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Friday, 8 January 2010

(10.00 am)

MR PETER WATKINS

THE CHAIRMAN: Good morning.

MR PETER WATKINS: Good morning.

THE CHAIRMAN: Let's open this morning's first session then.

The objective is to examine the negotiations for the Status of Forces Agreement and, later, a defence Memorandum of Understanding for the continued United Kingdom presence, military presence that is, in Iraq. We shall also be looking at how the United Kingdom's government's proposals for a continued military presence in Iraq developed during 2008 and 2009. Our witness for this session is Peter Watkins, who has been the Director of Operational Policy since, I think, autumn 2008.

MR PETER WATKINS: That's correct, yes.

THE CHAIRMAN: We have an hour or perhaps a little bit more, depending, for this session.

Repeating what I have said on every occasion, we recognise that witnesses are giving evidence based on their recollection of events. We, of course, will check what we hear against the papers to which we have access.

I remind every witness that he will later be asked to sign a transcript of his evidence to the effect that

1 the evidence he has given is truthful, fair and
2 accurate.

3 With that, let's turn to the questions and
4 Sir Martin Gilbert.

5 SIR MARTIN GILBERT: Mr Watkins, I wonder if, for our
6 background, you could explain to us what your role
7 involves as Director General of Operational Policy and,
8 also, how you interact with other people at the MoD whom
9 we have taken evidence from on Wednesday, particularly
10 Jon Day and General Wall.

11 MR PETER WATKINS: Yes, of course. The title is now the
12 Director of Operational Policy. It changed on
13 1 December 2008. This was the result of an initiative
14 by the Defence Board to standardise titles in the MoD,
15 job titles, in line with those across Whitehall. The
16 post was previously called Director General. So I lost
17 the "General", as it were.

18 But the role of the post is identical to that
19 described by Jon Day two days ago, which is basically to
20 form part of the civilian part of the integrated civilian-
21 military structure in the MoD, providing the civilian
22 aspect or dimension of the advice going to the Chiefs of
23 Staffs and Ministers.

24 SIR MARTIN GILBERT: How much of your role involves
25 co-ordinating with other government departments?

1 MR PETER WATKINS: A very high proportion. And like Jon,
2 I was - and am - a member of the Iraq Strategy Group. I'm
3 a member of a number of other cross-Whitehall groups.
4 One of the main purposes of my role is not only to
5 provide advice to Ministers, but also to liaise across
6 government.

7 SIR MARTIN GILBERT: As Sir John mentioned, the primary
8 purpose of today's session is to discuss the
9 negotiations of the agreement which were to provide
10 legal cover for the presence of UK forces in Iraq until
11 the end of the combat mission, and then the continued
12 presence of the UK military in some form after the end
13 of the combat mission.

14 We have already heard from other witnesses something
15 about these negotiations and we would like to pick up,
16 during our session with you, on some of the issues which
17 were raised in those sessions.

18 Could you perhaps first explain what your personal
19 role was in the negotiations at this time?

20 MR PETER WATKINS: There were two sets of negotiations.
21 There was a set of negotiations in the autumn/winter of
22 2008, which were about agreeing the basis, the legal
23 basis, upon which British troops would complete the four
24 tasks set out by the Prime Minister in July 2008. Then
25 there was a second set of negotiations which started

1 in February/March of 2009, which were about the basis for
2 a continuing role in support of the Iraqi security
3 forces.

4 My role was different in each. In the first set of
5 negotiations, I was the leader of the UK negotiating
6 team and spent quite a lot of time in Baghdad -- then,
7 I think, roughly two months out of the three
8 months, October/November/December; I suppose the
9 equivalent of two months in Baghdad. And obviously
10 working very closely with Christopher Prentice and with
11 others in the Embassy and in the military staff in
12 Baghdad.

13 For the second set of negotiations, I didn't lead
14 the negotiating team as such. Negotiations were led by
15 General Cooper and his successor in Baghdad, but
16 I provided, if you like, the policy oversight from
17 London. I was being consulted throughout the
18 negotiations as they proceeded on, obviously, what was
19 acceptable and what wasn't. Then, on 1 June,
20 I accompanied Simon McDonald to Baghdad, where we
21 reached agreement, final agreement, on a text which
22 then went on a rather tortuous process through the
23 Council of Ministers and the Council of Representatives
24 and was finally ratified in mid-October of this year --
25 sorry mid-November.

1 SIR MARTIN GILBERT: Could you explain, with regard to the
2 second set of negotiations, what role the United Kingdom
3 government envisaged for our military after the end of
4 the combat mission?

5 MR PETER WATKINS: Basically, there were two roles, which
6 were set out by the Prime Minister in his statement
7 on December 18, 2008: one was training the Iraqi Navy;
8 and the other was protecting the oil platforms.

9 The first -- they are linked roles in as much as the
10 Iraqi Navy is developing pretty much from scratch, post
11 the intervention, and it is in the process of buying new
12 patrol boats and we have taken on the task of training
13 them, a task which we think will continue for about
14 another year or so.

15 In the meantime, we are providing naval assets
16 alongside the Americans to help protect the oil
17 platforms from terrorist or whatever threats.

18 There is also a third task, which Simon mentioned,
19 which is providing officer training at the Iraqi
20 military academy in Al Rustamiyah, which we are doing
21 under the auspices of a separate NATO agreement.

22 SIR MARTIN GILBERT: Were there discussions in Whitehall
23 about the range of this involvement or what the
24 involvement should be, whether we would have a role?

25 MR PETER WATKINS: We always envisaged -- we already

1 envisaged when I started my job -- that we would have
2 these continuing roles. Obviously, there were
3 discussions within the Ministry of Defence and across
4 Whitehall about what precise form they would take, but
5 in a sense, we had seen -- we had already seen, by the
6 time I started the job -- that those continuing military
7 roles would be part of what Christopher Prentice
8 described as the broad-based continuing relationship
9 between two sovereign states.

10 SIR MARTIN GILBERT: What was the Iraqi attitude to this?
11 Were they in any way divided as to whether we should
12 have this sort of continuing role?

13 MR PETER WATKINS: My impression was the Iraqis were very
14 keen for us to continue with both the naval training and
15 the oil platform protection, and, indeed, the officer
16 training. I imagine the Iraqi military were keener on
17 it than others, but there was not a strong divergence of
18 views across the Iraqi system. They wanted us to
19 continue with those roles.

