that the UK felt the Iraqi Government was beginning to “shape up well”.³⁵¹ The next step would be for the US and UK to present, jointly with Prime Minister Maliki, a strong programme for the government, including “a very clear forward perspective on security transition”.

725. The following week insurgents in MND(SE) detonated a command wire Improvised Explosive Device (IED).^{352,353} This was the first successful such attack in Iraq since December 2005 and the first instance of an IED of this type in MND(SE). Maj Gen Cooper observed that this reversion to an older form of technology represented a change in the insurgents’ tactics, possibly in response to MNF counter-IED advances.

726. On 20 May, Prime Minister Maliki presented his Cabinet (minus the Ministers for Interior, Security and Defence) to the Council of Representatives.³⁵⁴ All were approved.

727. Mr Patey described the Maliki government as a “genuine government of national unity”.³⁵⁵ Although it was, in his view, “not quite the technocratic powerhouse we hoped for”, he was clear that it included “a fair number of highly competent individuals in key positions”.

728. Gen Jackson visited Iraq from 15 to 18 May and observed:

“The key challenge is governance ...

“Yet even given a backdrop of good governance, the security challenges are still daunting ... With our understandable focus on the relatively peaceful MND(SE), it is easy to forget the extreme levels of violence that are common place in Baghdad and its environs ...

“Whilst there is no doubt that the US Military will do ‘whatever it takes’ to contain the security situation ... Lieutenant General Chiarelli [Commander of the Multi-National Corps – Iraq] remarked that another 50,000 troops would be needed to really improve security in Baghdad alone ... This is a precarious position to be in ...”³⁵⁶

729. Gen Jackson went on to describe a growing US frustration with perceived UK objectives:

“My final point from Baghdad is rather unpalatable but, given the strength with which it was put across to me and the fact that it has never been far from the surface on previous visits, I feel compelled to raise it here. The perception, right or wrong, in some – if not all – US military circles is that the UK is motivated more by the

³⁵¹ Letter Banner to Hayes, 16 May 2006, ‘Prime Minister’s VTC with President Bush, 16 May: Middle East issues’.

³⁵² An Improvised Explosive Device detonated by the user through a hard-wired electrical cable.

³⁵³ Minute Cooper, 17 May 2006, ‘Iraq: Update’ attaching ‘GOC MND(SE) – Southern Iraq update – 17 May 2006’.

³⁵⁴ *BBC News*, 20 May 2006, *Iraqi Parliament approves Cabinet*.

³⁵⁵ eGram 19337/06 Baghdad to FCO London, 22 May 2006, ‘Iraq: The New Government’.

³⁵⁶ Minute CGS to CDS, 22 May 2006, ‘CGS visit to Iraq: 15-18 May 06’.

short-term political gain of early withdrawal than by the long-term importance of mission accomplishment; and that, as a result, MND(SE)'s operational posture is too *laissez faire* and lacks initiative ...”

730. Gen Jackson warned:

“... if US opinion is allowed to drift down its current course, we risk sacrificing the grand strategic aim (the UK/US special relationship) of our whole engagement in Iraq, for the sake of short term domestic ... expediency.”

731. Looking ahead to the future, Gen Jackson continued:

“As ever, the campaign prognosis from Basra's perspective is somewhat rosier than that from Baghdad; though the difference is less marked than on previous visits ...

“The Governor of Basra aside, GOC MND(SE) was reasonably optimistic about political progress in the South East though much hinges on continuing Shia political coherence ...

“If the Shia fault-lines are torn asunder, which is not inconceivable, all bets are off.

“From the military perspective, MND(SE)'s very clear focus remains rightly upon transition in its four provinces. Muthanna is certainly ripe for Provincial Iraqi Control (PIC) ... In Basra, PIC is some way off, not only due to the malign influence of Governor Wahili, but also because the local IPS is particularly weak ... In Dhi Qar, progress towards PIC is steady ...

“Lastly, in Maysan, there continues to be a serious difference of US and UK opinion over transition ... it was clear that MNC-I do not yet believe that the appropriate conditions have been set ... On the other hand, GOC MND(SE)'s argument in favour of early transition in Maysan is compelling ... First, there is a level of expectation in Maysan that they will be granted PIC as a reward for good behaviour ... Should this aspiration not be met, we can expect a violent backlash. Second, and probably more persuasive, is GOC MND(SE)'s argument about diminishing returns ... Indeed, his view that *'standing still is going backwards'* suggests that we are approaching the stage in Maysan where our presence will be seen as part of the problem not the solution.”

732. Gen Jackson's visit report concluded:

“My final reflection from this visit ... is that even if we deliver the agenda of transition laid out by the campaign plan, what we will leave behind will not look much like strategic success. Ten years hence our strategy may fully bear fruit. But in the short term Iraq will most probably be characterised by spikes of violence, continuing sectarian strife, fragile governance and stuttering economic development ... I agree that we need to start shaping the views of domestic and political audiences accordingly.”

