

## **Note to the Iraq Inquiry**

I was the Director General for Operational Policy in the Ministry of Defence from September 2002 to May 2004. My responsibilities covered all UK operations during this period, but in practice I was focused largely on Iraq. I formally retired from the civil service in June 2006.

Having been closely involved, I felt it would be wrong to let the Inquiry pass without offering my perspective. I hope this is helpful.

### **Intelligence**

I saw the intelligence and attended some JIC meetings. Given that so much was resting on the intelligence assessment, I did ask (in early 2003, I think) for a personal briefing from DIS experts. This (oral) briefing seemed to indicate that the evidence base on specifics was quite narrow. Nonetheless, the prevailing certainty among the senior intelligence professionals was strong and seemingly unanimous.

The question therefore arises: 'why did the assessment turn out to be wrong?'. I would point to two factors: one is the risk within the intelligence community that small or unreliable pieces of evidence may be subtly given enhanced value where they fit a pre-existing paradigm or 'narrative'. Arguably also, a secret piece of intelligence may sometimes be given weight merely because of its secrecy. Closeness to source material may give experts knowledge and expertise but it may also put at risk a sense of perspective.

The second, related, problem is the quality of the underlying evidence. Sources, particularly human sources, are closely protected and for good reason. On the other hand, there is need to produce intelligence conclusions that are the most robust possible.

Secrecy about sources and the closed culture of the intelligence community means that intelligence receives less truly independent scrutiny, in comparison with other strands of government activity. For example, and by contrast, equipment projects or other financial projects have their judgements and proposals closely scrutinised by various 'red team' arrangements, in which the base evidence is available to the scrutineer. Although the Butler Report recognised these points and pointed to the JIC process, with its admixture of policy people, as the answer, it is still the intelligence professionals present who have both the time and all the evidential cards in their hands. It is perhaps now time for a closer look at the actual operation of that system.

One final point related to the consideration of intelligence: some witnesses have made the point that Saddam had a long, inglorious and incontrovertible record of brutal behaviour and breach of UNSCRs. The implication is that it was therefore reasonable to extrapolate his possession of WMD or that regime change could be justified on wider grounds. From the MOD point of view at the time, however, removal of WMD was the primary objective and the campaign planning was constructed on this basis. The key issue on

intelligence is the specific belief in the presence of a current, viable, weaponised WMD capability and the quality of the evidence and assessments that underpinned this belief.

## **2. UK Influence**

My impression was that our influence was limited. It seemed possible to get a hearing if the US already felt sympathetic, or if a potentially good idea could be fed in early enough. Thus we probably did add helpful weight to those in the US Administration who anyway wanted to go down the UN route; we were able to supply some niche military capabilities; and we helped the US to make a transition to a post-conflict posture.

But there are limits to influence also. For example, if the major partner - in this case the US - has actionable intelligence that needs a quick response, opportunity for influence will be limited unless the UK is an essential part of the action. Also, one has to accept in any coalition operation that the country providing the overwhelming majority of the capability will decide the combat plan. (Comment below on post-conflict planning also.) It is ultimately the relative scale of diplomatic, financial and military potential which determines which way the influence will flow in such a relationship.

## **3. Size of UK Force Contribution**

It was I and my staff who prepared the advice for Ministers on this topic. My recollection is that Ministers were initially drawn to a much smaller and less expensive contribution. But as the planning process developed, both nationally and in iteration with the US, the size of the package gradually increased.

In a sense, as alluded to above, this is the reverse of the 'UK influence' coin. Once we were committed to integrated planning with the US (albeit not committed to actual action) our scaling of effort was, arguably, influenced by US operational concerns and by what we felt we could offer, at least partly for reasons of influence. In a classic UK-only operation UK Ministers would give top-down strategic direction and planners would scale and configure a force to meet that.

## **4. Role of DFID**

There has been comment on the late integration of DFID into the planning process. My recollection is that the MOD wanted their earlier inclusion – both in the small Cabinet Office group that I attended, and the regular Chiefs of Staff meetings in the MOD – but that they were not included until late in the autumn. Partly this was due to extreme sensitivity about the details military planning but also, it seemed, for political reasons.