20 SIR MARTIN GILBERT: We turn now to the legal aspects and
21 Sir Roderic.

22 SIR RODERIC LYNE: When we started this, the legal cover for
23 foreign forces in Iraq came under a United Nations
24 Security Council Resolution which had as its end date
25 31 December last year.

1 Was there any particular significance to that end
2 date, and would it not have been possible, as an
3 alternative course of action, simply to roll over that
4 resolution as had been done before.

5 MR PETER WATKINS: The end date was 31 December 2008. There
6 had been extensive discussions about rolling over the
7 UNSCRs, but I think it was quite clear, when UNSCR 1790
8 was passed, that it was envisaged by all parties as
9 being for the last time. So that, from the beginning of
10 2009, there would need to be a new basis.

11 So that's why the Americans started to negotiate, in
12 early 2008, their own security agreement, because
13 UNSCR 1790 would not be replaced.

14 SIR RODERIC LYNE: It was agreed it wouldn't be replaced,
15 for what reason?

16 MR PETER WATKINS: Basically, this was part of the pattern
17 of Iraq recovering its sovereignty. The Iraqis did not
18 want the UNSCR mandate to be extended beyond
19 the end of December 2008. I think Prime Minister Maliki
20 made that clear in his letter, which is attached to
21 UNSCR 1790. They wanted to move to the position of
22 a normal state. I mean an ambition that we, from
23 a British Government perspective, supported.

24 SIR RODERIC LYNE: So then the Americans started negotiating
25 for a status of forces agreement, the so-called SOFA.

1 Now, the UN Resolution had covered all of the
2 coalition forces in Iraq. Wouldn't it have been
3 possible to have had one SOFA that covered all foreign
4 forces in Iraq?

5 MR PETER WATKINS: I think it might have been possible, and,
6 looking back on it in hindsight, it might have been
7 a better approach. But one factor to bear in mind is
8 that, in early 2008, it wasn't clear how many countries
9 would continue to provide forces as part of the
10 Multi-National Force post the end of 2008. One or two
11 countries did decide not to continue beyond that date.

12 The other factor was that the forces had very
13 different roles. The American forces, of course, were
14 still actively -- though, increasingly, jointly with Iraqi
15 security forces -- engaged in pretty active combat
16 operations. Other countries were playing a more
17 supporting role. So I think trying to capture all that
18 in one agreement would have been quite challenging.

19 THE CHAIRMAN: Just to butt in, if I may, looking at the
20 structure here, at least as it used to be, we had
21 a Visiting Forces Act, as a paving basis on top of which
22 you could conclude status of forces agreements with
23 anyone for any reason within the scope of the Act, but
24 there was no such basic law, clearly, in the new Iraqi
25 state, and there was no aspiration on our part to see

1 them enact one to ease the process of variable geometry
2 status of forces agreements.

3 MR PETER WATKINS: In effect, they did try to do that as
4 part of the end-game. After the passage of the American
5 security agreement -- and that finally got through on
6 27 November -- there was a feeling in the Iraqi political
7 body politic that they really didn't want to go through
8 this again with six more agreements, because there were
9 then six countries left, although one of them dropped out,
10 that envisaged keeping forces beyond the end of 2008.

11 So the Iraqi Government proposed, what
12 Christopher Prentice called the other day, an
13 authorising law, which was in effect precisely what you
14 say, Mr Chairman. It was a core text containing those
15 provisions that had to be enshrined in law and
16 authorising the government to agree individually with the
17 sending states the particular roles, tasks, et cetera,
18 that they would carry out. So we did try that.

19 However, as you will know, it failed on the second
20 reading. One of the reasons why it failed was that
21 there was a view among a number of Iraqi
22 Parliamentarians, members of the Council of
23 Representatives, that they should have been presented
24 with an agreement which they would have seen as binding
25 on both sides.

1 This was a slightly strange argument, because, of
2 course, any forces, visiting forces, would be
3 automatically bound by Iraqi law anyway. But the
4 attempt to have that sort of core was tried as part of
5 the end-game and failed.

6 SIR RODERIC LYNE: If we just come back to the period when
7 the Americans started negotiating their agreement, they,
8 and we, were under the same deadline as were the other
9 countries at the end of December that year. Did we
10 start our negotiations at the same time as the
11 Americans?

12 MR PETER WATKINS: No, we didn't, but we were very closely
13 tracking their negotiations. They were sharing texts
14 with us. It was quite clear to us that their agreement
15 would set the template for us, and for the rest, and that the
16 Iraqis would not agree to privileges or immunities, or
17 whatever, for British or other forces, beyond those that
18 they had agreed with the Americans.

19 So we followed the process carefully, and, in the
20 first draft of the American agreement, there was
21 a specific clause -- I think it was clause 23 -- which
22 allowed other countries, both the Government of Iraq and
23 other countries, to, as it were, annex their own
24 agreements to the American text.

25 What we envisaged was that we would have a very

1 short agreement, a couple of pages, which would
2 basically say the terms of the American agreement will
3 apply also to British forces, except in the following
4 considerations, where there was language in the
5 agreement, the American agreement, which simply wasn't
6 relevant to us where it affected roles, tasks,
7 et cetera.

8 So, had that process been followed, then I think it
9 would have been relatively straightforward. However, in
10 the negotiations around finalising the American text
11 in November, that clause was removing and so that sort of
12 neat docking point was not there when it came to
13 negotiating our agreement.

14 SIR RODERIC LYNE: Do you know why that clause was removed?

15 MR PETER WATKINS: It was at the request of the Iraqis.

16 I think there may have been a concern that it could be
17 misused in some way by the other countries. There was
18 an increasing feeling that they wanted to have distinct
19 agreements with each country, reflecting the specific
20 roles of those countries.

21 SIR RODERIC LYNE: So we had hoped at this stage that the
22 American agreement would in fact be a paving agreement
23 for us, that we could ideally have hooked ourselves onto
24 it under clause 23. When clause 23 disappeared, what
25 view did we then take? Did we have to start then going

1 back to first principles or thinking of fallback plans?

2 MR PETER WATKINS: What we did, we tried out the idea that
3 I mentioned of having a short agreement which basically
4 cross-referred to the American text. The Iraqis were
5 not happy with that. They didn't think it would go down
6 well with the Council of Representatives and they said,
7 "We should have our own self-standing text".

