Friday, 23rd July 2010

(10.00 am)

MR PAUL KERNAGHAN CBE QPM

SIR JOHN CHILCOT: Well, good morning and welcome.

MR KERNAGHAN: Thank you.

SIR JOHN CHILCOT: Welcome to our witness this morning, Mr Paul Kernaghan. You were the International Affairs portfolio holder for the Association of Chief Police Officers from 2001 to 2008 as well as being Chief Constable of Hampshire throughout the period?

MR KERNAGHAN: That is correct.

SIR JOHN CHILCOT: In this session we want to examine the ability of the United Kingdom to support police reform in Iraq and in particular, within that, the role played by, I think we are allowed to say ACPO.

MR KERNAGHAN: Indeed.

SIR JOHN CHILCOT: Now, later this morning Mr John Buck from the Foreign Office will not after all be able to be present this morning for personal family reasons, so this will be the only session.

I say on every occasion we recognise that witnesses give evidence based on their recollection of events and we of course check what we hear against the papers to which we have access and which we are still receiving. I remind each witness on each occasion he will later be
asked to sign a transcript of the evidence to the effect that the evidence given is truthful, fair and accurate.

With whose preliminaries out of the way I will ask Baroness Prashar to open the questions.

BARONESS PRASHAR: Good morning, and thank you for your statement. What I want to start off by is really asking you what did your role as the International Affairs portfolio holder actually entail, and how is the ACPO structured?

MR KERNAGHAN: Right. I am conscious that I did touch on that in a statement.

BARONESS PRASHAR: Indeed, but I think it would be helpful if you can just spell that out.

MR KERNAGHAN: The United Kingdom does not possess a single National Police Force or indeed a National Police Service. It is composed of 52 territorial police forces and what I have described as niche police forces, namely British Transport Police, Civil Nuclear Constabulary and Ministry of Defence Police. But the police forces that most citizens deal with are the territorial police forces. 43 in England and Wales, sponsored, for want of a better phrase, by the Home Office, eight responsible to the Scottish Government or Executive, and one PSNI responsible to what was the Northern Ireland Office during the course of your
investigations but is currently the Northern Ireland Executive.

SIR JOHN CHILCOT: Sorry, Mr Kernaghan. Could you slow down just a little.

MR KERNAGHAN: Sorry. I apologise.

So you have 52 police forces. Constitutionally independent, responsible to a Chief Officer and a Police Authority or Policing Board, who are local officials, either elected councillors or nominated individuals.

However, historically Chief Officers have formed associations to develop common policy and to maximise efficiency and effectiveness.

Currently the structure is ACPO(S), the Association of Chief Police Officers for Scotland that self-evidently looks after the eight forces in Scotland. ACPO, as referred to by Sir John, is the Association of Chief Police Officers for England, Wales and Northern Ireland and therefore is responsible for the remaining 44 territorial forces and indeed interacts with primarily the Home Office, but obviously the NIO during this period has a role as well.

Its day-to-day business is dealt with by way of what were referred to historically as committees, but I think within the last five years changed to modern nomenclature – namely business areas.
International affairs is obviously quite a strange one and de facto was an individual portfolio which I looked after on behalf of the President of ACPO. My role was to interact with Government where they were interested in international police assistance and then to feed back to my colleagues and to organise and facilitate requests from Government as best we could. Historically the UK has had a very limited involvement in overseas policing. That increased in the mid-1990s and obviously took on an entirely new dimension with the intervention in Iraq.

BARONESS PRASHAR: But you had, of course, a full-time job at the time as Chief Constable for Hampshire Constabulary --

MR KERNAGHAN: Yes, and --

BARONESS PRASHAR: -- and this was something you did over and above that particular job?

MR KERNAGHAN: Yes. It is a very fair point you raise.

ACPO is a voluntary association of Chief Officers. I was paid and employed to command and provide an efficient, effective police service in Hampshire and the Isle of Wight. I voluntarily took on this responsibility. It is not something I did in the evening, but perhaps that's the best way one can express it. You have your day job and then this is something
you do in addition. Very openly in the early days it wasn't an overly onerous additional responsibility. With Iraq and subsequent events, yes, it did take up significantly more time.

BARONESS PRASHAR: So how much time were you actually able to devote, given the fact you had a full-time job?

MR KERNAGHAN: It varied. I would think probably at the height of our involvement in Iraq it would be -- and it is very hard to sort of pull it together, but it would be at least one full day, perhaps ten hours a week. Now that could have been a full day up in London or it could have been fitting in bits and pieces in the midst of Hampshire-centric material, but it was doable and quite frankly it was a stimulating responsibility to discharge.

BARONESS PRASHAR: But as the International Affairs portfolio holder how did you work with the other Chief Officers?

MR KERNAGHAN: Right. I think common throughout ACPO is the assumption that when you are given the portfolio your colleagues trust you to discharge that responsibility, to report back to them when perhaps you are looking for a policy decision through Chief Constables’ Council, but basically you are left to get on with it. A domestic example would be if you were the chief constable
who led on traffic policy. Your colleagues give
you day-to-day freedom to negotiate and work on that and
you would only refer to them when you had a major issue
that you needed to know that they were explicitly going
with you. So I was very much left to my own devices but
I would report fairly regularly, particularly in respect
of Iraq, to the President, so that he was aware of what
was going on, and I was conscious they would have
bilaterals with the Home Secretary. It was important
that the President representing, if you will, the wider
family knew exactly what I was doing on behalf of ACPO,
and then occasionally I would actually have an item to
be discussed at Chief Constables’ Council.

One example, which not strictly Iraq-related, did
impact on Iraq. Historically, we have not sent officers
carrying personal protection weapons abroad, and a good
example would be East Timor, which was an international
intervention. I think I am correct in saying the
International Police Force was sponsored by the
United Nations. The United Kingdom contributed
personnel but entered a caveat, a national caveat that
they would not carry personal protection weapons.

That resulted, in my opinion, in an unacceptable
situation. The Commissioner of the UN police force
received British officers but could not treat them as if
they were from --

BARONESS PRASHAR: On an equal basis?

MR KERNAGHAN: -- any other country and so had to

give them special treatment and favourable postings or

perhaps unfavourable postings.

I went to Chief Constables’ Council and had it agreed

if the mission required personal protection weapons it

was advertised on that basis and colleagues volunteered

knowing what they were volunteering for. That was

acceptable I have to say there was some opposition but

I am delighted to say at the end of the day

Chief Constables’ Council endorsed that position.

BARONESS PRASHAR: So it is a good example of how you

actually worked.

MR KERNAGHAN: Indeed.

BARONESS PRASHAR: What was your role in respect of other UK

police forces outside ACPO.

MR KERNAGHAN: As I say, my role was strictly speaking -- my

mandate extended only to the 44 forces of ACPO, but

I was very conscious of basic geography. If I was

interacting with the Foreign and Commonwealth Office,

which is obviously based in London, I acted, if you

will, as ACPO(S)'s man in London but without any

ambitions to take over. I would simply report to my

colleague in Scotland what was going on and he and his
colleagues in turn could decide was there an ACPO(S) specific line? Equally, in the new era of devolution I was very conscious that he was interacting with the Scottish Executive or Scottish Government and it wasn't frankly a matter for the Home Office, not that they would have thought it was, but sometimes perhaps other officials forgot that we are operating in a devolved environment.

So I acted really as their agent in London without any executive authority, but always ensuring that they were sighted on what was going on.

BARONESS PRASHAR: Did you have any personal dealing with the Home Office or Northern Ireland Office on matters relating to Iraq, or was that done through the President?

MR KERNAGHAN: No, I dealt with the Home Office. I was very fortunate. I had an official named who I worked with in the Home Office and worked with very closely and I had a high regard for their professional abilities.

I did not interact directly with the Northern Ireland Office. Whilst ACPO, I have explained, looks after 44 forces, the reality, custom and practice is that the PSNI has a direct relationship with the NIO. Again I made sure that the Chief Constable of PSNI was
fully aware of all developments so that he could interact in an informed basis with the Northern Ireland Office.

So yes, if you want, they got special treatment compared to the Chief Constables of Bedfordshire or Dorset, because they had again a unique relationship with a Government department. So I had no specific relationship with either the Scottish Executive or the Northern Ireland Office. I relied on ACPO(S) and PSNI to manage those governmental relationships.

BARONESS PRASHAR: My last question is that you said earlier and also in your statement about the constitutional independence of the UK forces. Do you want to say anything about the implications of that for your work? What did that actually mean in practice?

MR KERNAGHAN: Yes. I would have to stress this is a personal view, but it is a very heartfelt view. I think operational independence domestically is a cornerstone of the British system of Government and policing and I would defend it to the utmost, but when you move into the international arena and the policy of HMG abroad I think it is inappropriate. I am not an expert on the Australian system, but my understanding is that they reflect what they would call the Westminster Model, domestically, but if they are
considering an intervention, be it as part of the United Nations or as a regional, national intervention, they can direct the Commissioner of the Australian Federal Police as to what police force, what police capability they wish to deploy as part of the wider Australian ‘whole of government concept.’ I think that's what we should go to.

I have no doubt hopefully we will have an opportunity to discuss lessons to be learned for the future. I am very clear that internationally, be it the Home Office acting on behalf of the other departments, should have the lead and they should be able to say, "We wish to deploy personnel to country X". That should not be subject, frankly, to the individual views of chief constables or of police authorities and, at the moment, there is a statutory requirement for individual police authorities to approve deployments abroad.

I could send 100 police officers to Northumbria without reference to my Police Authority, but if I sent one police officer to Iraq, that needed the formal approval of my Police Authority. I think for international diplomacy, international policy of HMG, they should have more freedom and power to actually execute national policy. The domestic constabulary independence, operational independence is not
appropriate in that context.

BARONESS PRASHAR: Thank you for that. I am sure that will be picked up later on when we come to lessons learned.

Thank you.

MR KERNAGHAN: Thank you.

SIR JOHN CHILCOT: Just as a tailpiece, Mr Kernaghan, you held your international responsibility throughout the whole period, 2001-8?

MR KERNAGHAN: Yes.

SIR JOHN CHILCOT: As I understand it, the presidency of ACPO changes, it was every year but it is now every three years?

MR KERNAGHAN: Yes.

SIR JOHN CHILCOT: Was that so during your time?

MR KERNAGHAN: Yes. That's absolutely correct. It was -- to use a cultural reference, they had a moderator system, that you were a Chief Officer, you became the President for a year and then you reverted to your force at the end of that year. I believe actually it was prompted more by Government than by ACPO itself. We moved to a three-year, full-time appointment. So a former chief constable becomes President of ACPO. That's their single, sole responsibility for three years and then someone else applies to be selected as President. So there was individual chief constables and
then I think during my time Sir Chris Fox, Sir Ken Jones were the two full-time, to use that term, ACPO Presidents I interacted with.

SIR JOHN CHILCOT: They, unlike yourself, did not have command responsibility for a Constabulary during their period as President.

MR KERNAGHAN: The full-time President of ACPO whilst they are accorded the status of chief constable have no executive role in respect of a police force.

SIR JOHN CHILCOT: Yes. Thank you.

I will ask Lawrence Freedman to pick up the questions.

SIR LAWRENCE FREEDMAN: Thank you, and thank you for your statement. You say in it that you had no contact with those conducting the planning for the invasion. Did that surprise you?

MR KERNAGHAN: Yes. I am well aware -- and I say again these are personal views, but I believe the view was that HMG's preference would have been to achieve its objectives by diplomatic means. Then, if that's not possible, the military obviously have a role to play, but if there was going to be an invasion of a country we would have obligations under international law, including the maintenance of domestic law and order. I think we frankly should have been consulted,
even if it was to say, "I am afraid we can't help".
I just think that would have been a professional way to
operate. "Can you assist: yes, no?" If yes, "Please
give us the benefit of your professional advice". So
I was surprised that we were not consulted at all prior
to the invasion.

SIR LAWRENCE FREEDMAN: You had been giving some
consideration to the matter yourself then?

