

SECTION 6.2

MILITARY PLANNING FOR THE INVASION, JANUARY TO MARCH 2003

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Introduction and key findings

1. This Section addresses:

- the decision in mid-January 2003 to deploy a divisional headquarters and three combat brigades for potential operations in southern Iraq;
- the commitment of those forces to a combat role in the initial stages of the invasion of Iraq; and
- the principles of international humanitarian law (IHL) governing the conduct of military operations, including discussions on delegation of authority for targeting decisions during the air campaign.

2. This Section does not address:

- the campaign plan for the invasion, which is addressed in Section 8;
- the roles and responsibilities of the Secretary of State for Defence, the Chief of the Defence Staff (CDS), the Permanent Under Secretary (PUS) in the Ministry of Defence (MOD), and other key military officers and civilians, and the way in which advice was prepared for Ministers and decisions taken in the MOD in 2002 and 2003, which are set out in Section 2;
- the decisions on the wider UK strategy towards Iraq which are necessary to understand the wider context surrounding military deployments. Those are addressed in Section 3;
- the UK's assessment of Iraq's weapons of mass destruction (WMD) in late 2002 and early 2003, which is addressed in Section 4.3;
- the consideration of the legal basis for military action, which is set out in Section 5;
- the preparations to equip the force for operations in Iraq, and the implications of the decisions between mid-December 2002 and mid-January 2003 to increase the size of UK combat forces and be ready to take an earlier role in the invasion in support of US forces, which are addressed in Section 6.3;
- the funding for the operation, which is addressed in Section 13; and
- the planning and preparations for the UK military contribution post-conflict, including decisions on the UK's Area of Responsibility (AOR) for UK military forces, which are addressed in Sections 6.4 and 6.5.

Key findings

- The size and composition of a UK military contribution to the US-led invasion of Iraq was largely discretionary. The US wanted some UK capabilities (including Special Forces), to use UK bases, and the involvement of the UK military to avoid the perception of unilateral US military action. The primary impetus to maximise the size of the UK contribution and the recommendations on its composition came from the Armed Forces, with the agreement of Mr Hoon.
- The decisions taken between mid-December 2002 and mid-January 2003 to increase the combat force deployed to three brigades and bring forward the date on which UK forces might participate in combat operations compressed the timescales available for preparation.
- The decision to deploy a large scale force for potential combat operations was taken without collective Ministerial consideration of the decision and its implications.
- The large scale force deployed was a one-shot capability. It would have been difficult to sustain the force if combat operations had been delayed until autumn 2003 or longer, and it constrained the capabilities which were available for a UK military contribution to post-conflict operations.

The switch to the South

3. The initial planning for a military invasion of Iraq and the decision on 31 October 2002 to offer ground forces to the US for planning purposes are addressed in Section 6.1.
4. The main planning assumption throughout 2002 was that the UK would provide air and maritime forces in support of US operations in southern Iraq, but that UK ground forces would be deployed through Turkey for operations in northern Iraq.
5. As Section 6.1 sets out, there was no certainty that Turkey would agree to the UK deployment.
6. Mr Blair had also been considering a number of issues over the Christmas holiday in 2002. On 4 January 2003 he produced a long note to officials in No.10 on a range of issues.¹
7. On military preparations, Mr Blair wrote that there was a need to make sure that the military plan was “viable”; and that he needed a meeting and the “military’s assurance that the plan can work. This is no small undertaking.”
8. Other points in the note are addressed in Section 3.6.

¹ [Note Blair \[to No.10 officials\], 4 January 2003, \[extract ‘Iraq’\]](#).

CENTCOM's proposal for a UK Division in the South

9. At the beginning of 2003, the US asked the UK to provide ground forces in the South.

10. Major General Albert Whitley, Senior British Land Adviser and Deputy Commanding General (Post Hostilities), told the Inquiry that, after General Tommy Franks, Commander in Chief US Central Command (CENTCOM), had decided not to move the US 4th Infantry Division south, he had discussed with Lieutenant General David McKiernan, Commander, Coalition Forces Land Component Command (CFLCC), on 28 December 2002 whether it would be possible to use UK forces in the South to augment US forces.²

11. On 5 January, Brigadier Whitley prepared a paper for the Permanent Joint Headquarters (PJHQ) on “the imperatives for timely decision making for the commitment of UK Land Forces” to the US Operational Plan.³

12. Brigadier Whitley explained that uncertainties about whether Turkey would allow transit of ground forces had led US and UK planners, on 28 December, urgently to concentrate on developing robust operations from the south. He recorded that “even if the UK were ... granted transit through Turkey ... the complexity and scope of the problem ... from a purely operational view point, would not be welcomed”.

13. Instead, Lt Gen McKiernan “would welcome the commitment of a UK division in the South from the start of the operation”. That would allow him to merge Phases II and III of the campaign and both of the major subordinate US commands, V Corps and 1 Marine Expeditionary Force (1 MEF), to strike north fast. The UK mission would be to “seize, secure and control” the rear area and right flank of the operation and provide a coherent transition to Phase IV (post-conflict) operations in captured territory without loss of US combat forces. That would include securing infrastructure such as Umm Qasr and the Rumaylah oilfields, and fixing Iraqi forces in the Basra area. The UK Area of Operations (AO)⁴ was likely to be bounded by the Iraq/Kuwait border, the US V Corps/1 MEF boundary, Jalibah air field and the Euphrates, an area about the same size as Kuwait (approximately 17,800 sq km).

14. Brigadier Whitley reported that the US saw the involvement of a UK division in this role as “so important ... they will do anything to assist within their power providing there is time to do so”. In his view, that would allow the UK force to be “less balanced in its capability than our doctrine and philosophy demand because the US will provide key support particularly in fires and air defence”.

² Statement, 25 January 2011, pages 6-7.

³ [Paper Comd SBLA, 5 January 2003, 'Decision Imperatives'](#).

⁴ Definitions and usage of the terms Area of Operations (AO) and Area of Responsibility (AOR) are given in Section 6.4.

15. The plan would require the UK to:

“... weave together three disparate levels of formation (1 MEF, 1(UK) Armd Div [1st (UK) Armoured Division], a Cdo Bde [Commando Brigade], an AA [Air Assault] Bde and an armd bde [armoured brigade]) neither of which ... have trained nor operated together in recent history. Their mission rehearsal starts 8 Feb[ruary] 03 ... under the full gaze of the rest of the Coalition, and they had better be ready for it.”

16. Brigadier Whitley observed that time was “running out”. The US was “desperate to see a UK inflow and logistics plan” and there was:

“... no time left to probe UK/US capabilities in the formal and, perhaps methodical manner that has been done to date. Now is the time for ruthless, hard-hitting planning ... The UK is an issue they [the US] are eager to address – as each day passes now this issue is snowballing and soon (probably by 12 Jan 03) it will be difficult to control inside the planning timelines.”

17. Brigadier Whitley recommended “most strongly”:

- “that any opportunity for worthwhile UK involvement of land forces in the North has come and gone”;
- that “UK tailored forces of a divisional headquarters, 3 Cdo Bde RM [3 Commando Brigade Royal Marines], 16 AA Bde [16 Air Assault Brigade] and the necessary logistic C2 [Command and Control] and CSS [Combat Service Support] is committed to the South”; and
- “Acceptance, in principle, of a UK Area of Operations and mission in an area of southern Iraq bounded in the north by the Euphrates.”

18. Brigadier Whitley concluded:

“The effect of timely decisions on the above on our own ability to successfully conduct operations and on our US allies cannot be underestimated.”

19. The MOD has been unable to locate any later version of Brigadier Whitley’s advice.⁵

20. The US request was based on a number of key assumptions, including that the UK wanted a significant role in combat operations and that it wanted to operate at divisional level with a divisional Area of Responsibility (AOR).

21. The military response was immediate and positive and led to a recommendation to deploy large scale ground forces to the South.

22. Deploying UK ground forces to southern Iraq constituted a step change for the UK, providing it with a far more prominent role in the operational plan.

⁵ Letter MOD to Iraq Inquiry, 1 November 2012, [untitled].

23. By the time decisions on the UK role were taken in March 2003, the UK contribution had become central to the military campaign.

24. The Chiefs of Staff had an initial discussion of the proposal that the UK should provide a division for military operations in southern Iraq on 6 January 2003.⁶

25. Lieutenant General John Reith, Chief of Joint Operations (CJO), reported a US view that there was a “90 percent probability of no access” for UK ground forces through Turkey. The delay had led Lt Gen McKiernan to conclude that he could place only one division through a northern route into Iraq, and his preference was for that to be the US 4th Infantry Division. Gen Franks had directed Lt Gen McKiernan to plan on UK ground forces being integrated in the South.

26. Lieutenant General Sir Anthony Pigott, Deputy Chief of the Defence Staff (Commitments), reported that he had been given a different steer by the Pentagon as recently as one hour before the meeting. Lieutenant General George Casey, Director of the Joint Staff, had “indicated that the UK’s military position had not at all been a hindrance and had revealed that the northern axis remained of fundamental strategic significance to the Campaign. It was possible that although the US military might have been content to disengage the UK from the North, the political machine might not be so inclined.”

27. Admiral Sir Michael Boyce, Chief of the Defence Staff (CDS), directed that the ambiguity should be resolved but it was “essential” to maintain “constructive ambiguity” in Iraq over the potential for a northern threat”.