8 We said that -- following the same principle but
9 a slightly different route -- in that case we will adapt
10 the American text, and so, to a large degree, that
11 involved simply removed "US" and putting "UK". But it
12 also involved taking out some clauses that simply
13 weren't relevant to us and putting in our own language
14 about the tasks that the UK
15 forces would conduct and then complete by the time there
16 was a fundamental change of mission and then the
17 continuing tasks.

18 SIR RODERIC LYNE: What signals were we getting from the
19 Iraqis in this period about their willingness to
20 conclude an agreement with us once they had finalised
21 the agreement with the Americans.

22 MR PETER WATKINS: We were getting quite strong signals that
23 they wanted to start negotiations and finalise an
24 agreement with us. I would mention two in particular.
25 Bill Rammell, a Foreign Office Minister then, now

1 Minister of State in the MoD, visited Baghdad about the
2 same week as I started my job, had a meeting with
3 Prime Minister Maliki and was told by the Prime Minister
4 that he would like us to start negotiations.

5 The Prime Minister also gave an interview --
6 Prime Minister Maliki gave an interview -- in The Times, on
7 13 October 2008, in which he said the same thing. So
8 there were strong signals that they wanted to start,
9 which we picked up, and I accompanied John Hutton on his
10 inaugural visit to Baghdad on 18/19 October to sort
11 of kick off the negotiations.

12 There was also, however --

13 SIR RODERIC LYNE: So that was even before the Americans had
14 finished, a month or so before?

15 MR PETER WATKINS: That was about a month before. No one
16 knew quite when the Americans would finish. They
17 originally envisaged they would finish in July. At that
18 point, they thought they would finish in about
19 mid-November. They actually finished a couple of weeks
20 later.

21 So, on the one hand, there were strong signals; on
22 the other, there was clearly a capacity issue. The
23 American agreement was long, complex, controversial and
24 so we realised that we would not get to closure on
25 our text before the American agreement had been through

1 the process. But we thought it would be good to make as
2 much progress as we could in terms of reaching agreement
3 on the language, so that we had something ready, so
4 that, as soon as the American agreement had been through
5 the process, we could then get down to negotiations
6 quickly because we were all aware of the fact that the
7 clock was ticking.

8 SIR RODERIC LYNE: Why was the process so complicated? It
9 had taken the Americans a very long time, as you say,
10 much longer than expected, to get to an agreement that
11 obviously they wanted and the Iraqi Government wanted.

12 Can you tell us, who on the Iraqi side, had to agree
13 to an agreement?

14 SIR MARTIN GILBERT: The American agreement?

15 SIR RODERIC LYNE: Well, any agreement.

16 MR PETER WATKINS: Well, it had to be agreed by the Council
17 of Ministers and then it had to be agreed by the Council
18 of Representatives, which meant that, in between the
19 two, it had to be agreed by the various political blocs.
20 So, a lot of the negotiations around the American
21 agreement in October and November were around what the
22 Iraqi Government and Prime Minister judged would get
23 through the Council of Representatives.

24 SIR RODERIC LYNE: There were strong elements within that
25 that resisted this idea, were there?

1 MR PETER WATKINS: I think Christopher gave you a little
2 comment the other day about what Speaker Mashhadani
3 said. There were a number of factions and they were
4 playing their own internal political games.

5 I think most serious politicians in Iraq recognised
6 that there had to be an agreement with the Americans.
7 However, they also saw that agreement as an opportunity
8 to score points against the government, and, indeed, in
9 the end-game -- the end-game in the Council of
10 Representatives on the American agreement -- the Council
11 of Representatives, in effect, forced through
12 a declaration of rights, privileges, et cetera,
13 et cetera, a sort of accompanying
14 political declaration.

15 I should add that the political landscape in Iraq at
16 that time was being increasingly affected by the
17 prospect of the provincial elections at the end
18 of January. So we were in a pre-electoral period.

19 SIR RODERIC LYNE: You said that, apart from yourselves and
20 the Americans, there were originally six altogether --

21 MR PETER WATKINS: There were five others.

22 SIR RODERIC LYNE: Five others?

23 MR PETER WATKINS: There was a particular formula that was
24 used called "1 + 4 + 1", and we were the one,
25 the four were Australia, Romania, Estonia and

1 El Salvador, and then the one was NATO, because NATO had
2 its own separate training mission.

3 SIR RODERIC LYNE: When we reached this point at the end of
4 the American agreement, what was then the pecking order
5 in the one plus four plus one as to who would go next
6 and how the process would work?

7 MR PETER WATKINS: We were clearly the next in the pecking
8 order, because we had the next largest contingent of
9 troops.

10 SIR RODERIC LYNE: But you had only got a month to go now
11 and it was a very complicated process. Was there a bit
12 of a problem arising?

13 MR PETER WATKINS: There wasn't really. I mean, El Salvador
14 didn't send a negotiating team to Baghdad, and indeed
15 announced, I think in about mid December, that they
16 would withdraw their troops.

17 The Australians sent a team, which arrived at the end
18 of November, and then the Romanians sent a team, and the
19 Estonians also -- my counterpart in Tallinn turned up
20 for a few days and started negotiating and left some
21 people behind.

22 What we did was to co-ordinate with the others,
23 particularly with the Australians, as, if you like, the
24 next in the pecking order with the next largest
25 contingent, basically to make sure that, although we all

1 had slightly different roles and, therefore,
2 requirements, our language -- the language that we were
3 proposing in our various drafts -- was as consistent as
4 possible.

5 So we were trying to ease the process. But we knew
6 it would be a struggle to get those agreements through,
7 and there was, as I said, little appetite in the Iraqi
8 body politic to repeat the experience that they had been
9 through with the Americans. So, when the Iraqi legal
10 adviser proposed the authorising law, that seemed to
11 us a very sensible way forward.

12 SIR MARTIN GILBERT: How supportive was the United States,
13 both in Washington and Baghdad with regard to our
14 negotiations?

15 MR PETER WATKINS: They were very supportive throughout. As
16 I said earlier, they kept us in touch with their early
17 negotiations, and then, once we started our negotiations
18 in Baghdad, we kept in close touch with them. The
19 Americans had appointed an ambassador temporarily resident
20 in Baghdad, David Satterfield, to lead their
21 negotiations. I and Christopher Prentice kept in close
22 touch with him. We shared information about the
23 political manoeuvring that was going on in the
24 background. They also helped us in terms of explaining
25 to the Iraqis what the nature of our tasks was. So they

1 were helpful throughout.