MR KERNAGHAN: In the sense that I had no mandate, but yes,
I informally, and it would be no more than that,
thought, "Will there be a requirement for policing,
post-invasion?" I had no greater information than
anyone else. It could have been that civil society
would have remained intact and the coalition powers
would have been greeted as liberators along the lines of
Paris 1944, but I did think about it, that there might
well be a need for some police assistance and advice,
but there was no approach from Government to ACPO in
respect of it.

SIR LAWRENCE FREEDMAN: Given that this was a crisis that
was developing, what sort of period do you think might
have been useful to start -- period before would have
been useful to start planning this sort of operation?

MR KERNAGHAN: I think there are two aspects to that
question. One, I think whenever -- I am not
personalising it, I am talking about offices. Once, I think, the Prime Minister turned, via the Secretary of State for Defence, and said, "I am afraid we may need a military option". We wouldn't have needed as much time as that, because obviously we would have a peripheral role but I think at that stage we should at least have been alerted and involved.

You will have more knowledge than I will have of the timescales between the Prime Minister saying, "I think I want at least a contingency plan", but my second point would be longer, and it would be, frankly the ability of the domestic service to project and provide an international capability is just something that prudently should have been done years ago. You know, that's just the reality.

It would have been in a previous era we would have been saying, "Take out the ACPO cigarette packet and sketch out a plan on the back of it", and that's not a professional way to operate. There should have been a better structure, which, if it was Iraq, could have been mobilised in the context of Iraq, but at the very least we should have been involved once military planners started to sketch out scenarios and specifically the post-invasion phrase. We have no pretensions, we are not qualified to give advice on
military matters. That is very much the role of CDS, but the post-invasion phrase, transition, we should have been involved at that point.

SIR LAWRENCE FREEDMAN: I mean there is a basic theme of your statement that the sort of structures we have are just not fit for this sort of purpose, and so even if you are getting involved earlier it would have still been a challenge to work up a full plan?

MR KERNAGHAN: Absolutely. I would naturally through professional pride say there is a "can do" mentality, but you are absolute right. The structures are not fit for purpose and I use that phrase very advisedly.

SIR LAWRENCE FREEDMAN: In your statement you say the matter was first discussed at the Cabinet meeting on 10th April and then you were contacted via the Home Office a few days later on 14th April.

At this point were you clear what was being asked of you?

MR KERNAGHAN: No, in the sense -- I am quoting hearsay, if you will, that the Home Secretary made a commitment, but I have no reason to doubt it whatsoever. I was contacted on 14 April, and I think my e-mails, etc, are in a sense saying, "Very happy to help, but what actually is it you require?" I have noted subsequent e-mails, including one and two years later, I am still
asking the questions:

"What are our policy objectives? What resources are available? Has the Prime Minister ever been briefed that the machinery isn't capable of delivering real impact?"

SIR LAWRENCE FREEDMAN: It was on 17th April that you contacted or prompted the Foreign Office to convene a meeting to discuss the UK approach. Had you been in touch with the Foreign Office before that?

MR KERNAGHAN: If I could just check, if you bear with me ... No. I was contacted initially on 14 April and then my first positive response to that was the next day, on 15 April. I think my first day in the office, in fact. That was via the Home Office. I was clear at that stage -- because again it is about confusion and duplication -- I was working to the Home Office. They at the end of the day, the Home Secretary would be the individual who would authorise a police contribution or not. So at that stage it was to my liaison point in the Home Office and then you are quite right. On the 17th I felt I needed to get a grip of this. So I decided to contact the FCO directly. I had the advantage, the FCO head of the UN department I had dealt with in the years leading up to 2003, obviously copying in the Home
Office, but I felt we needed a meeting to try to establish what exactly we were talking about.

SIR LAWRENCE FREEDMAN: But this was a case of, you called them rather than they calling you, the Foreign Office?

MR KERNAGHAN: Yes, absolutely.

SIR LAWRENCE FREEDMAN: But the foreign office were going to be responsible for the overall plan.

MR KERNAGHAN: Yes.

SIR LAWRENCE FREEDMAN: So again there was no initiative being taken from that quarter with regard to policing at that point?

MR KERNAGHAN: No. My understanding is the Home Secretary had obviously let his department know that he wished to be supportive and helpful. An official contacted me in the Home Office, I responded and then I decided, because obviously the FCO were going to be the lead department, that we needed to sit round a table and actually try and understand what the problem was and what, potentially, assistance they were looking for.

SIR LAWRENCE FREEDMAN: Given what you have said earlier, I suspect I know the answer to this, but when you had the meeting did you get a sense of, was there a clear sense of what was required for police reform in Iraq and what the UK contribution might be?

MR KERNAGHAN: No, I didn't, but I have to be fair to the
individuals. There hadn't been -- it appeared to me
that there had not been high level in-depth
pre-planning, and the individuals who I was dealing with
were dealing with the situation late April 2003, and
I am not critical of them. Things were happening on the
ground. They were X thousand miles away. They were
trying to do something and to be constructive. So, no
criticism of those individuals, but this should have
been dealt with in slow time over the preceding months.

SIR LAWRENCE FREEDMAN: One of the outcomes of this meeting
was that you agreed to go to Iraq --

MR KERNAGHAN: Yes.

SIR LAWRENCE FREEDMAN: -- which you went to in May. We
have been able to put a declassified version of your
report on the website, but perhaps you can just give us
an overall assessment of what you saw as being the
proper direction of police reform in Iraq?

MR KERNAGHAN: I was not a position to give any advice to
the FCO or wider Government unless I had been there. It
would have been unprofessional and frankly immoral.
I was not going to say, "Let's send people", unless
I had been there.

I have never seen an armoured division in the field
and literally, if you will, they had almost just turned
off the ignition switches on the main battle tanks.
I had seen the media both in America during the early
stages of the invasion and then British media coverage
prior to my deployment to Iraq. I don't think anything
prepared me for it. I have commented -- some have said
it is a colourful phrase, but the degree of looting was,
the best analogy I can give you is, like a hoard of
locusts moving through a field of corn. It was something
to behold. It wasn't military action. You saw a school
with no windows etc. It had not been coalition
military action. It had been local people looting
for whatever reason.

There was no policing. The Iraqi police -- and that
is one point I would make. Surely in the run-up, surely
it is a natural function of an embassy to scope the
society to which they are accredited. You know, what's
their school system? Do they have comprehensive
education? Do they have grammar schools, etc. What's
the police structure? Do they have one force, five
forces, federal model? Whatever. But no-one seemed to
know.

The Iraqi police, what I will call the Green Police,
because they wore green uniforms, were not there. The
Royal Military Police were very proud, and I can
understand it, that they had one or two individuals
wearing blue shirts on the streets. They referred to
them as the Traffic Police. They were not the highly trained people you might know and love in the United Kingdom Traffic Police. They were quite sad, elderly people who stood and waved their arms ineffectually at certain points in Basra.

I just say that to get a sense of reality. The RMP were trying to recruit people into the police. They were faced with a situation and they were really working hard, and despite many criticisms that I would make or that this inquiry may have heard, some of the people on the ground were working way above their level. They were really outstandingly professional. They were doing their best with very little guidance or command and control.

There was no policy. There was no vision. Basra was frankly semi-detached, to use a phrase. We went up to Baghdad. I went with the Commanding Officer, 1 RMP, and the SO1 [Legal] from 1[UK] Armoured Division.

I think they would have been quite happy to be kicked by Baghdad and told, "You are not following the plan, you need to change", or equally to be given a pat on the back. They were going to get neither response from Baghdad. These were early days, they were days of tumult and tension. There was no direction coming down so there was no plan. All you had is the British Army in Basra
doing the best they possibly could in a situation where they were getting no guidance from a higher level.

SIR LAWRENCE FREEDMAN: It is probably fair to point out we didn't have an embassy in Iraq before the invasion, but you are saying there was no sort of briefing available to you at all on the quality or the nature or the structure of Iraqi police force?

MR KERNAGHAN: No. I mean, my assessment based on fragmentary conversations was, and it is probably much more in your area of expertise, but I would almost make an analogy with either Nazi Germany or the old Soviet Union. There was a hierarchy. Some might even say there is in certain other countries. Basically, Republican Special Guard, Republican Guard and Iraqi Army, and somewhere down there were the Iraqi police. It was not a prestigious career option. Let's put it that way. They were very low in the pecking order of Iraqi society and they had, frankly, as I say, the Green Police had disappeared.

SIR LAWRENCE FREEDMAN: I will hand over to Baroness Prashar in a second, but just your sense of this rather dismal picture about what could be done and what the priorities would be.

MR KERNAGHAN: I, and you have just mentioned it, I know, published it on the website. On my way literally in the
plane out to Iraq I put together a 'straw man’ paper
to share with people out there, for them to say
"rubbish" or whatever, just something to focus our
discussions. Basically my premise was very simple. You
needed -- to establish law and order you needed Iraqis
to do it to create the basis of any governmental process.
As I have said in other contexts, the Iraqis weren't
looking for a bicameral form of government or a
unicameral form of government. If you give them
electricity, water and law and order they would have put
a statue up to you. In the short term we failed in all
those.

You need to establish control of the streets, which
means the police need to be able to protect themselves.
That's the first step before they can protect the rest
of the community. Yes, you need high ethical standards.
You need clear command and control. Frankly I think
there was a lot, you might call it naivety or a very
benevolent view of human nature, but some people in
Baghdad were obsessed with community policing,
neighbourhood policing. All forms of sophisticated
police structure which we would all aspire to, but in
the early days what you needed was a capable, ethical
police force who as I say could exert, and if it had to
be through applied reasonable force, they needed that
capability. So there was a disconnect. Some people were not operating in the reality of May 2003. They were in a very utopian land, which I sincerely hope Iraq reaches somewhere down the line but it was not going to be achieved in 2003, 4, 5 or 6. Yet that did seem to be this very nice aspiration for community neighbourhood policing. I put a plan together -- not a plan, that's inappropriate. I put together a short paper simply saying, "Create a police force that can actually do the job. Then you can upgrade its sophistication as time goes on".

SIR LAWRENCE FREEDMAN: Thank you very much.

SIR RODERIC LYNE: Can I just interject? When you say "some people", who do you mean?

MR KERNAGHAN: I would never stigmatise any professional group, but there were people who appeared to be diplomats, who didn't have a knowledge of policing.

There were --

SIR RODERIC LYNE: On the ground or in Whitehall?

MR KERNAGHAN: No, in Baghdad. In Baghdad. No, I would not levy that criticism at colleagues in Whitehall.

SIR RODERIC LYNE: You mean ORHA at the time?

MR KERNAGHAN: ORHA were the body that existed when I first arrived in Baghdad in May 2003, though I think it was very much the transition was already underway to -- Jay
Garner I think already knew he was leaving Baghdad.

Paul Jerry Bremer was I think probably -- possibly even
in the air en route to Baghdad. So it was still the
ORHA structure, you are absolutely right, Sir Roderic,
but there was no clear vision of what was needed, and
definitely people expressed a view to me, ‘Iraqi Police
Service’, it was all very nice, but it was for a benign
environment which they were not operating in.

SIR RODERIC LYNE: So you are principally talking about the
American officials and military who were in ORHA or also
about the British representatives who were there?

MR KERNAGHAN: I think both nationalities, both nations
share in the credit and the discredit. It was not
exclusively Americans and I would most definitely
make that point.

SIR RODERIC LYNE: Thank you.

SIR JOHN CHILCOT: Baroness Prashar.

BARONESS PRASHAR: You have covered some of the issues I was
going to ask about, but I want to sort of look at how
this sort of developed, you know, in the aftermath.

MR KERNAGHAN: Uh-huh.

