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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

1           asked to sign a transcript of the evidence to the effect  
2           that the evidence given is truthful, fair and accurate.

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

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

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

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

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

1 investigations but is currently the Northern Ireland  
2 Executive.

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

5 MR KERNAGHAN: Sorry. I apologise.

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

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

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

22 Its day-to-day business is dealt with by way of what  
23 were referred to historically as committees, but I think  
24 within the last five years changed to modern  
25 nomenclature - namely business areas.

1 International affairs is obviously quite a strange  
2 one and de facto was an individual portfolio which  
3 I looked after on behalf of the President of ACPO. My  
4 role was to interact with Government where they were  
5 interested in international police assistance and then  
6 to feed back to my colleagues and to organise and  
7 facilitate requests from Government as best we could.

8 Historically the UK has had a very limited  
9 involvement in overseas policing. That increased in the  
10 mid-1990s and obviously took on an entirely new  
11 dimension with the intervention in Iraq.

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

15 MR KERNAGHAN: Yes, and --

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

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

19 ACPO is a voluntary association of Chief Officers.  
20 I was paid and employed to command and provide  
21 an efficient, effective police service in Hampshire and  
22 the Isle of Wight. I voluntarily took on this  
23 responsibility. It is not something I did in the  
24 evening, but perhaps that's the best way one can express  
25 it. You have your day job and then this is something

1           you do in addition. Very openly in the early days it  
2           wasn't an overly onerous additional responsibility.  
3           With Iraq and subsequent events, yes, it did take up  
4           significantly more time.

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

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

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

19 MR KERNAGHAN: Right. I think common throughout ACPO is the  
20          assumption that when you are given the portfolio your  
21          colleagues trust you to discharge that responsibility,  
22          to report back to them when perhaps you are looking for  
23          a policy decision through Chief Constables' Council, but  
24          basically you are left to get on with it. A domestic  
25          example would be if you were the chief constable

1 who led on traffic policy. Your colleagues give  
2 you day-to-day freedom to negotiate and work on that and  
3 you would only refer to them when you had a major issue  
4 that you needed to know that they were explicitly going  
5 with you. So I was very much left to my own devices but  
6 I would report fairly regularly, particularly in respect  
7 of Iraq, to the President, so that he was aware of what  
8 was going on, and I was conscious they would have  
9 bilaterals with the Home Secretary. It was important  
10 that the President representing, if you will, the wider  
11 family knew exactly what I was doing on behalf of ACPO,  
12 and then occasionally I would actually have an item to  
13 be discussed at Chief Constables' Council.

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

23 That resulted, in my opinion, in an unacceptable  
24 situation. The Commissioner of the UN police force  
25 received British officers but could not treat them as if

1           they were from --

2   BARONESS PRASHAR:   On an equal basis?

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

4           give them special treatment and favourable postings or

5           perhaps unfavourable postings.

6           I went to Chief Constables' Council and had it agreed

7           if the mission required personal protection weapons it

8           was advertised on that basis and colleagues volunteered

9           knowing what they were volunteering for. That was

10          acceptable I have to say there was some opposition but

11          I am delighted to say at the end of the day

12          Chief Constables' Council endorsed that position.

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

14          actually worked.

15   MR KERNAGHAN:   Indeed.

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

17          police forces outside ACPO.

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

19          mandate extended only to the 44 forces of ACPO, but

20          I was very conscious of basic geography. If I was

21          interacting with the Foreign and Commonwealth Office,

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

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

24          ambitions to take over. I would simply report to my

25          colleague in Scotland what was going on and he and his

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

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

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

16  
17 MR KERNAGHAN: No, I dealt with the Home Office. I was very  
18 fortunate. I had an official named who I worked with in  
19 the Home Office and worked with very closely and I had a  
20 high regard for their professional abilities.

21 I did not interact directly with the  
22 Northern Ireland Office. Whilst ACPO, I have explained,  
23 looks after 44 forces, the reality, custom and practice  
24 is that the PSNI has a direct relationship with the NIO.  
25 Again I made sure that the Chief Constable of PSNI was

1 fully aware of all developments so that he could  
2 interact in an informed basis with the Northern Ireland  
3 Office.

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

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

16 MR KERNAGHAN: Yes. I would have to stress this is  
17 a personal view, but it is a very heartfelt view.  
18 I think operational independence domestically is  
19 a cornerstone of the British system of Government and  
20 policing and I would defend it to the utmost, but when  
21 you move into the international arena and the policy of  
22 HMG abroad I think it is inappropriate. I am not  
23 an expert on the Australian system, but my understanding  
24 is that they reflect what they would call the  
25 Westminster Model, domestically, but if they are

1           considering an intervention, be it as part of the  
2           United Nations or as a regional, national intervention,  
3           they can direct the Commissioner of the Australian  
4           Federal Police as to what police force, what police  
5           capability they wish to deploy as part of the wider  
6           Australian 'whole of government concept.' I think that's  
7           what we should go to.

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

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

1 appropriate in that context.

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

5 MR KERNAGHAN: Thank you.

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

9 MR KERNAGHAN: Yes.

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

13 MR KERNAGHAN: Yes.

14 SIR JOHN CHILCOT: Was that so during your time?

15 MR KERNAGHAN: Yes. That's absolutely correct. It was --  
16 to use a cultural reference, they had a moderator  
17 system, that you were a Chief Officer, you became the  
18 President for a year and then you reverted to your force  
19 at the end of that year. I believe actually it was  
20 prompted more by Government than by ACPO itself. We  
21 moved to a three-year, full-time appointment. So  
22 a former chief constable becomes President of ACPO.  
23 That's their single, sole responsibility for three years  
24 and then someone else applies to be selected as  
25 President. So there was individual chief constables and

1           then I think during my time Sir Chris Fox, Sir Ken Jones  
2           were the two full-time, to use that term, ACPO  
3           Presidents I interacted with.

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

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

10   SIR JOHN CHILCOT: Yes. Thank you.

11           I will ask Lawrence Freedman to pick up the  
12           questions.

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

17   MR KERNAGHAN: Yes. I am well aware -- and I say again  
18           these are personal views, but I believe the view was  
19           that HMG's preference would have been to  
20           achieve its objectives by diplomatic means. Then, if  
21           that's not possible, the military obviously have a role  
22           to play, but if there was going to be an invasion of  
23           a country we would have obligations under international  
24           law, including the maintenance of domestic law and  
25           order. I think we frankly should have been consulted,

1 even if it was to say, "I am afraid we can't help".  
2 I just think that would have been a professional way to  
3 operate. "Can you assist: yes, no?" If yes, "Please  
4 give us the benefit of your professional advice". So  
5 I was surprised that we were not consulted at all prior  
6 to the invasion.

