

1 (11.35 am)

2 THE CHAIRMAN: Well, opening this second session of the
3 morning, our objectives remain, following the sessions
4 we had last week and earlier this week with General
5 Tim Cross, Desmond Bowen and Suma Chakrabarti, to
6 develop our understanding of the United Kingdom's
7 planning for the aftermath of possible military action
8 in Iraq and compare that to the experience the first few
9 months after the invasion. And our witness for this
10 second part of the morning is Dominick Chilcott, who was
11 the head of the Iraq Planning Unit which was established
12 within the Foreign and Commonwealth Office in, I think,
13 February 2002 until you left at the end of June 2003.

14 MR DOMINICK CHILCOTT: Mid June.

15 THE CHAIRMAN: I think I need to point out that
16 Dominick Chilcott and I are not related at all. Indeed,
17 our names are spelt differently and we come from quite
18 different strands of that tribe.

19 This session is going to follow, like others,
20 a broadly chronological approach starting
21 in February 2003, going through the invasion and then
22 the few months after that up to mid June 2003.

23 Later we will have witnesses who will be covering
24 the story up to 2009 and the end of our engagement.

25 I recall once again that we have access to many

1 thousands of government documents, including the most
2 highly classified, for the period we are considering.
3 We are developing steadily a picture of the policy
4 debates and the decision-making processes.

5 These evidence sessions are important in informing
6 the Inquiry's thinking and complementing the documentary
7 evidence, and it is important particularly that
8 witnesses are, and feel able to be, open and frank in
9 their evidence while respecting national security. We
10 recognise too that witnesses are giving evidence based
11 on their recollection of events, and in some cases now
12 several years ago.

13 We are, of course, checking what we hear against the
14 papers to which we have access and which we are still
15 receiving going back to the time in question. I remind
16 every witness that he will later be asked to sign
17 a transcript of his evidence to the effect that the
18 evidence given is truthful, fair and accurate.

19 And with that, I think can I ask you, Mr Chilcott,
20 just to explain briefly your role in the IPU and in this
21 period?

22 MR DOMINICK CHILCOTT: Yes, certainly. I finished my job,
23 my previous job, at the UK Permanent Representation to
24 the European Union in Brussels in the summer of 2002,
25 and I was invited to join Middle East Department

1 in September 2002 as sort of, quote unquote, consultant
2 on how best we could with find allies amongst our
3 European Union partners for what was our developing
4 policy on Iraq. But that job soon changed in the autumn
5 to a job thinking more about the post-war phase in the
6 event that there was a conflict; what we called "the day
7 after" at that stage.

8 And I wrote a number of papers and contributed to
9 the thinking going on in the Foreign Office on the day
10 after throughout the autumn, and including attending the
11 various interagency bilaterals that we had with the
12 United States in the autumn.

13 So in February, when it was decided that we needed a
14 cross-Whitehall unit dealing with these day after
15 issues, I was asked if I would sort of continue what I
16 had been doing for a number of month by then and head
17 the Iraq Planning Unit, as it was first called -- it
18 later became the Iraq Policy Unit -- and I stayed on --
19 that unit was formed, I think, on 10 February 2003 and
20 I stayed with the unit until, I think, the second week
21 of June.

22 THE CHAIRMAN: Thank you very much. Roderic?

23 SIR RODERIC LYNE: We have heard an awful lot about the IPU
24 from other witnesses over the last two weeks, but it is
25 very good now to be able to hear from the horse's mouth.

1 Can you describe to us the process of conception and
2 birth of the IPU? Why was it actually set up so late in
3 the day as a unit? Who was tasking it, what was its
4 remit, what were you being asked to deliver?

5 MR DOMINICK CHILCOTT: Yes. Well, I have got the IPU's
6 terms of reference with me, which are quite short so
7 perhaps I could just read them out to give you the exact
8 words. Our main purpose is described as:

9 "To provide policy guidance on the practical
10 questions that British civilian officials and military
11 commanders will face in the event of a conflict in Iraq.

12 "The advice will be designed to help them to
13 minimise the suffering of the Iraqi people and to deal
14 with the civil administration of any sector of Iraq
15 under the control of British forces, particularly during
16 the period before a transitional civilian administration
17 is established.

18 "It will aim to ensure that British operational
19 military planning for the post-conflict phase in Iraq is
20 consistent with and promotes the UK's policy objectives
21 on the future of Iraq. In doing so, it will take
22 particular account of the key role of the
23 United Nations.

24 "The unit will aim to bring influence to bear on US
25 plans by providing similar guidance through PJHQ and MoD

1 to seconded British personnel working within the US
2 military planning machinery and, through the embassy in
3 Washington, to the NSC and other parts of the
4 US administration."

5 So those were our terms of reference and I think
6 they stand for themselves.

7 There is a heavy -- they speak for themselves,
8 rather- there is a heavy emphasis on contributing to
9 the military planning and the role of the military in
10 the first few weeks after any conflict takes place. And
11 I think that is a reflection of the origins of the IPU
12 because, as I understand it, it was a conversation that
13 CDS and other senior military people had, that they felt
14 that, for their purposes, there needed to be in
15 Whitehall a sort of step change in our arrangements for
16 thinking about the post-war planning and that we needed
17 a dedicated cross-Whitehall unit to do that.

18 And although quite a lot of work had been going on
19 beforehand, I think they were looking for something that
20 would pull together in particular DFID and the
21 Foreign Office and the MoD planners. And others came in
22 as well, but I think they were the three government
23 departments they were particularly interested in.

24 SIR RODERIC LYNE: But you were set up within the FCO. Is
25 that the right place for a cross-Whitehall unit, and who

1 was staffing you?

2 MR DOMINICK CHILCOTT: I think at the time it was felt it
3 was a good place for it to be. The other place you
4 could have had it would have been the Cabinet Office
5 perhaps, and there was, indeed, a Cabinet Office
6 Committee that met at official level that was looking at
7 Iraq policy and, indeed, had looked at some of these day
8 after issues as well.

9 SIR RODERIC LYNE: That was the ad hoc committee?

10 MR DOMINICK CHILCOTT: That was an ad hoc committee. There
11 was some machinery in the Cabinet Office that was
12 pulling together some of the work in Whitehall, but
13 I think what they felt was they didn't just want another
14 committee that commissioned bits of work from different
15 parts of the machinery of government. They wanted
16 something a bit more intense where people worked side by
17 side from different departments, but in the same sort of
18 physical space. And, therefore, they thought that
19 should be in one of the Whitehall departments. And
20 I think the Foreign Office at the time had probably done
21 more strategic thinking about the day after issues than
22 other government departments. So I think that's why it
23 came to us.

24 I don't think there was any problem created by the
25 fact this was located in the Foreign Office. I'm sorry,

1 I forgot there was a second part of your question.

2 SIR RODERIC LYNE: Your staffing.

3 MR DOMINICK CHILCOTT: Yes. Our staffing came -- we were
4 quite a small number of officials to begin with and our
5 staffing came from the MoD, from the Foreign Office. We
6 had one person seconded from DFID as well. We later got
7 somebody from the Treasury to help us out and there were
8 people from Trade Parters UK who had quite a close
9 relationship with us although they weren't working out
10 of the same room.

11 But we had a concept of operations, if that's not
12 too grand a term, that although we might be a small core
13 of people, we could reach out into other government
14 departments for expertise and support, and we took
15 advantage of that. So our small numbers of maybe only
16 about six, eight, ten for the first couple of weeks
17 actually belied the fact that we were able to draw on
18 greater resources throughout Whitehall.

19 SIR RODERIC LYNE: So in effect you were trying to
20 coordinate the whole of the government's policy planning
21 for what happened after the conflict?

22 MR DOMINICK CHILCOTT: Yes, at a strategic level. I think
23 there is a distinction to be made between the sort of --
24 how we conceptualised how the day after would unfold and
25 what sort of arrangements we wanted with what you might

1 call the kind of more day-to-day concrete examples of
2 activity that took place within the area where 1 Div
3 ended up around Basra.