BARONESS PRASHAR: What discussions were taking place about
the policing needs for Iraq, I mean, as it evolved? You
have discussed with Sir Lawrence Freedman about initial
discussions, but it is the evolution.
MR KERNAGHAN: I came back after my week, submitted the report, which you have had sight of, and then the only specific request that came was for one officer at assistant chief constable rank. I immediately actioned that and circulated it throughout the United Kingdom seeking expressions of interest. The FCO then interviewed people that I forwarded their names to the FCO. The FCO interviewed people. Then the requirement changed. As I say, it was a very dynamic environment, but whilst I had advertised for one substantive ACC, the requirement changed and they offered appointments to two of the candidates that they had interviewed. One was deployed to Baghdad and I am conscious you have heard evidence from Douglas Brand. He was deployed to Baghdad and Stephen White was deployed to Basra. That was the first formal request I got for limited expertise. It was, as I say, for one officer and then it obviously changed in the interim to two people.

BARONESS PRASHAR: It changed because the assumptions changed? Because wasn't there an initial view there would be more intergovernmental involvement? Was that a factor which contributed to the change in requirements?

MR KERNAGHAN: I can only comment on the interaction I had with the FCO, what was going on behind the scenes, and
I have no doubt they were wading through vast amounts of information.

SIR JOHN CHILCOT: Sorry. Could you slow down.

MR KERNAGHAN: I apologise.

As I say, I can only comment on conversations or papers I was privy to. I have no doubt the FCO probably had huge amounts of information coming in that they were trying to assimilate and produce action plans in response to. So I am not aware of why it changed from one to two, but equally it did not seem unreasonable to me that we would have one person in Baghdad, which is the centre of Iraq. It is obviously where ORHA/CPA was going to be based and equally Basra, I think at that stage it had probably been agreed, was going to be de facto the British centre of gravity, the British centre of operations, Multinational Division South East, as it became, was always a British two-star appointment and whilst some of the provinces had various multinational elements it was I think seen and the impression I was very clearly given was, that the British were the lead CPA partner nation in respect of the south-east of Iraq.

So I think it was quite a reasonable assumption, but that was -- the first formal request we got was to send one and then two ACCs.
BARONESS PRASHAR: But in your statement you say, "I was aware that in June 2003 FCO envisioned an armed International Police Monitoring Force".

MR KERNAGHAN: That phrase was used. As I say, I am trying to be very careful not to talk about things outside my area of professional knowledge or expertise, but as a citizen I have no doubt HMG and the United States were hoping that other countries might rally to the colours and assist in stabilising and creating a democratic Iraq. Perhaps way beyond my pay grade other nations felt they did not wish to do so. So that phrase which was used was "stillborn", and I am not aware, other than people -- contributory, troop-contributing nations also sending elements, such as the Carabinieri from Italy, that concept, that international grouping never came to pass.

BARONESS PRASHAR: Uh-huh. So what you are saying is there were no discussions regarding the policing model that should be applied to Iraq. It was just kind of evolving as the need arose. There was no kind of strategy?

MR KERNAGHAN: There was no strategy at any stage. There were plans, but they seemed to be overtaken by events, but there was no clear conceptual model of, "This is what we are going to deliver".

BARONESS PRASHAR: In your statement you also referred to the
hybrid 50% New York Police Department and 50% Blankshire Police model.

MR KERNAGHAN: Yes.

BARONESS PRASHAR: What did you see as the flaws with this approach?

MR KERNAGHAN: I was perhaps being a little bit flip, but it summed it up for me that you had two lead coalition powers, namely the United States and the United Kingdom, and not surprisingly we bring our domestic mindsets to the party. NYPD -- bear in mind American policing is even more diverse than that of the United Kingdom. It can range from literally one man or one woman to a department of 30,000, 40,000 officers, but NYPD I think is well-known. In the United Kingdom when we are trying to avoid offence, we always talk about Blankshire. It is our classic exercise force. Basically I thought what was being created, not through a plan, but just being created, was a hybrid 50% NYPD and 50% Blankshire. NYPD has never faced an insurgency. The good men and women of Blankshire have the privilege of operating in a very stable environment. It was a totally inappropriate model.

I would have gone for, as I say, a more robust model. Some people use, and I think people use language very loosely. The gendarmerie to pick but one example,
the French gendarmerie are professional police officers
and no-one should take that away from them. They are
professional police officers. It so happens for
historical reasons they enjoy military status. Some
Anglo-Saxons may have a very narrow and negative view of
it but they are professional police officers. I myself
come from a tradition of being a purely civil police
officer but, at various stages in the RUC's existence,
it possessed a fairly high level capability, and indeed
at one stage a light armoured capability.

So what I was proposing was you needed something
like that, that could provide law and order on a variable
configuration. In some areas you may not need all the
weaponry and protection required in other areas and one
police force should be capable of that variable geometry.

BARONESS PRASHAR: Why do you think you failed to influence?
Who were you discuss this with?

MR KERNAGHAN: I submitted it very clearly in my reports to
the FCO. I can only surmise or guess that my thoughts
were not in line with the prevailing political will, and
that's right and proper. I do not have the authority to
direct what should happen in Iraq, but frankly that was
my professional judgment and advice. Obviously other
people thought different things and pursued a different
approach.
BARONESS PRASHAR: Did you get involved in any discussions about where the British effort should be focused in terms of influencing the strategy in Baghdad or delivering in Basra? I mean, was there a discussion on those two dimensions?

MR KERNAGHAN: As I have said earlier, I was very clear that Baghdad was the centre of gravity. It was the capital. Obviously the aim is to create an Iraqi Government which will effectively develop Iraqi society. It is a unitary state. You can have a certain degree of devolution but you shouldn't have parallel disjointed systems. So I think we needed influence in Baghdad. Equally I accept it was a given that the south-east was, as I have said, the British area of responsibility, the British area of influence, but they needed to be joined together.

So I constantly I think in all my reports made that point. I never ever felt that Basra and the British effort was integrated into a pan-Iraqi CPA strategy. They always seemed to be two separate entities.

I have said, on occasion I don't think people in Basra would even have objected to a kick in the backside. They would have preferred a pat on the back but in the early days they were getting neither, and that was a very strange feeling for those people who
were doing their best but without any guidance.

BARONESS PRASHAR: Is that what you meant when you said Basra always remained semi-detached?

MR KERNAGHAN: Yes. I never got the impression there was integration. Even when I think the Iraqis were starting to exert more influence I am aware from one of the police officers deployed to the south that at one stage they removed Iraqi police officers, senior Iraqi police officers, because they felt they were corrupt, whereupon they went to Baghdad and returned several days later promoted and reappointed to Basra. There was a disconnect between the Iraqi view in Baghdad and the reality in Basra.

BARONESS PRASHAR: What was the level of resources? It doesn't seem to me like a strategy, but kind of responding to when needs arose. What was the area of resources devoted to this area of work?

MR KERNAGHAN: I think again I would answer that in two ways.

In terms of finance I am not qualified to comment. I do not know what the ratio of British funding to American funding was, but I always got the impression the Americans were bankrolling Iraq and they were putting huge sums of money at the disposal of the reconstruction effort. I always got the impression --
and one has got to be realistic -- that there was no clear viewpoint of what money the UK was putting in.

In terms of the British Police Service it was marginal. We were not -- you know, you had a military division of various configurations. We were putting in no more than perhaps 70 people. Even at the height of people who were physically in Iraq, we would have had a maximum of 70 serving. You will have access to the figures, how many contractors there were fulfilling a police function, but it was minimal. Given our structural problems which we have touched on that's not surprising, but this was not the primary objective or goal of HMG in terms of mobilising the Home Office and other departments to deliver a policing effort. It is understandable but regrettable.

BARONESS PRASHAR: But was it a factor that impacted on our ability to influence?

MR KERNAGHAN: Sorry?

BARONESS PRASHAR: Was lack of resources, I mean the level of resources that were allocated?

MR KERNAGHAN: I think in my second report I actually say, "What is going on is unsatisfactory. Either resource it properly or just leave it, because this is embarrassing. It is not right. If you are going to do something, do it well and do it professionally. So either up your
BARONESS PRASHAR: Thank you.

SIR JOHN CHILCOT: I think you were saying that in November 2003, so pretty soon.

MR KERNAGHAN: Yes, I think that's the second report, yes.

SIR JOHN CHILCOT: I will ask Sir Martin Gilbert to pick up the questions. Martin?

SIR MARTIN GILBERT: I would like to look for a while at the process of deploying police officers in Iraq.

MR KERNAGHAN: Yes.

SIR MARTIN GILBERT: We will come to specific deployments later, but could you tell us how the police deployments were funded?

MR KERNAGHAN: If the Government, which in my case primarily was the Home Secretary, if the Home Secretary approved a request for personnel, I would advertise it. I am very clear it should be advertised. I don't believe on -- well, "Good old so-and-so, I know him or her well and they did a good job on the paperclips review so I will send them to Iraq".

Then people would apply. You as an individual officer would say, "Yes, I actually think I want to go to Iraq", or something. I don't make too much of it, but frankly, would your force be supportive? Would your force, in fact, even circulate the advert that I sent
down, because I would advertise to chief constables. It is then a matter for them to disseminate in their force. I can't say whether it was disseminated in every force or not.

If you then applied, your application went to the FCO and they administered the recruitment process. I in a sense gave it the approval, the endorsement of ACPO. Hopefully it was advertised. You then as an individual applied. The FCO sifted and recruited you. You were seconded. They then provided training and equipment and then you were deployed either to Jordan in terms of the JIPTC training facility or to Iraq itself.

SIR MARTIN GILBERT: Sir James Dutton described the system as double volunteering, the recruiting system. Can you explain what this means, what the process was?

MR KERNAGHAN: I am not too sure what he meant by double volunteering. I would say single volunteering. By definition you have volunteered to go to Iraq. One could say you volunteered to join the army, and yes, the army can then deploy you. I think I perhaps now understand what he is saying. Yes, you volunteered to join the police and then you volunteered to go to Iraq. I don't see that as a major issue. You should volunteer. I don't think if you apply to police Blankshire I should suddenly say, "Guess where? You are
going to the Democratic Republic of Congo for six months”.

SIR JOHN CHILCOT: I think he may have meant something different. I think the impression he gave us was first of all the individual has to volunteer or be willing to, but also the chief constable of his or her force must be willing to volunteer members of his or her force.

MR KERNAGHAN: It is the nomenclature. It is quite correct in the sense that you might be filled with enthusiasm and want to go and your chief officer might say, ”No, you are not going”, and there were instances where forces wouldn't nominate people to serve in Iraq. Equally it needed, as I have said, the approval of your Police Authority.

SIR MARTIN GILBERT: I will come to that in a movement. Can you tell us how deployment to Iraq was seen by the individual policemen as a career opportunity?


Not surprisingly the picture altered depending on the seniority and grade or rank of the individuals concerned. I would say not just in Iraq but for all international assistance missions I typically would send a constable with between eight and ten years' service. I think generally highly motivated. I think part of their motivation is when they retire and someone says to
them socially, "What did you do", they don't want just
to say, "I policed Blankshire for 30 years", very
honourable and important though it is. They want to be
able to say, "For a year I was in Kosovo, for a year
I was in Iraq". Some of those people were outstanding,
operated far beyond their pay grade and did a very good
job.

As you go up the rank system by definition you are
probably more career minded. A key role I was looking at
throughout our deployment in Iraq was Assistant Chief
Constable. Assistant chief constables are appointed not
by a chief constable but by a Police Authority, a body
of laymen and laywomen. Their mandate, and I make no
criticism in this sense, is an efficient and effective
police service in Blankshire and they seek to fulfil
that I have no doubt very honestly, but they would look
at Chief Superintendent Martin Gilbert and think, "He
has written a really outstandingly clever paper on best
value, value for money initiative, one of the best
papers we have read". You will probably have more
chance of being appointed ACC in Blankshire than your
colleague Chief Superintendent Lyne who actually did six
months in Iraq and was a huge success.

So I in fact at one stage had to sit down with one
Chief Superintendent and say to him, because I felt
I had a responsibility to mentor and look after people's careers, and say, "You do realise this is not a good career move for you?" Fortunately this individual said, "I accept that but I am prepared to do it". Which was great. That was inappropriate. You shouldn't have to put your career aspirations back by seeking to do something for your country. So that's a major problem.

