

Statement by Paul Robert Kernaghan, ACPO Lead on International Affairs [2000 – 2008]  
and Chief Constable of Hampshire Constabulary [1999 – 2008]

I believe there may be merit in commencing this statement with a brief explanation of the civil police structure of the United Kingdom and related constitutional and operational factors. The UK does not possess a national territorial police force or even a 'national' police service structure. Civil policing is based on 52 territorial forces [there are in addition what one might call 'niche forces' such as the British Transport Police [BTP], Civil Nuclear Constabulary [CNC] and Ministry of Defence Police [MDP]], spread across the different domestic legal jurisdictions and sponsored by three different government departments. The Home Office is responsible for the 43 forces which cover England and Wales, the Scottish Executive/Government for the eight forces in Scotland and the Northern Ireland Executive for the PSNI. During the period covered by this Inquiry, the Northern Ireland Office was responsible for the PSNI.

Each force is headed by a Chief Constable [or Commissioner] and he or she enjoys operational independence. Thus, politicians including ministers may have an influence on matters such as budgets but no politician can order a Chief Constable to perform a specific function such as arrest a named individual. The 'sponsoring' department is a key player in the so-called tripartite arrangement of police governance, the other two parties being the Chief Constable and the relevant police authority/board. Police authorities/boards are essentially locally based bodies composed of elected councillors and/or others with a duty to maintain efficient and effective policing – locally. They are not required to consider wider national or international operational requirements. Yet, to post officers overseas, approval is required from both the relevant Secretary of State and from the officer's police authority. This requirement is enshrined in statute.

There is no command and control structure above the level of the police force. However, in order to promote some consistency of approach etc, historically Chief Constables have formed associations to undertake mutually beneficial forms of cooperation. ACPO covers the 44 Chief Constables [and Commissioners] of England, Wales and Northern Ireland, whilst ACPO Scotland's brief is self explanatory.

Though ACPO has recently received statutory recognition, it is essentially a club with no executive or command function. It is a representative body, which is consulted by the Home Office when they seek a police service view. Chief Constables generally seek to support and abide by ACPO policies but ultimately, they all retain the right to opt out and to pursue their own force specific policies.

Thus, no minister in the UK can constitutionally order the police service to obey a particular instruction, unless there is specific legal authority for that instruction. No minister can order that volunteer police officers be deployed abroad in pursuit of HMG's foreign policy objectives.

The ultimate decision making body in ACPO is Chief Constables' Council but day to day policy formulation and cooperative working is managed by 'business areas', previously known as committees. ACPO TAM [Terrorism and Allied Matters] is a unique business area, in that it has an explicit UK wide remit and is composed of both ACPO and ACPOS representatives and, indeed, colleagues from other agencies. All other ACPO business areas are limited to England, Wales and Northern Ireland.

ACPO responsibilities are voluntarily assumed by members of the ACPO ranks and are in essence 'in addition to other duties'. I was employed as the Chief Constable of Hampshire Constabulary and my legal duty was to lead an efficient and effective police service in Hampshire and the Isle of Wight. Any work I performed for ACPO was in addition to that primary focus. I make that point to highlight that there was no full time police staff resource allocated to International Affairs and I was unable to attend every routine meeting in London. In practice, I personally give a high priority to International Affairs work and from May 2003 for some time, International Affairs became de facto Iraq Affairs.

ACPO International Affairs' mandate is limited to the forty-four forces which make up ACPO but I also saw my role as informally representing my ACPOS colleagues and ensuring they were aware of all relevant developments, which might impact on their responsibilities.

I was actually on leave in America when Baghdad fell to US forces and prior to my departure there had been no contact whatsoever with the Home Office or FCO in relation to post invasion contingency planning. However, on returning to the UK I was contacted on 14/4/03 by the Home Office. I was advised that on 10/4/03, following a Cabinet meeting, the Home Secretary 'had said he wanted to be in a position to offer/or react very quickly to a request for assistance in re-establishing policing in Iraq.' It also appeared that the MDP had sent two officers out to make a short reconnaissance visit, in response a request from the GOC I [UK] Armoured Division. I set out my initial thoughts and suggestions in an email to the Home Office dated 15/4/03 [PRK001].

On 17/4/03 I emailed the FCO [PRK002] suggesting that we needed a 'joined up' response in respect of potential civil police support in Iraq and recommending that the FCO convene a meeting accordingly. I highlighted the fact that I had already agreed with the CC MDP that an integrated response was desirable. Such a meeting was held on 23/4/03 and I documented the outcome in an email to the FCO that same day [PRK003]. I volunteered to visit Iraq, as I was quite clear that I could not offer valid professional advice unless I had first hand exposure to the realities of contemporary Iraq.