Some of the criticism levelled at DFID needs to be seen against this background. Also, whereas the military is itself an executive arm of government, DFID is not: they proceed by means of contracts or other funding arrangements with third parties (contractors, NGOs etc). This is, of course, another argument for including DFID earlier rather than later in the planning process. At least some of the military's frustration with DFID

'slowness' seemed to be based on this difference of operational procedure. There are of course differences of culture and philosophy also.

## **5. Legality**

We were aware throughout the planning period that the legal base would be an issue. I was asked by the CDS to get a clear, black and white statement that the operation would be lawful, as he had to approve the so-called 'CDS Directive' which gave the order for action to begin. (He was concerned about the jurisdiction of the International Criminal Court and was conscious that the US did not have such concerns, as they did not recognise that court.) I spoke to the MOD Legal Adviser, who said he would pursue the matter. I was not aware of subsequent high-level discussions but there soon arrived a very short letter, which the Inquiry has seen, from the Attorney General's legal secretary, giving the view that military action was lawful.

The subject came up at the Cabinet Office group I attended but was not pursued, as it was 'being resolved elsewhere'. I have no evidence of any specific pressure being brought on the Attorney General. At the time, our focus in MOD was more on the the creation of a strategic framework for the campaign to ensure its legality in terms of campaign objectives, targeting and proportionality. The starting point for this framework was an overall legal basis and a primary objective of disarmament.

## **6. Post-Conflict Planning**

In the MOD, the strategic analysis of the Iraq issue from early autumn 2002 included various scenarios. In all scenarios the eventual condition of Iraq as a self-determining nation was a key factor, and in those that included conflict, the nature of the post-conflict phase was always seen as crucial to 'success'. These analyses were of necessity conceptual, since the road ahead was uncertain and it was obvious that the operational realities would be vastly different if fully internationalised under UN auspices as compared to a US-led coalition. Being a subordinate player in any scenario, the UK was never in a strong position to turn its conceptual analysis into a self-sufficient plan. My experience, both of speaking to the US military, or to other parts of the Washington administration with the FCO, was that we could never pin down a satisfactory plan with which we could dovetail our own arrangements. This was in direct contrast to the experience of our military planners working on the plan for the conflict itself, who had a very precise idea of how they would have to operate alongside US forces.

I went to Washington in early 2003 as part of a FCO/MOD/DFID delegation. We were to participate in some fairly large inter-agency meetings hosted in the National Security Council to discuss post-conflict issues. The main meeting was large, with some unclarity about where authority lay. During the day news arrived that the President had signed an Executive Order giving lead responsibility for post-conflict planning to the Pentagon. The fact that the UK had no prior knowledge of this decision, which set the scene for the whole post-conflict phase, is an instance of the difficulty of our exercising influence on events.

It emerged that a retired General, Jay Garner, had been nominated as the leader of this Pentagon-based effort (which came to be known as ORHA). I met General Garner the following day. His plans were embryonic, at best, in terms of what resources he would have, what his line of responsibility was and where and how he would eventually locate his team. Given the advanced state of planning for the possible conflict and the overall scale of resources available to the US administration, this post-conflict 'line of operation' seemed under-prepared.

### **7. Timetable and Equipment Preparation**

On the question of the Government's reluctance to allow overt military preparations, as they tried to avoid undermining the diplomatic track, I should like to make one point. This is that discussion sometimes appears to assume that the eventual timetable was already definite in autumn 2002. This was not the case. It does not therefore really make sense, except with hindsight, to talk about decisions being made 'late'. In principle, the timetable could be adjusted to allow for readiness to be achieved; the readiness did not have to be compromised to meet an ineluctable timetable.

There were of course planning assumptions on the possible start-date and as time went on these assumptions tended both to move 'to the right' and to become more fixed. When this happened, the Government did indeed allow for overt preparations (UORs, shipping, reserves etc), as has been described in evidence. Everyone was conscious that the planning timetable was tied to a sensitive political process (both domestically and in the UN etc) and was therefore inherently more uncertain than those of previous operations (e.g. the Falklands or the first Gulf War). The question of whether launching operations from Turkey would be possible also complicated matters. The crucial point is that the final decision to commit to action was only taken by Ministers on the basis of an assurance that the forces were judged, by the military chain of command, to be 'ready'.