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

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

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

24 MR KERNAGHAN: I think there are two aspects to that  
25 question. One, I think whenever -- I am not

1           personalising it, I am talking about offices. Once, I  
2           think, the Prime Minister turned, via the Secretary of  
3           State for Defence, and said, "I am afraid we may need  
4           a military option". We wouldn't have needed as much  
5           time as that, because obviously we would have  
6           a peripheral role but I think at that stage we should at  
7           least have been alerted and involved.

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

16          It would have been in a previous era we would have  
17          been saying, "Take out the ACPO cigarette packet and  
18          sketch out a plan on the back of it", and that's not  
19          a professional way to operate. There should have been  
20          a better structure, which, if it was Iraq, could have  
21          been mobilised in the context of Iraq, but at the very  
22          least we should have been involved once military  
23          planners started to sketch out scenarios and  
24          specifically the post-invasion phrase. We have no  
25          pretensions, we are not qualified to give advice on

1 military matters. That is very much the role of CDS,  
2 but the post-invasion phrase, transition, we should have  
3 been involved at that point.

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

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

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

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

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

1 asking the questions:

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

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

10 MR KERNAGHAN: If I could just check, if you bear with  
11 me ...

12 No. I was contacted initially on 14 April and then  
13 my first positive response to that was the next day, on  
14 15 April. I think my first day in the office, in fact.  
15 That was via the Home Office. I was clear at that  
16 stage -- because again it is about confusion and  
17 duplication -- I was working to the Home Office. They  
18 at the end of the day, the Home Secretary would be the  
19 individual who would authorise a police contribution or  
20 not. So at that stage it was to my liaison point in the  
21 Home Office and then you are quite right. On the 17th  
22 I felt I needed to get a grip of this. So I decided to  
23 contact the FCO directly. I had the advantage, the FCO  
24 head of the UN department I had dealt with in the years  
25 leading up to 2003, obviously copying in the Home

1 Office, but I felt we needed a meeting to try to  
2 establish what exactly we were talking about.

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

5 MR KERNAGHAN: Yes, absolutely.

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

8 MR KERNAGHAN: Yes.

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

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

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

25 MR KERNAGHAN: No, I didn't, but I have to be fair to the

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

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

12 MR KERNAGHAN: Yes.

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

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

23 I have never seen an armoured division in the field  
24 and literally, if you will, they had almost just turned  
25 off the ignition switches on the main battle tanks.

1 I had seen the media both in America during the early  
2 stages of the invasion and then British media coverage  
3 prior to my deployment to Iraq. I don't think anything  
4 prepared me for it. I have commented -- some have said  
5 it is a colourful phrase, but the degree of looting was,  
6 the best analogy I can give you is, like a hoard of  
7 locusts moving through a field of corn. It was something  
8 to behold. It wasn't military action. You saw a school  
9 with no windows etc. It had not been coalition  
10 military action. It had been local people looting  
11 for whatever reason.

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

21 The Iraqi police, what I will call the Green Police,  
22 because they wore green uniforms, were not there. The  
23 Royal Military Police were very proud, and I can  
24 understand it, that they had one or two individuals  
25 wearing blue shirts on the streets. They referred to

1           them as the Traffic Police. They were not the highly  
2           trained people you might know and love in the United  
3           Kingdom Traffic Police. They were quite sad, elderly  
4           people who stood and waved their arms ineffectually at  
5           certain points in Basra.

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

15          There was no policy. There was no vision. Basra  
16          was frankly semi-detached, to use a phrase. We went up  
17          to Baghdad. I went with the Commanding Officer, 1  
18          RMP, and the SO1 [Legal] from 1[UK] Armoured Division.  
19          I think they would have been quite happy to be kicked by  
20          Baghdad and told, "You are not following the plan, you  
21          need to change", or equally to be given a pat on the  
22          back. They were going to get neither response from  
23          Baghdad. These were early days, they were days of tumult  
24          and tension. There was no direction coming down so there  
25          was no plan. All you had is the British Army in Basra

1           doing the best they possibly could in a situation where  
2           they were getting no guidance from a higher level.

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

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

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

24   MR KERNAGHAN: I, and you have just mentioned it, I know,  
25          published it on the website. On my way literally in the

1 plane out to Iraq I put together a 'straw man' paper  
2 to share with people out there, for them to say  
3 "rubbish" or whatever, just something to focus our  
4 discussions. Basically my premise was very simple. You  
5 needed -- to establish law and order you needed Iraqis  
6 to do it to create the basis of any governmental process.  
7 As I have said in other contexts, the Iraqis weren't  
8 looking for a bicameral form of government or a  
9 unicameral form of government. If you give them  
10 electricity, water and law and order they would have put  
11 a statue up to you. In the short term we failed in all  
12 those.

13 You need to establish control of the streets, which  
14 means the police need to be able to protect themselves.  
15 That's the first step before they can protect the rest  
16 of the community. Yes, you need high ethical standards.  
17 You need clear command and control. Frankly I think  
18 there was a lot, you might call it naivety or a very  
19 benevolent view of human nature, but some people in  
20 Baghdad were obsessed with community policing,  
21 neighbourhood policing. All forms of sophisticated  
22 police structure which we would all aspire to, but in  
23 the early days what you needed was a capable, ethical  
24 police force who as I say could exert, and if it had to  
25 be through applied reasonable force, they needed that

1           capability. So there was a disconnect. Some people  
2           were not operating in the reality of May 2003. They  
3           were in a very utopian land, which I sincerely hope Iraq  
4           reaches somewhere down the line but it was not going to  
5           be achieved in 2003, 4, 5 or 6. Yet that did seem to be  
6           this very nice aspiration for community neighbourhood  
7           policing. I put a plan together -- not a plan, that's  
8           inappropriate. I put together a short paper simply  
9           saying, "Create a police force that can actually do the  
10          job. Then you can upgrade its sophistication as time  
11          goes on".

12   SIR LAWRENCE FREEDMAN: Thank you very much.

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

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

19   SIR RODERIC LYNE: On the ground or in Whitehall?

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

22   SIR RODERIC LYNE: You mean ORHA at the time?

23   MR KERNAGHAN: ORHA were the body that existed when I first  
24          arrived in Baghdad in May 2003, though I think it was  
25          very much the transition was already underway to -- Jay

1           Garner I think already knew he was leaving Baghdad.  
2           Paul Jerry Bremer was I think probably -- possibly even  
3           in the air en route to Baghdad. So it was still the  
4           ORHA structure, you are absolutely right, Sir Roderic,  
5           but there was no clear vision of what was needed, and  
6           definitely people expressed a view to me, 'Iraqi Police  
7           Service', it was all very nice, but it was for a benign  
8           environment which they were not operating in.

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

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

16   SIR RODERIC LYNE: Thank you.

17   SIR JOHN CHILCOT: Baroness Prashar.

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

21   MR KERNAGHAN: Uh-huh.

22   BARONESS PRASHAR: What discussions were taking place about  
23          the policing needs for Iraq, I mean, as it evolved? You  
24          have discussed with Sir Lawrence Freedman about initial  
25          discussions, but it is the evolution.