In the event I deployed to Iraq on 13/5/03 returning on 20/3/03 and on my return submitted a full report to the Home and Foreign Secretaries and senior officials [PRK004].

I believe my first visit report may be of some interest to the Inquiry, as it was compiled on the spot and fully reflects the Iraq [and the official attitudes] I encountered in May

2003. Its recommendations were never to my knowledge officially responded to but I was aware that in June 2003 the FCO envisaged an armed International Police Monitoring Force [IPMF] deploying to Iraq. The one immediate action I was asked to support, was the selection of a Senior Policing Adviser to the Iraqi Interior Ministry. In the event this requirement changed to two officers at Assistant Chief Constable rank. I ensured the opportunity was circulated throughout the UK. The FCO subsequently selected ACC Brand [Baghdad] and ACC White [Basra] and posted them as shown. I wrote to them making it clear that whilst they worked for and to the FCO, I stood ready to provide support, including lobbying in London, if that would ever assist them. My role was strategic advice to the FCO and the facilitation of approved personnel requests. I had no command and control function. This ACPO role never altered throughout the period 2003-2008. We could advise the FCO and the Home Office but the FCO paid for Iraq, managed seconded officers, employed contracted officers and they retained those functions even when the MOD assumed the lead responsibility for policing policy as part of the wider SSR brief. I could advise, warn and encourage but I was never granted executive authority and our current police/governmental structure makes no allowance for professional leadership in the context of developments such as Iraq.

I will not document every twist and turn over the years. In essence, the UK provided a small team of trainers/advisers based in Basra together with a small element in Baghdad and two senior advisers, subsequently reduced to one. Over time there were thoughts of posting personnel to Hungary but eventually a small Iraqi based training capability was bolstered by a larger training presence in Jordan. The Home Secretary approved the creation of a pool of officers for service in Iraq [approximately 200 – to sustain a maximum deployment of 100 officers], recognising that they would have to be trained in the carriage of firearms. In the event the majority of personnel were posted to Jordan which was a benign environment which did not require them to be armed. Some forces would allow their officers to be posted to Jordan but not to Iraq itself. Despite this the number of officers deployed in Iraq did grow over time, for example in December 2003 the Home Secretary approved the deployment of 24 officers to act as trainers in Basra. Some forces point blank declined to post personnel to Iraq.

A recent NGO report on ESDP missions characterised them as “small, unambitious and lacking in strategic impact.” I am afraid I would apply that judgement to the police assistance effort in Iraq conducted by HMG. I would highlight the following points which characterise the situation, as seen from my perspective:

- No evidence that the British AO was an integrated part of Iraq wide developments – Basra seemed to be more “semi-detached” than an “exemplar of best practice.”
- Great aspirations but under-resourced.
- Police Service not structured to provide high quality personnel on a consistent basis.

- The police training structure eventually created by the CPA [CPATT] was in essence almost a wholly owned military enterprise. This was in one respect understandable, as the fragmented/devolved nature of policing in the US is even more pronounced than in the UK. However, there was never a clear focus on providing sufficient numbers of senior and high quality personnel to staff this key function. The military did it because no one else was willing to post the required police experts. Failings were not confined to the UK with the US posting some individuals with extremely narrow experiences of policing and none whatsoever of counter-insurgency policing.
- A fear by some officials of using accurate language – the term ‘occupying power’ was both legally correct and a statement of fact but some diplomats shied away from it. This compounded an attitude displayed by many British officials that the master plan was working and that to raise the issue of pre-invasion planning was to question government policy. There was a real sense of denial and a lack of objective yet constructive ongoing re-appraisal of the mission. Some utterances in recent years do not chime with my memories of the views certain individuals expressed at the time.

I do not believe there was ever a clear, comprehensive, realistic strategic plan for policing in Iraq. Many documents came and went but no document effectively guided personnel on the ground, nor was it capable of responding to changes in the operational environment.

The training regime at times consisted of an imported package originally designed for use in the Balkans. This reflected a desire/perception amongst diplomats and others that they were working in a benign environment and that a hybrid 50% New York PD and 50% Blankshire Police [mythical UK exercise force] model was perfect for Iraq. I argued against that model from the first day but higher policy considerations seemed to preclude an acknowledgement that we needed a force which could survive and function in contemporary Iraq.