4 I remember having a conversation with somebody in
5 PJHQ where we agreed this was a sensible division of
6 responsibilities. Within PJHQ and the military
7 planning, they would be thinking about what their guys
8 would be doing on the ground as they occupied territory,
9 and were responsible then for the administration of
10 where they were.

11 We in the IPU who were thinking about the political
12 process and the big issues about the development fund
13 for Iraq or oil policy or what to do about war criminals
14 or the importance of legitimacy and legal questions, all
15 these big issues, they were more for us.

16 SIR RODERIC LYNE: How much clout did you have as a unit?

17 MR DOMINICK CHILCOTT: Within Whitehall?

18 SIR RODERIC LYNE: Yes.

19 MR DOMINICK CHILCOTT: I can't think of anything that we
20 proposed or wrote that was overturned by anybody else,
21 partly because we were able to synchronise most other
22 government concerns in the work that we were doing.

23 So I don't think our main issue was having to
24 convince other parts of the government machinery that
25 they should be doing things that they didn't want to do.

1 I think we were really sythesising the views and
2 expertise across government.

3 Where we needed to have clout, and, indeed, the sort
4 of main effort of everybody, I think, involved in this
5 area at the time was in influencing the United States,
6 and I think there we -- you know, we had no more clout
7 than a sort of body of middle to senior ranking British
8 officials would have had with their American
9 counterparts.

10 SIR RODERIC LYNE: This question of rank is not unimportant.
11 We have heard a lot from the military with one star, two
12 stars, three star commands so on, and obviously the
13 Americans are trying to judge whether they are talking
14 to somebody with senior level access on our side and
15 with authority. How many stars in military terms did
16 you have as the commander of this unit?

17 MR DOMINICK CHILCOTT: I was a director, so I think I had
18 one star.

19 SIR RODERIC LYNE: Who were you reporting directly to?

20 MR DOMINICK CHILCOTT: Edward Chaplin was the most proximate
21 British official, but we also --

22 THE CHAIRMAN: As head of the Middle East --

23 MR DOMINICK CHILCOTT: As director for Middle East at the
24 time, yes.

25 SIR RODERIC LYNE: Were your reports going pretty quickly

1 through to the Foreign Secretary? Were they going
2 through to the Prime Minister and Cabinet ministers?

3 MR DOMINICK CHILCOTT: Yes, they were because -- I mean,
4 particularly in the period after the IPU had sort of got
5 up and got running, we were involved a lot in providing
6 the kind of background material for ministerial
7 discussion on Iraq and day after issues. So our
8 reports -- our papers were going straight to the
9 ministerial committee and we were submitting a lot of
10 briefing and -- with accompanying papers to both the
11 Prime Minister and to the Foreign Secretary for their
12 bilaterals with their counterparts.

13 So there was lot of engagement with ministers from
14 the beginning of the IPU's work and, indeed, beforehand.

15 SIR RODERIC LYNE: We have certainly had the impression,
16 both from the papers and from other witnesses, that
17 a rather large load was being placed on the IPU, and
18 yet, as you say, it was a relatively small number of
19 people led at one star level. So one wonders actually
20 if there was an asymmetry between the expectations of
21 what the IPU would do and the amount of resource that
22 was actually put into it.

23 MR DOMINICK CHILCOTT: I think as a body, to generate policy
24 work and policy papers and make policy recommendations,
25 I think, you know, you could always do with more people.

1 And we worked -- I say this -- I mean, for the historic
2 record, not for my merit on my own part, but I think we
3 worked pretty solid six-day weeks and 13/14-hour days
4 from the time the IPU was set up. So this was pretty
5 intensive stuff.

6 So it would have been nice to have had more capacity
7 to spread the load a bit, but I don't think that I felt
8 that there was a problem of seniority in the quality of
9 the product that we produced in terms of papers, and
10 I think the fact that the papers were widely circulated,
11 widely used and widely read, I think is testament to
12 that.

13 I think on the influencing role, where our terms of
14 reference do talk about bringing to bear influence on US
15 planning, I think we all had difficulty. And, of
16 course, the more senior you are, the more clout you can
17 have and the higher up in the US administration you can
18 reach.

19 But there I would say that the first two bilaterals
20 that we had with the Americans, the interagency talks on
21 day after issues, were led by senior officials before
22 the IPU was created. So we had a kind of pattern of
23 working with the Americans at a reasonably senior level,
24 and our most important asset in trying to influence the
25 Americans on day after issues was the Prime Minister

1 himself and his bilaterals with the President, and he
2 was very willing to take up these issues and he did so
3 on many occasions.

4 SIR RODERIC LYNE: So the Prime Minister took it up. You
5 were battling with your American opposite numbers. You
6 were also operating, as you said earlier, through PJHQ
7 and through to the seconded officers, which presumably
8 means people like Major General Tim Cross. How much
9 influence did we actually succeed in having over
10 American planning for the aftermath?

11 MR DOMINICK CHILCOTT: I think the answer is probably more
12 than sometimes we think we did, because we started in
13 such different places.

14 When we first talked to the Americans about day
15 after planning, it was clear that there was a strong
16 body of opinion in Washington that they wanted this to
17 be a US-led operation, not to involve the United Nations
18 at all, and at a certain point would hand over power to
19 perhaps -- this is probably the most extreme version of
20 this story -- to hand-picked groups of Iraqi exiles who
21 were friendly with some of the same people within the
22 US administration who had conceived the plan.

23 Now, there was never a settled view, or there wasn't
24 a settled view within the US Administration on what the
25 day after plan would look like right up until -- indeed,

1 until after the conflict. I have, I think, got --
2 I seem to remember reading records in the last few days
3 where I was involved in bilateral talks with American
4 counterparts, and the record says there is still no
5 interagency position on these issues, and one with was
6 dealing with people in the NSC, people in the
7 State Department, perhaps people in DoD who were joining
8 NSC meetings, and you could see the differences of views
9 quite clearly.

10 So, given that it was pretty chaotic and there was
11 no natural, I think, instinct to work with the UN, where
12 we ended up with the resolution that was adopted that
13 authorised the day after activity, where there was
14 a significant roll for the UN, particularly in the
15 development of the political process and the appointment
16 of a special representative of the Secretary General,
17 I think that was something of an achievement. And
18 although we didn't get what we were originally shooting
19 for ourselves, which was a UN-led interim administration
20 that would take over from the coalition and bring Iraq
21 to the point where it could hand over then to
22 a broad-based representative Iraqi government, we didn't
23 go through the UN transitional or interim administrative
24 route.

25 Nonetheless, where we got to was a pretty good

1 compromise between our starting position and the
2 starting position of the minutes. So there was some
3 achievement.

4 SIR RODERIC LYNE: So we missed our big target, which was to
5 have the UN in charge, and along the way Clare Short
6 resigned, as we have just heard from the previous
7 witness, because we were missing it, but we managed to
8 make some improvements in the detail. So we had some
9 influence there.

10 How much room for manoeuvre did you feel that the
11 American leadership of this operation actually gave us
12 as the number 1 coalition partner, having taken the very
13 big step we did of putting a divisional force of ground
14 troops into the theatre?

15 MR DOMINICK CHILCOTT: Well, they weren't -- I think it is
16 fair to say that -- I mean, what our involvement in the
17 operations provided for us was a seat at the table
18 within with the interagency discussion.

19 So in terms of room for manoeuvre, we had terrific
20 access and we had access that obviously no other country
21 was getting at the time. The Australians had some of
22 the same access some of the time, a little bit, but
23 nothing, I think, like the same amount that we had.

24 So the quid pro quo in the day after scenario was
25 that our voice was one of the voices in the interagency

1 discussion. The difficulty with actually pointing to
2 particular things -- although you can do, I think, in
3 the Security Council Resolution -- the difficulty is
4 that the interagency process was extremely fraught, and
5 where we might find that we had similar views with the
6 State Department or maybe CIA or some of the other
7 bodies at a certain time, we might be in quite
8 a different position from where DoD was. And ultimately
9 when there was no interagency agreed position through
10 the normal route, the DoD, who were the people who had
11 the boots on the ground in Iraq, it was their plan and
12 it was their vision for what should happen, that on the
13 whole prevailed without an agreed interagency position.