SIR MARTIN GILBERT: Were you conscious of this having a negative impact on aspects of recruiting on individuals?

MR KERNAGHAN: Yes. On occasions when we advertised -- because it was a periodic posting in the sense that people came back and we needed to look after succession, on occasions when I advertised for an ACC to deploy to Basra there was one candidate. Whilst we were relatively fortunate in some of the people who applied, I have to be honest and say if you applied and you could breathe and you were coherent at the interview, there was a high probability you might be deployed. I would far rather four of you were cut throat jumping over each other to display your intellectual and professional ability and I have the luxury of picking the best of those four candidates.

SIR MARTIN GILBERT: Can you give us some idea of what proportion of police forces were supportive of deploying
to Iraq?

MR KERNAGHAN: I don't have the figures in front of me and I can't recall them after this period, but roughly I would say three-quarters were supportive, and I would make the point there was no correlation between size of force and commitment and enthusiasm. Some of the smaller forces were actually the most loyal supporters, providing good people and looking after those people well, but it was not universal. Some forces objected. I would have to respect their Chief Officers who took a view that it is an inappropriate environment for a British officer, "I do not want one of my people to die in Iraq". I disagree with that viewpoint, but I understand where they were coming from.

SIR MARTIN GILBERT: Were there other restraints in their arguments other than the potential danger in Iraq?

MR KERNAGHAN: I would argue not, because -- I won't have the correct technical term, but let's call it Confliction Prevention Pool. The FCO paid the costs of an officer deploying overseas. So they couldn't have the simplistic argument, "Well, if I send someone to Iraq, it's a drain on my budget". They did get a financial recompense from central Government. Yes, they lose the expertise of that individual but my argument has always been hopefully that individual comes
back with enhanced skills, be it because they have been operating above their pay grade.

We quite rightly pay great -- place great emphasis in the UK on diversity, recognising that our society has changed. What greater insight could you have to a diverse -- the needs of a diverse society than deploying, shall we say, to Iraq and seeing the living conditions of people and the pressures? It might explain to you why people seek to emigrate to the UK. So I actually think it is a good experience for individuals and they can get a lot out of it.

SIR MARTIN GILBERT: Were there other arguments for encouraging the police forces?

MR KERNAGHAN: I would argue one. Frankly, it is Government policy. If the UK is committed there, I think it is part -- the Police Service should play its loyal part in supporting Government policy. I actually think I could go in -- it is altruistic, etc, trying to help the Iraqi people, but it is good for the individuals, it is part of our responsibility as a police service, and, quite frankly, unstable societies generate crime, they generate people who flee and they generate some criminals who take advantage of that. You have people who come to the UK. Kosovo was a very good example. They then set up criminal enterprises in the UK.
If you have actually helped stabilise and make Kosovo a prosperous place, you might reduce the number of criminals who seek to come to the UK. So there are very clear domestic benefits.

I appreciate it is probably very hard to quantify them, but actually drugs being the classic example, we don't grow much opium in the UK. If actually you can deal with that problem at source there are positive benefits in the back streets and the rural situations of the United Kingdom. So I used to push those arguments, but, as I say, sometimes they fell on deaf ears.

SIR MARTIN GILBERT: Can you tell us which forces refused to support the deployment to Iraq?

MR KERNAGHAN: Professionally, unless you force me to, I am not inclined to single forces out, but you would be surprised.

SIR MARTIN GILBERT: Perhaps I can turn to the question which you touched on with Baroness Prashar about arming. To work in Iraq the UK police officers had to be armed, but I understand it was agreed that you would not draw on police officers with current firearms training. Can you explain the reason behind that decision?

MR KERNAGHAN: Not my decision, but I think I can explain it. In fairness to the Home Secretary of the day, he would see rightly his primary responsibility as the
provision of law and order in England and Wales.
I think he took the decision that he would not reduce
the limited capacity of armed officers in England and
Wales. Therefore he was happy to allow other people to
deploy, but they could not be current authorised
firearms officers, who are a very small percentage of
the police force in England and Wales. I think some
AFOs probably had a lot of problems with that decision,
but I can understand the rationale of the Home Secretary
in making that ruling.

SIR MARTIN GILBERT: How was firearms training for Iraq
provided.

MR KERNAGHAN: I think it was provided at least initially by
Warwickshire. It was -- I will be very clear about
this -- limited to a personal protection weapon, namely
a self-loading pistol, and the emphasis was on safe
carriage and handling. I did not envisage police
officers being deployed tactically and in a sense taking
out executive action and carrying a firearm. It was
there for their protection. They were provided with
wider protection both by the military and commercial
undertakings. This was in extremis, in absolute
extremis. If someone broke into your accommodation
block I want you to have the means to protect yourself.
No more, no less than that.

SIR MARTIN GILBERT: You mentioned that Douglas Brand and Stephen White were the first police officers from the UK to be deployed in Iraq. Can you tell us how their respective roles were determined?

MR KERNAGHAN: At the time, no. I have subsequently read in a sense their testimony and in a sense the FCO it would appear, and I say you obviously have spoken and interviewed them, offered up the two positions, but I was only aware -- as I say, it was initially one post, subsequently the FCO decided to up it to two. One was going to Baghdad, which I did see as a more national role, and the other one was going to Basra, which I saw more as a UK-flagged position.

SIR MARTIN GILBERT: Douglas Brand told us that he was working with you on your international affairs work and you approached him directly. Can you tell us how Stephen White was found?

MR KERNAGHAN: Yes. When I got the request from the FCO, and it is all documented, I wrote to every chief constable in the United Kingdom saying it was very urgent, because the timescales were very short. I apologised, but that was the operational reality, and asked them to circulate it amongst their ACC ranks and to forward nominations to me, and that's how all the
nominations came forward.

SIR MARTIN GILBERT: In late July 2003, after your return from Iraq, a request was made to create a pool of some 200 firearms trained police officers --

MR KERNAGHAN: Yes.

SIR MARTIN GILBERT: -- to be ready to be deployed in Iraq if required. What was your role in creating this pool of officers?

MR KERNAGHAN: Again when I got the request from the FCO, endorsed by the Home Office, mine in a sense was to send out the ACPO endorsement letter to all chief officers highlighting this and I think I am right in saying it was only England and Wales. It was Home Secretary approved and therefore his remit is naturally restricted to the 43 forces of England and Wales. But I wrote I think a fairly detailed letter explaining the rationale, the background, what they would be employed in doing and asking my colleagues to circulate and forward nominations to the FCO.

SIR MARTIN GILBERT: What was the response to the appeal?

MR KERNAGHAN: Again, I can't remember the hard metrics, but I think it was a positive response. We were able to create the pool.

SIR MARTIN GILBERT: Both Douglas Brand and Stephen White expressed to us their frustration at the lack of further
officers to help them in their work. Can you explain why they were difficulties in getting responses, in getting people to go there?

MR KERNAGHAN: I think there are two elements to this. In a sense a pool was created. It is then: what positions were required in Iraq? Were they authorised by the Home Secretary and could we get people? I mean, one example, which I don't think ever became a formal request, but I have to say I felt very disappointed at it, at one stage there was a thought -- I think that's the best way to describe it -- that perhaps we could create an Iraqi Special Branch. You will be well aware that every country has its own internal security mechanisms. In America it so happens it is the Federal Bureau of Investigation carries out a security role. In the United Kingdom we have the Security Service, but executive action is carried out by the civil police, they are the only people who have the power of arrest. Members of the Security Service do not. I am not saying it is the only model but it is a model that we know and understand.

There was a thought that perhaps that would be a healthy model for Iraq. So you have an intelligence security service but executive action would be carried out by an accountable civil police force.
I found it impossible to identify and have an experienced Head of Special Branch nominated. I would have to say, in fairness, most Special Branches historically are extremely small, headed by a detective inspector. I do not believe a detective inspector in Blankshire is qualified to create a Special Branch structure from scratch in Iraq, but even though I liaised with relevant colleagues we were unable to identify an individual with the skills profile whose Chief Officer was prepared to let them deploy to Iraq. That's just one niche capability which should be dealt with because it is going to be quite a common problem in many societies. How do they handle internal security in a professional and ethical way?

SIR MARTIN GILBERT: Were there particular difficulties in Baghdad and Basra with regard to people being attracted to deployment?

MR KERNAGHAN: I mean I suspect in reality many people might go home and say, "I really would like to go to Iraq", and their partner might say, "Well, you might like to but you won't". That's the human element and let's recognise that.

I think there was also restrictions on accommodation. This was not just, "Let's post people and they can go to the Baghdad Hilton or the Basra
Holiday Inn". I had huge sympathy for the people who
were in charge of the logistics. You know, we might
post people but could they be provided with the life
support systems, not least being security, and that was
a restriction.

So on occasions we couldn't identify the right
people from the British Police Service, but equally
there were restrictions on the infrastructure that they
required to operate in an effective manner.

SIR MARTIN GILBERT: My last question relates to the
creation of the training facility in Jordan that you
mentioned?

MR KERNAGHAN: Yes.

SIR MARTIN GILBERT: This meant, I believe, that officers no
longer had to be armed. Did this facilitate the
deployment of officers from the UK?

MR KERNAGHAN: Yes. The pool was created, as I say, for
Iraq. Let's just use that term. At one stage, in fact,
Hungary featured quite prominently in e-mails, etc.
There was a thought that perhaps the training facility
would be in Hungary. In the event it was the
Jordanian/Iraqi Police Training Centre which I now
believe is known as the Jordanian International Police
Training Centre near Amman. That was created and, yes,
some forces were prepared to let officers deploy to
Jordan but would not allow those officers to deploy to Iraq itself. Yes, they did not have to carry personal protection weapons. It was a much more benign environment.

SIR MARTIN GILBERT: Thank you very much.

MR KERNAGHAN: Thank you.

SIR JOHN CHILCOT: I think we might take a break for about ten minutes and then come back.

MR KERNAGHAN: Thank you.

(11.00 am)

(A short break)

(11.10 am)

SIR JOHN CHILCOT: Let's resume and I will ask Sir Roderic Lyne to open the questions.

SIR RODERIC LYNE: I'd like to pick up on a point you touched on just before the interval when you referred to the problem of personal security of police officers who were deployed.

In terms of duty of care was there a difference between what was required for civilian police officers and for other civilians finding themselves out in Iraq?

MR KERNAGHAN: My understanding is no. My officers were seconded to the FCO and, as I understand it, came under the FCO's duty of care or standards of care. I equally believe, and I don't know, and obviously you will have
access to better sources of information, I believe the permanent secretaries used to meet and discuss this on a collective basis, but that's as much as I know about that forum. But, no, as far as I was concerned they were seconded to the FCO and the FCO were responsible. Obviously I monitored the situation carefully with the senior police officers who were deployed.

I think I only intervened or expressed a clear view on two occasions. When it was decided to deploy people to run a training facility in Basra, I think Az Zubayr Training Centre, I decided that they would reside at the training centre as opposed to reside at Basra and commute daily to the training centre. I am very conscious, because I visited Az Zubayr, I think on two occasions, the conditions if you were deployed and living there were not luxurious to say the least, even by comparison with Basra. However, I took the view that commuting daily to and from the training centre was an unacceptable security risk and I am pleased to say some of my colleagues who were deployed actually at the training centre, including a Hampshire officer, actually recognised that, despite the daily discomfort, it did reduce the threat to them.

The other occasion when I --

SIR RODERIC LYNE: Before we come to the second one, can I
just ask a follow-up question on Az Zubayr.

MR KERNAGHAN: Yes.

SIR RODERIC LYNE: The discomfort was accepted by the officers as preferable to running the risk of commuting?

MR KERNAGHAN: Yes.

SIR RODERIC LYNE: Did you have any resistance to your intervention into the duty of care issue from anybody else?

MR KERNAGHAN: No.

SIR RODERIC LYNE: Not from the Consul General or anybody like that?