Sir Ronnie Flanagan was asked by the Secretary of State for Defence [Dr Reid] to review policing in MND [E]. I believe this was a personal initiative of the SoS based on their previous working relationship in Northern Ireland. I welcomed the review and inputted to it. However, I am unaware of how it specifically affected policy in Iraq and other witnesses will be better placed to provide that information. The review report was I think circulated in January 2006, nearly three years after Op Telic commenced.

Coordination on the ground between different nations was obviously a matter for military commanders and the UK’s diplomatic representatives. I recognise that the only thing worse than an enterprise with allies, may be an enterprise devoid of allies. However, in an ideal world I would suggest one country should be allocated responsibility for police reform in a country and resourced to deliver a coherent structure in partnership with the

host country. In Iraq I never discerned a pattern of seamless working between the USA and the UK nor between Basra and Baghdad, including agreed Iraqi led devolution. America seemed to be the paymaster and the one which was committing huge resources. The UK struggled to be an effective ally/partner through a shortage of resources and in the case of police reform, an inability to have a well regarded domestic police service produce a comprehensive police assistance mission.

The UK has a limited history of deploying civil police officers abroad and that lack of experience allied to a poor understanding within Whitehall of the police service's diversity, culture, and organisational strengths and weaknesses was a poor background to planning for Iraq. Historically, the police forces of the UK could be divided in to three categories. Firstly, the civil police who operated in Great Britain and this was the model with which civil servants in Whitehall were not unnaturally most familiar with. Secondly, the Royal Ulster Constabulary, a civil but routinely armed police force whose ethos, equipment and role encompassed counter-insurgency operations. The third category was that of colonial forces which were part of the Empire but by 1997 they had severed their last command and control ties with the UK and were no longer a resource available to HMG.

The RUC had provided the vast majority of the personnel who deployed to Greece after the Second World War as part of the British Police Mission which was part of a broader UK assistance effort. Interestingly, this particular mission is not well known, documented or studied.

In 1964 UN documentation [United Nations Document S/5679] indicates that a request for British civil police officers to serve in Cyprus with the UN [UNFICYP] was rejected by HMG. However, in researching that episode I was unable to unearth any British documentation acknowledging the UN's statement. In essence, I think it is fair to say that prior to 1994 there was negligible British involvement in peacekeeping or peace support operations which required a civil police element.

In 1994 things changed significantly with the various conflicts grounded in the Former Republic of Yugoslavia [FRY]. Eight civil police officers deployed from the UK to Mostar to work under the auspices of the Western European Union [WEU]. It should be noted that legislation to authorise such a development was only passed in 1994 but did not cover all the police forces of the UK. In 1997 thirty officers were sent to form part of the International Police Task Force [IPTF] in Bosnia. The next major deployment was in connection with the NATO entry to Kosovo, where it appears the UK agreed to contribute a police presence but the realisation that it would be an armed, led to some rapid retrospective consideration and the RUC were initially deployed, subsequently supported by the MDP.

In my view I enjoyed a good, professional relationship with the FCO and I regarded them as the lead department on behalf of HMG. I was very keen to provide them with

objective, professional advice but I was conscious that I was only an adviser and they were under no obligation to accept that advice. Equally, whilst I worked closely with FCO officials I was very clear that any requests for police resources should be channelled by FCO ministers to their Cabinet colleagues, primarily the Home Secretary but also the Scottish and Northern Ireland Secretaries. I was not in a position to unilaterally offer police resources.

My principle point of contact in the Home Office was an official with whom I enjoyed a first class professional relationship. I make no apology for highlighting her professionalism and I was always confident that she would adopt a sensible and measured position. Over the years she and I remained fixed points in the context of Iraq, given that other officials in the FCO etc with whom we worked, seemed to change regularly.

I had no direct relationship with the NIO and whilst ACPO does cover Northern Ireland and thus in theory should interact with the NIO on the same basis as the Home Office, in practice that is not the case. My policy was to ensure the Chief Constable PSNI was kept fully aware of developments and that he could liaise direct with the NIO as appropriate. Equally, when the FCO talked about direct engagement with the police service or other government departments, I consistently highlighted the constitutional realities of devolution. In particular I was keen to ensure my Scottish colleagues were kept abreast of developments and that the Scottish Executive/Government was involved as per their constitutional position.

HMIC strictly speaking has no role in the provision of police resources for international missions but I recognised the role of the HMCIC as principal police professional adviser to the Home Secretary. Thus, I sought to keep him aware of relevant developments. Indeed, I first copied the Inspectorate in to relevant emails on 15/4/03.