733. Reporting a discussion with Lt Gen Chiarelli on 17 May, Maj Gen Cooper elaborated his argument, pointing out that “if conditions were not right now, what would change in the timeframe envisaged for transition in the coming months?”³⁵⁷

734. On 22 May, the ISOG discussed how to draw together a strategic plan to deliver the UK’s objectives in Basra.³⁵⁸

735. The objectives were to ensure that Basra:

- was on track to being assessed as suitable for transition by the end of 2006 or early 2007;
- had mechanisms in place that were able to develop and deliver governance and security policies through institutions that were broadly acceptable to the local population and effectively linked to the Iraqi central authorities;
- enjoyed an improving level of basic services;
- was attracting appropriate investment and other economic assistance;
- had “levels of corruption, criminality and criminal and sectarian violence below the point at which they would seriously undermine governance, security and economic development and popular support for Iraqi governmental institutions”; and
- was not subject to malign Iranian influence.

736. The ISOG concluded that achieving these objectives required:

- continued engagement on SSR (see Section 12.1);
- a demonstration of grip by the Iraqi Government;
- strengthened provincial government;
- an Iraqi Government development strategy that supported Basra’s role;
- external investment;
- containing corruption to a level that was not undermining; and
- the UK to identify policies for security, governance and economic development that “can reasonably be expected to lead to strategic success”.

737. Ms Margaret Aldred, Deputy Head of the Overseas and Defence Secretariat in the Cabinet Office, wrote to UK officers and officials working in Basra on 23 May to seek their input on “how success can best be achieved”.³⁵⁹

³⁵⁷ Minute Cooper 17 May 2006, ‘GOC MND (SE) – Southern Iraq Update – 17 May 2006’.

³⁵⁸ Letter Aldred to Lamb, 23 May 2006, ‘Basra: The Way Forward’ attaching Note, [undated], ‘Getting Basra Better: A Strategic Agenda for Action’.

³⁵⁹ Letter Aldred to Lamb, 23 May 2006, ‘Basra: The Way Forward’.

738. Mr Blair visited Iraq on 22 May.³⁶⁰ He met President Talabani and, separately, Prime Minister Maliki.

739. Both men asked Mr Blair whether media reports that the UK was looking to withdraw from Iraq were accurate. Mr Blair responded that the UK:

“... had the same objective as the Iraqi government: to go when the latter’s forces were ready to take over.”

740. A joint statement issued by the two Prime Ministers at a press conference after their meeting said that the:

“... process of transition would start in some provinces in the coming months, and by the end of the year responsibility for much of Iraq’s territorial security should have been transferred to Iraqi control.”³⁶¹

741. The statement recorded agreement to continue efforts to widen the countries engaged in Iraq:

“The Iraqi Government for its part would provide a compelling vision of the way ahead showing how international assistance would complement its actions in pursuit of the common goal of a stable Iraq at peace with its neighbours.”

742. Mr Blair and Prime Minister Maliki had “discussed the situation in Basra and agreed to work closely on ensuring greater security and stability there”. A high-level Iraqi delegation would visit Basra soon.

743. After the press conference, it was reported that:

“Mr Maliki surprised Mr Blair’s team at the press conference by saying the UK handover to Iraqi forces could begin in June. British officials later corrected this, saying that the planned date was actually July.”³⁶²

744. Maj Gen Cooper reported that the statement had “aroused understandable interest in Provincial political circles” where it “certainly raised expectations”.³⁶³

³⁶⁰ Letter Banner to Siddiq, 22 May 2006, ‘Iraq: Prime Minister’s Meeting with Talabani’; Letter Banner to Siddiq, 22 May 2006, ‘Iraq: Prime Minister’s Meeting with Nouri al-Maliki’ attaching ‘Joint statement about the visit of the UK Prime Minister’.

³⁶¹ Letter Banner to Siddiq, 22 May 2006, ‘Iraq: Prime Minister’s Meeting with Nouri al-Maliki’ attaching ‘Joint statement about the visit of the UK Prime Minister’.

³⁶² *The Guardian*, 23 May 2006, *Troop pull-out from Iraq to be speeded up*.

³⁶³ Minute Cooper, 24 May 2006, ‘GOC MND(SE) – Southern Iraq Update – 24 May 2006’.

745. On the way back to the UK after the visit, Sir Nigel Sheinwald sent Mr Hadley a note for President Bush from Mr Blair.³⁶⁴ It said:

“I left Iraq, on balance, more optimistic not less ... The Government obviously has a real sense of mission. Not one [member of the government] ... said we should go now ... All want us to stay to get the job done. **If** we have a clear plan, properly executed and communicated to the Iraqi people, we will succeed.

“Now for the challenge: the nature of the insurgency is changing; we do not, on our own, have the force capability to defeat it; as the Sunni become convinced we are non-sectarian, they welcome it and conversely as the more extreme Shia come to the same conclusion, they don’t. Hence Basra becoming a problem. In addition, very simply put: the security is so bad in and around Baghdad for ordinary folk, that it stops improvement in services, we get blamed (in part) and people start looking to militias to protect them. Al Qaida kill Shia. Shia kill Sunni, and sectarian violence increases.”