28. It was also “agreed that the time was now right” for a direct approach to Turkey at the political level; and that it would be important to make separate requests for the forces in Packages 2 and 3.

29. Lt Gen Reith described his latest paper on the land options, which was “based on a US offer for the UK to operate at division strength (HQ 1(UK) Armd Div; ATG [Amphibious Task Group]; 7 Bde [7 Armoured Brigade]; and 16 Air Asslt Bde) in a discrete AOR in the South”. That plan “appeared to offer strategic influence to the UK, especially in the move to Phase IV ...”

30. The US offer of significant logistic support would “allow the UK to commit fewer personnel but with an increased combat capability necessary because of the nature of the task”.

31. Lt Gen Reith requested decisions by 8 January, including approval to cease planning for the northern option and to reallocate Operation FRESCO⁷ training.

⁶ Minutes, 6 January 2003, Chiefs of Staff meeting.

⁷ The use of military forces to provide cover in the event of a strike by the Fire Brigades’ Union.

32. General Sir Michael Walker, Chief of the General Staff, noted that the new plan still had to constitute “a winning concept”.

33. Mr Paul Johnston, Head of FCO Security Policy Department, reported the developments to the Private Office of Mr Jack Straw, the Foreign Secretary.⁸

34. Mr Johnston recorded that there was still some possibility that Turkey might say yes to land forces at the “last moment”. In response to concern from Gen Walker that, if Saddam Hussein thought there would be no attack from the North he might move his more effective troops to the South, Mr Johnston had suggested it would be helpful for Turkey to retain “constructive ambiguity” to keep the pressure on Saddam Hussein “and thus make a military option in practice less likely”. Adm Boyce had “strongly agreed” and stated that the point should be included in the briefing for Mr Geoff Hoon, the Defence Secretary.

35. Mr Johnston wrote that the three brigades “would be ready for action by 10 March”. That reflected US planning assumptions of an “air campaign beginning on 3 March and the land campaign on 19 March”. The MOD’s initial assessment was that the southern option offered “significant strategic exposure with minimum military risk. The Iraqi forces likely to be confronted were ‘incapable of manoeuvre’ and morale was assessed to be low.”

36. Mr Johnston commented that Sir Kevin Tebbit, MOD Permanent Under Secretary (PUS), and Gen Walker:

“... both noted that the southern option for the UK was part of an overall concept significantly different to that on which Ministers had so far been consulted.”

37. Mr Johnston added that the MOD would “make a strategic assessment of the pros and cons before the next Chiefs’ meeting, to inform the consequent advice to Ministers”.

38. Mr Jim Drummond, Assistant Head (Foreign Affairs) of the Cabinet Office Overseas and Defence Secretariat (OD Sec), reported to Sir David Manning, Head of OD Sec and Mr Blair’s Foreign Policy Adviser:

“All of this was new to the Chiefs but greeted with some enthusiasm. They saw advantages in a relatively discrete UK operation with fewer risks than the northern route. The UK would be well placed for the transition to Phase IV (peacekeeping) and in control of Iraq’s access to the sea and 75 percent of its oil. The disadvantages were also that the UK could be left in an area with lots of media attention and sitting on the oil fields so vulnerable to the charge that we were only in it for the oil.”⁹

39. A paper from Lt Gen Reith submitted after the discussion reported that Lt Gen McKiernan lacked combat power in the South during the early stages of the campaign

⁸ Minute Johnston to Private Secretary [FCO], 6 January 2003, ‘Iraq: Chiefs of Staff Meeting, 6 January’.

⁹ Minute Drummond to Manning, 7 January 2003, ‘Chiefs of Staff Meeting’.

and the US had “stated a requirement for a divisional HQ, two light brigades, and a single armoured brigade”.¹⁰

40. Lt Gen Reith advised that the risks to a UK division were “minimal” and that the “geographical area proposed would allow the UK to set the standard in the aftermath”. It would be “strategically placed to exert maximum influence during Phase IV”.

41. Lt Gen Reith described the US plan as based on four assumptions:

- “The UK desires a significant role in land combat operations, now in the South as the only viable alternative to the North.”
- “The UK wishes to operate at divisional level, with a divisional area of responsibility (AO).”
- “Recognition that the UK logistic liability should be minimised.”
- “The UK experience in wider peacekeeping, and subsequent ability to conduct early Phase IV – post conflict – operations.”

42. Lt Gen Reith advised that the UK had yet to “conduct a formal tactical estimate on the proposed mission”; but a “formation capable of armoured manoeuvre” was required potentially to protect the right flank of 1 MEF during its advance north and to secure Basra International Airport and fix Iraqi forces in Basra City.

43. Lt Gen Reith added that the UK “may be asked to take control of key points in the City during Phase IV, having isolated it during Phase III. Should troops to task not allow this operation to take place, CFLCC [Coalition Forces Land Component Commander, Lt Gen McKiernan] accepts that the final securing of Basra would be a corps task.”

44. Lt Gen Reith recommended the deployment of a divisional headquarters and three brigades to the South; and that the armoured brigade should comprise four battlegroups.

45. PJHQ also identified the need to begin thinking about the practical consequences of the proposal for the UK’s post-conflict role, including the need for more support from other government departments.

46. On 7 January, Mr Paul Flaherty, MOD Civil Secretary in PJHQ, set out PJHQ’s thoughts on preparations for Phase IV in a minute to Mr Ian Lee, MOD Director General Operational Policy.¹¹ In the absence of an agreed US inter-agency position on Phase IV planning, the CENTCOM commanders’ conference in Tampa, Florida on 15 and 16 January was likely to have a significant impact on US policy-making.

¹⁰ Minute Reith to COSSEC, 6 January 2003, ‘Op TELIC – Southern Option’ attaching Paper ‘Op TELIC Southern Option – Revised’.

¹¹ [Minute Flaherty to DG Op Pol, 7 January 2003, ‘Op TELIC: Preparing for Phase IV’.](#)

47. Phase IV planning was likely to be particularly important:

“... if, as now appears likely, the UK were to take on the first Phase IV AOR in southern Iraq. We would, in effect be setting the standard for the rest of Phase IV work. (And, of course, CJO [Lt Gen Reith] is, in any case charged in CDS’ Directive¹² with planning humanitarian assistance in theatre should it become necessary.)

“From our point of view ... we have to begin thinking very soon about the practical consequences on the ground of taking on the AOR. These include issues such as: food, water, displaced persons, oil (including accounting for its use), potential Iranian incursions, pollution as well as, in the slightly longer term, security sector reform and reconstruction. Some, if not all of this will of course either determine, or more properly ought to be determined by, strategic considerations of post-conflict Iraqi structures.”

48. Mr Flaherty explained that PJHQ intended to establish a team charged with “developing planning for Phase IV implementation” as soon as possible, which would aim to take into account the lessons of the Balkans and Afghanistan. PJHQ was “in a reasonably good position to link up with US military thinking”, but would need more support from other government departments to help produce “a fully joined up approach”.

49. The MOD Strategic Planning Group (SPG) advised that forces committed to a southern option in addition to the Amphibious Group would demonstrate a UK commitment to all phases of an operation and, crucially, the aftermath, and provide additional leverage in the planning phases.

50. The UK would gain a potential veto, but exercising it would strain UK/US relations.

51. The role envisaged, of stabilising the South as US forces moved north, had the advantage of a reduction in the probable need for high intensity war-fighting.

52. The analysis underpinning the SPG’s conclusions did not appear to include any assessment of the conditions likely to be encountered or the tasks to be performed in either northern or southern Iraq during Phase IV.

53. On 7 January, the SPG produced a paper analysing the advantages and disadvantages of changing to a southern option and the risks of a campaign without a northern axis.¹³

¹² An explanation of the Chief of Defence Staff’s Directive is provided in Section 8.

¹³ [Paper \[SPG\], 7 January 2003, ‘Operation TELIC – Military Strategic Analysis of Pros/Cons of Adopting a Southern Land Force Option’.](#)

54. The SPG stated that the UK was “highly unlikely to be able to deploy a conventional land force through Turkey”. If the UK wanted to contribute land forces which would meet the US planning timetable, a reassessment of the force packages was necessary.

55. The paper recorded that early work on a “Winning Concept” had “illustrated” that a military campaign to achieve the UK’s strategic goals would need to be “quick and successful”. The uncertainty over Turkey raised questions about whether the military plan would be able to achieve the effects in the North which the SPG considered remained central to delivering a winning concept. If they were not achieved, forces operating in the South were “likely to be at greater risk” of:

- chemical warfare (CW)/biological warfare (BW) attack;
- stiffer conventional resistance; and
- potential unconventional operations/civilian resistance.

56. The preferred role for the UK in the South would be to provide a “relief in place for US forces in the early phases of a campaign” to release US combat forces to fulfil other tasks.

57. In the time available, the UK could generate four possible force packages:

- the Amphibious Task Group (ATG);
- the ATG and an armoured brigade;
- the ATG and a light brigade; and
- the ATG and both an armoured and a light brigade.

58. The SPG advised that, if the UK committed to a southern option over and above the ATG, it would “demonstrate UK commitment to all phases” of an operation and “crucially in the aftermath”. That would provide Ministers with “additional leverage” in the planning phases. Further commitment to US planning and operational effort would make UK forces “integral to success in current US concept”. The UK would, therefore, “gain a potential veto, but exercising it would strain UK/US relations for some time to come”.