2 I mean, they were clear that they wanted their
3 agreement through first and they didn't want us to
4 conduct our negotiations in a way that might upset that.
5 But that's, I think, a perfectly reasonable view for
6 them to take.

7 SIR MARTIN GILBERT: Explain to us, when the Status of
8 Forces Agreement failed to come into being, the transfer
9 of our attention, our desperate attention really,
10 a legal necessity for a Memorandum of Understanding.

11 What was the basic difference between the potential
12 Status of Forces Agreement and the Memorandum of
13 Understanding?

14 MR PETER WATKINS: Well, it is really a matter of packaging.
15 It is form rather than substance. What we had
16 originally envisaged by modelling our agreement on the
17 American one is that we would have had an omnibus
18 agreement, a single document which would have set out in
19 one document the Iraqi request for our continuing
20 presence, the roles that our forces -- the tasks and
21 roles that our forces would conduct, issues like basing,
22 and, of course, the key provisions on jurisdiction. So
23 one document which covered everything.

24 What we moved towards was a less tidy arrangement in
25 which we ended up, actually, with four separate

1 documents.

2 The key point is that we were seeking a legally
3 binding basis for the jurisdictional arrangements and
4 the Iraqis were clear from their perspective that they
5 had to be legally binding. The documenting of the roles
6 and tasks, et cetera, did not have to be on a legally
7 binding basis, and, indeed, that was then set out in the
8 MOU. So we basically moved through five phases where we
9 started off with one single document, rather long, about
10 25 pages, and we ended up, as I said, with four separate
11 documents, total length about eight pages.

12 SIR MARTIN GILBERT: How did our coalition partners involve
13 themselves in the Memorandum of Understanding? Was this
14 something on which we were working together as a group?

15 MR PETER WATKINS: In terms of the authorising law,
16 which failed, and then the resolution that followed it --
17 the Council of Representatives' resolution -- that applied
18 to all of us. The language -- the key language -- in
19 the law, which was in effect carried over into the
20 resolution, was around jurisdictions and that applied to
21 all of us, as did the end dates for the roles and tasks
22 to be completed.

23 The MOUs, which then specified in more detail what
24 each individual country was doing, bases, et cetera,
25 they were separate Memoranda of Understanding and, as

1 I say, we did share our draft texts with the
2 Australians and Romanians, in particular.

3 SIR MARTIN GILBERT: What would have been the different
4 timeframe? How long would the Status of Forces
5 Agreement have run and what did the Memorandum of
6 Understanding ...?

7 MR PETER WATKINS: Our original plan with, if you like, the
8 single omnibus document is that it would have run until
9 the end of 2011. As I said, it would have covered the
10 tasks that we were completing by the time of the
11 fundamental change of mission and the continuing roles.
12 But it became increasingly clear to me, as the
13 negotiations went on, that trying to capture in a single
14 document those tasks which the Iraqis associated
15 with the process of their moving to a new situation -- that
16 including those in the same document as those which were
17 part of the continuing relationship was quite
18 difficult for them to get their minds round politically.
19 So that is why we ended up having separate
20 documents.

21 THE CHAIRMAN: Just to add one or two questions, first of
22 all, the legal advice from the standpoint of the one
23 plus four and, indeed, plus one, for all I know, we were
24 told, I think by Christopher Prentice, we took our own
25 legal advice, that this wasn't actually a sufficient

1 legal basis to enable us to continue combat operations
2 to the end of April and, thereafter, the other missions,
3 but I imagine that the other four also had to get that
4 kind of reassurance from their own legal advisers.

5 I just wondered whether there was any difference of
6 view emerging at any point that had to be reconciled
7 about the sufficiency of the legal basis for this
8 approach.

9 MR PETER WATKINS: As I said, there were differences in
10 role. Our view was that the combination of a Memorandum
11 of Understanding setting out the tasks and what ended up
12 as a resolution of the Iraqi Parliament, obtaining our
13 jurisdictional arrangements, was an adequate legal
14 basis. Our MOU contained language that allowed us to
15 continue to conduct, in support of the Iraqi Security
16 Forces, the operations that they were doing.

17 The other countries, as I said, had different roles.
18 The Romanians and Estonians did not, by that stage, have
19 any sort of combat role, so they were not looking for
20 language that permitted combat in support of the Iraqi
21 security forces.

22 The Romanians had some concerns of their own. In
23 particular, they warranted their MOU to contain
24 a specific reference that no Romanian soldier would ever
25 be subject to the death penalty, for example. This is

1 a requirement, apparently, in Romanian law.

2 The Australians came to the conclusion that the
3 language on jurisdictions in the resolution, the CoR
4 [Council of Representatives] resolution, was adequate for some of
5 their tasks but not others, and they did decide in the last few days
6 of December 2008 that they would withdraw their ship
7 from the oil rig protection task.

8 THE CHAIRMAN: That bridges neatly to the other point
9 I wanted to ask you, which was: what would have
10 happened, if time had run out on us, and we were there
11 on 1 January and no MOU, no arrangement? Did we have
12 contingency arrangements in mind for that eventuality?

13 MR PETER WATKINS: We did. We actually had a raft of
14 contingency arrangements, because it would have depended
15 on the precise circumstances. Clearly, at one end of
16 the spectrum was a circumstance in which negotiations
17 had broken down irretrievably, we weren't going to get
18 any sort of agreement, and, therefore, we would have to
19 start withdrawing -- and we would have had to have started
20 to withdraw fairly quickly after 1 January and handing
21 on our tasks to the Americans.

22 THE CHAIRMAN: An eventuality which the Iraqis would have
23 been fully alive to?

24 MR PETER WATKINS: Yes, absolutely. Then there was another
25 eventuality, which is that we would have negotiated text

1 which was adequate for our forces to stay, but not for
2 them to conduct the range of tasks that we envisaged, in
3 which case we would have withdrawn more rapidly than we
4 did but not that much faster. So we had a plan for
5 that.