14 SIR RODERIC LYNE: We have certainly heard from other
15 witnesses that the key access was that between
16 General Franks and Donald Rumsfeld, and almost nobody
17 else really counted when it really came to big
18 decisions. Were we able to penetrate that?

19 MR DOMINICK CHILCOTT: I think the then Prime Minister did
20 in his discussions with President Bush. After the
21 Hillsborough meeting -- and I have got the date of it --
22 it was, indeed, the 7 and 8 April. After the
23 Hillsborough summit where we briefed the Prime Minister
24 strongly about the importance of a UN role in the day
25 after, President Bush in his press conference talked

1 about the vital role for the UN.

2 SIR RODERIC LYNE: Didn't that have to be rung out of him
3 a bit?

4 MR DOMINICK CHILCOTT: I don't know whether it was rung out
5 of him at the meeting, but I think without the
6 Prime Minister asking him to do it, he probably wouldn't
7 have done it. So I think that was a direct consequence
8 of our lobbying --

9 SIR RODERIC LYNE: What did "vital" mean?

10 MR DOMINICK CHILCOTT: The interesting thing is "vital role
11 for the US" probably meant that the UN agencies that
12 were involved in humanitarian affairs would play a vital
13 role in continuing to supply food, medicine, shelter and
14 all these sort of things in the wake of the conflict.

15 And, indeed, the Iraqi people would continue to rely on
16 the Oil For Food operations in the immediate aftermath.

17 So it was vital in that rather literal sense. It
18 was vital to the wellbeing of the Iraqis. Of course, we
19 had in mind that it should be vital in a sort of wider
20 political and conceptual sense.

21 SIR RODERIC LYNE: Like the governance of Iraq?

22 MR DOMINICK CHILCOTT: The governance of Iraq itself in the
23 interim stage or at least involvement in the development
24 of what would then become the governance of Iraq
25 eventually. And I don't think President Bush meant that

1 at Hillsborough, but the fact that he used the word
2 "vital" we were able to use in later discussions with
3 the United States to ensure then that the President had
4 said the word "vital" so that we needed to keep the UN
5 in play in this broader sense that we wanted. So it
6 wasn't without utility to us.

7 SIR RODERIC LYNE: Before we move on, I just want to come
8 back to one other issue that I think is very important,
9 which is did all of this work that started in February,
10 only a few weeks before the actual military action,
11 start too late? Should the IPU have been set up
12 earlier?

13 MR DOMINICK CHILCOTT: Well, the conceptual work that the
14 IPU took on had begun in October, so there was
15 a submission on the 14 and 15 October that went up to
16 the Foreign Secretary arguing for the UN framework and
17 a credible legal basis for what happened after the
18 conflicted. So we had begun thinking about these things
19 pretty seriously by mid October. And, indeed, the first
20 round of US/UK interagency talks took place on
21 6 November.

22 So I think we shouldn't get dazzled by the fact that
23 the IPU only got created on 10 February because a lot of
24 the work that the IPU was able to bring together in
25 a more intense atmosphere had been going on for some

1 time. But I think you can fairly argue that if we had
2 started the IPU earlier, that sort of step change or
3 intensity of work and making sure that Whitehall was all
4 together could have begun -- it would have been useful
5 had it begun earlier, but I wouldn't want people to
6 think that meant nothing had been happening until that
7 point because a lot of very useful work had been
8 happening and very useful exchanges with the Americans.

9 SIR RODERIC LYNE: Certainly Major General Cross said
10 repeatedly that there was an absence of a coherent focus
11 in Whitehall pulling things together. Before the IPU
12 and subsequently he felt that perhaps one needed
13 a minister making sure that things happened. So he
14 certainly would agree with you that this all got going
15 a bit late.

16 When it did get going, you said that the basic
17 assumption was, on our side, that the UN were going to
18 come in and take the lead and that effectively that
19 didn't happen because the Americans were acting on
20 a very different kind of assumption. Did we have
21 a plan B, and what were we actually expecting to find
22 after the conflict in Iraq?

23 MR DOMINICK CHILCOTT: On the plan, I think the first thing
24 to say about the plan is that there was only ever going
25 to be one plan. That would be the coalition plan, which

1 would largely be an American plan.

2 So, you know, we could have any number of variations
3 of our own plan, but what mattered was influencing the
4 American plan, and that was where our main effort was
5 concentrated. So it wasn't really an issue of us
6 drawing up a series of separate plans for ourselves, it
7 was really us doing our best to influence the American
8 planning and the direction that we wanted it to go. And
9 the sense, therefore, of having a plan B, is, I suppose,
10 at what point do you accept that you are not going to be
11 able to push people any further and you settle for the
12 compromise. And I guess that when we supported the
13 Security Council Resolution that authorised the day
14 after operations, that was the point when we realised
15 that we had pushed as hard as we could and we weren't
16 going to get any more than that. And, indeed, if it was
17 good enough for the other members of the Security
18 Council, there was a certain sense to why should we be
19 perhaps holier than the Pope if the French and Germans
20 and others were prepared to accept it.

21 But it is noticeable that the role in that
22 Security Council Resolution for the United Nations is
23 not what we ideally would have liked. We would have
24 liked a bigger role and, indeed, spent all the time up
25 to that point arguing for a larger role.

1 SIR RODERIC LYNE: So Clare Short, when she resigned, was in
2 effect being holier than the Pope or at least than the
3 French or the Germans or other members of the
4 Security Council. She was taking a more purist view
5 than this?

6 MR DOMINICK CHILCOTT: I find it difficult to put myself in
7 her mind, but I think also the circumstances had moved
8 on a bit. I can't remember the exact timing of her
9 resignation and how close it was --

10 SIR RODERIC LYNE: Before the Security Council 1483 was
11 adopted. But let's move on from that.

12 As you say, essentially we weren't drawing up the
13 plan, we were trying to influence the American plan?

14 MR DOMINICK CHILCOTT: Yes.

15 SIR RODERIC LYNE: And your opposite numbers were ORHA, who
16 had been set up under General Garner just before your
17 unit was set up?

18 MR DOMINICK CHILCOTT: Yes.

19 SIR RODERIC LYNE: How confident were you that the Americans
20 were getting it right? How good were your American
21 counterparts? Were they effective?

22 MR DOMINICK CHILCOTT: Well, I think ORHA in some ways
23 weren't really our counterparts because they were the
24 sort of operational implementers of the plan as well as
25 the drawers up of the plan, whereas we were not at that

1 stage thinking of ourselves as implementers, we were
2 thinking of ourselves as people who were writing policy
3 papers and briefing and lines to take. So we are not
4 quite exactly the same sort of beasts.

5 We saw ORHA for the first time in action at a rock
6 drill in the United States on 21 and 22 February, and
7 there, I think, we realised quite how undercooked ORHA
8 was as an operation, that the people who were running it
9 had been asked to do it, I think, only a couple of weeks
10 before that.

11 Anyway, they hadn't been in place very long, and
12 although Jay Garner, who was the head of it, was
13 a thoughtful, reasonable man who had experience of Iraq
14 and, indeed, was a rather popular figure amongst the
15 Iraqi Kurds because of his work after the first
16 Gulf War, most of the people who he had asked to join
17 him were at that stage, you know, like him, former
18 retired military officers and one didn't get a sense
19 that this was drawing on the best information and best
20 knowledge that was available to the US administration on
21 how to run the -- you know, the post-conflict operations
22 in Iraq.

23 There had been some very good work done in the
24 State Department in particular, or led by the
25 State Department, called the Future of Iraq Project,

1 where, working with Iraqi exiles and with the
2 knowledgeable officials, they had drawn up themselves
3 lots of papers on different aspects of work and life in
4 Iraq with some good ideas for what they should try and
5 achieve after the conflict.

6 But unfortunately, those -- I mean, that work seems
7 largely to have been discarded and ORHA had started to
8 invent it by itself. And I remember at the rock drill
9 thinking that the scale of the challenge that they are
10 taking on is absolutely enormous, and the time they have
11 got to do it is very short and the number of people they
12 have got to do it who really know about how to run these
13 things is actually very small.