746. Mr Blair set out five suggestions for a plan to draw together and focus effort in Iraq to address the “vicious spiral” described above:

- publishing a conditional timetable for withdrawal of the MNF;
- a “better, stronger ISF build-up”;
- prioritising Baghdad security and electricity production;
- doing deals with the insurgents to enter the political process; and
- shaming the international community into supporting the new Iraqi Government, through a big UN-led donor conference.

747. The day after leaving Iraq, Sir Nigel Sheinwald wrote to Mr Straw’s Principal Private Secretary to set out Mr Blair’s view of priorities for Iraq, which mirrored the suggestions he sent to President Bush.³⁶⁵ The key elements included:

- 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 ... **Action: The Prime Minister will discuss with President Bush in Washington. Thereafter MOD/BE Baghdad/FCO.**
- To ensure improved **ISF build-up**. 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.

³⁶⁴ Letter Sheinwald to Hadley, 22 May 2006, ‘Iraq’, attaching Note TB [Blair to Bush], 22 May 2006, ‘Note’.

³⁶⁵ Letter Sheinwald to Hayes, 23 May 2006, ‘Iraq’.

We therefore need a candid analysis of the gap between current capabilities and future requirements ... and a **plan** for closing the gap. **Action: MOD**

- Backing the Baghdad security and electricity plans ... **Action: MOD/DFID.**
- Turning around the situation in **Basra**, following the Prime Minister’s private conversation with Maliki. This will require
 - a political understanding with parties representing the spectrum of political opinion there;
 - a package of UK and international reconstruction assistance;
 - a larger role and presence for the Iraqi forces, working alongside UK forces.
- The Prime Minister has asked that a senior individual be tasked with taking this process forward in Basra, working with designated interlocutors from the Iraqi government. **Action: FCO/MOD/DFID/BCG Basra. The Prime Minister hopes that the Defence Secretary will personally supervise the military aspects of this.**
- Promoting **international support** for the new government ... **Action: FCO.** The Prime Minister would like the Foreign Secretary to personally direct this work ...
- Stepping up our **outreach** activities to both Sunni and Shia militants, to ensure that they are given opportunity and incentives to participate in the political process. **Action: FCO.”**

748. Sir Nigel’s letter alerted members of DOP(I) that Mr Blair was likely to want to discuss these issues when next they met.

749. After leaving Baghdad, Mr Blair visited the US to make a speech at Georgetown University in which he called for reform of the UN. On 25 May he met President Bush for talks on a range of foreign policy issues at the White House.³⁶⁶

750. On withdrawing troops from Iraq, Mr Blair thought that the way forward was to “give an indication of our intentions, but make sure they were conditions based”. Mr Blair said it was important that there was no hint of “cutting and running”. Security and electricity supply were key, but above all the momentum must be kept going.

751. Mr Blair proposed a conference in the autumn to get support from the international community for the effort in Iraq. There was “a prospect of a new deal for Iraq, including withdrawal of the MNF”.

752. Mr Blair and President Bush held a joint press conference in which Mr Blair told reporters he had left Iraq “thinking the challenge is still immense” but he was “more certain than ever that we should rise to it”.³⁶⁷

³⁶⁶ Letter Phillipson to Hayes, 26 May 2006, ‘Prime Minister’s Talks with President Bush: 25 May’.

³⁶⁷ CNN, 26 May 2006, *Bush, Blair: Iraq war not as smooth as hoped.*

753. DOP(I) met on 25 May.³⁶⁸ Mr Blair told the meeting that the UK should focus on:

- the development of the Iraqi Security Forces;
- seeing progress in Basra; and
- supporting the Iraqi Government's efforts to restore security and electricity provision in Baghdad.

754. In relation to Basra, Mr Blair said that “we needed clarity over our troops’ activities. They should not simply be in Basra to provide a target or justification for the activities of violent groups.”

755. Ministers agreed that the action points set out in Sir Nigel Sheinwald’s letter of 23 May should be pursued.

756. Prime Minister Maliki and Vice President Tariq Hashemi visited Basra on 31 May.³⁶⁹ Maj Gen Cooper described it as “an entirely Iraqi affair, with MNF and diplomatic personnel not involved”.

757. During his visit, Prime Minister Maliki declared a state of emergency in Basra, lasting a month.³⁷⁰

758. *The Guardian* reported that:

“He denounced a series of killings and kidnappings that Sunni religious leaders have blamed on Shia-run death squads, saying: ‘We will beat with an iron fist on the heads of gangs who are manipulating security’.”

³⁶⁸ Minutes, 25 May 2006, DOP(I) meeting.

³⁶⁹ Minute Cooper, 1 June 2006, ‘MND(SE) – Southern Iraq Update – 1 June 2006’.

³⁷⁰ *The Guardian*, 31 May 2006, *State of emergency for Basra*.