6 Then there was a situation in which negotiations
7 were continuing, but, for procedural reasons, hadn't
8 been completed. Of course, when we were looking at
9 negotiating a self-standing agreement, we were alive to
10 the fact there was a risk owing to the particular
11 provisions -- the particular provisions of the standing
12 orders of the Council of Representatives -- that we could
13 find ourselves in a position where, for example -- and
14 indeed this happened last year -- the agreement had
15 completed one or two of its stages, but hadn't been all
16 the way through.

17 In that case, we would have needed to have reached an
18 understanding with the Iraqi Government about what tasks
19 we continued and what we didn't. As part of that,
20 there was a possibility where we knew we would be
21 waiting just a few days for the process to complete, in
22 which case, basically, we would have told our troops,
23 particularly those in Basra, to stay in their bases and
24 just wait for the process to finish.

25 THE CHAIRMAN: Thank you. Just a last point of detail, not

1 really for us perhaps but the NATO component, the one
2 after the one plus four, how was that managed? Because
3 you had a great variety of different jurisdictional
4 contributions to NATO.

5 MR PETER WATKINS: I'm glad to say that that was
6 co-ordinated by NATO headquarters, by the Assistant
7 Secretary General for Operations, whom I kept in close
8 touch with while this was going on.

9 The basic NATO position, a sort of common
10 denominator that had been reached, was the NATO countries
11 wanted to have the same jurisdictional positions as the
12 American agreement. They accepted, as a provisional
13 arrangement, the jurisdictional arrangements that were
14 set down in the Council of Representatives' resolution
15 on the understanding that they would be replaced by
16 a longer term -- a long-term -- agreement, which was
17 finally negotiated in June or July, June/July, of last
18 year.

19 THE CHAIRMAN: I think that takes us helpfully to 1 January
20 and beyond.

21 SIR MARTIN GILBERT: With regard to the MOU timetable, why
22 were we not able to get a longer period of time for it?
23 What was the problem there? What were the negotiating
24 problems that would have ended in June or July?

25 MR PETER WATKINS: There wasn't a problem. We didn't want

1 any longer. Basically, when we started negotiations, we
2 envisaged two dates for those of our forces that were,
3 as I put it, completing their tasks. One was 31 May.
4 That was the date which we had agreed with the Americans
5 would be the end of our mission, our former mission in
6 Basra. That was the date by which we believed we would
7 have trained the 14th Division to an adequate state that
8 it could take over operations with minimal coalition
9 support.

10 The next date was the end of August. We allowed
11 ourselves -- and military planners always allow plenty
12 of time for these things -- about three months then to
13 draw down in. In the course of the negotiations, the
14 Iraqis explained to us that it would be helpful to them
15 if we could bring that forward by a month to 31 July, so
16 that it aligned with a key date in the American
17 agreement, when the Americans would withdraw from the
18 towns and cities. Sorry, I have got that wrong: it
19 would align with the date that they had agreed, as part
20 of the end-game with the Americans, that there would be
21 a referendum on whether American forces would stay or
22 not. That referendum never happened, by the way, but it
23 was there. So they said it would be helpful for them if
24 our troops could withdraw by that date, and that wasn't
25 a problem for us. We knew that we could remove our

1 people doing those tasks by that date.

2 SIR MARTIN GILBERT: With regard to our continuing naval and
3 other interests, what would be required legally to cover
4 those?

5 MR PETER WATKINS: As I said, it had become clear in the
6 negotiations that we would need a separate agreement for
7 the continuing longer-term tasks. So we had already
8 started to negotiate with the Iraqis about this before
9 I left, but we recognised that we would have to start
10 negotiations on a further agreement in the spring of
11 last year, which we did. If you are asking why was the
12 end date on our second agreement on the continuing
13 tasks -- why was that for only one year
14 rather than two -- I think that has a lot to do with, again,
15 Iraqi political factors, like the fact that there would be
16 a Parliamentary election in March of the next year.

17 So I think the Iraqi Government was nervous about
18 presenting to the Council of Representatives an
19 agreement with an end date which so obviously went
20 beyond the term of the currently sitting Council of
21 Representatives.

22 SIR MARTIN GILBERT: We were satisfied with that
23 essentially?

24 MR PETER WATKINS: Well, it allowed us to continue with the
25 role and we envisaged that, after the Parliamentary

1 elections, after the formation of a new
2 Iraqi Government, we will talk to them about extending
3 that agreement for a further year.

4 THE CHAIRMAN: Of course, it has been known to take a very
5 long time for a new Iraqi Government to be formed after
6 an election.

7 MR PETER WATKINS: It has been known and we are very aware
8 of that; and, from that perspective, the recent
9 postponement of the Iraqi elections from January
10 to March is not ideal.

11 SIR RODERIC LYNE: Fortunately, our remit ends in July of
12 last year. I would just like to discuss the final
13 stages of this negotiation about a continued British
14 military presence after our troops had left.

15 Just to recapitulate, so that we are clear about
16 what we are talking about in this fairly complicated
17 situation, you told us at the beginning that you had
18 been involved in two different sets of negotiations.
19 This is the second of those, February and March 2009
20 onwards, led by General Cooper, you were providing
21 policy oversight from London. You said that in
22 early June Simon McDonald and you went out to agree
23 a final text.

24 This is all about providing for us to continue
25 training the Iraqi Navy and protecting oil platforms?

1 MR PETER WATKINS: Correct.

2 SIR RODERIC LYNE: But the training of ground forces that we
3 are involved with, the officer training, is not covered
4 by that at all because it is covered by a separate NATO
5 agreement, which had been reached by this point?

6 MR PETER WATKINS: No, it hadn't. It was covered by the
7 provisional arrangement that NATO had negotiated at the
8 end of 2008. But NATO were still, at that point,
9 negotiating their own long-term agreement, as they call
10 it. But we were confident that they would reach
11 agreement before too long and that that would provide
12 the basis for the officer training, which was about --
13 it would be about 30 to 35 people.

14 SIR RODERIC LYNE: We are a big part of that, but others are
15 joining in that too?

16 MR PETER WATKINS: Others are involved as well, yes.

17 SIR RODERIC LYNE: Would you say that NATO's negotiations
18 with the Iraqi Government would have been a bit easier
19 than ours because they are a multilateral organisation?