14 So it looked like -- I mean, it wasn't an
15 organisation or an event, the rock drill, that inspired,
16 I think, any of us with a great deal of confidence that
17 this was going to go smoothly.

18 SIR RODERIC LYNE: This must have worried you a lot. When
19 you got back, did you raise the alarm back in Whitehall?

20 MR DOMINICK CHILCOTT: Yes, we told people what we had
21 found, very much.

22 So at that stage there were misgivings about ORHA
23 because it was clearly operating to the Department of
24 Defence and it looked as though what happened is the
25 interagency discussions about the day after had been, as

1 it were, captured by the Department of Defence in the
2 creation of ORHA reporting to it.

3 So instead of the NSC leading a kind of interagency
4 effort, DoD had said, "Right, we're going to do it our
5 way and ORHA is our beast that we have created in order
6 to do it our way and we are going to staff it with
7 largely former military people of our kind", and that
8 may be a bit of a caricature but it is only a bit of
9 a caricature.

10 So we had misgivings about whether we should be too
11 closely associated with what ORHA was doing. We also
12 had other reasons to hesitate about the day after, which
13 was to do with the legality of ORHA's ambition. ORHA
14 had had quite a degree of ambition in the amount of
15 reform and reconstruction it was proposing, and we felt
16 without specific Security Council authorisation this
17 would go beyond what we were allowed to do as occupying
18 powers on the basis of the Geneva Convention and
19 The Hague regulations.

20 So we had a legal issue and we had a kind of policy
21 issue about whether this should be a DoD beast, that
22 made us hesitant. We certainly reported our views on
23 the shortcomings of ORHA when we went back.

24 SIR RODERIC LYNE: So you reported that. How did your
25 leadership react to this emerging rather worrying

1 picture of what was going on on the other side of the
2 pond?

3 MR DOMINICK CHILCOTT: We doubled our efforts in our
4 bilaterals with the Americans to try and swing them back
5 into a sort concept of operations that we felt was more
6 likely to bring success.

7 So the ORHA rock drill was on 21 and 22 February,
8 the Prime Minister chaired a ministerial meeting on day
9 after issues on 6 March, which, you know, raised the
10 high level of ministerial engagement on these issues,
11 and Mike O'Brien who was then minister of state in the
12 Foreign Office led discussions on day after issues on
13 13 March, which I attended as well, and then there was
14 the 16 March Azores Summit.

15 So there were a series of high level events where we
16 were making our points to the Americans.

17 SIR RODERIC LYNE: But this is in the two weeks before the
18 campaign actually begins and they must have known pretty
19 well by then what the likely timing then was of military
20 action? And they knew that it was going to be --
21 planned to be a very short campaign and was expected to
22 succeed in very short order. So you are desperately
23 close to the time at which you are going to have to take
24 over the administration of Iraq and our ministers have
25 been told the Americans aren't ready for this?

1 MR DOMINICK CHILCOTT: Yes.

2 SIR RODERIC LYNE: Didn't that cause some real concern among
3 them? How did they grip this?

4 MR DOMINICK CHILCOTT: I can't remember the lack of sense of
5 preparation on the American side for a clear post-war
6 plan ever being brought up as a reason for the UK not to
7 be involved in whatever operation might be coming,
8 because at the same time we had much bigger things to
9 worry about.

10 I can't remember when we gave up our efforts to get
11 a second resolution, but that was only itself
12 a relatively short period before the conflict began on
13 20 March. So in a sense, you know, the UK Parliamentary
14 debate and the vote in favour of the war and the issue
15 of the second resolution were the big things in light
16 that dominated the question of whether or not the UK
17 would be involved in the coming conflict.

18 And this may seem difficult to believe, but even
19 until quite late in the day we were not sure ourselves
20 in the Foreign Office, privy as we were to all the
21 conversations that were going on and the bilaterals with
22 the Americans, whether the UK would be involved.

23 It was only really -- you know, we were only
24 absolutely sure a relatively few number of days before
25 things kicked off that we were going to be involved.

1 And there was even that wobble -- I can't remember the
2 date of it but, again, it was quite late -- when
3 Rumsfeld said on television that if the UK want to come
4 with us that's fine, but if they don't, we understand
5 and we will go it alone. And that, I think, reflected
6 at the time genuine doubt certainly within the IPU and,
7 I think, more widely in Whitehall as to whether we were
8 really going to be engaged or not.

9 SIR RODERIC LYNE: Although by this stage in March the
10 Americans had a division stuck in Turkey and, therefore,
11 if it was going to be done at that time it needed our
12 division in the south actually to do the job, so they
13 didn't have the option, unless they were going to wait
14 for the division to get out from Turkey, to go ahead
15 without it which ought to have given us a certain amount
16 of leverage.

17 Now, Major General Cross was reporting back. He had
18 been reporting to the Ministry of Defence after IPU was
19 set up, you were receiving his reports and he said one
20 of his frustrations was he was recommending things but
21 nothing appeared to happen, nothing much came back to
22 him.

23 Do you remember what happened to his reports and his
24 recommendations, including at a slightly latter stage
25 the one he gave to the Foreign Secretary that was his

1 could, should report?

2 MR DOMINICK CHILCOTT: Yes, I know the one you mean.

3 SIR RODERIC LYNE: Do you remember that document?

4 MR DOMINICK CHILCOTT: I don't remember the document, but
5 I read his evidence and know what he is referring to.

6 I think one of the slight frustrations in trying to
7 refresh my memory in looking at the papers is that I
8 haven't been able to find many of his reports or,
9 indeed, many of our communications with him back. But
10 I know that he was communicating to us and he was
11 sending us pretty regular reports. Whether they were
12 daily or whether they were three times a week, I can't
13 remember now, but they were pretty regular reports and I
14 know that we were sending him and the Foreign Office
15 people who were with him copies of our papers and our
16 thinking so he could see how our own thinking was going.

17 So there was quite a lot of two-way communication.
18 His reports were valuable because they gave us the best
19 first-hand knowledge of what it was really like within
20 ORHA, which was clearly pretty chaotic. And he did ask
21 us indeed a number of questions and I was glad to find
22 there was at least -- you know, one of the
23 communications with him was answering his points
24 directly.

25 So there was two-way traffic, but it was quite hard

1 to piece it all together without a better archive at the
2 moment.

3 SIR RODERIC LYNE: Last couple of questions from me before
4 I pass the baton on to Sir John Chilcot. At what point
5 was it clear that we were going to take the lead in
6 southern Iraq and to what extent did we really
7 understand what this was going to involve?

8 MR DOMINICK CHILCOTT: Well, I think this is one -- this is
9 a very fundamental question which, interestingly,
10 I think -- I mean, I think historians will have an
11 interesting time trying to put it together because when
12 I look at the papers, it is quite clear that the issue
13 of a British sector comes up in our thinking at
14 a reasonably early stage. But there is a great deal of
15 hesitancy within Whitehall about the concept of a
16 British sector mainly because of the resources that
17 would be involved in making a success of it. And you
18 see the Treasury and DFID both expressing, for slightly
19 different reasons, hesitancy about the assumption that
20 there would be a British sector.

21 And it is also true that when we were talking to
22 ORHA about how ORHA would operate, it was clear that
23 ORHA was going to be a country-wide operation, and that
24 what we would -- what we were trying to do at that stage
25 was to influence US thinking and, indeed, ORHA's own

1 thinking so that its operations across the country,
2 including where British forces would be, would be
3 optimised.

4 On 12 March -- this is really quite late on, when
5 Mike O'Brien, the minister, was in Washington, the
6 Department of Defence told him at a pretty senior level:

7 "The administration of the country would be uniform,
8 areas under the control of British forces would not
9 receive different treatment from ORHA. There is no
10 question of food distribution or public sector salaries
11 stopping at the border of any British sector."

12 So on that model you have a kind of whole-of-country
13 operation, and you do not really have different UK
14 sectors other than within the overall national
15 operation.

16 You have, you know, British soldiers responsible for
17 security in a particular part of it. But because ORHA
18 didn't operate well and was a dysfunctional
19 organisation, this whole-of-country activity didn't
20 really come to pass. So in order -- as I read what
21 happened and remember back to what happened, in order to
22 sustain support for the British military presence in the
23 sector, we were forced increasingly to do more and more
24 by means of providing services and providing projects
25 around Basra to reinforce support for our own presence

1 there.