59. The SPG also stated that US combat power would deliver military success, but strategic victory would be “successful delivery of aftermath and limiting unintended consequences”.

60. Adopting a southern option had the potential to:

“Provide UK with leading role in key areas of Iraq (free of Kurdish political risks) in aftermath, and thus provide leverage in aftermath planning efforts, especially related to:

- Humanitarian effort
- Reconstruction of key infrastructure
- Future control and distribution of Iraqi oil.”

61. The advantages of three brigades operating in the South included:

- A “more balanced and robust formation, able to respond independently to changes in the tactical situation”.
- “Increased military influence”.
- “Reduction in probable need for high intensity warfighting”.
- Shorter and less complex lines of communication (LoC) than concurrent UK operations in the North and South.
- A reduced requirement for Combat Support (CS)/Combat Service Support (CSS).
- Early establishment of a discrete AOR and less demanding command and control.
- The “opportunity to exercise command” in a discrete southern AOR.
- UK forces would no longer be “required to manoeuvre alongside digitised US formations”.
- It would allow a “balanced transition to Phase IV”.
- Less demanding command and control and the UK would be unlikely to need to call on UK resources from the Allied Rapid Reaction Corps (ARRC) Headquarters.

62. The disadvantages identified included:

- There was no detailed UK operational planning and more information was required on threat and scale of tasks “eg Basra”.
- The timeline would be “very demanding” with “no margin for error”.
- 16 Air Assault Brigade was not yet included in the UOR requests.
- There would be no time for many elements of the land force to complete in-theatre training or integration prior to commitment to action. That was described as challenging and carrying considerable risk, but it was deemed to be “acceptable”.

63. Adoption of the southern option would mean:

“UK will have made an early commitment to aftermath that will probably demand a commitment for a number of years. This would be hard to avoid in any event, and engagement in South offers significant advantages over possibly being fixed in North with Kurds.”

64. The paper did not explicitly identify the risk of Shia unrest or Iran’s attitude to Coalition Forces in southern Iraq.

65. The SPG concluded:

“UK is at a strategic decision point ... given the convergence of US military preparation and timelines, continued Turkish prevarication, and the need to maintain pressure on the Iraqi regime to deliver ...

“From a review of all the factors the downside military risk of UK disengaging from the Northern Land Option is outweighed by the upside benefits of the proposed engagement in the South.”

66. The SPG recommended that the Chiefs of Staff should agree Lt Gen Reith’s recommendation for a force package to be deployed to the South.

67. Adm Boyce directed that Ministerial approval should be sought for Lt Gen Reith’s recommended option while noting that a formal request from the US would be needed.

68. At their meeting on 8 January, the Chiefs of Staff noted that there was still a need for the US formally to request that any UK ground forces be switched to the South.¹⁴

69. Adm Boyce also observed that it was “inconceivable that the UK would not play a part in Phase IV operations, which could be enduring”. He added:

“There remained a need to test the plan as a winning concept, but against that caveat ... the plan recommended in the paper represented a sensible military option with a valuable task, and that the option should be taken forward.”

70. Other points made in the discussion included:

- “The shift in focus from North to South argued for the provision of a comprehensive force package able to react to a wide range of tasks ...”
- “The plan was operationally sound but there were strategic implications that would have to be considered. It was possible that UK forces would become a lynchpin for the US campaign. This could place the UK in a difficult position ... conversely, the strategic influence it would offer the UK would be significant.”

71. The Chiefs of Staff agreed Lt Gen Reith’s recommendations and selected the option of deploying the Divisional HQ and three brigades. Ministerial approval would be sought in two stages:

- a submission seeking approval to make the necessary forces available and to deploy certain enabling elements; and
- a further approval to deploy the main force and to release 16 Air Assault Brigade from Op FRESCO.

¹⁴ Minutes, 8 January 2003, Chiefs of Staff meeting.

72. Lt Gen Reith advised:

“Phase IV would need to begin at the same time as any offensive operations. There was a need for PJHQ to take ownership of Phase IV planning, which should include OGD [other government department] input. The US were standing up JTF-4 [Joint Task Force 4, the post-conflict planning unit in CENTCOM], which would be responsible for US Phase IV planning; UK staff were to be embedded.”

73. Co-ordination of Phase IV planning from mid-January is addressed in Section 6.5.

74. Reporting on the meeting to Mr Straw’s Private Office, Mr William Ehrman, FCO Director General Defence and Intelligence,¹⁵ recorded that he had stressed:

“... there should be no assumption of a political decision to authorise force in the near future ... If Ministers agreed the deployment proposed, it needed to be clear that it was part of force on mind, and it should not set sail with a use it or lose it presumption. Sustainability needed to be in any plan ... Chiefs accepted these points.”¹⁶

75. Mr Desmond Bowen, Deputy Head of OD Sec, reported the discussion to Sir David Manning.¹⁷

76. The military planning assumed a “decision date of 15 February and the start of hostilities in very early March”. The UK was being offered an amphibious role at the start of hostilities. Thereafter, US forces would move north while the UK “took on stabilisation of a southern sector which would eventually include Basra”.

77. Mr Bowen concluded:

“While we are now getting more clarity about the shape of US military intentions in an attack on Iraq, and the potential UK role, precious little thought has gone into aftermath planning ... if the UK is to take on an area of responsibility for stabilisation operations, a lot of preparatory work is needed urgently. MOD have in mind to engage ... FCO, DFID & DTI [Foreign and Commonwealth Office, Department for International Development and the Department for Trade and Industry] on this.”

78. Sir David Manning sent Mr Bowen’s report to Mr Jonathan Powell, Mr Blair’s Chief of Staff. Sir David wrote that he had asked Adm Boyce to cover the issues when he briefed Mr Blair – with the Chiefs of Staff – the following week. Mr John Scarlett, the Chairman of the Joint Intelligence Committee (JIC), should also be asked to attend.¹⁸

¹⁵ The post was previously titled Deputy Under Secretary Defence and Intelligence.

¹⁶ Letter Ehrman to Private Secretary [FCO], 8 January 2003, ‘Iraq: Military Aspects’.

¹⁷ Minute Bowen to Manning, 8 January 2003, ‘Iraq: Chiefs of Staff Meeting on 9 [sic] January’.

¹⁸ Manuscript comment Manning to Powell, 10 January 2003, on Minute Bowen to Manning, 8 January 2003, ‘Iraq: Chiefs of Staff meeting on 9 [sic] January’.

79. Mr Powell replied: “I assume you are drawing up a lot of difficult questions to put to the Chiefs.”¹⁹

MOD advice to No.10 on deployment to the South

80. The MOD alerted No.10 on 8 January to the proposed deployments to the South, which would be crucial to the US plan.

81. Addressing the perceived advantages and disadvantages, the MOD stated that the South offered a high profile role which was achievable within US timelines and offered the UK a significant voice in US decisions.

82. The disadvantages included the impact on the US if the UK subsequently decided not to participate in military operations.

83. A letter from Mr Hoon’s Private Office to Sir David Manning on 8 January reported the US proposal and the potential roles in the South for UK forces.²⁰

84. The MOD advised that the US judged time was too short to deploy both a US and UK division through Turkey and that: “Inevitably the US priority” was to “keep alive the possibility of deploying their own division ... to maintain the strategic benefit of a northern axis”.

85. After describing the proposed roles for three brigades, the MOD stated:

“On a first reading, there are a number of attractions. This would be a high-profile role for UK ground forces at the beginning of any campaign, in an area in which the threat (barring WMD use) is likely to be limited. When combined with the offer of US logistic support ... this has the potential to allow a significant reduction in the overall number of Reservists we might require. Our initial assessment suggests that we could achieve deployment within current US timelines, and sustain such a force in theatre potentially for some time, allowing political flexibility over timing. The proposed UK role in the South should enable US forces to reach further, faster, whilst providing a coherent transition to aftermath operations – an area of acknowledged UK expertise – in territory captured early in the campaign. It would demonstrate at the very beginning of ground operations that this is a Coalition, rather than a US-only, campaign ...

“On the other hand, there may be some disadvantages. The proposed UK role would be crucial to the US plan in the South. Whilst this would give us a significant voice in decision-making, it would also increase the military impact on the US on any eventual UK decision not to participate in an operation: clearly, this would place us in a very awkward position if the US seemed likely to want to proceed in

¹⁹ Manuscript comment Powell on Minute Bowen to Manning, 8 January 2003, ‘Iraq: Chiefs of Staff Meeting on 9 [sic] January’.

²⁰ [Letter Williams to Manning, 8 January 2003, ‘Iraq: UK Land Contribution’](#).

circumstances with which we were not content ... Wider questions about the overall US plan still need to be answered, particularly as long as their ability to achieve the necessary strategic effect in the North remains uncertain. And we need to look further at the detail of what is proposed, before reaching a firm view on its military and political merits.”

86. The plan assumed a “final UK Divisional Area of Responsibility, including for aftermath operations would be an area bounded by the Iraq/Kuwait border in the south, Jalibah airfield in the west, the Euphrates in the north, and the Shatt al-Arab waterway in the east – a largely Shia area of some 1,600 sq km.”²¹

87. The MOD said further advice would follow “next week”. In the meantime, Mr Hoon had authorised the release from Op FRESCO of some units from 16 Air Assault Brigade, and other measures, “to keep military options open”.