20 MR PETER WATKINS: On the whole, I think they have been
21 easier. The Iraqis have a very high regard for NATO.
22 The tasks of the various NATO countries -- the tasks
23 that countries carry out under the NATO agreement -- are
24 slightly more straightforward. They are pure, what
25 I would call "classroom training"-type tasks, whereas the tasks

1 that we were involved in -- up to the change of mission --
2 one of our principal tasks was the training of the
3 14th Division, which, as Simon McDonald explained, was
4 "in-the-field" training, which was a slightly more complex
5 concept. It goes back to the concept of MiTTing,
6 which a number of witnesses have spoken to you about.

7 So in that respect, I think the negotiations between
8 NATO and the Iraqis were slightly more straightforward.

9 SIR RODERIC LYNE: Would you say that the people in the
10 Iraqi political spectrum who weren't really very keen to
11 see the British military staying on in any shape or form
12 in Iraq were less allergic to NATO?

13 MR PETER WATKINS: I think that's a fair comment, yes.

14 SIR RODERIC LYNE: Yes. Now, in this process of negotiation
15 that you have described, how much of it went all the way
16 up to the top levels? Was the Prime Minister engaging
17 quite a lot with Prime Minister Maliki, on the phone and
18 so on over this?

19 MR PETER WATKINS: Do you mean the negotiation of the ...?

20 SIR RODERIC LYNE: Of the second agreement, yes, the thing
21 we are talking about now.

22 MR PETER WATKINS: There were contacts between the
23 Prime Minister and Prime Minister Maliki.
24 Prime Minister Maliki visited London on 30 April last
25 year for the investment conference: the Prime Minister

1 spoke to him them. There were subsequent
2 discussions on the phone. Simon McDonald, as I think he
3 mentioned, spoke to his counterpart and so on. So, yes,
4 there were contacts.

5 SIR RODERIC LYNE: Did we have a unified view in Whitehall
6 on the importance of getting this agreement in the shape
7 and form, or were there differing opinions?

8 MR PETER WATKINS: No, I think there was a pretty unified
9 view. We had said, the Prime Minister had said, in
10 his December statement, that we envisaged a continuing
11 role in agreement with the Iraqis, training their navy
12 and protecting their oil platforms. There was a clear
13 view across Whitehall that that would continue -- that that
14 should continue; that the Iraqis, basically,
15 wanted us to continue, as became clear; and that it was
16 in our enlightened self-interest to continue to provide
17 that support.

18 SIR RODERIC LYNE: So we wanted to do it, they want us to do
19 it -- I suppose when you say "Iraqis", you mean
20 particularly the leadership of the Iraqi Government,
21 because clearly there are different points of view on
22 the Iraqi side?

23 MR PETER WATKINS: The Iraqi Government wanted us to do it.
24 It was clear, when Simon McDonald and I went to Baghdad
25 on 1 June to finalise the text, that they wanted to

1 reach agreement.

2 SIR RODERIC LYNE: But it was still a very difficult
3 negotiation. I wonder if we could just go through some
4 of the stages of this.

5 In April 2009, the Council of Ministers did not
6 approve a MOU on this subject at that stage. Do you
7 know why that was? How did we react to that?

8 MR PETER WATKINS: That did come as a surprise, both to us
9 and our Iraqi negotiators, interlocutors. The legal
10 advice from the Iraqi Prime Minister's legal advisers
11 was that we could reach an agreement in the form of an
12 MOU, which would set out the tasks and which would
13 basically cross-refer to the jurisdictional arrangements
14 set out in the previous resolution and that that was
15 adequate.

16 When the document was presented to the Iraqi Council
17 of Ministers at the end of April, a different view was
18 taken, which was that, since the tasks involved what
19 some members of the Iraqi Council of Ministers saw as an
20 operational task, namely, the protection of the oil
21 platforms, then that agreement should be put to the
22 Council of Representatives.

23 So, in effect, we changed -- we had to change -- the
24 nature of the agreement. Instead of it being a simple
25 government-to-government Memorandum of Understanding, it

1 turned into an agreement which goes through the formal
2 ratification process.

3 SIR RODERIC LYNE: Which, therefore, brings in the Council
4 of Representatives --

5 MR PETER WATKINS: Absolutely.

6 SIR RODERIC LYNE: -- and allows more people to get at it in
7 a sense?

8 So by the end of May, we were in a rather difficult
9 situation on this agreement. It is not clear that it is
10 going ahead. Is that right?

11 MR PETER WATKINS: We were in a difficult situation. We
12 agreed with the Iraqis at the end of April that we
13 should restart negotiations on a new text and that it
14 would be as close as possible to what we had already
15 agreed for an MOU. But, of course, with the prospect of
16 the agreement going to the Council of Representatives,
17 the Iraqi Government needed to, as it were, aim off for
18 what it thought would pass muster in the Council of
19 Representatives or not.

20 So we found ourselves discussing again the
21 jurisdictional provisions because there was a concern on
22 the Iraqi side that these might cause difficulty in the
23 Council of Representatives and there was a debate about
24 the roles.

25 Now, at that stage, we envisaged that our roles

1 would also include our continuing contribution to the
2 American force headquarters in Baghdad. That role was
3 one, again, that the Iraqis were not sure they could
4 fully explain to the Council of Representatives as being
5 in the interests of Iraq. So, in the run-up to the
6 visit that I mentioned, there were pretty extensive
7 discussions across Whitehall between the Cabinet Office,
8 the Foreign Office, and the MoD. And we basically came to the
9 conclusion that we should, as it were, cut the Gordian
10 Knot and refocus that agreement on the two key elements
11 that the Prime Minister mentioned back in December, and
12 that worked.

13 SIR RODERIC LYNE: Naval training on the platforms, drop out
14 of Baghdad?

15 MR PETER WATKINS: Which would have happened anyway because
16 the Americans had already told us that they were
17 planning to reduce the size of their headquarters in
18 Baghdad. So our role through the so-called embedded
19 staff was going to reduce over time anyway.

20 SIR RODERIC LYNE: It is a bit curious. I mean, over, what,
21 six years by then, we had made a huge investment of
22 military effort in Iraq. We have heard from other
23 witnesses how a lot of gratitude for that, the
24 sacrifices we had made, the resources we had expended,
25 had been expressed by Iraqis, official Iraqis, including

1 the people in Basra and they were continuing to offer
2 help, and, at this point, they were saying, "We are not
3 sure we want it".