MR KERNAGHAN: No.

SIR MARTIN GILBERT: It was accepted?

MR KERNAGHAN: This was very early days. I think people were open-minded. I don't think people had strong views, but basically based on my professional background and experience I felt that was the right way to go. They should reside at the training certainty. There were other implications but that was my primary goal, which was to minimise the regular movement on roads.

SIR RODERIC LYNE: Okay. So that decision was basically one everybody else agreed with?

MR KERNAGHAN: Yes.

SIR MARTIN GILBERT: Let's move on to the second.

MR KERNAGHAN: The second one was -- I think it was
linked -- I had been privy to an e-mail which wasn't, I hadn't been officially informed of it, but an e-mail came from I think Colin Smith in Basra advising me that the lead for a security sector reform had been transferred within Whitehall from FCO to MoD. I had never been advised even that there were discussions taking place. At the end of the day ultimately that's not a major concern, but I think one of the GOCs had indicated, shall we say, that this changed the rules of engagement, if I can use that term inappropriately. He had concerns about the deployment of police officers in transport and the commitment. I made it very clear that, one, I needed to know were there any implications for duty of care, because as far as I was concerned my officers were still seconded to the FCO, not to the MoD, and that they would not move in Snatch Landrovers. This is long before in a sense it became an issue of popular debate in the media in the UK, but I was quite clear that Snatch Landrovers posed an unacceptable risk. That is in no way a criticism of general officers deploying their personnel in Snatch Landrovers. They had no alternative. You do what you do with what you have got. It is no criticism of them, but I was quite clear that my officers would not be. I think I also commented in the e-mail, however, if the FCO were levelling down,
if people were levelling up transport, I was very 
supportive of that. If all FCO personnel were now going 
to deploy in a certain way I would not demand special 
status for the police, but I was not going to see them 
become a separate category where they were not afforded 
the same level of protection or care as other FCO 
secondees.

SIR RODERIC LYNE: We have heard evidence of different kinds 
from different witnesses about Snatch Landrovers, 
including the fact that there were specific positive 
reasons for using them in particular circumstances, but 
that's obviously from the military. Your essential 
point is that in this respect, as in the other one, you 
were not distinguishing between police officers and 
other civilians. You were distinguishing between police 
officers and the military.

MR KERNAGHAN: Absolutely. As far as I was concerned they 
were seconded to the FCO. I mean, I was very open. If 
people had come back with arguments, rational arguments, 
I would have engaged in any debate and not pre-judged 
the outcome of those debates, but I was never engaged in 
that.

Equally I can understand, if you are there you want 
to maximise your flexibility, reduce the number of 
assets you have to commit to transport tasks, but I was
very clear there was a standard for the police and they were not a separate category of humanity. They were part of the FCO family.

SIR RODERIC LYNE: Now you were sitting in the UK making decisions about how people should move in the theatre, where they must have had a more direct understanding of risk. Did your people deployed out there, your police officers, agree with you on Snatch Landrovers?

MR KERNAGHAN: The only -- almost can I say the way you suggested I was daily intervening, etc, and I very clearly had no executive authority, but I had a responsibility for our officers.

In that particular instance where I exerted and positively intervened it was with the full backing, and indeed I took it as my responsibility. Colin Smith was the senior police officer deployed there. He had to have a daily working relationship with the GOC, but on this occasion I judged he required support and quite frankly I have a broad back and if there needed to be a lightening rod I was prepared to take that responsibility, but I did it with Colin's full support and in fact Colin was grateful that I was basically saying, "It is not him being difficult in Basra. It is this man in Winchester". But I was quite clear it was the right decision.
SIR RODERIC LYNE: Did you have any repercussions in terms of your own relationships with the military? Did anything come back from that?

MR KERNAGHAN: No. My only relationships in a sense in theatre were when I visited Basra and dealt with the relevant GOCs who obviously rotated, and the limited interaction I had with senior officers back in the UK always was on a very positive level, I have to say.

SIR RODERIC LYNE: If I can just come back to the wider issue of duty of care, essentially, except for these two occasions when you made a specific intervention, this remained the responsibility of the Foreign Office even when the lead on security sector reform had been passed to the MoD. Was it a contributing factor, I mean, the whole issue of security, in the difficulty of attracting and deploying police officers from the UK, was it a factor, for example, with chief constables?

MR KERNAGHAN: As I have said, I think in response earlier questions, I think all these are factors. I don't know what determines an individual is going to volunteer or equally the individual thought processes of another chief officer as to whether they will permit someone to deploy to Iraq or not. I was conscious I had a responsibility. I have to say, and I have probably have the nomenclature wrong, but let us call it the
security department of the FCO, I had regular update
briefings from them and I actually had huge confidence
in them. I have to say they were neither willing to
push risk because they felt that's what their superiors
wanted, nor were they asking for Rolls Royce security.
They were quite pragmatic, in my opinion. So I actually
was quite confident in the advice and rules that they
were formulating theatre. I have to say that in
fairness to them. But equally, and I think some of your
previous witnesses have alluded to it, whilst I got
authority from Chief Constables Council, we had people
deployed, though in very limited numbers, if we had lost
someone, I have no doubt, I am not saying all, but
a large number of my colleagues would have said, "We are
not prepared to deploy people to Iraq". That was always
there and you can't predict. There can be road traffic
accidents in Iraq as much as there could be outside this
hall. It was a consideration of mine, but no, I think
we established with the FCO an acceptable security
regime which facilitated the limited functions that our
people undertook in Iraq.

SIR RODERIC LYNE: I mean, fortunately you didn't lose
somebody in what was clearly a very risky environment
where the people going were volunteers who to a degree
were accepting risk.
MR KERNAGHAN: Yes.

SIR RODERIC LYNE: Was your interaction with the Security Department of the FCO your main means of judging that risk? This must have been a dynamic situation. The level of risk changed hugely during the period that we had police officers there.

MR KERNAGHAN: In a sense there were three methods. One, there were the visits, which I accept were limited, basically every six months it worked out. It was not pre-planned, but it seemed to be every six months I deployed and actually got an on-the-ground perspective. There was constant liaison, eg the ACPO ranks who were deployed there were reporting back to the FCO. I was reading their reports. They knew they could always come back to me if they had concerns or they wanted me to intervene on their behalf and, as I say, the FCO Security Department.

So between those three sources I was fairly confident that I had my finger on the pulse. You are quite right, things did change, and I have no doubt there were lots of local restrictions I wasn't even aware of and didn't need to be, an area being put out of bound, that's tactical and not my role. My role was, insofar as I could, to ensure that the strategic environment in terms of security was appropriate for my
officers.

SIR RODERIC LYNE: There has been some, I think, implicit criticism that has come to us either from witnesses or from written sources that in this area of deploying police volunteers we were too risk-averse, and that this was a reason why it took so long to get people out there and why the numbers that eventually got out there were much lower than had been hoped for. Different figures were thrown around of 100 UK police officers, 91, and so on, which were never achieved.

How would you respond to that?

MR KERNAGHAN: I think they are two separate points and there is no connection. You could criticise timescales for deployment, but, no, I don't think that we were unduly risk-averse. That would have been something perhaps directed at the FCO. What was their risk management regime? Was it appropriate? Was it inappropriate? Should we treat everybody the same, be you from the Department of Health, be you a police officer? That I say would be a matter for the FCO and what legal or other constraints they felt they were operating under, but from my point of view I wasn't I feel unduly risk-averse.

If we had been allowed to operate in a different way and people knew what they were getting themselves
involved in I think I would have been quite supportive of that, but I mean there is some comment I picked up in some of the statements. The contractor advisers, if I can use that term, but the international police liaison officers who were working for commercial undertakings, carried what some people will refer to as long-arms, but basically support weapons, rifles, etc. My people weren't trained to do that, either physically to carry them or actually trained in tactics, and I am very clear you do not risk people by putting them into situations that they are not qualified to understand.

Deploying 30 police officers is not the same as deploying an infantry platoon. They are not trained for that role. If you want to train them, and I might be very sympathetic to that, and then you deploy them, I haven't a problem with that, but dealing with what they were deploying, I think the security regime was appropriate and perhaps the commercial route gives you more freedom. That's for others to decide, but for serving police officers, I do not believe the security regime inhibited deployment. It had to be a sensible deployment and it was, given the skills that we were deploying.

SIR RODERIC LYNE: So, just to summarise on this area, and going back to your earlier remarks about the sort of
structures we might need to set up in this country if we
are going to do effective deployment into international
operations in the future, training people in a way that
allows them to take a higher degree of risk overseas in
the way that contractors did might well be part of the
package in that sort of structure?

MR KERNAGHAN: Absolutely. I think I envision a future
where you are sending people to help a country that has
a particular problem in child protection. It is a very
stable environment, they need minimal overseas training,
right through to the Iraqi end of the spectrum, or
Afghanistan in the current environment. Where, if you
are going to have them deployed, let's say, in a village
mentoring the local police force, one, they need to be
able to operate in that environment, and bear in mind
that the contemporary police service does not include
people who did national service. They are used to
flicking a switch and a light turns on. They turn a tap
and potable water flows. So they need the basics, how
do you sterilise your water, how do you rig your tent
and mosquito net, right through to when the machine
gun jams, how do you clear the blockage and get the belt
on and resume firing? That will depend on the
environment, and, yes, if you are going to deploy them
consciously, you need to provide that training
package.

I have no problem with that philosophically whatsoever. Ministers and others may have a problem with that, but you are absolutely right. What is the mission and have you given them appropriate training so they can do the task that you require them to carry out?

SIR RODERIC LYNE: Thank you.

SIR JOHN CHILCOT: Thanks. I think I will move on to you, Lawrence.

SIR LAWRENCE FREEDMAN: The security situation deteriorated. UK police officers would find it harder to get around the country. What effect did that have on the effectiveness of their operation?

MR KERNAGHAN: I think it depends on what they were doing. Did security implications impact on them? If you were in the training centre, for example, in a sense what's happening externally will not impact on a daily base. It may impact on: can your students get to the training centre? Let's be very clear about it. At one stage I believe the Iraqi Police Service were sustaining quite significant casualties and that's going to impact on morale, ability to learn, whatever.

I think Colin Smith in his evidence, and I encountered it -- there were a lack of certain assets in theatre, again outside my professional expertise, but
I know you couldn't go from Baghdad to Basra because it could have been a no-flying day. If one airframe went out of service that had an implication, because quite rightly there were other tasks which are more important than transporting personnel.

If you were -- and they did eventually establish superintendents mentoring in districts. You would be in the district compound, it would be protected by either British or NATO forces, etc. IEDs, etc, would impact on your ability to go from A to B, don't set up patterns, all the classic paraphernalia of a security regime. It impacts. Freedom -- I contrast, when I went there in May 2003 it was a benign environment. We could go in a stripped down Landrover into Al Amarah, etc, where subsequently they massacred members of the Royal Military Police. Baghdad not so permissive, but a relatively safe environment. I think even by the second visit six months later literally concrete walls were going up and people's heads were going down and security became a predominant factor, in a sense, and graphically the security environment deteriorated from then on consistently.

SIR LAWRENCE FREEDMAN: Was there much that could be done to deal with the situation, find ways around it?

MR KERNAGHAN: I think you will find people will innovate at
a very local level. You know, either utilise technology
so they don't have to physically go to your office, etc.
I know the military were concentrating, and that would
have been the focus of their activity: how can you
facilitate reconstruction within a security environment?
You have higher level examples. Where was the British
Consulate General? Did it subsequently have to
relocate? Was location X defensible? Why were they
there? Was it prestige or was it the best location to
be? Again not really an area within my expertise.

SIR LAWRENCE FREEDMAN: In your statement you refer to the
briefing you received from SIS as being, "far more
candid, realistic and generally pessimistic than those
you received other British representatives". Did you
sense that the briefings to senior personnel generally
were presenting an over-optimistic picture of the
situation in Iraq, particularly with respect to police
reform?