1 MR KERNAGHAN: I came back after my week, submitted the  
2 report, which you have had sight of, and then the only  
3 specific request that came was for one officer at  
4 assistant chief constable rank. I immediately actioned  
5 that and circulated it throughout the United Kingdom  
6 seeking expressions of interest. The FCO then  
7 interviewed people that I forwarded their names to the  
8 FCO. The FCO interviewed people. Then the requirement  
9 changed. As I say, it was a very dynamic environment,  
10 but whilst I had advertised for one substantive ACC, the  
11 requirement changed and they offered appointments to two  
12 of the candidates that they had interviewed. One was  
13 deployed to Baghdad and I am conscious you have heard  
14 evidence from Douglas Brand. He was deployed to Baghdad  
15 and Stephen White was deployed to Basra. That was the  
16 first formal request I got for limited expertise. It  
17 was, as I say, for one officer and then it obviously  
18 changed in the interim to two people.

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

24 MR KERNAGHAN: I can only comment on the interaction I had  
25 with the FCO, what was going on behind the scenes, and

1 I have no doubt they were wading through vast amounts of  
2 information.

3 SIR JOHN CHILCOT: Sorry. Could you slow down.

4 MR KERNAGHAN: I apologise.

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

23 So I think it was quite a reasonable assumption, but  
24 that was -- the first formal request we got was to send  
25 one and then two ACCs.

1 BARONESS PRASHAR: But in your statement you say, "I was  
2 aware that in June 2003 FCO envisioned an armed  
3 International Police Monitoring Force".

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

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

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

25 BARONESS PRASHAR: In your statement you also referred to the

1           hybrid 50% New York Police Department and 50% Blankshire  
2           Police model.

3   MR KERNAGHAN:   Yes.

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

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

23                 I would have gone for, as I say, a more robust  
24                 model.   Some people use, and I think people use language  
25                 very loosely.   The gendarmerie to pick but one example,

1 the French gendarmerie are professional police officers  
2 and no-one should take that away from them. They are  
3 professional police officers. It so happens for  
4 historical reasons they enjoy military status. Some  
5 Anglo-Saxons may have a very narrow and negative view of  
6 it but they are professional police officers. I myself  
7 come from a tradition of being a purely civil police  
8 officer but, at various stages in the RUC's existence,  
9 it possessed a fairly high level capability, and indeed  
10 at one stage a light armoured capability.

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

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

18 MR KERNAGHAN: I submitted it very clearly in my reports to  
19 the FCO. I can only surmise or guess that my thoughts  
20 were not in line with the prevailing political will, and  
21 that's right and proper. I do not have the authority to  
22 direct what should happen in Iraq, but frankly that was  
23 my professional judgment and advice. Obviously other  
24 people thought different things and pursued a different  
25 approach.

1 BARONESS PRASHAR: Did you get involved in any discussions  
2 about where the British effort should be focused in  
3 terms of influencing the strategy in Baghdad or  
4 delivering in Basra? I mean, was there a discussion on  
5 those two dimensions?

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

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

21 I have said, on occasion I don't think people in  
22 Basra would even have objected to a kick in the  
23 backside. They would have preferred a pat on the back  
24 but in the early days they were getting neither, and  
25 that was a very strange feeling for those people who

1           were doing their best but without any guidance.

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

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

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

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

20                 In terms of finance I am not qualified to comment.  
21          I do not know what the ratio of British funding to  
22          American funding was, but I always got the impression  
23          the Americans were bankrolling Iraq and they were  
24          putting huge sums of money at the disposal of the  
25          reconstruction effort. I always got the impression --

1 and one has got to be realistic -- that there was no  
2 clear viewpoint of what money the UK was putting in.

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

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

18 MR KERNAGHAN: Sorry?

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

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

1 game or actually just say 'We can't do it'".

2 BARONESS PRASHAR: Thank you.

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

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

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

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

10 MR KERNAGHAN: Yes.

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

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

21 Then people would apply. You as an individual  
22 officer would say, "Yes, I actually think I want to go  
23 to Iraq", or something. I don't make too much of it,  
24 but frankly, would your force be supportive? Would your  
25 force, in fact, even circulate the advert that I sent

1 down, because I would advertise to chief constables. It  
2 is then a matter for them to disseminate in their force.  
3 I can't say whether it was disseminated in every force  
4 or not.

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

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

16 MR KERNAGHAN: I am not too sure what he meant by double  
17 volunteering. I would say single volunteering. By  
18 definition you have volunteered to go to Iraq. One  
19 could say you volunteered to join the army, and yes, the  
20 army can then deploy you. I think I perhaps now  
21 understand what he is saying. Yes, you volunteered to  
22 join the police and then you volunteered to go to Iraq.  
23 I don't see that as a major issue. You should  
24 volunteer. I don't think if you apply to police  
25 Blankshire I should suddenly say, "Guess where? You are

1 going to the Democratic Republic of Congo for six  
2 months".

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

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

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

18 MR KERNAGHAN: Yes. Gladly.

19 Not surprisingly the picture altered depending on  
20 the seniority and grade or rank of the individuals  
21 concerned. I would say not just in Iraq but for all  
22 international assistance missions I typically would send  
23 a constable with between eight and ten years' service.  
24 I think generally highly motivated. I think part of  
25 their motivation is when they retire and someone says to

1           them socially, "What did you do", they don't want just  
2           to say, "I policed Blankshire for 30 years", very  
3           honourable and important though it is. They want to be  
4           able to say, "For a year I was in Kosovo, for a year  
5           I was in Iraq". Some of those people were outstanding,  
6           operated far beyond their pay grade and did a very good  
7           job.

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

24          So I in fact at one stage had to sit down with one  
25          Chief Superintendent and say to him, because I felt

1 I had a responsibility to mentor and look after people's  
2 careers, and say, "You do realise this is not a good  
3 career move for you?" Fortunately this individual said,  
4 "I accept that but I am prepared to do it". Which was  
5 great. That was inappropriate. You shouldn't have to  
6 put your career aspirations back by seeking to do  
7 something for your country. So that's a major problem.

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

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

24 SIR MARTIN GILBERT: Can you give us some idea of what  
25 proportion of police forces were supportive of deploying

1 to Iraq?

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

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

17 MR KERNAGHAN: I would argue not, because -- I won't have  
18 the correct technical term, but let's call it  
19 Confliction Prevention Pool. The FCO paid the costs of  
20 an officer deploying overseas. So they couldn't have  
21 the simplistic argument, "Well, if I send someone to  
22 Iraq, it's a drain on my budget". They did get  
23 a financial recompense from central Government. Yes,  
24 they lose the expertise of that individual but my  
25 argument has always been hopefully that individual comes

1 back with enhanced skills, be it because they have been  
2 operating above their pay grade.