4 Was that not an odd attitude for them to take?

5 I mean, obviously, they needed continuing help in
6 a number of areas.

7 MR PETER WATKINS: I think they did want it, but they had
8 a make a political judgment about what would get through
9 the Council of Representatives, and even as early
10 as May, the prospect of the elections was looming:
11 the Iraqi political scene is fairly turbulent at
12 the best of times and there was a lot of manoeuvring
13 going on. I think there was a -- there was a concern
14 that, unless this agreement was packaged in precisely
15 the right way for the Council of Representatives, it
16 would be used as a coconut shy by the government's
17 opponents.

18 SIR RODERIC LYNE: Was there any sense that what we were
19 offering was too small to be interesting?

20 MR PETER WATKINS: No, I think it was very interesting. As
21 other witnesses have described, Iraq is rebuilding its
22 oil sector, it will be exporting an increasing amount of
23 oil. So having the protection for -- continuing to
24 provide the protection or contributing to the protection
25 of the oil platforms until the Iraqis are able to take

1 it over themselves, I think that's interesting, and,
2 also, they were interested in our providing training.
3 They wanted to maintain that relationship.

4 SIR RODERIC LYNE: So there wasn't a sense in which they
5 were saying, "Well, we are getting so much help from the
6 Americans that the sort of two penny worth that the
7 British are offering on top of that is hardly worth the
8 trouble"? You didn't feel that?

9 MR PETER WATKINS: No, we didn't feel that.

10 SIR RODERIC LYNE: We weren't a sardine against a whale?

11 MR PETER WATKINS: The famous Christopher Prentice comment.
12 In terms of the agreement, yes, the agreement was
13 a sardine against a whale, but, no, in terms of what we
14 were offering: we were offering particular skills in
15 areas that were important to them.

16 SIR RODERIC LYNE: So at the end of May, things had got very
17 difficult. You say intensive discussions across
18 Whitehall decide to drop the Baghdad element and then
19 you and Simon McDonald go roaring out to Baghdad,
20 although you have already got a team of negotiators out
21 there, led by General Cooper.

22 MR PETER WATKINS: General Cooper had left by then.

23 SIR RODERIC LYNE: Oh, he had left? But led by his
24 successor?

25 MR PETER WATKINS: Led by his successor.

1 SIR RODERIC LYNE: So why did you and Simon have to go?

2 MR PETER WATKINS: As I said, there had been already
3 contacts between the two Prime Ministers. These
4 negotiations had, up to that point, been conducted
5 between the Ministry of Defence and our senior military
6 representative, the Iraqi Ministry of Defence and our
7 senior military representative.

8 It was quite clear by then that the only way to
9 resolve this was by direct negotiations with the
10 Prime Minister's office in Baghdad, and so, in effect,
11 we upped the ante accordingly.

12 SIR RODERIC LYNE: You saw Prime Minister Maliki, did you?

13 MR PETER WATKINS: We did. We had two negotiating sessions
14 with his advisers. We had one in the morning, where we
15 basically reprised where we had got to. We set out our
16 proposal, which was to refocus the agreement on those
17 two core elements or, indeed, just one of them, if
18 that was the Iraqi preference.

19 The Iraqis asked to us present them with proposed
20 texts, in fact, two proposed texts, one for both roles
21 and one text for just one of the roles. So I went back
22 to the embassy, and, with the help of the embassy legal
23 adviser, did some rapid redrafting. It was mainly
24 moving blocks around -- it wasn't having to do anything
25 from scratch -- and then we went back in the afternoon and

1 we presented the two documents to the advisers and they
2 were happy with them and said that they would show them
3 to the Prime Minister, and then we went and called on
4 the Prime Minister, who was also happy with them, but
5 said he would like to discuss with the Council of
6 Ministers whether the agreement should focus on both of
7 those tasks or just one of them.

8 It was discussed in the Council of Ministers the
9 following day, and they decided that they would like to
10 continue with both tasks. Then the agreement was
11 signed a few days later and then it went to the Council of
12 Representatives for that part of the process --

13 SIR RODERIC LYNE: You had got the text sorted, but they
14 weren't, as you said earlier, finally ratified -- the
15 agreement wasn't finalised until November, but by that
16 time we had actually withdrawn our troops.

17 Was the withdrawal decision contingent on getting
18 this agreement or was this now already fixed on its
19 timelines?

20 MR PETER WATKINS: As I said earlier, the vast majority of
21 British troops were being withdrawn anyway under the
22 terms of the pre-New Year agreements. Those agreements
23 allowed to us continue with our tasks until the end of
24 31 May, that cut right across the board. So after
25 31 May, although we could leave our personnel in Iraq

1 until 31 July, they weren't actually authorised to do
2 anything. So we didn't see much point in leaving
3 them there, and so we brought them back initially to Kuwait.

4 SIR RODERIC LYNE: Did this leave a vacuum for the remaining
5 naval contingents in which they were still there but the
6 agreement hadn't been finalised?

7 MR PETER WATKINS: I mean, clearly the training of the
8 Iraqi Navy was paused. In terms of the protection of
9 the oil platforms, we simply swapped over our ship with
10 an American ship elsewhere in the Gulf. There were
11 a number of coalition task groups operating in the Gulf
12 area and so we simply swapped them over.

13 So for that period it didn't actually cause anybody
14 too much harm at all.

15 THE CHAIRMAN: Martin?

16 SIR MARTIN GILBERT: Was there any sense in which the
17 United States could have or might have wanted to
18 undertake these tasks and somehow we could have been
19 edged out?

20 MR PETER WATKINS: The United States were pretty clear that
21 it did not wish to undertake those tasks, and, indeed,
22 General Odierno made clear to the Iraqis that the
23 United States would not rush to backfill them,
24 particularly the Naval training task. So, no, they
25 didn't want to.

1 Clearly, the Americans also had to take
2 a longer-term view, which is that in the event that we
3 had not -- we did not reach an agreement, then they
4 would have to take on both tasks until they were
5 completed. They might have had to do that but, as I said,
6 in the event, they have not had to do that.

7 SIR MARTIN GILBERT: Finally, how would you assess the
8 importance to our national interest to these agreements
9 to the Naval and oil platform agreements in the
10 long-term?

11 MR PETER WATKINS: I think they are important because, as
12 previous witnesses have said to you, Iraq will be an
13 increasingly important player in the Gulf region. The
14 Gulf region is of great strategic interest to us. It is
15 therefore important that we should develop a broad-based
16 relationship with Iraq of which the military element is
17 part, as it is part of our relationship with other
18 countries in that area.