88. At Cabinet on 9 January, Mr Hoon told his colleagues that no decisions had been taken to launch military action.²² Nor had the US finalised its military planning. Some changes to forces assigned to Op FRESCO, to provide an emergency fire-fighting capability during the firefighters’ strike, would be necessary to keep options open.

89. Mr Blair concluded that the future behaviour of Saddam Hussein in responding to UN pressure was “unpredictable”. The UK was “right to continue with its military preparations”. It should also maintain the focus on the fight with international terrorism and preventive measures at home. Media reports of a rift within the Cabinet were “nonsense”. Cabinet the following week would “provide the opportunity for an in-depth discussion of Iraq”.

90. Lord Turnbull, Cabinet Secretary from 2002 to 2005, told the Inquiry that “the presentation to ... Cabinet was still – nothing was inevitable. We are pressing the UN option. No decisions on military action, whereas you can see that, at another level, the decisions on military action were hardening up quite considerably.”²³

91. Sir Kevin Tebbit advised Mr Hoon on 14 January about the potential damage to key aspects of the wider US/UK relationship in the foreign and security field if the UK failed to participate in a US-led military operation.

92. Sir Kevin Tebbit wrote to Mr Hoon on 14 January drawing out how the US “would react if HMG failed to go along with the United States in the event that they decided to use military force against Iraq without a further enabling UNSCR [United Nations Security Council resolution]”.²⁴ While it was “unwise to attempt to calibrate precisely”

²¹ The figure of 1,600 sq km was used repeatedly in policy and briefing papers during January and February 2003. This was mistaken. It should have been approximately 16,000 sq km.

²² Cabinet Conclusions, 9 January 2003.

²³ Public hearing, 25 January 2011, page 15.

²⁴ [Minute Tebbit to Secretary of State \[MOD\], 14 January 2003, 'Iraq: What If?'](#).

it was “reasonable to expect that there would be significant damage”. This would be greater than if the UK had behaved like some other countries.

93. Sir Kevin feared:

“... that having valued profoundly the way we have stood shoulder-to-shoulder with them so far, the US will feel betrayed by their partner of choice ...

“... the damage to our interests and influence would be felt most immediately and strongly in the foreign policy and security field, although other areas of the relationship could not be immune.”

94. The minute set out the risks to the UK’s interests and influence, which have not been declassified.

95. Sir Kevin concluded that:

- military intervention could have a “benign outcome”;
- there would be advantages from “being there at the outset”; and
- being a “key part” of the US-led Coalition would “enable us [the UK] to continue to act as a force for good ...”

96. The minute was sent only to Mr Hoon.

97. Mr Peter Watkins, Mr Hoon’s Principal Private Secretary, suggested to Mr Hoon that the minute provided thoughts “if required” for Cabinet on 16 January. He believed that the key point was that a UK “betrayal” could result in “damage to our interests globally”.²⁵

98. The evidence given to the Inquiry about the context for that minute, and the question of whether an earlier document from Sir Kevin Tebbit – identifying concerns about both a number of aspects of the policy on Iraq and the implications of the proposed change to the UK’s military contribution, and suggesting the need for discussion in Cabinet – was given to Mr Hoon is addressed later in this Section.

99. By mid-January, the military plan had still not been finalised.

100. Adm Boyce warned of the potential dangers associated with “catastrophic success” and the need to plan for Phase IV.

101. The Chiefs of Staff were informed that the UK might be asked to take on additional tasks if they had the capacity to accept them.

102. At the meeting of the Chiefs of Staff on 15 January, Adm Boyce:

“... underscored the potential dangers associated with ‘catastrophic success’ and the implicit need to develop thinking for aftermath management. In planning for

²⁵ Manuscript comment Watkins on Minute Tebbit to Secretary of State [MOD], 14 January 2003, ‘Iraq: What If?’.

Phase IV, the UK was adopting a twin track approach: the FCO and Cabinet Office were leading the top-down strand, and PJHQ was leading the bottom up effort. The challenge which lay ahead was matching the two pieces of work ... The UK concept at the strategic level was to develop a model that could be offered to the US. It was assessed that the US was still working to an unrealistic assumption that their forces would be 'welcomed with open arms' by the Iraqi people during Phase IV operations, and there was an opportunity for the UK to lead the aftermath debate."

103. Major General Robert Fry, Deputy Chief of Joint Operations (Operations) (DCJO(O)), gave the Chiefs of Staff an oral update on the land package and plan, air basing options and targeting issues.²⁶

104. The Chiefs of Staff were told that the plan would not be finalised until after Major General Robin Brims, General Officer Commanding (GOC) 1 (UK) Div, had met US commanders, which was likely to be at the end of January. They agreed that the "specified" tasks would be "uncontentious and achievable".

105. The Chiefs of Staff also noted that the UK AO "was a disproportionately important piece of real estate".

106. In his report to Sir David Manning, Mr Bowen stated that the meeting had discussed the current state of planning "at length".²⁷ He wrote that the tasks for the UK forces were:

- The initial "clearance" of the al-Faw Peninsula and the "opening" of Umm Qasr port.
- 16 Air Assault Brigade and 7 Armoured Brigade would then secure the allocated area of responsibility.
- The "capture" of Basra "was not part of the Division's task".
- The "weight of the initial air attack would be designed to shock the Iraqi leadership and military into submission" and the campaign was "meant to achieve quick results".
- The UK was expected to be responsible for its area within five days from the start of ground operations.

107. Mr Johnston reported to Mr Straw that the MOD would seek approval from Ministers and Mr Blair later that week.²⁸ He wrote:

"... there would be heavy impact bombing from day one ... regime targets ... would, feature early in the campaign. This was designed to achieve regime collapse as quickly and painlessly as possible ... the Chiefs recognised that there would be presentational and legal issues. Further work is being urgently done on this ..."

²⁶ Minutes, 15 January 2003, Chiefs of Staff meeting.

²⁷ Minute Bowen to Manning, 15 January 2003, 'Iraq: Chiefs of Staff Meeting on 15 January'.

²⁸ Minute Johnston to Private Secretary [FCO], 15 January 2003, 'Iraq: Chiefs of Staff: 15 January'.

108. Mr Johnston also reported that PJHQ had:

“... noted that US planning, which continued to develop, implied that there might be additional tasks for the UK ... This might involve the UK being invited ... to do early seizure operations. The UK force package would not be configured to conduct such tasks. Chiefs accepted this, but noted that, politically, it would not be easy to refuse the US when the time came if UK forces had broadly the right capacity.”

109. Mr Blair and Mr Hoon, No.10 officials and Mr Scarlett were briefed on the proposals to deploy a UK division to the South on 15 January.

110. Mr Blair was informed that the MOD would be seeking an urgent decision on the way ahead by the end of that week.

111. Most of the questions identified by No.10 for discussion, particularly those on post-conflict issues and costs, required cross-departmental advice and collective consideration.

112. There is no indication that other departments were consulted formally by the Chiefs of Staff, the MOD or No.10 before the meeting on 15 January.

113. Nor were they consulted before Mr Blair's decision on 17 March to deploy troops.

114. Advice and a draft letter to No.10 were forwarded to Mr Hoon's Private Office on 15 January informing him that the Chiefs of Staff endorsed the proposed role in southern Iraq and the deployment of HQ 1 (UK) Div, 7 Armoured Brigade and 16 Air Assault Brigade in addition to the Amphibious Task Group (ATG).²⁹

115. Mr Hoon was advised that a number of wider issues remained to be resolved before it could be concluded that the US plan represented a winning concept. Those included:

- the legal basis for operations against Iraq;
- the “ability of the US to develop an overall winning concept which delivers the strategic effects required in the North”; and
- “a credible plan for the aftermath”.

116. Mr Blair met Mr Hoon, the Chiefs of Staff and others³⁰ to discuss planning for Iraq on the evening of 15 January.³¹

²⁹ Minute Johnson to PS/Secretary of State [MOD], 15 January 2003, 'Iraq: UK Land Contribution'.

³⁰ Baroness Morgan, Sir David Manning, Mr Scarlett, Mr Jonathan Powell, Mr Campbell and Mr Rycroft attended from No.10/Cabinet Office. Mr Adam Ingram, the Minister of State for the Armed Forces, Sir Kevin Tebbit, Lt Gen Pigott, Air Marshal French, Maj Gen Fry and Mr Lee also attended.

³¹ [Minute MA/DCJO\(Ops\) to MA/CJO, 'Briefing to Prime Minister' attaching Briefing \[unattributed and undated\], 'Brief to PM – 1715 Wed 15 Jan' and slide presentation.](#)

117. No other Cabinet Ministers were present, and the FCO was not represented.

118. The meeting was scheduled to last for one hour: a 15 minute presentation from Adm Boyce setting out the state of contingent military planning, the proposed UK contribution and the timescales for decision, in the context of current armed forces activity and deployment in the UK and elsewhere in the world, followed by a 45 minute discussion.

119. The presentation to Mr Blair included a briefing on the operational plan from Maj Gen Fry.

120. The briefing for Mr Blair from Mr Matthew Rycroft, Mr Blair's Private Secretary for Foreign Affairs, informed him that the Chiefs of Staff were likely to say that they were "giving up" on getting Turkey's approval for a northern option.³² The MOD wanted a decision by the weekend as preparations would become visible by the following Tuesday.