I had no formal direct relationships with other government departments or agencies. However, I enjoyed a good relationship throughout with senior Army commanders both in theatre and back in the UK. I was briefed by SIS personnel and would note that their assessments invariably chimed with my own snapshot observations but more importantly, they were far more candid, realistic and generally pessimistic than those I received from other British representatives. In later years the MOD assumed the lead for SSR and I attended meetings at the MOD. Again I enjoyed a good relationship with MOD officials but I rather viewed the focus by that stage as being one of managing decline and making the best of a bad job.

I have already highlighted my role as ACPO Lead on International Affairs and that I represented the 44 forces of England, Wales and Northern Ireland. However, I sought to recognise the unique status of the PSNI and their relationship with the NIO. I fostered

and enjoyed a very good relationship with ACPOS. In essence, I was their man in London. I reported back to them on developments but never spoke on their behalf in the absence of express authority to do so.

The contribution of individual police forces to the Iraq effort varied greatly. Some forces loyally provided staff and looked after those staff well. Sadly, other forces declined to supply staff, particularly for service on the ground in Iraq itself. There was no correlation between size of force and their willingness to support this national effort. Some large forces declined to post personnel to Iraq whilst some small forces were great supporters. Some Chief Constables were very supportive of their officers, whilst one Deputy Chief Constable publicly questioned the sanity of his officers who were serving in Iraq.

The MDP are not a constituent force of ACPO and obviously are an integral part of the MOD. Thus, they have a different *raison d'être* and international missions have become a core tasking for them. On occasions it did appear that the FCO sought to exploit the differences between ACPO/ACPOS forces and the MOD. However, in practice that was never a problem, as I developed a very close and productive relationship with successive Chief Constables of the MDP. I recognised that the MDP marched to a different constitutional drum and sought to ensure that the FCO and others received authoritative advice which took that reality in to account. The MDP have some capabilities that Home Department forces do not have, equally they lack many capabilities found in such forces.

When I first deployed to Iraq in May 2003, I ended up travelling from 1 [UK] Armoured Division in Basra to Baghdad with their SO1 Legal and the CO 1 RMP Regiment. That CO is now the Provost Marshal [Army]. Suffice to say that we established a very positive relationship and I was impressed by the work of the RMP both at that time and subsequently. I grew up professionally working with the RMP both as a soldier and police officer in NI and GB. I have seen them develop in to a first class organisation which does a remarkable job in demanding circumstances. However, there are wider issues that may need addressing in respect of the chain of command and the degree of independence which is required and can be demonstrated in respect of certain investigations. This in no way meant as a criticism of the RMP but rather as a simple acknowledgement that additional resources may be required in scenarios such as Iraq and that on occasion the integrated nature of military command may militate against some desired outcomes.

I have not reviewed all the evidence of previous witnesses to the Inquiry. However, I did note some comments affecting the police service which I feel are inaccurate and I hope a few facts may assist the Inquiry.

I did take the President of ACPO to visit Iraq once and on another occasion I was accompanied for part of my visit by Sir Ronnie Flanagan and two Chief Constables. Both

these visits were part of my effort to raise the profile of Iraq and to emphasise to key players the importance of the British police service contribution to the wider HMG effort. However, to my knowledge I was the only ACPO officer who dealt with CPA personnel employed in MND [SE] in Iraq. My visits were all organised by the FCO and they invariably involved stays in both Basra and Baghdad.

Sir Hilary Synnott in his evidence to the Inquiry claimed that he met me in Baghdad as apparently I was “reluctant to visit Basra.” He then sought to correct that totally inaccurate statement by altering his testimony [at a later date] to the effect that we actually met at Basra Airport. However, he claimed that venue was because I was “reluctant to visit us in Basra Town.” An accurate account of our meeting is contained in my Iraq visit report dated 18/11/03. I was scheduled to visit Basra itself but Basra Airport was subject to a security ‘lockdown’ during my visit and I was prohibited from leaving that location. I recognise that the passage of time may have impacted on that witness’ recall of events, such as who he thinks he did or didn’t meet.

Concern was expressed in relation to the unwillingness of Chief Constables to allow personnel to serve in Iraq. I have already indicated that the picture was mixed and that the service as a whole was able to meet Home Office endorsed requests from personnel nominated by contributing forces. I am unaware of any FCO/Home Office request that we were unable to meet. Duty of care matters affecting civilian personnel were addressed within Whitehall on, I believe, a collective basis. I only articulated clear policy lines on two occasions. I did not favour officers assigned to training duties in Basra having to travel on a daily basis to and from their training centre. This ruling resulted I know in more difficult living conditions for those officers but I am satisfied that the security benefits justified that detriment. I also prohibited police officers from being transported in ‘Snatch Landrovers.’ I insisted that they be transported in B6 [FCO categorisation] protected vehicles and Warrior AFVs. I recognise that no vehicle can guarantee total protection from IEDs or sustained firearms attack but I felt Snatch Landrovers were unacceptable in terms of the operational environment. I know this meant police officers were treated differently from soldiers but police officers are not soldiers and different considerations apply. I also recognise that military commanders had to operate with the resources at hand but I insisted that my officers be conveyed in vehicles similar to those allocated to FCO personnel. I was more relaxed about the Warrior AFV and felt carriage in it was acceptable.