MR KERNAGHAN: Yes. I felt that the briefings I received
from SIS chimed with my subsequent personal exposure to
the environment, and bear in mind mine were snapshot
observations. They had obviously long-term sources and
experience. I felt other personnel -- and I can
understand it, we all think things are going very well
when our superiors arrive in, etc. But, no, the
line that they were providing I thought was unrealistic. I think it was the best of all possible worlds. It was not consistent with what the reality was.

It was almost as if by accepting reality you were criticising Government, which I don't think it is. It is saying, "This is where we are. We need to change the plan".

So yes, I think that agency was much more frank and self-critical. They knew what was going on whereas I think other people perhaps were a little bit more wedded to the party script.

SIR LAWRENCE FREEDMAN: If we just concentrate on the other people for the moment, you are suggesting sort of almost a natural tendency to be upbeat when you are talking to superiors or visiting ministers or whatever, but do you think this meant that there was a difficulty in bringing home to ministers the harsh reality of what was going on and the risks of failing?

MR KERNAGHAN: I think that's a very fair way to sum up the approach and attitude I detected.

SIR LAWRENCE FREEDMAN: One of the obvious issues concerns the state of the Iraqi Police Service. I think from what you suggested before that you were aware from quite an early stage of the problems of corruption and militia infiltration. Was that sort of a constant theme of your
visits and understanding of what was going on?

MR KERNAGHAN: Bear in mind again two separate, and I think there were two separate environments. I will focus first on Basra and then perhaps comment on Baghdad.

Basra was the British zone of responsibility, the British lead. In the early days 1 (UK) Armoured Division with the RMP in the lead were focusing on getting people in, getting uniforms on their back and actually putting a visible police presence on the streets. Totally understandable. I think if you came forward as an Iraqi and you could breathe you would have a uniform, they would give you a baton and you would be out there. There is some merit in that. Then as events developed they subsequently realised perhaps you had your own agenda. Was your loyalty to the next ranking officer in the IPS or was your loyalty to a political party, your community, your tribal allegiance or the local strong man? That I think came back and caused huge problems.

So you had in a sense subversion within the ranks, allied to good old-fashioned financial greed and graft, and that -- I think several of the senior police officers deployed in Basra encountered that in various forms during their secondments. As I say, one internal professional standards unit which was created with great
hope, etc, I remember the senior police officer actually subsequently found unauthorised electrical equipment in their interview process -- their interview room. These were the people who were going to set the high ethical standard for the local police. Obviously their own ethical standards left something to be desired.

So I think you had a problem. Who are the police? Is there loyalty to the police service and ultimately, correctly and constitutionally to the Iraqi Government working on behalf of the Iraqi people, or is it somewhat more localised?

So I can speak both to personal exposure and reading the reports of my colleagues who were in Basra.

I am less confident in my assessment when I get to Baghdad. Huge city. Really couldn't give you an accurate assessment of the police in Baghdad, let alone when we go north to Mosul, etc. As I say, historically they were not the best and brightest of Iraqi society and I have no reason to doubt that the Basra pattern was reflected throughout the whole of Iraq.

SIR LAWRENCE FREEDMAN: But Basra was the one where we had more responsibility.

MR KERNAGHAN: Absolutely.

SIR LAWRENCE FREEDMAN: Do you think there was more that
could have been done to deal with these problems of malitia infiltration?

MR KERNAGHAN: I think I would defer to the people that were there. It is very easy to sit back sometimes and come up with a perfect plan. I think if we had had a plan on day 1 we probably would have done a lot better, but definitely no criticism of the people who were actually trying to create order out of disorder in the early days. They did what they had to do, but I think the fact that there was no plan and we didn't know what resources we were prepared to commit to it actually did cause problems and obviously the Basra story is I think quite well-known.

SIR LAWRENCE FREEDMAN: Yes, and it sort of comes to a head with the Jameat police incident in September 2005, which sparked discussion back in London about what to do and seems to have led to the MoD becoming the lead department for policing.

In your statement you describe the focus at that stage as being one of, "Managing decline and making the best of a bad job". Perhaps you would like to elaborate a bit more on that?

MR KERNAGHAN: May 2003 was a brave new world, and I say that in a very positive sense. The Saddam Hussein regime had been done away with. Who knew what was going
to be there for the Iraqi people? It was, as I say, a benign environment.

I think most Iraqis, and obviously it is no huge insight to the Iraqi population but I think they were glad to see the back of Saddam Hussein. They didn't know what the future held. Were we there as altruistic liberators or were we there for the oil? Bear in mind that for 30 years they had been told that was our sole motivation. I think they were open-minded. They wanted to get on with their lives and hopefully be more prosperous and hopefully a certain degree of political freedom.

So it was very optimistic. Everybody's heads were up. It was a bright brave new world we were going into and that includes the international representatives who were on the ground.

Several years later I think it had gone to the opposite direction. I think we realised, particularly from a UK perspective, we were not there for the long-term. We were not prepared to put in the money and resources that perhaps were required, and perhaps even we were not prepared to take the casualties that our presence envisaged. So it was frankly -- I think the phrase I used at the time, not one I am particularly proud of, but, "We want out with dignity and the price
of dignity varies from week to week on the world market.”

I am afraid that would be my cynical but honest

assessment of where we were in the later years, "We want

out. We would like out with a little dignity", but

frankly that does vary from day to day, what dignity

constitutes.

SIR LAWRENCE FREEDMAN: Do you think it made any difference

the MoD taking over responsibility for policing in that

direction? context?

MR KERNAGHAN: No. I think by that stage the strategic
direction was set. We were not there to transform Iraqi

society. We were there to get out.

SIR LAWRENCE FREEDMAN: Did that affect the way you were

able to get police officers out into Iraq and what you

were able to tell them they were going to be able to do?

MR KERNAGHAN: No, because that's at the very highest

strategic level. We were deploying people. We were
giving them certain tasks to do and the wise and good
ones were going, "I am not here to transform Iraq but

I am here to take those ten officers and actually give
them an insight into what professional policing is".

I can think of one officer who, not single handedly but

he was a lead individual, went for the Iraqi forensic
capability. Probably when he eventually left Iraq would

be able to say, "I was responsible or helped facilitate
that, that and that”. So whatever was going on at the highest strategic level you will find police officers will actually figure out what they are trying to do and will try and disengage from the wider political picture and just deliver the task they have been given.

In actual fact as people started coming back to the UK they were able almost on a personal level, almost like a secret society one might say, "I believe you were in Iraq?" "Yes". "What did you think of it?" If you were actually positive about it, the person you were talking to might well volunteer to go. I know in my own force we had several cycles of personnel who went out, came back and then other people were influenced by their experiences.

So actually as time went on, despite the situation I would say deteriorating or becoming less ambitious, I actually found it marginally easier to deploy people. They were not affected by the big picture.

SIR LAWRENCE FREEDMAN: That's interesting. Finally from me by the time you left in 2008 what did you consider to be the prospects for the Iraqi police?

MR KERNAGHAN: I think the language being used by some other people was, at one stage in May 2003 they were going to be best of breed, they were going to be a modern police force appropriate to a modern liberal democracy, which
was the ambition of certain senior officials in May 2003. I think as time went on the ambition ‘was acceptable in the regional context’ and I think that became almost the official line. They would be viable and acceptable and as good or as bad as police forces in that part of the world.

SIR LAWRENCE FREEDMAN: Not the highest aspiration. Did you believe that could be achieved?

MR KERNAGHAN: Very early on I was clear in my own mind that the people who would defeat the Iraqi insurgency would be the Iraqis themselves and, once they had a Government, they would create a capability which would enable them to do that. It might not have been in line with the traditions and legal structure of the United Kingdom, but I have no doubt they would create instruments that would enable them to exercise effective power throughout Iraq.

SIR LAWRENCE FREEDMAN: Thanks very much.

SIR JOHN CHILCOT: Turning back to Sir Roderic.

SIR RODERIC LYNE: I would just like to explore in a bit more detail how you interacted with the different Whitehall departments that were responsible for policy in Iraq. You have already made a number of references to this. The FCO being initially at least in the lead and the department through whom your people were
recruited, but one also had obviously your existing relationship with the Home Office. Then the MoD comes into the picture. I don't know whether at any point you found yourself in direct contact with the Cabinet Office, which was coordinating the whole of policy.

How were debates over our input to security sector reform and policing in particular in Iraq coordinated, and were you part of that process?

MR KERNAGHAN: As you quite rightly say, it was the FCO as far as I am concerned were the lead agency, the lead department on behalf of HMG collectively. Yes, subsequently security sector reform transferred to the MoD. The only change I detected is that, one, our meetings were convened in Main Building. Yes, there was more reference to and more military figures and staff officers round the table, but I didn't detect any major change in thrust or direction.

I don't think we ever, as I say, had a clear strategy. It definitely wasn't affected by change of departmental lead, because again my people all worked to the FCO. Which Minister had seniority or priority in this role didn't affect them and that was -- hopefully part of our role was to make sure that they were not affected by this change in departmental lead.

In Baghdad, and it goes back to that issue of
semi-detached integrated, I don't think there was
a clear vision of what people were trying to create.
Eventually, and it is all about resources, a structure
called CPAT was created. It was 99 parts military,
totally understandable, because neither America nor
ourselves were prepared to deploy police officers in
a professional way. So the military, as is their want,
said, "It has to be done and we will do it", and they
did it well. They staffed it, etc,
but I think they do find the concept of professional
policing alien. It is not their area of expertise.
I say that not as a criticism, just as a statement of
fact.

So they were I think into PowerPoint management,
getting the traffic lights to go from red through amber
to green and that meant numbers. We have trained 20,000
people through course one. We have put 10,000 people
through course two. I don't think they ever really
thought, "What are we trying to achieve?" I am
conscious that at various times we had the Iraqi Civil
Defence Corporation, we had the Iraqi National Task
Force which frankly sounded very much like a Praetorian
Guard, and he who commands the INTF de facto will
command Baghdad and therefore Iraq. There were various
changes over the time but I don't think we had a clear
coalition power view and then subsequently a clear coalition power/Iraqi Government view of what the police should do, what their function should be, and what the function of the other security forces should be.

SIR RODERIC LYNE: When we discussed this with Stephen White, I mean, the picture that he described to us was of several different organisms in London trying to put their oars in on policing strategy on Iraq, including different bits within a single department, the Foreign Office. Then in Iraq, as you say, differences of view between Baghdad and Basra and between different parties in Basra. The way he put it in his statement was he felt different departments and different individuals were definitely not on the same page at the same time.

Did you feel this sort of lack of clarity?

MR KERNAGHAN: There was a lack of clarity. I mean, I would neither personalise it nor departmentalise it. I don't know, to me, and I think probably a better way to operate, I see the FCO as a single entity. If you are my interlocutory in the FCO, you speak for the FCO.

I am not really quite frankly interested in whether prior to that you and your colleague have a disagreement, have different sub-departmental objectives or game plans. When you speak to me I will
give you your place that you speak for the FCO and I will work on that basis. I was not particularly aware there were competing agendas. I think there was a lack of an agenda. The great phrase that used to rather irritate me is, "We are where we are". That just seemed to be the new reality of the FCO. "We are where we are", rather than, "This is where we want to be and this is how we will get there", or equally, "We have not got the means of getting there, therefore we have to agree for something less ambitious". But I was not conscious in fairness of in-fighting within the department. That was not something fortunately I was ever exposed to.

SIR RODERIC LYNE: Now your statement you speak very highly of the Home Office official with whom you had a long professional relationship as your main point of contact there.

MR KERNAGHAN: Yes.

SIR RODERIC LYNE: Who was your main point of contact in the Foreign Office?

MR KERNAGHAN: That changed. It changed a lot. Initially it was Stephen Pattison, who was in charge of the United Nations department. I am conscious -- again not only on a personal basis, but I know you will have access to more information than I have --

SIR RODERIC LYNE: But you had known him already from
previous operations?