121. As suggested by Mr Powell, Mr Rycroft provided a list of "some difficult questions" for Mr Blair to put to the Chiefs, including:

- "Do the US have a winning military concept?"
- "Are we confident we can do our part?"
- "Are we sure we have properly thought through the changes forced on us by Turkey's no?"
- "Will he [Saddam Hussein] use WMD?"
- "What military involvement do you foresee in the aftermath?"
- "Will we be running Basra?"
- "Will the targeting in the campaign take account of the need to run (parts of) Iraq ...?"
- "Is it fully costed?"
- "Where will the money come from?"

122. As well as the No.10 record of the discussion, several accounts of the meeting were produced by MOD participants.

123. Mr Rycroft produced a minute noting that Mr Blair would receive formal advice on the land package the following day, and stating that Mr Blair wanted further advice on a number of issues.³³

³² Minute Rycroft to Prime Minister, 14 January 2003, 'Iraq: Military Planning: Meeting with Chiefs of Staff'.

³³ [Letter Rycroft to Watkins, 15 January 2003, 'Iraq: Military Planning'](#).

124. Mr Watkins summarised the content of Mr Rycroft's letter and Mr Hoon's views in a minute to Mr Lee commissioning further work on the issues so that the MOD would be able to respond to No.10 "by the end of the month".³⁴

125. The Secretary to the Chiefs of Staff Committee (SECCOS) produced a record of the discussion, circulated within the MOD on 22 January, which was described as complementing the record of the discussion produced by No.10.³⁵

126. An "unofficial" PJHQ account, with the scripts and presentation slides used, was prepared and sent to Lt Gen Reith, who was in the Middle East at a CENTCOM Commanders' Conference.³⁶

127. Adm Boyce advised Mr Blair that the military plan would work.

128. There was no recorded discussion of either the risks of the amphibious operation in the initial phase of an attack or the readiness of UK forces.

129. Adm Boyce's briefing notes identified that the US had seen "UK participation as essential from the outset".³⁷ The US had "accommodated our constraints at every turn to ensure we are part of their coalition and to guarantee a serious military task for our forces. In fact, the current plan ... makes them a **lynchpin crucial to success of the overall plan.**" The UK would, however, rely heavily on US enabling assets.

130. A "convincing, coherent military build-up" leaving Saddam Hussein in no doubt about the consequences of non-compliance with UNSCR 1441 ("**force on mind**") was the best way of applying pressure.

131. Gen Franks was working to produce a "loaded and cocked" winning capability from 15 February with the US able to commence an air campaign and some ground offensive operations (possibly including the UK) from 3 March and the main effort starting within two weeks on 19 March, although the US was looking to bring that forward.

132. The UK's interest was to be "ready to engage from the outset", and the briefing stated that US "timelines" had driven the UK's. If the UK was to match the US timetable, the MOD would need permission by 17 January to be ready to start deploying land force equipment from 24 January. The deployment to the Gulf would add 3,000 miles to their journey and port access in Kuwait would be limited.

133. Mr Blair was advised that the UK could maintain its ability to use the forces deployed for six months, but if they were not used it could then take up to a year before they would be in a position to take action.

³⁴ [Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'](#).

³⁵ [Minute SECCOS to PS/Secretary of State \[MOD\], 22 January 2003, 'Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03'](#).

³⁶ [Minute MA/DCJO\(Ops\) to MA/CJO, 15 January 2003, 'Briefing to the Prime Minister'](#).

³⁷ [Minute MA/DCJO\(Ops\) to MA/CJO, 15 January 2003, 'Briefing to the Prime Minister' attaching Briefing \[unattributed and undated\], 'Brief to PM – 1715 Wed 15 Jan 03'](#).

134. Mr Blair was reported to have said that he hoped that it “won’t come to this” and that this “will happen mid-February to early March”. Mr Blair’s final comment was that this was the “best chance we have got”; it was his “strong view that we wouldn’t be looking much past the end of February before seeing this take place”.

135. Adm Boyce’s briefing notes identified “two essential points” in relation to whether or not the US had a winning concept:

- The need for Saddam Hussein to believe that force would be overwhelming and that he could not survive in power, while, in parallel, giving genuine hope to Iraqis who opposed his regime that an end was possible.
- Coalition military action would need to be “swift” to avoid a “drawn out campaign ... becoming a **battle of attrition conducted against backdrop of dwindling public support**”; to prevent Saddam using “**spoiling tactics** such as use of WMD, or causing an ecological disaster by torching the oil fields”; and “**to minimise the risk of unintended consequences**”.

136. Adm Boyce’s briefing notes offered no indication of the MOD’s view on whether the objectives could be met.

137. The PJHQ record of the meeting reported that Mr Blair had asked “will it [the military plan] work?”³⁸

138. Adm Boyce “stated that it would”; he had increasing confidence in the plan “since TU [Turkey] had become more engaged in discussions” about allowing US forces to attack from the north.

139. Asked whether success would be the collapse of the Iraqi regime or the fall of Baghdad:

- Adm Boyce was reported to have explained to Mr Blair “the problem of ‘catastrophic success’ whereby the regime collapsed at the very outset” before the Coalition was ready.
- Mr Hoon’s view was reported to have been that the media would view the fall of Baghdad as the culmination of military operations.

140. PJHQ also reported that Mr Blair had:

- focused on the importance of a simultaneous air and ground campaign; and
- asked about the cohesion of the regime and its chances of maintaining control.

141. Mr Blair was concerned about the implications if Saddam Hussein sought to put in place a “Fortress Baghdad” strategy and possible pre-emptive use of WMD.

³⁸ [Minute MA/DCJO\(Ops\) to MA/CJO, 15 Jan 2003, ‘Briefing to the Prime Minister’.](#)

142. Mr Blair was concerned about the plans in place if Saddam Hussein retreated to Baghdad.³⁹

143. Mr Blair asked for further advice on:

- which Coalition Forces were expected to reach Baghdad, and how quickly;
- a full analysis of the risk that Saddam Hussein would concentrate on “Fortress Baghdad”;
- an account of how the US planned to deal with that if it arose; and
- what they would do if there was inter-communal fighting in the city.⁴⁰

144. In addition to the defence of Baghdad, Iraqi use of WMD and burning the oilfields were discussed as some of the worst outcomes of military action, and that “planning was well advanced to counter” both those contingencies.⁴¹

145. In response to his question about the chances of Saddam Hussein using WMD, Mr Blair was told that “intelligence left no ambiguity over Saddam’s willingness to use WMD if he judged the time was right, but that as his WMD were currently concealed from the UNMOVIC [United Nations Monitoring, Verification and Inspection Commission] it would take some time for it to be constituted ready for action.”

146. Air Marshal Sir Joe French, Chief of Defence Intelligence (CDI), stated that the Coalition’s ability to detect Iraqi preparations in relation to theatre ballistic missiles was “good, and such detections would likely trigger operations”.

147. Mr Blair asked:

“... military planners to test further their predictions of Saddam’s likely responses to attack, and how we would counter them. In particular, this should cover Saddam’s possible pre-emptive use of WMD ...”

148. Mr Blair was reported to have asked for: “Contingency plans to be developed to counter potential ‘unexpected consequences’.”

149. Mr Hoon subsequently asked that the work on predicting Saddam Hussein’s possible responses to military action should be taken forward in the context of a comprehensive “red teaming” of the military plan to identify all conceivable risks to its success.⁴²

150. The first report of the “Red Team” set up by the Defence Intelligence Staff (DIS) was not produced until mid-February. That is addressed later in this Section.

³⁹ [Minute SECCOS to PS/Secretary of State \[MOD\], 22 January 2003, ‘Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03’.](#)

⁴⁰ [Letter Rycroft to Watkins, 15 January 2003, ‘Iraq: Military Planning’.](#)

⁴¹ [Minute SECCOS to PS/Secretary of State \[MOD\], 22 January 2003, ‘Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03’.](#)

⁴² [Minute Watkins to DG Op Pol, 16 January 2003, ‘Iraq: Military Planning’.](#)

151. Mr Blair and Mr Hoon were concerned about the impact of the air campaign and the need to minimise casualties.

152. Mr Blair and Mr Hoon were told that the campaign would depend on “immediate effect” rather than “weight of effort”.⁴³

153. Mr Blair was concerned about the scale of the bombing campaign on Baghdad and the risk of collateral damage and civilian casualties.⁴⁴ The briefing acknowledged that the intensity of the campaign “raised difficult issues over political control of the targeting process”.

154. The PJHQ record noted that, “interestingly”, it was Mr Hoon who had urged Mr Blair “to exercise a degree of restraint” on President Bush, whom Mr Hoon had “described as ‘going for it’”.⁴⁵ Mr Hoon was concerned to ensure that there was no “irreversible damage” to Iraq.

155. Mr Blair and Mr Hoon were also concerned that “destruction of Iraq’s communications infrastructure could reduce the speed at which the population assimilated the hopelessness of resistance, and that hard-core elements could fight on autonomously”.⁴⁶ The Coalition would “need to consider how news of the regime’s collapse would flow quickly through the country”.

156. Mr Blair was concerned to ensure that bombing targets were proportionate and chosen to minimise civilian casualties, and asked to see a list of targets which UK air forces might be asked to attack, with a commentary on their military importance and risk of casualties.⁴⁷

157. Forwarding that request to Mr Lee, Mr Watkins added a requirement to provide a list of targets “which would be attacked by [US] aircraft operating from Diego Garcia (or other UK airfields) or with other UK support”.⁴⁸

158. The guidance on targeting subsequently agreed by the Government after discussions with Lord Goldsmith is addressed later in this Section.