2 So in a way, it was the need to have acceptance
3 amongst the people of southern Iraq for our presence
4 that drove us increasingly to invest more people and
5 more money into the area. So we ended up creating
6 something that began to look a bit more like the British
7 sector, but that wasn't the intention at the outset.

8 And one of the things that is interesting to me is
9 I have seen papers that we wrote in the IPU for
10 ministers in with which we specifically asked ministers
11 for a view on whether or not there should be a British
12 sector. The Prime Minister at one point said that we
13 wanted to be an exemplar in our part of the country,
14 which some people take as an indication that he had in
15 mind the idea of a British sector.

16 But at the same time you know, our operation,
17 mindful of the costs of having a British sector, was to
18 try and internationalise that part of southern Iraq as
19 much as we could. And one of the reasons for having
20 a Danish person as the first head of the CPA office in
21 the south was that it shouldn't look too British, that
22 it should look like a multinational sector.

23 So there were different things pulling in different
24 directions.

25 SIR RODERIC LYNE: So there was never really a clear

1 decision on this. It kind of happened organically --

2 MR DOMINICK CHILCOTT: That's my reading of the papers, and

3 there may be things that I haven't seen that are more

4 definite, but I haven't seen anything --

5 SIR RODERIC LYNE: But it was clearly agreed between our

6 military commanders and the American commanders in

7 charge of the whole operation that the British will go

8 in and they will do the south, the Al Faw peninsula,

9 Basra and so on, what you are really saying was it was

10 an unintended, unplanned consequence of that that bit by

11 bit we found ourselves taking more and more control of

12 the civil administration in the south. And by

13 definition, therefore, we couldn't really have been

14 properly geared up to do that because ministers had not

15 taken a clear decision that that's what we are going

16 to do?

17 MR DOMINICK CHILCOTT: Correct. That's absolutely correct.

18 SIR RODERIC LYNE: You have said that more clearly than

19 I think anybody else has said to us up to this point.

20 In that process, where we had gradually found

21 ourselves in this rather uncomfortable driving seat in

22 the south, do you feel that we put enough emphasis --

23 because we had an initially benign security environment

24 there -- into the process of winning the hearts and

25 minds of the population? Did we, for example, get the

1 services, the electricity, the water and so on working
2 quickly enough? Did we put the resources and the effort
3 into that or did we begin to lose the game at that
4 point?

5 MR DOMINICK CHILCOTT: I was doing this only until mid June,
6 so I think you may want to get a feel also for what
7 happened afterwards. But my answer to you would be that
8 we did not anticipate the extent of criminality and
9 looting that happened -- that followed the removal of
10 the Saddam Hussein regime. So that what we thought
11 would be a benign political environment, which, indeed,
12 it was to begin with, for our people was actually still
13 an extremely difficult environment in which to make
14 improvements to the quality of life and welfare of the
15 local people, because of the vandalism and the looting
16 of projects that were underway.

17 So we were held back by that, and I think the fact
18 that this issue of a British sector developed later on
19 in the story is because we were very sensitive to the
20 points you make: that without improving the welfare the
21 people, we were going to lose this benign environment.

22 So I think our military commanders were conscious of
23 that. We were certainly conscious of that in London, in
24 the IPU and around Whitehall. So there was a big effort
25 made through May and June to develop a plan for the

1 south -- the southern area of Iraq, to have a kind of
2 plan for reconstruction that we will put more resources
3 in and more people in, in order to do something
4 about it.

5 So it is not where we start from, but quite quickly
6 we realise that we have to take more of the initiative
7 and more responsibility for it.

8 SIR RODERIC LYNE: Thank you.

9 THE CHAIRMAN: It is a truism too often quoted, isn't it,
10 that no plan or set of plans survives the first contact
11 with reality? Indeed, you have to adapt. But I just
12 wondered could you say was there, on the eve of the
13 invasion sitting in London in Whitehall -- was there
14 a reasonably clear understanding of what the objectives
15 or the main components of the UK effort should be, the
16 objectives that we should follow, military, political,
17 diplomatic?

18 MR DOMINICK CHILCOTT: The objectives of the military
19 invasion?

20 THE CHAIRMAN: No, the objectives in Phase 4, for the
21 aftermath. Was it clearly understood by military, by
22 political, diplomatic quarters what we were supposed
23 to do?

24 MR DOMINICK CHILCOTT: Yes, I think the UK view of it was
25 well understood within the UK government, and I have no

1 reason to think it wasn't well understood in the UK
2 military as well, which was that we were working on
3 broadly this three-phase model in our minds that we
4 would have a period of occupation, where we would be
5 governed by, as I said, the Geneva Convention and
6 The Hague regulation, where we would be responsible for
7 the welfare of the people. And our main concern at that
8 stage would be establishing a secure environment and
9 ensuring that humanitarian relief was able to get
10 through to those that needed it.

11 But we wanted that period to be as short as
12 possible, after which we would move to some interim
13 administration authorised by the UN Security Council.

14 It was clear, I think, on the eve of the invasion
15 that we weren't going to have a UN-run interim
16 administration, but an interim administration was
17 authorised by the Security Council was going to be good
18 enough for us. And that would begin the process of
19 reform and reconstruction in Iraq and, at the same time,
20 we would have the UN involved in a political process in
21 parallel that would lead to some kind of convention or
22 conference that would enable a new constitution to
23 emerge and elections on the basis of the new
24 constitution, whereupon with a new Iraqi Government, we
25 could; hand over power completely to the new

1 Iraqi government. And that coalition security forces
2 would be needed for as long as the new Iraqi government
3 wanted them.

4 So I think that broad three-stage conflict was well
5 understood, and I think with we quite a good core script
6 which we modified as we went along. This had been in
7 existence for quite a while. So, yes, I think we had an
8 idea.

9 THE CHAIRMAN: And against that sector of well understood
10 objectives, the resourcing, both human and financial,
11 would have been there, was there, if needed?

12 MR DOMINICK CHILCOTT: Well, I think the resourcing for the
13 sort of -- the conceptual work and the lobbying of
14 Americans was there. I think what is -- what became
15 subsequently clear was that we needed to put more
16 resource on the ground if we were going to deliver what
17 we thought we needed to deliver both in terms of making
18 ORHA a more efficient and competent organisation in
19 Baghdad. So we put a lot of people into Baghdad, and
20 then subsequently when it became clear that if Basra and
21 the area around Basra was to be a success, we would have
22 to do that ourselves largely, we put much more resource
23 into that. So the increase in resourcing and the need
24 for it came rather late.

25 THE CHAIRMAN: Thank you. I have just got a couple more

1 questions on the sort of pre-planning.

2 One is, we have heard both from Kevin Tebbitt and
3 Lord Boyce that -- in Lord Boyce's case, we -- that's
4 the military -- spent as many hours working on our
5 Phase 4 planning as we did on the battle plan. And
6 Kevin Tebbitt said:

7 "I always felt we couldn't get other departments to
8 share the urgency we felt at the MoD in terms of their
9 own planning with us."

10 Do you reckon that's a fair assessment, from your
11 very central perspective, on what all the key
12 departments were planning and doing?

13 MR DOMINICK CHILCOTT: Well, I think, as far as the
14 Foreign Office is concerned, we spent a huge amount of
15 effort on this subject, and of course I did personally.
16 So -- but I think -- maybe what we mean by planning in
17 the Foreign Office is different from what the MoD mean
18 by planning. And, again, I go back to the conversation
19 I had with PJHQ at a certain point where we agreed the
20 sort of division of labour. So I don't think we were
21 sort of factoring in our planning into the
22 Ministry of Defence plan.

23 THE CHAIRMAN: Is there actually a gap between strategic
24 policy planning at the centre of a government machine
25 and military operational planning for a campaign and

1 what follows? Is there something else in the middle,
2 the practicalities that flow from this strategy?