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

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

14 MR KERNAGHAN: I would argue one. Frankly, it is Government  
15 policy. If the UK is committed there, I think it is  
16 part -- the Police Service should play its loyal part in  
17 supporting Government policy. I actually think I could  
18 go in -- it is altruistic, etc, trying to help the Iraqi  
19 people, but it is good for the individuals, it is part  
20 of our responsibility as a police service, and, quite  
21 frankly, unstable societies generate crime, they  
22 generate people who flee and they generate some  
23 criminals who take advantage of that. You have people  
24 who come to the UK. Kosovo was a very good example.  
25 They then set up criminal enterprises in the UK.

1           If you have actually helped stabilise and make  
2           Kosovo a prosperous place, you might reduce the number  
3           of criminals who seek to come to the UK. So there are  
4           very clear domestic benefits.

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

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

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

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

23       MR KERNAGHAN: Not my decision, but I think I can explain  
24          it. In fairness to the Home Secretary of the day, he  
25          would see rightly his primary responsibility as the

1 provision of law and order in England and Wales.  
2 I think he took the decision that he would not reduce  
3 the limited capacity of armed officers in England and  
4 Wales. Therefore he was happy to allow other people to  
5 deploy, but they could not be current authorised  
6 firearms officers, who are a very small percentage of  
7 the police force in England and Wales. I think some  
8 AFOs probably had a lot of problems with that decision,  
9 but I can understand the rationale of the Home Secretary  
10 in making that ruling.

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

13  
14 MR KERNAGHAN: I think it was provided at least initially by  
15 Warwickshire. It was -- I will be very clear about  
16 this -- limited to a personal protection weapon, namely  
17 a self-loading pistol, and the emphasis was on safe  
18 carriage and handling. I did not envisage police  
19 officers being deployed tactically and in a sense taking  
20 out executive action and carrying a firearm. It was  
21 there for their protection. They were provided with  
22 wider protection both by the military and commercial  
23 undertakings. This was in extremis, in absolute  
24 extremis. If someone broke into your accommodation  
25 block I want you to have the means to protect yourself.

1 No more, no less than that.

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

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

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

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

1 nominations came forward.

2 SIR MARTIN GILBERT: In late July 2003, after your return  
3 from Iraq, a request was made to create a pool of some  
4 200 firearms trained police officers --

5 MR KERNAGHAN: Yes.

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

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

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

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

24 SIR MARTIN GILBERT: Both Douglas Brand and Stephen White  
25 expressed to us their frustration at the lack of further

1 officers to help them in their work. Can you explain  
2 why they were difficulties in getting responses, in  
3 getting people to go there?

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

22 There was a thought that perhaps that would be  
23 a healthy model for Iraq. So you have an intelligence  
24 security service but executive action would be carried  
25 out by an accountable civil police force.

1 I found it impossible to identify and have  
2 an experienced Head of Special Branch nominated.  
3 I would have to say, in fairness, most Special Branches  
4 historically are extremely small, headed by a detective  
5 inspector. I do not believe a detective inspector in  
6 Blankshire is qualified to create a Special Branch  
7 structure from scratch in Iraq, but even though  
8 I liaised with relevant colleagues we were unable to  
9 identify an individual with the skills profile whose  
10 Chief Officer was prepared to let them deploy to Iraq.  
11 That's just one niche capability which should be dealt  
12 with because it is going to be quite a common problem in  
13 many societies. How do they handle internal security in  
14 a professional and ethical way?

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

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

23 I think there was also restrictions on  
24 accommodation. This was not just, "Let's post people  
25 and they can go to the Baghdad Hilton or the Basra

1           Holiday Inn". I had huge sympathy for the people who  
2           were in charge of the logistics. You know, we might  
3           post people but could they be provided with the life  
4           support systems, not least being security, and that was  
5           a restriction.

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

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

13       MR KERNAGHAN: Yes.

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

17       MR KERNAGHAN: Yes. The pool was created, as I say, for  
18       Iraq. Let's just use that term. At one stage, in fact,  
19       Hungary featured quite prominently in e-mails, etc.  
20       There was a thought that perhaps the training facility  
21       would be in Hungary. In the event it was the  
22       Jordanian/Iraqi Police Training Centre which I now  
23       believe is known as the Jordanian International Police  
24       Training Centre near Amman. That was created and, yes,  
25       some forces were prepared to let officers deploy to

1 Jordan but would not allow those officers to deploy to  
2 Iraq itself. Yes, they did not have to carry personal  
3 protection weapons. It was a much more benign  
4 environment.

5 SIR MARTIN GILBERT: Thank you very much.

6 MR KERNAGHAN: Thank you.

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

9 MR KERNAGHAN: Thank you.

10 (11.00 am)

11 (A short break)

12 (11.10 am)

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

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

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

22 MR KERNAGHAN: My understanding is no. My officers were  
23 seconded to the FCO and, as I understand it, came under  
24 the FCO's duty of care or standards of care. I equally  
25 believe, and I don't know, and obviously you will have

1 access to better sources of information, I believe the  
2 permanent secretaries used to meet and discuss this on  
3 a collective basis, but that's as much as I know about  
4 that forum. But, no, as far as I was concerned they  
5 were seconded to the FCO and the FCO were responsible.  
6 Obviously I monitored the situation carefully with the  
7 senior police officers who were deployed.

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

24 The other occasion when I --

25 SIR RODERIC LYNE: Before we come to the second one, can I

1 just ask a follow-up question on Az Zubayr.

2 MR KERNAGHAN: Yes.

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

5 MR KERNAGHAN: Yes.

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

9 MR KERNAGHAN: No.

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

12 MR KERNAGHAN: No.

13 SIR MARTIN GILBERT: It was accepted?

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

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

23 MR KERNAGHAN: Yes.

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

25 MR KERNAGHAN: The second one was -- I think it was

1 linked -- I had been privy to an e-mail which wasn't,  
2 I hadn't been officially informed of it, but an e-mail  
3 came from I think Colin Smith in Basra advising me that  
4 the lead for a security sector reform had been  
5 transferred within Whitehall from FCO to MoD. I had  
6 never been advised even that there were discussions  
7 taking place. At the end of the day ultimately  
8 that's not a major concern, but I think one of the GOCs  
9 had indicated, shall we say, that this changed the rules  
10 of engagement, if I can use that term inappropriately.  
11 He had concerns about the deployment of police officers  
12 in transport and the commitment. I made it very clear  
13 that, one, I needed to know were there any implications  
14 for duty of care, because as far as I was concerned my  
15 officers were still seconded to the FCO, not to the MoD,  
16 and that they would not move in Snatch Landrovers. This  
17 is long before in a sense it became an issue of popular  
18 debate in the media in the UK, but I was quite clear  
19 that Snatch Landrovers posed an unacceptable risk. That  
20 is in no way a criticism of general officers deploying  
21 their personnel in Snatch Landrovers. They had no  
22 alternative. You do what you do with what you have got.  
23 It is no criticism of them, but I was quite clear that  
24 my officers would not be. I think I also commented  
25 in the e-mail, however, if the FCO were levelling down,

1 if people were levelling up transport, I was very  
2 supportive of that. If all FCO personnel were now going  
3 to deploy in a certain way I would not demand special  
4 status for the police, but I was not going to see them  
5 become a separate category where they were not afforded  
6 the same level of protection or care as other FCO  
7 secondees.