159. Mr Blair asked for further work on post-conflict issues.

⁴³ [Minute MA/DCJO\(Ops\) to MA/CJO, ‘Briefing to Prime Minister’ attaching Briefing \[unattributed and undated\], ‘Brief to PM – 1715 Wed 15 Jan 03’.](#)

⁴⁴ [Minute SECCOS to PS/Secretary of State \[MOD\], 22 January 2003, ‘Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03’.](#)

⁴⁵ [Minute MA/DCJO\(Ops\) to MA/CJO, 15 Jan 2003, ‘Briefing to the Prime Minister’.](#)

⁴⁶ [Minute SECCOS to PS/Secretary of State \[MOD\], 22 January 2003, ‘Record of the Meeting Between the Prime Minister and Chiefs of Staff to Discuss Op TELIC: 15 Jan 03’.](#)

⁴⁷ [Letter Rycroft to Watkins, 15 January 2003, ‘Iraq: Military Planning’.](#)

⁴⁸ [Minute Watkins to DG Op Pol, 16 January 2003, ‘Iraq: Military Planning’.](#)

160. The PJHQ record provided the fullest account of the discussion of post-conflict issues. Issues raised by Mr Blair included:

“Worst Case. The PM wanted to know what CDS thought was the worst case scenario. After much discussion about destroying the oil infrastructure, use of WMD and hunkering down in Baghdad and fighting it out, it was felt that the worst case was internecine fighting between Sunni and Shia, as well as the Kurds/Turks/Iraqis.

“Aftermath. This led on to a general discussion on aftermath, with the PM asking what the Iraqi view on it was. CDS stated that the thinking on this issue was ‘woolly’ at this stage, with work only just beginning. The PM stated that the ‘Issue’ was aftermath – the Coalition must prevent anarchy and internecine fighting breaking out.”⁴⁹

161. Mr Blair asked the MOD to look at three things:

- We need to be clear on what we are offering the Iraqi people and senior members of the regime (those below the top 100 on the list⁵⁰) – removal of the senior hierarchy or minimising resistance or what?
- Aftermath. We have to develop a feasible plan.
- Look at the unexpected – think through the big ‘what ifs’; oil, WMD, internecine fighting – and develop a strategy.”

162. The author of the PJHQ record added some “personal observations”, including:

“The PM came across as someone with strong convictions that this should, and will, go ahead. He accepted the military advice being given to him, although he still sought reassurance that all aspects had been looked into and that plans are drawn up to deal with the unexpected or perceived worse cases. It is clear from the three areas that he asked further work to be done on that the Phase IV part of the plan is critical.”

163. Mr Blair also asked for further advice on the outcome of the post-conflict talks scheduled for Washington the following week, given the need for “much greater clarity about US intentions” for the aftermath of a military operation.⁵¹

164. Mr Watkins told Mr Lee:

“... we will clearly need to use all our regular contacts with the US, in both CENTCOM and the Pentagon. If appropriate, this is an issue that Mr Hoon could

⁴⁹ [Minute MA/DCJO to MA/CJO, 15 January 2003, ‘Briefing to Prime Minister’](#).

⁵⁰ The Inquiry has not seen any indication of what was meant by “the top 100 on the list”. It is likely that it was a precursor to the list of 55 Iraqis featured on the “deck of cards” issued by the US military in April 2003.

⁵¹ [Letter Rycroft to Watkins, 15 January 2003, ‘Iraq: Military Planning’](#).

himself raise with Rumsfeld [Mr Donald Rumsfeld, US Secretary of Defense] in their next regular phone call next week.”⁵²

165. The subsequent advice and discussions on post-conflict issues are addressed in Section 6.5.

166. Asked whether Ministers were given a paper or briefing on the operational risks and what might go wrong, Lord Boyce told the Inquiry:

“Certainly as far as the defence Ministers were concerned, they were aware of what our plans were and what the pluses and where might be the pinch points on any plan and what we were doing to ensure those were mitigated as far as possible.”⁵³

167. Asked how the risks had been described to Ministers, Lord Boyce replied:

“... it would have been done in the normal sort of way. You would have done threat assessments, worked out what the potential opposition forces might be, their dispositions, what our capability was matched against that. Some of the risk ... was mitigated by the fact that we were going to be operating in our own area ... while the American forces drove for Baghdad ...

“There were additional problems ... for example, the importance of making a very fast entry to secure the oilfields ... which were different than we had in the North.”⁵⁴

168. Sir Kevin Tebbit told the Inquiry that a “full briefing” had been provided to Ministers “as to whether there was indeed a winning concept now”; subject to the resolution of questions on the legal base and post-conflict issues.⁵⁵

169. Sir Kevin added that issues such as managing targeting to minimise the risks to civilians and intensive fighting within Baghdad, “were considered very carefully”.⁵⁶

170. Asked how the various risks had been highlighted to Ministers, Gen Reith told the Inquiry that PJHQ had “produced various papers, looking at each aspect in terms of risk”, including casualty predictions.⁵⁷

171. Lt Gen Fry told the Inquiry that there had been “a growing and ... demonstrable requirement for something that could act as a flank guard to American ... manoeuvre”, and the “lack of ... combat power” resulting from the decision to hold the US 4th Infantry Division in the Mediterranean had “created an opportunity into which British forces subsequently fitted”.⁵⁸

⁵² [Minute Watkins to DG Op Pol, 16 January 2003, 'Iraq: Military Planning'](#).

⁵³ Public hearing, 3 December 2009, page 92.

⁵⁴ Public hearing, 3 December 2009, pages 93-94.

⁵⁵ Public hearing, 3 December 2009, page 96.

⁵⁶ Public hearing, 3 December 2009, page 97.

⁵⁷ Private hearing, 15 January 2010, pages 55-56.

⁵⁸ Public hearing, 16 December 2009, page 26.

172. Asked to explain why the force levels had grown and were larger than had been deployed in 1991, Lord Boyce replied that he could not answer that question: “The package was being shaped to deal with the task that we thought we might encounter.”⁵⁹

173. Lord Boyce told the Inquiry that he had expressed concern to Mr Blair at the briefing on 15 January, which “was more about the immediate aftermath, immediately after the fighting phase, what would we need to do to provide security in the first instance, but also to provide what we saw as being the most immediate problem would be a humanitarian problem”.⁶⁰

174. Sir Kevin thought that “the large-scale option was a natural consequence of what we could do or what we would plan to do”. There was “also a military view about the sense of critical mass under national command that works well, which would have been a feature of the Chiefs’ of Staff considerations”. He did “not at all” sense “the military machine was forcing the political hand”.⁶¹

175. In his subsequent hearing, Sir Kevin Tebbit agreed that, when the decision was taken, Ministers did not have “a full appreciation of the implications, politically, militarily and security-wise”.⁶²

176. Mr Scarlett subsequently reported additional aspects of PJHQ’s thinking to Sir David Manning.

177. Mr Scarlett followed up some of the points raised at Mr Blair’s briefing from the MOD in a separate briefing from Maj Gen Fry and reported his discussions to No.10.⁶³

178. The points Mr Scarlett recorded included:

- The fact that “it will not be possible to disaggregate UK targeting from overall US effort” was made “forcefully” to him.
- The “difficulty for Saddam of matching up his CB [chemical biological] warheads to missiles after previous efforts to conceal them” was “stressed”.
- It was “certainly not clear ... how Baghdad will be brought under control and Saddam finished off”.
- Maj Gen Fry “thought it very possible” that the US would “eventually” ask the UK “to lead the assault to capture the bridgehead before moving aside to let the Americans through for a clean start”.

⁵⁹ Public hearing, 27 January 2011, page 35.

⁶⁰ Public hearing, 27 January 2011, page 83.

⁶¹ Public hearing, 3 February 2010, pages 39-40.

⁶² Private hearing, 6 May 2010, page 29.

⁶³ Minute Scarlett to Rycroft, 16 January 2003, ‘Iraq: Military Planning’.

Cabinet, 16 January 2003

179. As promised by Mr Blair on 19 December 2002 and 9 January 2003, Cabinet discussed Iraq on 16 January 2003.

180. Despite Mr Blair's promise that military options would be discussed and the imminence of the formal decision to offer a significant land contribution, Cabinet was not briefed on the substance of the military options or the circumstances in which force would be used.

181. Cabinet did not discuss the strategic implications of making a military contribution.

182. Mr Blair said that:

"... he wanted to make the United Nations route work. The inspectors ... needed time to achieve results ... If Iraq was not complying with the demands of the United Nations, he believed the ... Security Council would pass a second resolution."⁶⁴

183. Mr Blair subsequently stated:

"Meanwhile, British and American forces were being built up in the Gulf. If it came to conflict, it would be important for success to be achieved quickly. The build up was having an effect on the Iraqi regime, with internal support dwindling for President Saddam Hussein ... The strategy remained to pursue the United Nations course."

184. Mr Blair concluded by telling Cabinet that he would be meeting President Bush to discuss Iraq at the end of the month, after Dr Blix's report to the Security Council on 27 January.