3 MR DOMINICK CHILCOTT: I suppose what it would have been
4 more useful to have had was perhaps more input from DFID
5 at that stage. I mean, I think the hesitations of the
6 then Development Secretary are a matter of record.
7 Maybe that was an element that would have been useful
8 for the military planners, because I think they, for
9 example -- and I may misremember some of the dates, but
10 they had a £10 million pot of money for quick impact
11 projects, which they recognised they would need to do in
12 order to, you know, bolster support for their presence
13 in the south. And I think, if I remember correctly --
14 I might just check my notes if you will forgive me.

15 (Pause)

16 I mean, something like the middle of May -- yes, on
17 15 May at the ad hoc ministerial group on Iraq
18 rehabilitation it was reported that only £50,000 of that
19 10 billion had been spent up to that point. But that
20 was partly, I think, because the MoD probably lacked
21 a strong kind of DFID component to help it identify the
22 sort of things it could spend its money on.

23 So there was perhaps -- there is an aspect of the
24 more pragmatic unfolding of a plan that suffered from
25 not having enough input from the development ministry.

1 THE CHAIRMAN: Yes, thank you.

2 Well, in terms of the chronology, let's assume the
3 invasion has just happened, you are still sitting there
4 in the IPU in the middle of Whitehall, in the
5 Foreign Office and you are starting to get reports back
6 pretty quickly, I guess, from how the campaign is
7 going -- that's not a very long period -- and what
8 follows fairly immediately afterwards in April and into
9 May.

10 Did you find yourself wondering whether the plans
11 and the planning processes that had preceded the
12 invasion are sort of standing up to reality?

13 MR DOMINICK CHILCOTT: Yes, I mean, I think -- you know, we
14 were very conscious of them. I think the first that we
15 were relieved about was that the humanitarian disaster
16 that we had feared and vast numbers of refugees moving
17 around the country didn't seem to be happening.

18 So in some respects our worst fears weren't realised
19 and, therefore, the importance of being able to mobilise
20 the very large NGOs and the UN agencies to deliver
21 humanitarian relief, I mean, those things were not
22 called upon because the resilience of the Iraqi people
23 and the resilience of the existing arrangements for
24 providing humanitarian relief managed to survive the
25 invasion. So that was a good thing.

1 I think also it was good that relatively little
2 destruction was done to the infrastructure of Iraq. So
3 that part of the -- that part of the plan also was less
4 bad than we had feared.

5 The two things we hadn't anticipated that threw us
6 a bit were, as I say, the amount of looting and
7 criminality that went on that prevented the environment
8 from being as secure as it might otherwise have been in
9 the first few weeks after the invasion.

10 The second thing was the disappearance of the Iraqi
11 civil service. We had envisaged that you could remove
12 the obviously kind of politically tainted people at the
13 top of the administration in Baghdad and around the
14 country, and if you removed a few people you could
15 persuade the remaining -- the remainder of the
16 administration to work for the future of a new Iraq that
17 the coalition were eager to take forward and empower.
18 And unfortunately, what we found was that the Iraqi
19 people were so frightened of what had happened that they
20 had disappeared and there was nobody to sort of go round
21 to a ministry and knock on the front door and say, "We
22 are -- we want to work with you". There was nobody
23 there to work with. And in many cases there was no
24 equipment to work with because they had -- all the
25 computers and desks and other equipment had been stolen.

1 So in that respect it was a much worse situation,
2 and I think that was one of the problems that ORHA had,
3 because one of its ideas was that it would work with the
4 Iraqi administration in getting services reconnected and
5 improved for Iraqi people. But it had almost nobody to
6 work with for a number of weeks.

7 THE CHAIRMAN: As a side comment, Tim Cross told us
8 yesterday that when he got to Baghdad for the first time
9 the whole thing was much more broken than any of us had
10 expected as a system, as physical infrastructure, the
11 whole thing. But that's perhaps by the way.

12 What I would be interested to know is how good, how
13 fast, how reliable were the communications back from the
14 theatre to yourself and, indeed, to others in Whitehall
15 in those first few days and weeks?

16 MR DOMINICK CHILCOTT: In the first few days they were
17 pretty difficult because there were no working
18 telecommunications other than the satellite telephone,
19 which is not a very easy instrument to use.

20 So it wasn't very easy, but we managed to use,
21 certainly from the point that John Sawers got out to
22 Baghdad, which I think was about the middle of May. By
23 that time, we had what looks like Foreign Office
24 telegrams in place. So we must have had some
25 communications kit that he presumably took out with him

1 or was taken out with him so that he could communicate
2 with us that way.

3 Once that was up and running the communications were
4 relatively straightforward. I think we called his
5 operation Iraq Rep. So we had -- between him and us
6 that was fine, but until that point it is really quite
7 difficult. And the first few weeks I felt for Tim Cross
8 because it wasn't at all easy for him to talk to us or
9 us to talk to him.

10 THE CHAIRMAN: All too soon the security situation gets
11 worse and then gets very bad. I wonder how quickly was
12 awareness of that registered in London, that this was
13 happening, it was on the slide?

14 MR DOMINICK CHILCOTT: Well, I think around Baghdad we
15 realised the security wasn't as good as we had hoped,
16 but I think there is a note of optimism in the way it is
17 described which wasn't borne out by events subsequently.
18 I think we probably underestimated how bad it was
19 getting and thought that it could be improved by, you
20 know, different methods of patrolling by the US soldiers
21 or whatever it might be.

22 There was a moment, I think, where the -- there was
23 a suggestion that some British forces might come up from
24 Basra, where the situation was still relatively benign,
25 and work with their American counterparts in Baghdad to

1 develop some different techniques. But I think that
2 suggestion in the end wasn't followed up, which may have
3 been a missed opportunity.

4 THE CHAIRMAN: I have got two questions, unrelated. One is
5 still the pre-planning in the event. The oil wells were
6 saved, they were secured, but actually, as it turned
7 out, there was no threat to them, unlike Gulf War 1.
8 But we lost the arms dumps and armed the civilian
9 population in effect.

10 Was any of that sort of foreseen at all in
11 pre-planning? Clearly the planning was -- and it was
12 a British responsibility, I think, in the southern
13 theatre to help protect the oil wells, the oilfields,
14 and that was done.

15 Was the issue of the huge arms dumps that the Saddam
16 regime had constructed right around the country foreseen
17 and planned for?

18 MR DOMINICK CHILCOTT: I think not, not in the IPU's work,
19 is the answer.

20 We were conscious very much of the work that would
21 be being done to look for weapons of mass destruction
22 and to capture members of the regime and to go after any
23 international terrorists. I don't remember seeing the
24 same sort of attention being paid to securing arms and
25 weapons dumps.

1 THE CHAIRMAN: Is there a suggestion in that, in your
2 response that we should look to the military planning
3 rather than to the overall planning for that?

4 MR DOMINICK CHILCOTT: I think, yes, in detail. I think
5 that would be part of military planning, but with the
6 benefit of hindsight it would have been worth
7 a paragraph or two in some of our documents as well to
8 say this is something we need to watch out for.

9 THE CHAIRMAN: Getting close to the end now, but the
10 invasion has happened, you are getting messages back
11 from the field. What is the role of the IPU in the
12 aftermath? It changes a bit?

13 MR DOMINICK CHILCOTT: Yes, it does change a bit. One of
14 the biggest roles becomes the processing centre for
15 sending secondees out to Iraq. So we become the central
16 point for volunteers to come to and then we arrange for
17 the security courses for the secondees and then we
18 arrange for their deployment. So it becomes --

19 THE CHAIRMAN: It is a totally different task.

20 MR DOMINICK CHILCOTT: It is a completely different task,
21 and one, again, that we kind of -- you know, we evolve
22 into rather than through any other means.

23 THE CHAIRMAN: And I think I'm right from reading that that
24 actually there is a lesson learned which was taken
25 pretty soon after that about pre-preparation for

1 secondments in this kind of situation, so that you don't
2 have to do it from scratch?

3 MR DOMINICK CHILCOTT: Yes, exactly. I think that is
4 definitely one of the lessons learn. We now have this
5 database of people who can form part of a stabilisation
6 unit at much short notice.

7 THE CHAIRMAN: I think, still on the changing role of the
8 IPU, what was the unit's contribution to the negotiation
9 of UNSCR 1483?