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

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

23 Equally I can understand, if you are there you want  
24 to maximise your flexibility, reduce the number of  
25 assets you have to commit to transport tasks, but I was

1           very clear there was a standard for the police and they  
2           were not a separate category of humanity. They were  
3           part of the FCO family.

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

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

13                 In that particular instance where I exerted and  
14                 positively intervened it was with the full backing, and  
15                 indeed I took it as my responsibility. Colin Smith was  
16                 the senior police officer deployed there. He had to  
17                 have a daily working relationship with the GOC, but on  
18                 this occasion I judged he required support and quite  
19                 frankly I have a broad back and if there needed to be  
20                 a lightning rod I was prepared to take that  
21                 responsibility, but I did it with Colin's full support  
22                 and in fact Colin was grateful that I was basically  
23                 saying, "It is not him being difficult in Basra. It is  
24                 this man in Winchester". But I was quite clear it was  
25                 the right decision.

1 SIR RODERIC LYNE: Did you have any repercussions in terms  
2 of your own relationships with the military? Did  
3 anything come back from that?

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

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

18 MR KERNAGHAN: As I have said, I think in response earlier  
19 questions, I think all these are factors. I don't know  
20 what determines an individual is going to volunteer or  
21 equally the individual thought processes of another  
22 chief officer as to whether they will permit someone to  
23 deploy to Iraq or not. I was conscious I had  
24 a responsibility. I have to say, and I have probably  
25 have the nomenclature wrong, but let us call it the

1 security department of the FCO, I had regular update  
2 briefings from them and I actually had huge confidence  
3 in them. I have to say they were neither willing to  
4 push risk because they felt that's what their superiors  
5 wanted, nor were they asking for Rolls Royce security.  
6 They were quite pragmatic, in my opinion. So I actually  
7 was quite confident in the advice and rules that they  
8 were formulating theatre. I have to say that in  
9 fairness to them. But equally, and I think some of your  
10 previous witnesses have alluded to it, whilst I got  
11 authority from Chief Constables Council, we had people  
12 deployed, though in very limited numbers, if we had lost  
13 someone, I have no doubt, I am not saying all, but  
14 a large number of my colleagues would have said, "We are  
15 not prepared to deploy people to Iraq". That was always  
16 there and you can't predict. There can be road traffic  
17 accidents in Iraq as much as there could be outside this  
18 hall. It was a consideration of mine, but no, I think  
19 we established with the FCO an acceptable security  
20 regime which facilitated the limited functions that our  
21 people undertook in Iraq.

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

1 MR KERNAGHAN: Yes.

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

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

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

1 officers.

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

11 How would you respond to that?

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

24 If we had been allowed to operate in a different way  
25 and people knew what they were getting themselves

1 involved in I think I would have been quite supportive  
2 of that, but I mean there is some comment I picked up in  
3 some of the statements. The contractor advisers, if  
4 I can use that term, but the international police  
5 liaison officers who were working for commercial  
6 undertakings, carried what some people will refer to as  
7 long-arms, but basically support weapons, rifles, etc.  
8 My people weren't trained to do that, either physically  
9 to carry them or actually trained in tactics, and I am  
10 very clear you do not risk people by putting them into  
11 situations that they are not qualified to understand.

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

24 SIR RODERIC LYNE: So, just to summarise on this area, and  
25 going back to your earlier remarks about the sort of

1 structures we might need to set up in this country if we  
2 are going to do effective deployment into international  
3 operations in the future, training people in a way that  
4 allows them to take a higher degree of risk overseas in  
5 the way that contractors did might well be part of the  
6 package in that sort of structure?

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

1 package.

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

7 SIR RODERIC LYNE: Thank you.

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

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

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

23 I think Colin Smith in his evidence, and  
24 I encountered it -- there were a lack of certain assets  
25 in theatre, again outside my professional expertise, but

1 I know you couldn't go from Baghdad to Basra because it  
2 could have been a no-flying day. If one airframe went  
3 out of service that had an implication, because quite  
4 rightly there were other tasks which are more important  
5 than transporting personnel.

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

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

25 MR KERNAGHAN: I think you will find people will innovate at

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

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

19 MR KERNAGHAN: Yes. I felt that the briefings I received  
20 from SIS chimed with my subsequent personal exposure to  
21 the environment, and bear in mind mine were snapshot  
22 observations. They had obviously long-term sources and  
23 experience. I felt other personnel -- and I can  
24 understand it, we all think things are going very well  
25 when our superiors arrive in, etc. But, no, the

1 line that they were providing I thought was unrealistic.  
2 I think it was the best of all possible worlds. It was  
3 not consistent with what the reality was.

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

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

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

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

21 SIR LAWRENCE FREEDMAN: One of the obvious issues concerns  
22 the state of the Iraqi Police Service. I think from  
23 what you suggested before that you were aware from quite  
24 an early stage of the problems of corruption and militia  
25 infiltration. Was that sort of a constant theme of your

1 visits and understanding of what was going on?

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

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

20 So you had in a sense subversion within the ranks,  
21 allied to good old-fashioned financial greed and graft,  
22 and that -- I think several of the senior police  
23 officers deployed in Basra encountered that in various  
24 forms during their secondments. As I say, one internal  
25 professional standards unit which was created with great

1           hope, etc, I remember the senior police officer actually  
2           subsequently found unauthorised electrical equipment in  
3           their interview process -- their interview room. These  
4           were the people who were going to set the high ethical  
5           standard for the local police. Obviously their own  
6           ethical standards left something to be desired.

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

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

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

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

24   MR KERNAGHAN: Absolutely.

25   SIR LAWRENCE FREEDMAN: Do you think there was more that

1           could have been done to deal with these problems of  
2           malitia infiltration?

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

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

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

23   MR KERNAGHAN: May 2003 was a brave new world, and I say  
24          that in a very positive sense. The Saddam Hussein  
25          regime had been done away with. Who knew what was going

1 to be there for the Iraqi people? It was, as I say,  
2 a benign environment.

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

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

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

1 of dignity varies from week to week on the world market."  
2 I am afraid that would be my cynical but honest  
3 assessment of where we were in the later years, "We want  
4 out. We would like out with a little dignity", but  
5 frankly that does vary from day to day, what dignity  
6 constitutes.