185. The discussion in Cabinet on 16 January of the wider policy is addressed in Section 3.6.

186. Lord Turnbull told the Inquiry that he:

"... wouldn't have expected Cabinet to get into the business of land forces through the north or the south ... I think they would probably have recognised that that was quintessentially the business of a smaller group. So none of them suggested a serious change of direction."⁶⁵

187. In a statement for the Inquiry, Mr Hoon wrote that, to the best of his recollection, Cabinet on 16 January:

"... was devoted entirely to the efforts to secure a second resolution, and was the subject of an unusually wide-ranging discussion."⁶⁶

⁶⁴ [Cabinet Conclusions, 16 January 2003](#).

⁶⁵ Public hearing, 13 January 2010, page 60.

⁶⁶ Statement, 2 April 2015, page 5.

188. Mr Blair had:

“... made it very clear that he wanted to focus all of his Government’s efforts on securing that second resolution.”

189. Mr Hoon was:

“... quite confident at that stage that he [Mr Blair] would not have welcomed any efforts to discuss the military options in relation to Iraq. In the absence of Prime Ministerial agreement to such a discussion, it would not have taken place.”

190. Mr Hoon wrote:

“Nevertheless because I thought colleagues should be aware at this juncture about the military preparations under way, and because this had not been discussed at the Cabinet meeting on 16 January on the second resolution, I arranged for a paper on this subject to be circulated.”

191. The absence of any collective discussion of the military options, despite Mr Blair’s promises, is addressed later in this Section.

192. Mr Blair’s decision not to reveal that he had been advised that a further determination by the Security Council that Iraq was in material breach of its obligations would be required to authorise the revival of the authority to take military action, or to invite Lord Goldsmith, the Attorney General, to speak at Cabinet on 16 March, is addressed in Section 5.

The decision to deploy ground forces, 17 January 2003

193. Mr Hoon wrote to Mr Blair on 16 January seeking agreement to the “key role in southern Iraq” proposed by the US for the UK:

“Important questions remain to be resolved ... But the role proposed for the UK is a sensible and significant one, and I recommend that with certain qualifications, we accept it. We need to decide quickly.”⁶⁷

194. Mr Hoon added that equipment and personnel would need to be moved early the following week and that, if Mr Blair agreed, he proposed:

“... to announce the composition and deployment of the force in an oral statement on Monday 20 January.”

195. Mr Hoon set out the proposed UK contribution as discussed in the briefing the previous day, including that the provision of US logistic support would enable the UK to “make compensating reductions in our force, which would number around 26,000 rather than the 28,000 originally envisaged” for the deployment of a single armoured brigade

⁶⁷ [Letter Hoon to Blair, 16 January 2003, ‘Iraq: UK Land Contribution’.](#)

through Turkey. He estimated that the requirement for Reservists was “unlikely to be much above 3,000, compared to the 7-8,000 we originally expected”.

196. Mr Hoon wrote that the proposed role for the UK was “essentially as described in my Office’s letter of 8 January”:

- “During initial US ground operations the ATG ... would “conduct the Umm Qasr/ al-Faw operation as already planned.”
- “Approximately ten days later HQ 1 [(UK)] Armoured Division with 16 Air Assault Brigade would relieve US forces in an area south of Basra and the Euphrates, including the Rumaylah oilfields, enabling the US to press on further north.”
- “Whilst US forces conduct decisive ground operations to isolate Baghdad, HQ 1 [(UK)] Armoured Division with 7 Armoured Brigade could protect the right flank of the US 1st Marine Expeditionary Force as it advances north. This would include securing Basra International Airport and isolating (but not entering) Basra itself.”

197. Mr Hoon added that the US was looking at possible additional tasks, but the UK would take a cautious approach: “We do not intend that our force should bite off more than it can chew, given its reliance on US logistic support.”

198. Mr Hoon stated that, as he and Mr Blair had discussed, a number of issues still needed “finally to be resolved” before the UK could “conclude that the overall US plan represent[ed] a winning concept”. Those included the “legal basis for any operation” and the “credibility of plans for the aftermath”. The US was addressing the “strategic importance of fixing Iraqi forces” in the North.

199. The concept for the campaign was “radically different from that employed in the 1990-1991 Gulf Conflict”. It depended on “the achievement of overwhelming effect” to attack the cohesion of the Iraqi regime and deterring opposition rather than the “application of overwhelming force”. Much depended on achieving “shock and awe” at the outset through the “application of largely US air power to targets throughout Iraq”.

200. Mr Hoon stated that the plan would need further development to address a number of “specific challenges (oilfields, displaced persons, handling Iran etc.), but no insurmountable problems have been identified”. The threat from conventional Iraqi forces was assessed as “limited, in part because of the expected effects of US air power”.

201. The timescales for possible action would mean that some risk would have to be taken on the fitting of Urgent Operational Requirements (UOR) equipment, but that risk was “considered acceptable”.

202. Mr Hoon wrote that:

“The proposed final [UK] Area of Responsibility is a coherent one with largely natural geographical boundaries ... and includes economic infrastructure critical to Iraq’s future, including much of its oil reserves, critical communications nodes, a city (Basra) of 1.3 million people and a port (Umm Qasr) the size of Southampton. Although the establishment of UK control over this area will require careful presentation to rebut any allegations of selfish motives, we will be playing a vital role in shaping a better future for Iraq and its people.”

203. Map 3 in Annex 4 of the Report shows the proposed AOR and the effect of subsequent decisions to expand.

204. Commenting on the point, originally made in the letter from his Private Office to Sir David Manning on 8 January, that the UK’s proposed role would “make us even more important to the US plan than we were before”, Mr Hoon wrote that was:

“... to some extent a double-edged sword. By making us more integral to the US plan, it would add to the difficulties if US and UK intentions should diverge. But this is a sharpening of an existing risk – bearing in mind US reliance on Diego Garcia, for instance – rather than the creation of a new one.”

205. Mr Hoon wrote that Mr Blair had identified three big issues in the discussion the previous day:

- the “nature of the proposition” that was being put “to the Iraqi people including those in the governing apparatus who are not considered beyond the pale, and the way in which that would be conveyed to them without damaging operational security and losing the element of surprise”;
- the need “now that we have a proposed Area of Responsibility” to work on that “with greater clarity”. The forthcoming visit of a Whitehall team to Washington (see Section 6.5) was identified as “an opportunity to mould US thinking”; and
- making sure the UK had the “best possible contingency plans for worst-case scenarios”.

206. Mr Hoon said he had put work in hand to address those issues.

207. Mr Hoon set out the latest estimates for the costs of military operations and the actions and timetable for implementation:

“CENTCOM assume that, unless Saddam changes his behaviour, a political decision to take military action may be made in mid-February. Air and ground operations could begin in early March, with the main effort by ground forces beginning in mid-March (although they still aspire to bring the main effort forward).”

208. The UK headquarters would need to be “deployed and readied in Kuwait ... by the end of January, 16 Air Assault Brigade by the beginning of March, and 7 Armoured

Brigade by mid-March”. That would be followed by a period of Force Integration Training – preparation and rehearsal alongside US forces – before they would be properly prepared to conduct operations.

209. Mr Hoon stated that the force package was “broadly what the media already expect”, but the “high visibility of the measures involved” would “require a reasonably candid explanation”. He set out the advantages of the “earliest possible announcement”.

210. Mr Hoon recommended that the UK should “inform the US that we agree that planning should assume the contribution of the proposed UK land force package to carry out the role the US has requested, subject to:

- (i) the overall caveat that a further political decision would be required to commit UK forces to any specific operation
- (ii) US assistance in facilitating the bed-down of UK forces, and provision of logistic support
- (iii) further work to develop a satisfactory plan for the aftermath.”

211. Copies of the letter were sent to Mr Brown, Mr Straw and Sir Andrew Turnbull.

212. The UK’s assessment of Iraq’s conventional military capability and decisions on targeting are addressed later in this Section.

213. The risks taken on procurement of equipment and its deployment to the front line are addressed in Section 6.3.

214. The absence of advice on what might constitute a satisfactory plan for the aftermath or on the risks associated with deploying UK forces before decisions had been made on the scope or duration of their post-conflict role is addressed in Section 6.5.

215. On 17 January, Mr Blair agreed the deployment of large scale UK ground forces, comprising the HQ 1 (UK) Div and three combat brigades.

216. Commenting on Mr Hoon’s letter to Mr Blair, Sir David Manning wrote:

“As briefed to you yesterday ...

“Are you content with the recommendations ...?”

“These seem right, subject to your views on an announcement on Monday 20 January. This is bound to have significant impact. In any event, I assume you will want to see a draft.”⁶⁸

217. On 16 January, Mr Straw raised his concerns that the momentum in Washington was to do something soon after the report from Dr Hans Blix, Executive Chairman of

⁶⁸ [Manuscript comment Manning, 16 January 2003, on Letter Hoon to Blair, 16 January 2003, ‘Iraq: UK Land Contribution’.](#)

UNMOVIC, to the UN on 27 January, and it was being assumed that Mr Blair would be with President Bush.⁶⁹

218. Mr Straw recommended that Mr Blair should speak to President Bush.

219. Mr Straw's advice and the subsequent discussions with the US are addressed in Section 3.6.

220. Mr Straw wrote to Mr Blair on 17 January, flagging up three major issues: targeting; the response to any Iraqi use of WMD; and the need for greater clarity on thinking and plans for the aftermath.⁷⁰

221. Mr Straw advised that:

“... much greater clarity is required about US thinking and plans for the aftermath. How long would UK forces be expected to stay in the area of responsibility proposed for them? What would be their role in what form of administration, not least in Basra ...? We need in particular far greater clarity on US thinking on management of the oilfields. As you know, we have sizeable differences of view from many in the US Administration who envisage Iraq being a US military governorate for an extended period of time. A UK team will be discussing this issue with the US next week. It will be putting hard questions, and highlighting our own view that there needs to be a move to UN administration, with Coalition Forces remaining responsible for security, as soon as possible.”