19 So I think this is a -- if you like, I wouldn't say
20 an insurance policy, but it is a long-term commitment to
21 helping a country that we would expect to be a friend in
22 that part of the world to develop its capability.

23 SIR RODERIC LYNE: If I can just follow up on that, would
24 you draw any conclusions from these long negotiations
25 about how welcome we are playing that role in this area

1 of great strategic interest to us?

2 MR PETER WATKINS: Well, I think we are welcome playing
3 those roles. The Iraqis, as I said earlier, wanted to
4 recover their sovereignty. They wanted their division
5 in Basra to be able, as you know, sooner rather than later,
6 in their perspective, to be able to stand on its own two
7 feet. But in terms of our providing support in the naval
8 area, our providing officer training and so on, I think
9 that is welcomed.

10 THE CHAIRMAN: Usha?

11 BARONESS USHA PRASHAR: No, thank you.

12 THE CHAIRMAN: I suppose our Inquiry really has twin
13 purposes. One is to find lessons to be learned.
14 I would like to ask you if you feel there are specific
15 or general lessons to be learned from the negotiations.
16 But the other is to conduct as reliable an account as we
17 can of the entire period within our purview and you have
18 helped us to do that. Thank you.

19 So anything on lessons learned from this particular
20 bit of the experience?

21 MR PETER WATKINS: One lesson, I think, is one which you
22 have picked up on which is, ideally, if we were starting
23 this all over again, we would have agreed with the
24 Americans and with other allies that we would have had
25 a single agreement. We should have applied the old

1 Balkans principle of "in together, out together", as it
2 were. So a single agreement would have been better.

3 It would have been a lot of work to have put it
4 in -- to have formulated it at the outset, but there
5 were reasons, which I explained, why this wasn't
6 possible.

7 I suppose the other lesson, which is a more tactical
8 lesson, and you have also hinted at it, Chairman, is
9 that you have to allow a lot of time for these things
10 because -- especially if one is going for a treaty
11 quality agreement -- it has to go through a national
12 approval process, which can be, firstly, complicated
13 in itself and can be affected by the political background.

14 SIR RODERIC LYNE: Did we have a deep enough understanding
15 of that political background?

16 MR PETER WATKINS: I think we had a good understanding. The
17 embassy was extremely well plugged-in in Baghdad. They
18 knew -- they had very good access, they knew what was
19 going on.

20 THE CHAIRMAN: Any final comments at all? Otherwise,
21 I think we have come to the end of this part of the
22 session.

23 MR PETER WATKINS: I think two, if I may. One is, I think
24 if you had asked observers of what was happening in Iraq
25 in the summer of 2008 to bet on the likelihood of our

1 forces -- our combat forces -- withdrawing in an
2 orderly, efficient and entirely peaceful manner, I'm not
3 sure many people would have betted heavily on that. But
4 that is what happened, for a number of reasons.

5 Partly because the security situation in Basra had
6 improved in the way that was -- has been -- described to
7 you; partly because, blowing my own trumpet, I think the
8 agreement was adequate for what we needed; and also
9 because my colleagues in the Permanent Joint
10 Headquarters planned it and executed it very well. So,
11 in my view, that was a success. But it is all too easy
12 just to tick it off and move on.

13 The other point I ought to mention is that
14 throughout the negotiations, I received outstanding
15 support from the embassy, and I think it was a good
16 example of cross-government teamwork between the MoD,
17 the Foreign Office and the Embassy in Baghdad.

18 SIR RODERIC LYNE: How big a factor in that success was
19 Charge of the Knights and changing the security
20 environment in Basra?

21 MR PETER WATKINS: It was a factor that worked in two ways.
22 Yes, Charge of the Knights and what happened afterwards
23 did improve the security immensely. It did not remove
24 all possible threats and we were conscious of the risk
25 that we were -- the risk that we would carry for as

1 long as our troops were there and that we would need to
2 manage the drawdown in a way that mitigated that risk.

3 The slightly contrary way in which it operated was
4 that there was a view amongst some in place in Baghdad
5 that the Iraqi security forces had done it all for
6 themselves, and, therefore, they had less need of us.

7 SIR RODERIC LYNE: Did we manage the drawdown in a way that
8 allowed us to hand over as we had originally intended,
9 to Iraqi security forces or did the Americans, to
10 a certain extent, have to backfill for us when we drew
11 down?

12 MR PETER WATKINS: We handed over to the Iraqi security
13 forces those roles which we envisaged handing over to
14 them. So, basically, the 14th Division took on those
15 security roles. The Americans were increasingly focused
16 on mentoring the Iraqi police and I think previous
17 witnesses have told you about some of the issues there.
18 So that was a role that they identified for themselves
19 and which they increasingly took on.

20 SIR RODERIC LYNE: But we left behind a legacy of which we
21 could feel proud, in the southern region?

22 MR PETER WATKINS: That would be my view, yes.

23 SIR RODERIC LYNE: Yes.

24 THE CHAIRMAN: Closing off, you had to manage and negotiate
25 through to a successful conclusion an extremely

1 complicated process in the context of Iraqi
2 constitutional and political circumstances. What about
3 this end?

4 MR PETER WATKINS: We were very conscious of this end. The
5 deadline of 31 December 2008 has been mentioned. But
6 there was another deadline in our minds, which was
7 18 December, which was when Parliament went into recess
8 and we knew that Parliament would either expect to be
9 presented by then with an agreed text, which would -- had
10 we followed the full treaty process -- would have then
11 been subject to something we call the Ponsonby rule; or
12 at least it would expect a report that negotiations were
13 on track and that we expected to reach agreement by the
14 end of the year. So we were very mindful of this end of
15 the situation.

16 THE CHAIRMAN: Thank you very much indeed, Mr Watkins. That
17 concludes this session. I thank those who have been
18 present to witness it and, looking forward, I think we
19 will restart at about 11.15 am, in ten minutes or so,
20 when we will be take evidence from John Jenkins, the
21 Director of Middle East and North Africa Department at
22 the time, now our ambassador in Baghdad, and, with him,
23 from Frank Baker, Deputy Director of Middle East and in
24 the Foreign Office and, I think, Ambassador Designate in
25 Kuwait. So with that, closing off this session. Thank

1 you.
2 (11.05 am)
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(Short break)

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