7 SIR LAWRENCE FREEDMAN: Do you think it made any difference  
8 the MoD taking over responsibility for policing in that  
9 context?

10 MR KERNAGHAN: No. I think by that stage the strategic  
11 direction was set. We were not there to transform Iraqi  
12 society. We were there to get out.

13 SIR LAWRENCE FREEDMAN: Did that affect the way you were  
14 able to get police officers out into Iraq and what you  
15 were able to tell them they were going to be able to do?

16 MR KERNAGHAN: No, because that's at the very highest  
17 strategic level. We were deploying people. We were  
18 giving them certain tasks to do and the wise and good  
19 ones were going, "I am not here to transform Iraq but  
20 I am here to take those ten officers and actually give  
21 them an insight into what professional policing is".  
22 I can think of one officer who, not single handedly but  
23 he was a lead individual, went for the Iraqi forensic  
24 capability. Probably when he eventually left Iraq would  
25 be able to say, "I was responsible or helped facilitate

1 that, that and that". So whatever was going on at the  
2 highest strategic level you will find police officers  
3 will actually figure out what they are trying to do and  
4 will try and disengage from the wider political picture  
5 and just deliver the task they have been given.

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

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

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

22 MR KERNAGHAN: I think the language being used by some other  
23 people was, at one stage in May 2003 they were going to  
24 be best of breed, they were going to be a modern police  
25 force appropriate to a modern liberal democracy, which

1 was the ambition of certain senior officials in  
2 May 2003. I think as time went on the ambition 'was  
3 acceptable in the regional context' and I think that  
4 became almost the official line. They would be viable  
5 and acceptable and as good or as bad as police forces in  
6 that part of the world.

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

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

18 SIR LAWRENCE FREEDMAN: Thanks very much.

19 SIR JOHN CHILCOT: Turning back to Sir Roderic.

20 SIR RODERIC LYNE: I would just like to explore in a bit  
21 more detail how you interacted with the different  
22 Whitehall departments that were responsible for policy  
23 in Iraq. You have already made a number of references  
24 to this. The FCO being initially at least in the lead  
25 and the department through whom your people were

1 recruited, but one also had obviously your existing  
2 relationship with the Home Office. Then the MoD comes  
3 into the picture. I don't know whether at any point you  
4 found yourself in direct contact with the Cabinet  
5 Office, which was coordinating the whole of policy.

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

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

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

25 In Baghdad, and it goes back to that issue of

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

14 So they were I think into PowerPoint management,  
15 getting the traffic lights to go from red through amber  
16 to green and that meant numbers. We have trained 20,000  
17 people through course one. We have put 10,000 people  
18 through course two. I don't think they ever really  
19 thought, "What are we trying to achieve?" I am  
20 conscious that at various times we had the Iraqi Civil  
21 Defence Corporation, we had the Iraqi National Task  
22 Force which frankly sounded very much like a Praetorian  
23 Guard, and he who commands the INTF de facto will  
24 command Baghdad and therefore Iraq. There were various  
25 changes over the time but I don't think we had a clear

1 coalition power view and then subsequently a clear  
2 coalition power/Iraqi Government view of what the police  
3 should do, what their function should be, and what the  
4 function of the other security forces should be.

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

16 Did you feel this sort of lack of clarity?

17 MR KERNAGHAN: There was a lack of clarity. I mean, I would  
18 neither personalise it nor departmentalise it. I don't  
19 know, to me, and I think probably a better way to  
20 operate, I see the FCO as a single entity. If you are  
21 my interlocutory in the FCO, you speak for the FCO.  
22 I am not really quite frankly interested in whether  
23 prior to that you and your colleague have  
24 a disagreement, have different sub-departmental  
25 objectives or game plans. When you speak to me I will

1 give you your place that you speak for the FCO and I  
2 will work on that basis. I was not particularly aware  
3 there were competing agendas. I think there was a lack  
4 of an agenda. The great phrase that used to rather  
5 irritate me is, "We are where we are". That just seemed  
6 to be the new reality of the FCO. "We are where we  
7 are", rather than, "This is where we want to be and this  
8 is how we will get there", or equally, "We have not got  
9 the means of getting there, therefore we have to agree  
10 for something less ambitious". But I was not conscious  
11 in fairness of in-fighting within the department. That  
12 was not something fortunately I was ever exposed to.

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

17 MR KERNAGHAN: Yes.

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

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

25 SIR RODERIC LYNE: But you had known him already from

1 previous operations?

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

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

17 I mean, a comment I would make: Iraq did not appear,  
18 even though in my humble opinion it was the number one  
19 foreign policy objective of HMG, to use a phrase, it was  
20 going to impact on the 'legacy' word, it did not seem to  
21 override normal bureaucracy. Well, what's my next  
22 posting? I have done a year here so I should be looking  
23 for grade 27.6. That's my next promotion. So there was  
24 a concept -- I am talking about some good people, but  
25 you would no sooner get to create a relationship -- my

1 Home Office colleague and I would start to get to know  
2 somebody and maybe even on occasion have almost  
3 a personal warmth, and think they are somebody we  
4 enjoy working with and they are a good person, and then  
5 on the phone casually, they would say, "By the way you  
6 need to know Jane Doe." "Why?" "She is taking over  
7 from me tomorrow." We would go, "Sorry?" "Oh, I am off  
8 to [wherever]."

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

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

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

25 MR KERNAGHAN: Yes.

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

8 MR KERNAGHAN: Yes.

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

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

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

21 MR KERNAGHAN: No, I don't -- generally like I say I do  
22 not stand on my dignity. I will deal with whoever is  
23 actually relevant to my area of business. On occasions  
24 I would make a point of dealing directly with somebody  
25 at director level if I felt there was a policy issue

1           which was appropriate that person was sighted on or they  
2           should be in a position to give me a response. So I was  
3           quite happy to work with more junior officials with the  
4           day-to-day mechanics, because this was about  
5           facilitating requests, etc. I never felt I was excluded  
6           or didn't have access to the Directors.

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

9   MR KERNAGHAN: Yes. That name is familiar.

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

13   MR KERNAGHAN: No. I had no access to ministers throughout  
14           this from day one to the end of it. The only  
15           interaction I had with ministers is when I organised  
16           a gathering I think at Lancaster House basically to  
17           thank people who had deployed to Iraq. I think  
18           we had FCO ministerial representation. We definitely  
19           had Home Office ministerial representation, but in the  
20           context of developing policy I had no access to  
21           ministers throughout this, which in respect -- and it is  
22           not anything to do with me as an individual -- I think  
23           the first report and then subsequent questions I was  
24           asking about mobilising Whitehall more effectively,  
25           I never felt that I knew whether ministers had said,

1 "Good idea", "Bad idea", whatever. It was just  
2 interacting with officials. I never felt there was  
3 a clear expression of ministerial will, which I did find  
4 offputting.