10 MR DOMINICK CHILCOTT: We provided the kind of underpinning
11 argumentation for the concepts that we hoped that the
12 Security Council Resolution would capture, but the
13 detailed negotiation was obviously done in New York and
14 the whole of the sort of Foreign Office was engaged, as
15 indeed was the Foreign Secretary personally.

16 So we were -- we weren't particularly the lead
17 department in that negotiation within the office,
18 although if people wanted to make the points about the
19 importance of the UN role, for example, to the
20 United States, they would almost certainly be using an
21 IPU briefing paper to make those points from.

22 THE CHAIRMAN: In essence -- I think it is reasonable to use
23 the term -- the success at getting 1483 passed
24 unanimously in the Security Council confirmed rather
25 than changed the general direction of British efforts

1 and confirmed a compromise, but nonetheless real role
2 for the United Nations.

3 MR DOMINICK CHILCOTT: Yes. You mean without that we would
4 have been in a very awkward position because of our
5 reading of what we were allowed to do as an occupying
6 power under the very limited authority that
7 international law gives you as an occupying power. So
8 we absolutely needed a resolution to be able to do
9 anything in the aftermath.

10 THE CHAIRMAN: I think it is important for the Inquiry to
11 hear -- we have not heard it in detail -- it doesn't
12 need to be a lot of detail, but there are both duties
13 and responsibilities on an occupying power under the
14 conventions of the The Hague regulation and there are
15 also boundaries around what is it is legitimate to
16 attempt to do in the country of occupation. Can you
17 just give us an outline?

18 MR DOMINICK CHILCOTT: We were conscious that as an
19 occupying power under the Geneva Conventions and The
20 Hague regulation, we became responsible for the welfare
21 of the civilian population in our area. So we were
22 responsible, therefore, for the success of the
23 humanitarian operations for the civilian population. We
24 were also aware that there were tight limits on changes
25 that we could make.

1 So we couldn't change, for example, senior personnel
2 within the domestic system, and one of the issues that
3 came up was the question about judges, whether you can
4 change a judge if you felt you had corrupt judges in
5 order to establish the rule of law, and we had a big
6 debate about whether removing a judge would exceed our
7 powers as an occupying power.

8 Certainly the kind of larger scale reform that we
9 had in mind, the political process to bring along a new
10 Iraqi constitution and then have a new Iraqi Government
11 was clearly outwith the powers that we had as an
12 occupying power. So there were really quite severe
13 limits on what we could do.

14 THE CHAIRMAN: I think our understanding is that 1483 does
15 not remove from the United Kingdom or the United States
16 the responsibility of an occupying power?

17 MR DOMINICK CHILCOTT: No.

18 THE CHAIRMAN: And it is not divided geographically into
19 sectors, it is across the whole country. Was that
20 a continuing problem?

21 MR DOMINICK CHILCOTT: I don't think it was a continuing
22 problem for us because there was no sort of humanitarian
23 disaster that we had to deal with. So in a way we were
24 going -- the course of events didn't make life more
25 complicated in this area than in others, but there was

1 a moment of frustration though, which is connected,
2 which is that we wanted that sense in 1483 of having
3 joint responsibility with the Americans reflected in
4 a memorandum of understanding with the Americans over
5 consultation of joint decision-making in ORHA, which the
6 Americans refused.

7 And, therefore, we kind of had the legal
8 responsibility under 1483 without actually the executive
9 ability to exercise it.

10 In practice, I don't think in practice it was -- did
11 create enormous difficulties for us, but you can see why
12 that was an uncomfortable position to be in.

13 THE CHAIRMAN: Okay. Finally from me, you left in
14 mid June 2003. Lessons were being learned already,
15 I think. Do you want to say anything about how lessons
16 looked likely to be learned at the point of your
17 departure? And was there a process to ensure that they
18 were?

19 MR DOMINICK CHILCOTT: Well, I think -- I mean, one of the
20 lessons is obviously you can't begin this sort of
21 thinking too early, and although we did begin serious
22 thinking about the day after in the preceding October --
23 so that's something in the order of six months before
24 the invasion happened -- we could have created the IPU
25 earlier. We could have had a greater sense of the

1 reality of what we were doing. I think also, because it
2 was contingency planning, because right up until the
3 last moment we didn't know for sure that we were going
4 to be involved in the military action, that maybe
5 psychologically had an effect on us, but I'm not arguing
6 that one of the lessons learned, therefore, is that you
7 make up your mind, when you don't need to, that you need
8 to go to war.

9 I think the business of having a better database of
10 the sort of people with the right skills that you need
11 if you are going to do nation building is a lesson that
12 we have learned and we now do have that, and it would
13 have made life much easier, because I think now we
14 realise -- a lesson that we have learned is that if you
15 do this sort of operation, you can't, as it were, wash
16 your hands of it, not that we intended to wash our hands
17 of it, but you have to then get involved pretty heavily
18 in the aftermath and it involves a lot of resources and
19 a lot of people, and there is no escaping that. Even
20 our best attempts to internationalise it didn't actually
21 mean that we could escape the responsibility for getting
22 much more engaged. So I think there would be more
23 awareness of that, I think, for the future.

24 THE CHAIRMAN: Yes. Thank you. Martin? No? Lawrence?

25 SIR LAWRENCE FREEDMAN: Yes, please. Please don't take

1 these questions amiss but I want to start by just
2 looking at your own background. You were recruited
3 basically as an European specialist into for this
4 exercise. Had you had any dealings with the
5 Middle East, Arab/Israel questions, or questions of
6 post-war reconstruction before?

7 MR DOMINICK CHILCOTT: I had had dealings with the
8 Middle East when I worked as private secretary to the
9 Foreign Secretary because the Middle East was one of the
10 bits of the world that I covered for him, but I was
11 never a specialist in the Middle East. I had had
12 a posting to Turkey and I knew Turkey quite well but
13 actually in the event, you know, Turkey recused itself
14 from the operation.

15 SIR LAWRENCE FREEDMAN: I was actually wondering whether the
16 fact that we were thinking about going through Turkey at
17 the time was relevant to your appointment.

18 MR DOMINICK CHILCOTT: No, it wasn't, no, it wasn't. No,
19 I think the honest answer is I wasn't picked to do the
20 planning job, I was picked to do a different job, and
21 that job evolved into actually writing a lot of the
22 planning paper and then, because I had done a lot of the
23 planning work and a lot of the thinking for several
24 months, up to the point the IPU was established, it was
25 natural for me to sort of continue, and I drew on the

1 expertise -- because, obviously, what lies behind your
2 question is, you know, were we a bunch of amateurs or
3 did we know what we were doing.

4 Even when I first started in the Middle East
5 Department, we drew heavily on the expertise of our
6 research analysts, who did know the country in great
7 detail, and we drew on the work that they were doing
8 with the Iraqi exiled community in the UK and we drew on
9 the knowledge that we got from our posts in the region,
10 particularly in Oman. So there was a lot of expertise
11 on which I could draw, although you are quite right in
12 the implication of your question that I hadn't actually
13 done either a post-war planning job or was a particular
14 expert in the region.

15 SIR LAWRENCE FREEDMAN: Was it quite a steep learning curve?

16 MR DOMINICK CHILCOTT: Yes, it was, yes.

17 SIR LAWRENCE FREEDMAN: Second question: In a way was your
18 unit misnamed, that the implication of an Iraq Planning
19 Unit was that you were doing the planning for Iraq in
20 a perhaps quite detailed and operational sense, whereas
21 you have explained, firstly, that you were
22 conceptual/strategic in your focus; secondly, that there
23 was a sense that somebody else would be taking over
24 responsibility, hopefully the UN, and that we didn't
25 really have a sector in mind to plan for, but people

1 might have assumed that if this work was going on, at
2 least you were doing it.

3 MR DOMINICK CHILCOTT: Well, we did change the name but
4 actually I think with we changed the name for slightly
5 different reasons. I mean, we changed the name because
6 we thought "planning" might suggest that we were
7 planning for something that was still only
8 a possibility. So we called ourselves "policy", but
9 actually, had we had the name "policy" rather than
10 "planning" from the outset, that might have been better.