Notwithstanding my view that there was never a clear, realistic and properly resourced police strategy in Iraq, I think it is important that I pay tribute to the contribution of those British police officers who did deploy to Iraq. An officer from, for example, Basingstoke did not join the police service with any expectation that they would end up serving in a country such as Iraq, in the midst of civil dislocation and an insurgency. Yet, many volunteered and served with distinction. They worked in harsh environmental conditions and gave of their best. Their work received minimal recognition at home, be it from the media or others. However, they demonstrated a tremendous ability to adapt and to rise to any challenge. As the ACPO lead I was personally and professionally extremely grateful



to them and to their supportive families. The greatest tribute we can pay them is to identify systemic failings and correct them for the future. Our police forces contain some highly talented individuals, we need to harness and exploit that talent more effectively.

### Lessons for the future

I should point out that I have submitted various reports over the years seeking to alert government to the need to better harness the potential response of the police service to international assistance calls. I am an admirer of the Australian approach which can be summed up by the concept of 'whole of government'. If Australia is considering an international initiative/intervention be it as part of a coalition or a purely national effort, then the government involves the Department of Foreign Affairs [including AusAID], the Australian Defence Force [ADF] and the Australian Police in the initial planning exercise. The Australian police are represented by the Commissioner, Australian Federal Police. Australia adheres to a model of police operational independence inherited from the Westminster Model but in the context of international matters, then the government can direct the Commissioner in pursuit of Australian foreign policy. The police service of the UK should be involved in planning all peace support type operations; even if only to confirm that they can play no useful part. However, given the contemporary focus on intra-national conflict and the realisation that domestic law and order are central pre-requisites for stability and prosperity in any society, then it may well be that the police service can regularly make a useful input to wider UK international assistance initiatives/missions.

In order to contribute at the highest level nationally then the service needs to be restructured. Who speaks for the police of the UK? Currently, no one can speak with authority. I recommend that whilst the current doctrine of operational independence remains a vital component of effective domestic policing, the government of the UK should have the power to direct the police service to contribute to international assistance missions. That power would remove the need for local police authorities to approve the contribution of volunteer personnel, despite the FCO reimbursing the cost of local abstractions. A chief officer should be appointed as the International Assistance Commander/Adviser and that officer would speak on behalf of all fifty-two forces.

The police service needs to develop an international assistance capability which is specifically designed to operate in support of HMG's foreign policy. That capability would encompass the spectrum from sending a few advisers to an established foreign government, right through to the potential need to substitute in the absence of a local police force. In this context, it is essential that the police service engages in joint training with the British Army and ensures some senior and middle ranking police officers are familiar with the military staff structure [J1 – J9]. In many scenarios the military will either provide the framework for ongoing assistance efforts, or at the least they will dominate the initial assistance phase. In either case the military's structure will impact on all other agencies, be they DFID, NGO's or the police service. The contemporary police service lacks many personnel who understand the military and in particular their staffing

structure. HMG [in practice ministers in the Home Departments] must ensure that the police service is mandated, funded and/or directed to address this need, as part of a wider international assistance HR reform package.

I do not believe the Inquiry would see itself as the right forum for an in-depth review of the problems associated with a police service which is essentially based on a Victorian concept of localised policing. However, a key task for the future is to provide a structure which enables the police service to professionally address the problems highlighted by Iraq, if that is indeed the desire of ministers. My recommendations for an International Police Assistance Board [IPAB] and International Police Assistance Group [IPAG] structure have been actioned post my retirement in 2008. The remaining and most important piece of the jigsaw is to alter HR policies to ensure the UK can actually attract, train, deploy and retain officers properly equipped and rewarded for such important national security work. It is disappointing to note that seven years after Iraq, there appears to be little or no evidence of such a shift in official/ministerial thinking.

“What we cannot do, we should not pretend to do. It is easy to pretend that we can impose peace with justice on every disorder or dispute outside our national borders. But what we decide to do, we must do well.” [PM John Major, 1993]

Paul Kernaghan CBE QPM

[Submitted to Inquiry Secretariat on 9/6/10]