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

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

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

15 MR KERNAGHAN: Yes.

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

20 MR KERNAGHAN: No.

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

24 MR KERNAGHAN: Interesting. Yes, Chief Constable, but  
25 equally from a disciplined service. I like to think when

1 I am dealing with fellow professionals that they are  
2 faithfully communicating -- handing my reports to  
3 ministers and I expect ministers to take appropriate  
4 decisions.

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

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

21 There is a huge HR dimension to this. I think  
22 I characterised to one of the Directors in the Home  
23 Office, who I rate, that the HR input, which was from  
24 a different element, was pedestrian at best and I was  
25 being generous when I said that, and we smiled a little

1 bit, but there was no sense that this was important and  
2 we had to get out of our parochial, domestic mindset.  
3 SIR RODERIC LYNE: The HR input. You mean the quality of  
4 the staff assigned to this task force was simply not  
5 what it should have been?

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

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

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

1 Prime Minister.

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

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

24 SIR RODERIC LYNE: If I can just go from the sublime level  
25 to the nuts and bolts level, just going back to

1 recruitment, you helped to gather applicants for posts  
2 in Iraq through your networking with the  
3 Chief Constables --

4 MR KERNAGHAN: Yes.

5 SIR RODERIC LYNE: -- and then the Foreign Office  
6 interviewed them and recruited them?

7 MR KERNAGHAN: Yes.

8 SIR RODERIC LYNE: Were you formally or informally any part  
9 of the process whereby they actually decided who to  
10 choose? Did they consult you, seek your advice?

11 MR KERNAGHAN: Only subsequently. Not in the initial two  
12 ACCs that went out, but I think in nearly all the  
13 subsequent appointments I was consulted or actually  
14 chaired the selection board. But that would have been  
15 for ACC or person acting up to that rank.

16 SIR RODERIC LYNE: Right so. Your expertise was at least  
17 being used there?

18 MR KERNAGHAN: Yes.

19 SIR RODERIC LYNE: In the Security Sector Reform unit of the  
20 Iraq Directorate of the Foreign Office there were, at  
21 least for part of the time -- there was an ex-police  
22 officer, I believe, and also somebody who I think  
23 subsequently then went out to Iraq. I don't have the  
24 name. Also somebody who had been seconded from the Home  
25 Office.

1           First of all, did you encounter these individuals?

2   MR KERNAGHAN: Yes.

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

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

12   SIR RODERIC LYNE: Not a chief superintendent retired?

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

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

1 knowledge of counter-terrorism, counter-insurgency.

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

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

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

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

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

25 SIR RODERIC LYNE: Final question from me.

1           You talked earlier about the aspirations that people  
2           had which were unrealistic, but not bad aspirations, for  
3           what should be achieved with policing in Iraq, but at  
4           the same time the lack of a strategy.

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

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

1 have driven that forward professionally.

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

8 SIR RODERIC LYNE: Thank you.

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

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

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

22 Could you say a little bit more about what you  
23 mention in your statement about the recommendations you  
24 made for an International Police Assistance Board and  
25 an International Police Assistance Group. Are those

1 compatible with the present constitutional set-up?

2 MR KERNAGHAN: I would query profound change to our  
3 constitution. I don't think it would be profound at  
4 all. I simply think it would be two lines in  
5 an amending bill that would say, "Police authorities  
6 have no role in authorising the deployment of volunteers  
7 overseas". That's all it would require. I actually  
8 think the Home Secretary should act as, if you want to  
9 use the phrase, de facto a Police Authority in respect  
10 international deployments. So I would challenge anybody  
11 who argued major constitutional implications. I think  
12 it is frankly just making legislation more efficient and  
13 effective.

14 I mean, again they merge. I submitted so many  
15 reports over the time trying to get some action out of  
16 Whitehall. I think what we need is the ability to  
17 assess international needs in support of HMG's foreign  
18 policy. This is not a police-specific initiative. HMG  
19 may decide a country needs assistance, be it from very  
20 minor to quite significant. The Police Service then  
21 needs to have the ability to professionally go out,  
22 assess that, create a plan and in a sense say what  
23 resources are required. Then we go through the normal  
24 governmental process: is it too ambitious, unrealistic,  
25 not ambitious enough, etc? But we need to be able to

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

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

20 SIR JOHN CHILCOT: Sure. One, it is a constitutional  
21 point -- whether it is profound I don't know, but the  
22 Home Secretary, as the United Kingdom is currently  
23 configured politically, cannot exert certainly direct  
24 authority outside England and Wales, but England and  
25 Wales is much the largest slice of policing

1 professional­ism and effort and scale. So does that  
2 actually matter if Scotland and Northern Ireland want to  
3 come in to an essentially England and Wales arrangement  
4 for international assistance? Would that work?

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

18 SIR JOHN CHILCOT: Yes.

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

23 MR KERNAGHAN: Yes.

24 SIR JOHN CHILCOT: In the policing context, of course,  
25 Australia is differently set up with a federal force as

1 well as the individual states.

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

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

14 I think in domestic debates I have referred to it as  
15 43 plus 1. I will be honest. I am the licensed  
16 heretic. I would have a national police force tomorrow,  
17 but accepting there is no political appetite for that,  
18 I would maintain the 43, if you so wish, but create  
19 a national body to facilitate national functions.

20 SIR JOHN CHILCOT: Thank you. There is and there are other  
21 possible models, but one -- looking perhaps somewhat to  
22 the military model with the reserves, would you think  
23 there might be value, absent radical political change in  
24 the policing set-up in the United Kingdom, of a system  
25 of sponsored reserves, whereby power is taken by the

1 Home Secretary, as you have suggested, and funding is  
2 set up and a register of volunteer individual officers  
3 is set up and maintained and kept up-to-date so that  
4 people can be both trained in anticipation of overseas  
5 deployments and made available at short notice? Could  
6 that be made to work?

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

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

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

21 MR KERNAGHAN: You could create a very small hub or  
22 capability, call it Constabulary Squadron, if you will,  
23 and they could facilitate the international assistance  
24 effort. I don't think we are ever talking a large  
25 empire. I don't think we want to. I think we want

1 something which is appropriate to our economic  
2 circumstances, but it is about becoming professional  
3 rather than what I would describe as the culture of ad  
4 hoc-racy.

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

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

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

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

25 SIR JOHN CHILCOT: I would like to ask one or two specific

1 questions now and then come to your reflections.

2 MR KERNAGHAN: Thank you.

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

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

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

15 What was that pointing at?

16 MR KERNAGHAN: Yes. I would -- I am grateful for the way  
17 you've introduced that question. I have huge regard --  
18 I mean, I have seen it through my lifetime develop shall  
19 I say from a reasonably low base to an outstandingly  
20 good organisation at this point in time, but because  
21 they are an integral part of the military -- and I am  
22 conscious you have a military adviser who is better  
23 versed than I am -- they have unity of command and  
24 control, the basis of all military life, but in certain  
25 environments they may have to conduct investigations.