11 SIR LAWRENCE FREEDMAN: Third question: you have talked
12 a lot about the concerns about the role of the UN and
13 the importance of the UN and so on in terms of the
14 governance after the military operations. What were
15 your thoughts on roles for Iraqis in government, not
16 administration but actually in government, after the
17 operation, because this was quite a big issue, with the
18 role of the exiles and so on.

19 MR DOMINICK CHILCOTT: Yes. Well, if I go through the sort
20 of three phases or the three stages of our thinking, in
21 the occupying stage we thought we would be working with
22 what was left of the Iraqi administration but they would
23 work under our direction. In the second phase we wanted
24 to have this neutral body, whether it was the UN or some
25 UN-blessed body -- it turned out in the end to be the

1 Coalition Provisional Authority, which arguably wasn't
2 as neutral as we would ideally have liked it to have
3 been. We wanted this body, with the help of the UN
4 special representative, then to guide the Iraqis through
5 a process where they would themselves sort of bring
6 forth a new Iraqi leadership based on a new Iraqi
7 constitution.

8 So we were quite clear that, for this to succeed,
9 this process to succeed and to be legitimate, it had to
10 be seen as an Iraqi-owned process, and if I remember
11 rightly, 1483 even makes that explicit, that it needs to
12 be an Iraqi-run, Iraqi-owned process, but obviously we
13 didn't want to leave it to chance that it would happen,
14 we were going to be involved in creating the conditions
15 and helping to shape it a bit, so that it could succeed.

16 In the interim administration, you know, we hoped
17 that what would happen is that, as they were capable and
18 competent and had the capacity to do it, we could hand
19 over ministries, as it were, one by one from the CPA, or
20 whatever body we had, to the -- to an interim Iraqi
21 group of people that would be running these ministries.

22 What happened in practice was that Jerry Bremer
23 wanted to involve Iraqis more in the work of the CPA but
24 it was always on a consultative basis rather than
25 actually handing over real executive power to them. So

1 this business of handing over to ministries and
2 responsibility for different areas of government didn't
3 really happen until the end of the CPA, whereas we would
4 have liked to have seen that happening more kind of
5 gradually through that time.

6 SIR LAWRENCE FREEDMAN: Just to conclude this, one of the
7 strengths, apparently, of Garner was his ability to
8 start bringing along Iraqis and start to identify people
9 who might perform leadership roles, which in the time
10 available, it might be hard to see, out of a
11 constitutional process -- to find a way of doing that.

12 Yet because of the difficulties of being an
13 occupying power, that was a hard thing to do; yet the
14 consequence of the UN Resolution was that it confirmed
15 so starkly our role as an occupying power, but from the
16 Iraqi perspective this was really quite disorienting, as
17 to who was going to be in charge of their country.

18 MR DOMINICK CHILCOTT: As I say, the resolution was
19 a compromise and had the resolution actually been
20 authorising some other interim administration, some
21 other formed interim administration that wasn't
22 confirming us as occupying powers, that would have been
23 our ideal, but in the end we had to live with what was
24 acceptable to the Americans as well, and they moved some
25 distance towards us and we had to accept movement of

1 some distance towards them.

2 But the idea was not really to sort of revalidate or
3 re-emphasise the nature of being an occupying power.

4 That resolution was really there to enable us to have
5 the legal basis on which to make the changes that were
6 necessary to return Iraq to a decent broad-based
7 representative system of government. So it would have
8 been entirely an unintended consequence if, by having to
9 re-emphasise the fact that we were occupying powers,
10 that we confused people. It was meant to be pointing in
11 another direction.

12 SIR LAWRENCE FREEDMAN: Which in the event they were
13 confused? Thank you.

14 THE CHAIRMAN: Thank you. Usha?

15 BARONESS USHA PRASHAR: Can I come back with the question of
16 influence because you said one of the objectives was to
17 actually influence the US thinking.

18 MR DOMINICK CHILCOTT: Yes.

19 BARONESS USHA PRASHAR: Do you think we were rather
20 optimistic about that because we heard yesterday from
21 Tim Cross that Donald Rumsfeld was working within
22 a certain paradigm, which was, you know, that everything
23 would be welcome, we would be greeted in the streets of
24 Iraq, and he was not even being influenced by people
25 from within his own administration who had

1 a different way of thinking. Do you think that by sort
2 of being over-optimistic of our ability to influence the
3 US administration, we, to some extent, distorted what we
4 did in terms of our own planning?

5 MR DOMINICK CHILCOTT: I think we were pretty realistic in
6 our own planning about how much influence we were likely
7 to have, and I think the -- I don't know whether you
8 count this as influence but maybe I can think of four or
9 five examples of where we may have had some influence.
10 One was influence in the sense of having access to
11 President Bush and having our voice as part of the
12 interagency debate in an unprecedented -- in a way that
13 no other country matched. So we had a chance to make
14 our points and we did so repeatedly. So to that extent
15 we had access.

16 I think after the Hillsborough summit on 7 and
17 8 April, when Bush said the UN should have a vital
18 role -- he said this publicly -- although he didn't
19 quite mean everything that we meant by it, that was
20 definitely a step forward. When Jay Garner told
21 Jeremy Greenstock in March that a substantial UN
22 involvement in post-conflict Iraq was increasingly
23 accepted in Washington, I think that was again a sign
24 that our arguments were beginning to have some effect in
25 Washington.

1 Our embassy reported about the same time that there
2 had been a principals meeting in Washington that had
3 accepted the need for a United Nations Security Council
4 mandate for the Phase 4 operations and a Brahimi-type UN
5 special coordinator to bring on the political process in
6 Iraq.

7 Now, both of those things were quite important for
8 us and they were both achievements as a result of our
9 lobbying. I mean, not just us, there were other voices
10 in the interagency debate that had the same views, but
11 I think our voice I think undoubtedly contributed to it.

12 And there was a later stage, where President Bush
13 seems to have told the Department of Defence that the
14 new Iraqi Government could not be dominated by their
15 choice of exiled Iraqi politicians, and again that's
16 almost certainly as a result of points we were making,
17 or the Prime Minister was making, to President Bush,
18 based on the work that we were doing about the dangers
19 of appearing to, you know, put in place a certain
20 section of Iraqi exiled politicians.

21 So I think there are things you can point to where
22 we did achieve concrete results, but if you look at,
23 obviously, where we wanted to be and where we ended up,
24 you know, we didn't get all the way there, by any means.

25 BARONESS USHA PRASHAR: Okay.

1 THE CHAIRMAN: I think that brings us to the close of the
2 morning sessions. Just before we do, are there any
3 final points or observations that you would like to
4 make, that we haven't covered so far?

5 MR DOMINICK CHILCOTT: I think we have covered quite a lot,
6 sir.

7 THE CHAIRMAN: It is not compulsory.

8 MR DOMINICK CHILCOTT: No, I suppose the one point I would
9 like to leave the inquiry with -- I'm sure there is no
10 need to repeat it really -- is that this was largely an
11 American operation and our role was really to try and
12 influence it in a way that we thought would be likely to
13 maximise success, and at the core of that was the
14 concept of the legitimacy or whatever we might be doing,
15 so it would be seen as acceptable within the country and
16 within the region more widely, and the key to getting
17 legitimacy, we saw, was working through a neutral body
18 like the United Nations, which had a track record of
19 being able to do this sort of thing in other countries,
20 and that was our overall approach, and I think that,
21 given where we and the Americans started, where we
22 finished was, you know, not a negligible achievement.

23 THE CHAIRMAN: Thank you very much for your testimony this
24 morning. I thank those of you who have been in the room
25 throughout the morning. We are going to break now but

1 at 2 o'clock we resume with two sessions in the
2 afternoon, the first with Sir John Scarlett --
3 I emphasis in his role as Chairman of the Joint
4 Intelligent Committee at the time -- and followed by
5 Air Chief Marshal Burr ridge and Lieutenant General Brims,
6 who were the UK military commanders in the theatre at
7 the time of the invasion. So back at 2 o'clock.

8 Thank you.

9 (1.02 pm)

10 (The short adjournment)

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