MR KERNAGHAN: I knew -- yes. In a sense -- there is one
architecture and then the FCO like all organisations
then changed. I think to ‘international conflict’
possibly, but the nomenclature of departments and
structure changed. Initially Stephen Pattison was my
interlocutor. He was the Director of the UN
department.

Then structures changed for Iraq. I think Iraq
policy unit, Iraq Directorate, and there were various
people there who I would occasionally interact with and
then perhaps at a level down I would deal with people
who were more engaged in the recruitment and deployment
and the police side of it, including one or two seconded
military officers who actually operated as part of that
Iraq Directorate concept. So it did change.

I mean, a comment I would make: Iraq did not appear,
even though in my humble opinion it was the number one
foreign policy objective of HMG, to use a phrase, it was
going to impact on the ‘legacy’ word, it did not seem to
override normal bureaucracy. Well, what's my next
posting? I have done a year here so I should be looking
for grade 27.6. That's my next promotion. So there was
a concept -- I am talking about some good people, but
you would no sooner get to create a relationship -- my
Home Office colleague and I would start to get to know somebody and maybe even on occasion have almost a personal warmth, and think they are somebody we enjoy working with and they are a good person, and then on the phone casually, they would say, "By the way you need to know Jane Doe." "Why?" "She is taking over from me tomorrow." We would go, "Sorry?" "Oh, I am off to [wherever]."

I understand bureaucracy and career development, but there didn't seem to be a clear determination that you are in this job for three years, don't worry, we will look after you, your career will not be in any way adversely affected, depending on performance, but it seemed to be that you had the normal bureaucracy grinding on even though this was, in my opinion, a key priority for HMG.

So I think that was not good, whereas the Home Office were able to provide continuity. That was actually helpful because we could remember what happened three years previously. I think more steps needed to be taken for continuity. I can't even remember the names of all the officials we dealt with.

SIR RODERIC LYNE: So lack of continuity. You started with
the head of the United Nations department --

MR KERNAGHAN: Yes.
SIR RODERIC LYNE: -- who in military terms would be
a one-star officer, a foreign office counsellor. Then
new structures were set up to deal with Iraq under the
Iraq Directorate which included, I understand, the Iraq
Security Sector Reform unit, which was headed at the
same level as Stephen Pattison I believe by another one
star officer, fairly senior person.

MR KERNAGHAN: Yes.

SIR RODERIC LYNE: Was it then with the head of that unit
that you found yourself dealing, or are you saying it
was constantly changing?

MR KERNAGHAN: No. I did have occasional meetings at that
level, but more day-to-day was at a more junior level.
I couldn't give you their ranking or grade. I deal with
people when they --

SIR RODERIC LYNE: At a more junior level. You are
a chief constable. You were the holder of the ACPO
international portfolio, did you feel that you should
have been dealt with at a more senior level or perhaps
you had meetings at a more senior level?

MR KERNAGHAN: No, I don't -- generally like I say I do
not stand on my dignity. I will deal with whoever is
actually relevant to my area of business. On occasions
I would make a point of dealing directly with somebody
at director level if I felt there was a policy issue
which was appropriate that person was sighted on or they should be in a position to give me a response. So I was quite happy to work with more junior officials with the day-to-day mechanics, because this was about facilitating requests, etc. I never felt I was excluded or didn't have access to the Directors.

SIR RODERIC LYNE: So you had meetings with the Iraq Director John Buck?

MR KERNAGHAN: Yes. That name is familiar.

SIR RODERIC LYNE: Who was due to have given evidence to us later on this morning and I am sure we will have contact with later on. Did you meet ministers?

MR KERNAGHAN: No. I had no access to ministers throughout this from day one to the end of it. The only interaction I had with ministers is when I organised a gathering I think at Lancaster House basically to thank people who had deployed to Iraq. I think we had FCO ministerial representation. We definitely had Home Office ministerial representation, but in the context of developing policy I had no access to ministers throughout this, which in respect -- and it is not anything to do with me as an individual -- I think the first report and then subsequent questions I was asking about mobilising Whitehall more effectively, I never felt that I knew whether ministers had said,
"Good idea", "Bad idea", whatever. It was just interacting with officials. I never felt there was a clear expression of ministerial will, which I did find offputting.

SIR RODERIC LYNE: Did you meet John Buck's -- the next official up the line, the Political Director John Sawers at any stage?

MR KERNAGHAN: No, I only met that individual in the context of when he was number 10's special representative in May 2003, but I never met him when he then subsequently became Political Director.

SIR RODERIC LYNE: I mean, I think the point I am driving at is that you have told us there was no strategy you could see, there was a lack of an agenda, as you just said.

MR KERNAGHAN: Yes.

SIR RODERIC LYNE: I am wondering whether you could have used your own personal very high rank to take this issue up, the lack of a strategy, that's not a question for the desk officials --

MR KERNAGHAN: No.

SIR RODERIC LYNE: -- that's something -- could you and should you have asked to see a minister to bang the table and say "We need a strategy"?

MR KERNAGHAN: Interesting. Yes, Chief Constable, but equally from a disciplined service. I like to think when
I am dealing with fellow professionals that they are faithfully communicating -- handing my reports to ministers and I expect ministers to take appropriate decisions.

Should I have demanded to see a minister? Well, I didn’t take that view. I took the view: I am putting it in writing. It is going up. I am conscious from feedback in the Home Office -- I knew it was actually going to the Home Secretary's desk, but no, I had no feedback from the FCO. I always said humorously but quite seriously, "If I had 15 minutes with the Prime Minister at the time, I reckon I could have got the international assistance effort restructured". I was never afforded that privilege.

Should I have camped outside number 10 and demanded it? Possibly. That's not my style, but I was very clear with officials, "This is not going well. We need to make change". We even set up groups subsequently in Whitehall. I think one was referred to as the Strategic Task Force.

There is a huge HR dimension to this. I think I characterised to one of the Directors in the Home Office, who I rate, that the HR input, which was from a different element, was pedestrian at best and I was being generous when I said that, and we smiled a little
bit, but there was no sense that this was important and
we had to get out of our parochial, domestic mindset.

SIR RODERIC LYNE: The HR input. You mean the quality of
the staff assigned to this task force was simply not
what it should have been?

MR KERNAGHAN: When I say HR, it is about the policies. How
do we encourage good people and how do we look after
those good people? The structure which I have alluded
to in earlier questions was not facilitating the mission,
but there was no will amongst officials, and crucially
officials do what ministers want or don't want. There
was no political will to professionalise the police
assistance effort.

I mean, I submitted -- over and above the Iraq
material I submitted at least three major pieces of work
to the Home Secretary of the day saying, "Get a grip",
and frankly I don't think things have moved forward
significantly.

SIR RODERIC LYNE: There is a curious disjunction here,
because the importance of getting a grip on law and
order as part of the stabilisation of Iraq, making
progress in Security Sector Reform, featured very
heavily at the top end, the very top end of British
policy at this time, including the sort of co-ordination
meetings, the Cabinet level meetings being held by the
Prime Minister.

You were a very important link in this chain but there was never the connection between you and that top end except through intermediaries who you hoped were passing it on.

MR KERNAGHAN: Yes. I was present at one meeting hosted in the Cabinet Office and I think at that stage -- they sometimes tend to merge, because the situation frankly changed sometimes daily or weekly. Should we put somebody into Baghdad who would do policing, do it professionally, do it right? I actually said to the Home Office Director who was at that meeting, "Well, in actual fact we could put somebody up who has the right skills, the right profile, etc". That wasn't taken forward. I think probably because at the end of the day the Americans were in the lead, it had to be an American. But, you know, we were pushing or I was pushing on behalf of the Service and saying, "If you really want to do this, we are prepared to do it and do it well", but it has to be said in that case they would have had to guarantee the individual a job when he returned from Iraq, because I was not prepared to place my family's security at hazard.

SIR RODERIC LYNE: If I can just go from the sublime level to the nuts and bolts level, just going back to
recruitment, you helped to gather applicants for posts
in Iraq through your networking with the
Chief Constables --
MR KERNAGHAN: Yes.
SIR RODERIC LYNE: -- and then the Foreign Office
interviewed them and recruited them?
MR KERNAGHAN: Yes.
SIR RODERIC LYNE: Were you formally or informally any part
of the process whereby they actually decided who to
choose? Did they consult you, seek your advice?
MR KERNAGHAN: Only subsequently. Not in the initial two
ACCs that went out, but I think in nearly all the
subsequent appointments I was consulted or actually
chaired the selection board. But that would have been
for ACC or person acting up to that rank.
SIR RODERIC LYNE: Right so. Your expertise was at least
being used there?
MR KERNAGHAN: Yes.
SIR RODERIC LYNE: In the Security Sector Reform unit of the
Iraq Directorate of the Foreign Office there were, at
least for part of the time -- there was an ex-police
officer, I believe, and also somebody who I think
subsequently then went out to Iraq. I don't have the
name. Also somebody who had been seconded from the Home
Office.
First of all, did you encounter these individuals?

MR KERNAGHAN: Yes.

SIR RODERIC LYNE: Secondly, did you feel that this unit had a sufficient degree of understanding of the subject of policing, including the question of how police forces in this country are set up?

MR KERNAGHAN: The individuals were very junior, and I don't say that in a pejorative sense, but I think there was a Ministry of Defence police chief inspector seconded into the unit. There was at one stage a Warwickshire superintendent seconded into the unit.

SIR RODERIC LYNE: Not a chief superintendent retired?

MR KERNAGHAN: My memory is superintendent but I wouldn't in any way diminish the individual if they had been a chief superintendent, but my memory is of a superintendent, because I think I actually first met him when he was a chief inspector involved in international matters.

So they I think were primarily dealing with frankly the administration of the recruitment process. Then there is one individual who is a retired Royal Hong Kong police officer, an employee of the FCO. So they will have some expertise but I would suggest perhaps not the level with the right background that was required to do something more than basic administration. I think you needed perhaps a more strategic perspective and some
knowledge of counter-terrorism, counter-insurgency.

SIR RODERIC LYNE: I am told they may have been in the United Nations department rather than the Security Sector Reform unit, though I believe the two actually worked together. I think the unit melded the two.

So the bottom line from this was that the understanding of policing among the FCO officials that you dealt with was not particularly profound.

It is not my normal line of business. I am not putting this as a criticism, I am asking an open question.

MR KERNAGHAN: In my mind, particularly if we exclude those people who we have just discussed, I was dealing with career diplomats who I have no doubt have expertise in relation to diplomacy. Their knowledge of policing is probably what they see as they walk in and out of the FCOs and their own communities. That's totally understandable. It is not a criticism of them. It is a statement of their own professional experience.

I think also, and I think I did comment in my statement, perhaps lack of awareness, which is relevant, of the diversity and the spectrum of British policing -- we do have some niche capabilities, but I think you need to have a UK-wide perspective to appreciate that.

SIR RODERIC LYNE: Final question from me.
You talked earlier about the aspirations that people had which were unrealistic, but not bad aspirations, for what should be achieved with policing in Iraq, but at the same time the lack of a strategy.

Did you feel that the officials in the Foreign Office were putting too much faith in the CPA, in the CPA's ability to understand policing in Iraq, including the way policing had worked under Saddam, and then in the strategy for policing, so-called at least, which the CPA developed towards the end of 2003? There was notionally a strategy, though you have said you didn't really feel there was a strategy. Did the Foreign Office believe too much in what they were hearing back from the CPA?

MR KERNAGHAN: Obviously they are best placed to comment on who they were reposing confidence in but, yes, I think that's not an unfair characterisation. To a certain degree understandable. The CPA are the executive body on the ground, but, yes, I think they either placed too much confidence in them or didn't have any levers to actually alter CPA strategy. They either didn't have -- I speculate -- money to put on the table, to buy a place at the table, or they weren't prepared, for reasons of which I am not -- to which I am not privy, they were not prepared to provide the expertise that actually would
have driven that forward professionally.

So I speculate that we neither had the money to get us a place at the table nor were we prepared to actually put the expertise, which we could have done had we had the ministerial and political will. Again that is about relationships between the United States and the UK which, as I say, I am not privy to.