1 If they all ultimately report to the same general that  
2 the regimental commander and the brigade commander  
3 report to, certain international obligations may  
4 question the independence of those investigations.

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

14 Outside my area of expertise, but I am conscious  
15 that sometimes an investigation can be criticised both  
16 nationally and internationally if it is not seen to be  
17 transparently independent. It is not to criticise their  
18 expertise; far from it. It is actually to provide  
19 enhanced protection for them. Equally should they  
20 always be the ones who are doing an investigation?  
21 Should you have a capability that can deploy and  
22 investigate certain controversial actions overseas?

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

24 One last point, not of detail, but in essence the  
25 contribution from the United Kingdom Police Services to

1 the overseas deployment in Iraq over the eight years  
2 pretty much came -- contractors apart, the IPLOs, from  
3 England and Wales -- was it the FCO's demand pull simply  
4 being exerted towards England and Wales forces rather  
5 than the devolved administrations or was it the devolved  
6 administrations themselves that were reluctant?

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

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

25 Scotland, I can't frankly remember the contribution

1 or not, but again that would have to be a matter between  
2 ACPOS and the devolved administration in Edinburgh. The  
3 200 pull was specific England and Wales, because it was  
4 mandated by the Home Secretary, and, as you have rightly  
5 highlighted, he only has a remit in terms of England and  
6 Wales, but I think it is fundamentally important that it  
7 is the Police Service of the UK responds to requests  
8 from HMG, and interestingly if an officer is deployed  
9 overseas, they now wear insignia which would probably be  
10 illegal in the UK, but they wear a badge which actually  
11 says "United Kingdom Police Service", which doesn't  
12 exist, but that is the badge allocated to people to go  
13 overseas with.

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

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

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

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

1 and I think there are six in total.

2 [1] The need for clear policy objectives for the  
3 mission, regardless of size or scope of the mission;  
4 resources to be compatible with the agreed objectives.

5 [2] Effective mobilisation and integration of  
6 Whitehall and the entire machinery of Government.

7 [3] Major reform of Police Service HR policies and  
8 structure. It should be noted that the problems which  
9 bedevilled our efforts in Iraq are not specific to  
10 international assistance missions but rather are  
11 systemic and affect domestic, national activity as well.

12 [4] I think Ministers need to mandate and direct the  
13 Police Service to provide an international assistance  
14 capability which is responsive to the needs of HMG and  
15 is not encumbered by parochial attitudes and/or local  
16 whim.

17 [5] The national capability to develop a small cadre  
18 of officers who are capable of integrated working with  
19 the armed forces based on an understanding of military  
20 structure and doctrine.

21 [6] Finally, the reformed international police  
22 assistance capability to operate on an integrated  
23 UK-wide basis, one person to act as the Government's  
24 international assistance police adviser and also oversee  
25 the service's capacity to respond to relevant

1 ministerial directions.

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

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

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

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

19 That ends of the morning. Thank you.

20 MR KERNAGHAN: Thank you.

21 (12.20 pm)

22 (Hearing concluded)

23 --oo0oo--

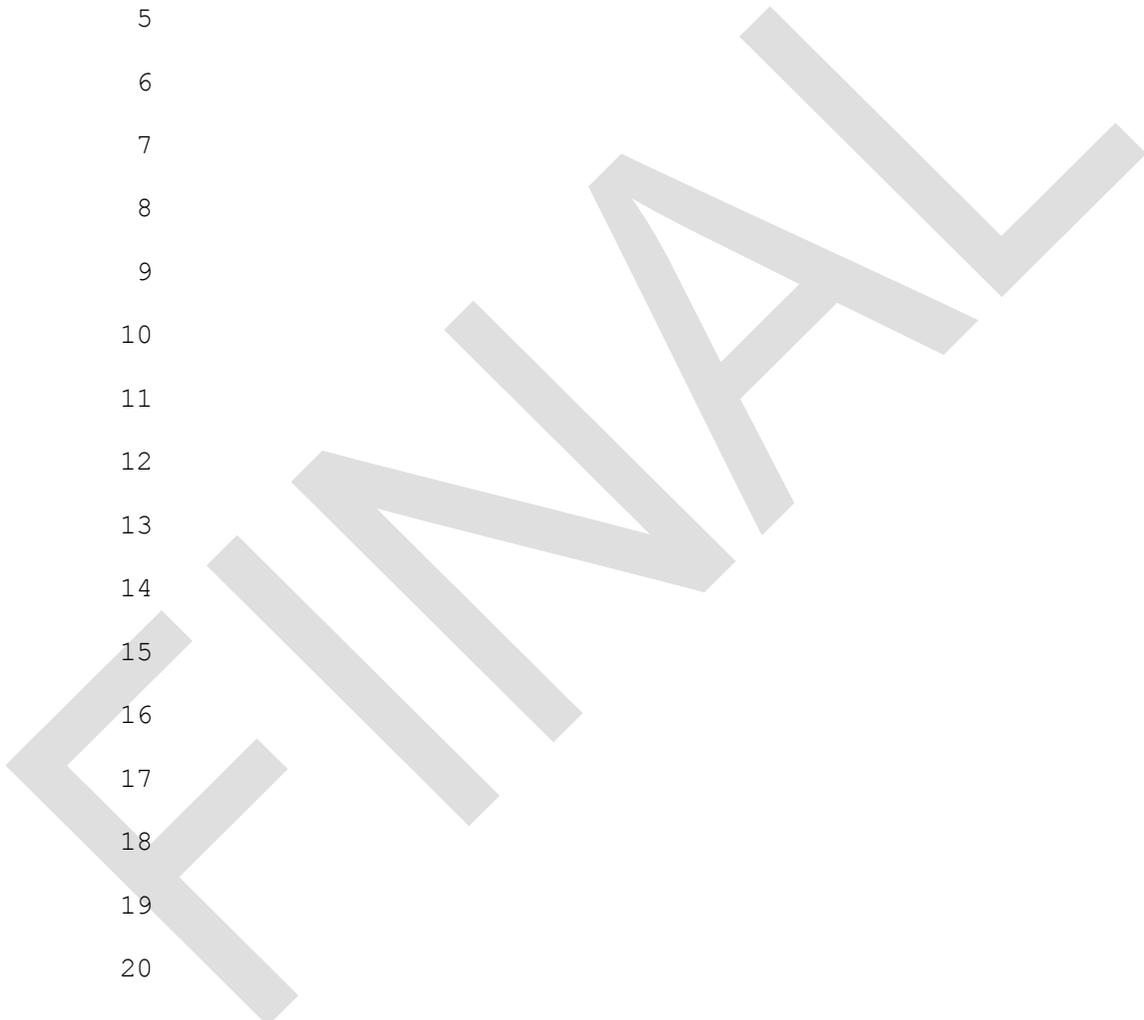
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