SIR RODERIC LYNE: Thank you.

SIR JOHN CHILCOT: I would like, before we come to any final reflections you want to offer, to raise a few questions looking to the future about the United Kingdom's involvement in expeditionary policing.

I think we have taken from your evidence, both your statement and what you have told us, that there is not, or has not been in the United Kingdom, in its governmental or indeed professional policing circles, a process whereby professional leadership can be fully engaged and brought to bear.

Now the implication of that I think you say is that there would have to be a quite profound adaptation of constitutional as well as organisational structures.

Could you say a little bit more about what you mention in your statement about the recommendations you made for an International Police Assistance Board and an International Police Assistance Group. Are those
compatible with the present constitutional set-up?

MR KERNAGHAN: I would query profound change to our

constitution. I don't think it would be profound at

all. I simply think it would be two lines in

an amending bill that would say, "Police authorities

have no role in authorising the deployment of volunteers

overseas". That's all it would require. I actually

think the Home Secretary should act as, if you want to

use the phrase, de facto a Police Authority in respect

international deployments. So I would challenge anybody

who argued major constitutional implications. I think

it is frankly just making legislation more efficient and

effective.

I mean, again they merge. I submitted so many

reports over the time trying to get some action out of

Whitehall. I think what we need is the ability to

assess international needs in support of HMG’s foreign

policy. This is not a police-specific initiative. HMG

may decide a country needs assistance, be it from very

minor to quite significant. The Police Service then

needs to have the ability to professionally go out,

assess that, create a plan and in a sense say what

resources are required. Then we go through the normal

governmental process: is it too ambitious, unrealistic,

not ambitious enough, etc? But we need to be able to
scope a mission and deploy people, but crucially, and
I think it all revolves round the HR dimension, when we
send you, when you come back, will you be assimilated
into your force? Bear in mind I am not assuming
everybody who goes abroad is good and does a good job,
but let us focus on the people who do go out and prove
themselves in testing environments. Will that bolster
your career? This is crucial at the chief officer
level. How do we bring you back and ensure that you
have a worthwhile career? At the moment we are based,
as I have said, on small, local territorial forces. We
have no national perspective, and whilst I have a few
points which perhaps I will share with you, lessons for
the future, in due course, it is about changing that
culture, and they are not exclusive to international
assistance.

The problems that I have detected are frankly --
they affect domestic national policy as much as
international assistance missions.

SIR JOHN CHILCOT: Sure. One, it is a constitutional
point -- whether it is profound I don't know, but the
Home Secretary, as the United Kingdom is currently
configured politically, cannot exert certainly direct
authority outside England and Wales, but England and
Wales is much the largest slice of policing
professionalism and effort and scale. So does that actually matter if Scotland and Northern Ireland want to come in to an essentially England and Wales arrangement for international assistance? Would that work?

MR KERNAGHAN: You can use any construct or formula you come up with. It could be that the Northern Ireland Executive and the Scottish Government in a sense say, "You can operate on our behalf. We will have a meeting three times a year so you can bring us up to speed". As you say, you can make the vehicle England and Wales but allow the other two jurisdictions to blister on to it. You know, there is nothing rigid, but I think it is important it is pan-UK-wide, that we actually harness the expertise and the human capital of the entire country. I think it would be invidious for lots of reasons to restrict international policing to England and Wales when they are representing the United Kingdom.

SIR JOHN CHILCOT: Yes.

Looking to the future, you refer in your statement to the Australian model, which I think you extol as a very effective all-arms, all-departments contribution from Australia, the nation.

MR KERNAGHAN: Yes.

SIR JOHN CHILCOT: In the policing context, of course, Australia is differently set up with a federal force as
well as the individual states.

How far does the success of the Australian model as you have assessed it rely on the existence of a Federal Police Service on top of State Police Services?

MR KERNAGHAN: You are absolutely right. The Federal model does give them a huge advantage, but their international effort is not exclusive. It is led by the Australian Federal Police but it is not exclusive to it, and States Police provide individuals to the international effort, but I take your point entirely, and in many areas, but obviously focusing on the international dimension, there would be great merit in having a national body which actually provided that facilitation.

I think in domestic debates I have referred to it as 43 plus 1. I will be honest. I am the licensed heretic. I would have a national police force tomorrow, but accepting there is no political appetite for that, I would maintain the 43, if you so wish, but create a national body to facilitate national functions.

SIR JOHN CHILCOT: Thank you. There is and there are other possible models, but one -- looking perhaps somewhat to the military model with the reserves, would you think there might be value, absent radical political change in the policing set-up in the United Kingdom, of a system of sponsored reserves, whereby power is taken by the
Home Secretary, as you have suggested, and funding is set up and a register of volunteer individual officers is set up and maintained and kept up-to-date so that people can be both trained in anticipation of overseas deployments and made available at short notice? Could that be made to work?

MR KERNAGHAN: It's a model I have looked at. I think it's determined by two things: one, who is going to pay for you to send someone to do a two-week military familiarisation course? Is it going to be your local force or is it going to be funded centrally?

Again -- I come back to it like a broken record -- when we deploy these people, how will that impact on their career development when they return to their domestic force?

SIR JOHN CHILCOT: On the funding do you think there's a model, a precedent in the way that Central Government has contributed much more in recent years to funding of counter-terrorism effort without disrupting the whole policing finance structure?

MR KERNAGHAN: You could create a very small hub or capability, call it Constabulary Squadron, if you will, and they could facilitate the international assistance effort. I don't think we are ever talking a large empire. I don't think we want to. I think we want
something which is appropriate to our economic circumstances, but it is about becoming professional rather than what I would describe as the culture of ad hoc-racy.

SIR JOHN CHILCOT: Taking your second point, the all-important one, of ensuring that careers are not disrupted and thereby people are deterred, particularly the most able, does the Inspector of Constabulary contain within itself or could it be given sufficient influence to manage that for the service as a whole nationally?

MR KERNAGHAN: No, I think -- and I am very conscious of your background, Sir John -- then you would get into a different area. Are they an Inspectorate? What we need frankly is a police staff and the Inspectorate are not a police staff. We need a general staff for the Police Service.

SIR JOHN CHILCOT: Without developing it on this occasion, that has implications for ACPO itself.

MR KERNAGHAN: Absolutely. I think -- it is an association. I've described it as a club, and I say that not in a negative sense, but that is what it is. You need a professional staff peopled by the best people in the service.

SIR JOHN CHILCOT: I would like to ask one or two specific
questions now and then come to your reflections.

MR KERNAGHAN: Thank you.

SIR JOHN CHILCOT: Just before I do, I wonder whether any of
my colleagues have any particular questions they would
like to raise? Right.

One is to pick up a point you make about the Royal
Military Police, for whom you have a lot of regard, I
know, but equally they are not to be seen, as it were,
as the answer to international deployment.

There is the issue -- and I think I am quoting now:
"There are wider issues that may need addressing in
respect of the chain of command and the degree of
independence which is required and indeed can be
demonstrated in respect of certain investigations."

What was that pointing at?

MR KERNAGHAN: Yes. I would -- I am grateful for the way
you've introduced that question. I have huge regard --
I mean, I have seen it through my lifetime develop shall
I say from a reasonably low base to an outstandingly
good organisation at this point in time, but because
they are an integral part of the military -- and I am
conscious you have a military adviser who is better
versed than I am -- they have unity of command and
control, the basis of all military life, but in certain
environments they may have to conduct investigations.
If they all ultimately report to the same general that
the regimental commander and the brigade commander
report to, certain international obligations may
question the independence of those investigations.

I'm simply -- again not from me, but professionally
I am simply pointing out that perhaps there might be a
necessity for an alteration to the command structure or
reporting structure so that their investigations are
demonstrated to be independent and not subject to the
normal pressures of a unified chain of command. Do they
report to the Director of Army Legal Services? Do they
report to the Chief of the General Staff directly and
not through the normal convention?

Outside my area of expertise, but I am conscious
that sometimes an investigation can be criticised both
nationally and internationally if it is not seen to be
transparently independent. It is not to criticise their
expertise; far from it. It is actually to provide
enhanced protection for them. Equally should they
always be the ones who are doing an investigation?

Should you have a capability that can deploy and
investigate certain controversial actions overseas?

SIR JOHN CHILCOT: Thank you. I take your point entirely.

One last point, not of detail, but in essence the
contribution from the United Kingdom Police Services to
the overseas deployment in Iraq over the eight years pretty much came -- contractors apart, the IPLOs, from England and Wales -- was it the FCO's demand pull simply being exerted towards England and Wales forces rather than the devolved administrations or was it the devolved administrations themselves that were reluctant?

MR KERNAGHAN: It varied. As I say, I am not mandated to speak on their behalf, but it did vary. Initially I think I am right in saying sequentially Northern Ireland was very reluctant. I think in a sense quite openly the Policing Board had said, "Our priority is Northern Ireland. We are not keen ..." -- bear in mind they had people deployed in Kosovo. So I think they had told the Chief Constable, "No, we are not keen on sending people overseas".

Interestingly -- and I know you've had evidence -- that seemed to suddenly change and they were actually -- from being reluctant the NIO, not the Policing Board, suddenly said, "Oh, we would be quite keen to deploy people. We have some good superintendents who went out as advisers to Iraqi police officers". So that varied I think perhaps because of domestic agendas. Their contribution was not even, but they did subsequently contribute.

Scotland, I can't frankly remember the contribution
or not, but again that would have to be a matter between ACPOS and the devolved administration in Edinburgh. The 200 pull was specific England and Wales, because it was mandated by the Home Secretary, and, as you have rightly highlighted, he only has a remit in terms of England and Wales, but I think it is fundamentally important that it is the Police Service of the UK responds to requests from HMG, and interestingly if an officer is deployed overseas, they now wear insignia which would probably be illegal in the UK, but they wear a badge which actually says "United Kingdom Police Service", which doesn't exist, but that is the badge allocated to people to go overseas with.

SIR JOHN CHILCOT: That's a very interesting detail which we had not heard before. Thank you.

Well, we have come to the point I think where we would like to invite your final reflections. I note in passing that you held the international affairs portfolio right up to 2008. So you had some sight of the Afghanistan operation too. So any lessons at all that you would like to bring out.

MR KERNAGHAN: Thank you. I will try to be brief.

I think in your brief you indicated lessons for the future. Lessons which I identified and shared, but which I believe have yet to be learned, are as follows,
and I think there are six in total.

[1] The need for clear policy objectives for the mission, regardless of size or scope of the mission; resources to be compatible with the agreed objectives.


[3] Major reform of Police Service HR policies and structure. It should be noted that the problems which bedevilled our efforts in Iraq are not specific to international assistance missions but rather are systemic and affect domestic, national activity as well.

[4] I think Ministers need to mandate and direct the Police Service to provide an international assistance capability which is responsive to the needs of HMG and is not encumbered by parochial attitudes and/or local whim.

[5] The national capability to develop a small cadre of officers who are capable of integrated working with the armed forces based on an understanding of military structure and doctrine.

[6] Finally, the reformed international police assistance capability to operate on an integrated UK-wide basis, one person to act as the Government's international assistance police adviser and also oversee the service's capacity to respond to relevant
ministerial directions.

As I say, I have submitted various documents to the Home Office over the years, but I think those are the six lessons identified. They will only be learned when they are actually implemented.

SIR JOHN CHILCOT: Well, I should like on behalf of my colleagues and myself not only to thank you but to express our appreciation for what has been a very valuable session and one much longer than advertised. I am grateful to you for extending the evidence you have given.

With that I will close this session. It marks the end of today's hearings.

We return on Monday at 2.00 pm, when we shall hear from Sir Ronnie Flanagan, former Chief Inspector of Constabulary for England, Wales and Northern Ireland, who was asked in 2005 to conduct a review of the UK's contribution to policing reform in Iraq.

That ends of the morning. Thank you.

MR KERNAGHAN: Thank you.

(12.20 pm)

(Hearing concluded)

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