222. Sir David Manning commented to Mr Blair:

“Good questions. But I don't think they affect your decision in principle.”⁷¹

223. Mr Blair replied, “agreed”.⁷²

224. Following a telephone conversation, Sir David replied to Mr Watkins late on 17 January that Mr Blair was “content to proceed on the basis of the Defence Secretary's recommendations”, and that he would be grateful “if you and the FCO would now take things forward as proposed”.⁷³

225. Mr Hoon's Private Office informed key officials of Mr Blair's decision, and that Mr Hoon had approved:

- That the US be informed that its planning should assume the contribution of the proposed UK land force package to carry out the role requested, subject to:

⁶⁹ Letter Straw to Manning, 16 January 2003, 'Iraq: Conversation with Colin Powell, 16 January'.

⁷⁰ [Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'](#).

⁷¹ [Manuscript comment Manning, 17 January 2003, on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'](#).

⁷² [Manuscript comment Blair on Minute Straw to Prime Minister, 17 January 2003, 'Iraq: UK Land Contribution'](#).

⁷³ [Letter Manning to Watkins, 17 January 2003, 'Iraq: UK Land Contribution'](#).

- the overall caveat that a further political decision would be required to commit UK forces to any specific operation;
 - US assistance would be provided in certain specified areas; and
 - further work was needed on the plan for the aftermath.
- Approaches should be made to appropriate countries for basing and assistance.
 - The deployment of the land package could begin from early the following week.
 - Further advice should be provided before the end of January on additional Reservists required.⁷⁴

226. On 17 January, when Adm Boyce met General Richard Myers, Chairman of the US Joint Chiefs of Staff, he reported the position on UK planning, including that, with Op FRESCO, more than 50 percent of the UK Armed Forces were committed to operations and “the issue of UK conventional ground forces via Turkey was ‘parked’ for now”.⁷⁵

227. Mr Blair had focused on four issues:

- targeting legality and proportionality;
- “what-ifs” against Saddam Hussein’s reactions;
- dealing with Baghdad; and
- “above all, aftermath – especially in the context of catastrophic success”.

228. Adm Boyce was told that a task force for the aftermath, with a one-star commander, was being trained by Joint Forces Command (JFCOM) but that should change to a three-star multi-national command.

229. Sir David Manning commented to Mr Jonathan Powell:

“Whatever political pressure for early action, US military clearly can wait a few more weeks. I think they should. We need more time to try to get the hard evidence.”⁷⁶

230. The decision to deploy ground forces was announced on 20 January.

231. Mr Hoon announced the deployment of UK ground forces, which would “include the headquarters of 1 (UK) Armoured Division with support from 7 Armoured Brigade, 16 Air Assault Brigade and 102 Logistics Brigade”, in an oral statement in Parliament on 20 January.⁷⁷ The package comprised “approximately 26,000 personnel”, in addition to 3 Commando Brigade “with around 4,000” personnel including its support elements which he had announced on 7 January.

⁷⁴ Minute Williams to Head of Sec (Iraq), 17 January 2003, ‘Iraq: UK Land Contribution’.

⁷⁵ Minute Parker to PS/Secretary of State [MOD], 17 January 2003, ‘CDS Meeting with General Myers, US CJCS, 17 Jan 2003’.

⁷⁶ Manuscript comment Manning to Powell on Minute Parker to PS/Secretary of State [MOD], 17 January 2003, ‘CDS Meeting with General Myers, US CJCS, 17 Jan 2003’.

⁷⁷ House of Commons, *Official Report*, 20 January 2003, columns 34-46.

232. Mr Hoon stated that it was “a high readiness, balanced and flexible force package, bringing together a wide range of capabilities”; and that he and the Chiefs of Staff were “confident” that it was “the right group of forces for the tasks that may be necessary”.

233. Mr Hoon concluded that none of the steps being taken represented “a commitment of British forces to specific military action”, and that:

“A decision to employ force has not been taken, nor is such a decision imminent or inevitable. I must also emphasise ... that the deployment of forces on this scale is no ordinary measure.

“While we want Saddam Hussein to disarm voluntarily, it is evident that we will not achieve that unless we continue to present him with a clear and credible threat of force. That is why I have announced these deployments, in support of the diplomatic process to which we remain fully committed. It is not too late for Saddam Hussein to recognise the will of the international community and respect United Nations resolutions. Let us hope that he does so.”

234. Mr Hoon declined to provide any further details of the planning for military action.

235. In response to a question about post-conflict planning, Mr Hoon stated: “Certainly consideration is being given to aftermath issues and the question of humanitarian relief. Obviously, we will design force packages to ensure that we have soldiers in place who can deal with those issues as and when they arise.”⁷⁸

The absence of collective Ministerial consideration of the decision to deploy UK forces

236. The proposal to deploy UK ground forces to southern Iraq constituted a step change in the UK contribution to the US plan and made it critical to the success of the military campaign.

237. Mr Hoon’s letter of 16 January seeking agreement to the deployment was sent to Mr Brown, Mr Straw and Sir Andrew Turnbull.

238. It did not, however, address the wider implications of the decision for Cabinet colleagues.

239. It was clear, from the discussions on 15 January and Mr Hoon’s advice to Mr Blair of 16 January, that committing UK forces was likely to mean that the UK would become responsible, as the Occupying Power in the immediate aftermath of military operations, for a significant area of southern Iraq.

240. That would have implications for the responsibilities of the FCO and DFID.

241. It also had major financial implications.

⁷⁸ House of Commons, *Official Report*, 20 January 2003, column 37.

242. Ministers did not seek, and were not given, considered inter-departmental advice on the implications of the decision.

243. Nor, despite it being a decision which was likely to have major implications for the UK lasting many years, was there a collective Ministerial discussion before the decision was taken.

244. Nor was Cabinet informed of the proposals and given an opportunity to discuss them before the decision was announced.

245. Sir Kevin Tebbit told the Inquiry that he had advised Mr Hoon, in either late December 2002 or early January 2003, that it would be timely to take stock of UK policy in the light of concerns, including:

- **uncertainties about whether it would be possible to agree a second resolution;**
- **the need to push the UK conditions;**
- **the impact on the US/UK strategic relationship if the UK did not act with the US;**
- **the implications of a bigger military role in the South; and**
- **planning for post-conflict Iraq was not robust.**

246. Sir Kevin also stated that he had advised Mr Hoon that he should seek a full Ministerial discussion of the issues.

247. Sir Kevin Tebbit's private minute to Mr Hoon on 14 January, drawing out how the US "would react if HMG failed to go along with the United States in the event that they decided to use military force against Iraq without a further enabling UNSCR", is addressed earlier in this Section.⁷⁹

248. Sir Kevin told the Inquiry in December 2009 that:

"... by ... the end of 2002 – when it is becoming clear that the northern option wasn't going to work and we might take a bigger role in the South, and, therefore, the stakes for the UK would be greater, at that stage it wasn't entirely clear whether we were going to achieve all of our conditions ...

"I certainly discussed these issues very fully with ... [Mr Hoon] as to whether this was indeed the right point to take broader stock of where we were going and make absolutely certain that the Government was satisfied with the course. Not to say that I wasn't, it is just [to say] that I felt it was quite important for Ministers to be absolutely clear ... what the prospects might be."⁸⁰

⁷⁹ [Minute Tebbit to Secretary of State \[MOD\], 14 January 2003, 'Iraq: What If?'](#).

⁸⁰ Public hearing, 3 December 2009, pages 80-81.

249. In subsequent evidence to the Inquiry in February 2010, Sir Kevin added that the shift to the South, which “took place progressively” from mid-December to mid-January 2003, “was a very significant shift” and he had “felt that it was important to reappraise, to pause, to take stock as to what was going on”.⁸¹

250. Sir Kevin told the Inquiry that he had “certainly” written to Mr Hoon; and that he thought he had written “a personal note” which he had been unable to find before the hearing. That had expressed his:

“... concerns that we were ... being led into a possible military action, where we might not actually have secured our objectives; in other words, we wouldn’t have disarmed Saddam by the diplomatic route. We might not get a second resolution. We hadn’t got post-conflict planning as well pinned down with the United States as any of us wanted at that stage.”⁸²

251. Asked if he had had a response, Sir Kevin stated that he had “discussed this” with Mr Hoon and he thought they “were very much of one mind that this did need to be thought through very carefully”.⁸³

252. Sir Kevin told the Inquiry that Mr Hoon had asked him to produce a “note on the transatlantic relationship”:

“One of the issues at that stage was that we had gone so far, by the end of December, with the United States in planning – not just because we wanted to be with the United States, but because I knew the Government believed in what it was doing – that to have gone back at that point and decided not to proceed in circumstances where we hadn’t disarmed Saddam ... would have been particularly difficult for our relationship with the United States.”⁸⁴

253. Asked whether at that stage there was no going back and no room for reassessment, Sir Kevin replied:

“There was never an unconditional commitment at all. I think that when one begins to engage in military planning, one takes a risk that, if one doesn’t see it through in a way that was designed to achieve the effect of disarming Saddam Hussein diplomatically, or the use of force ...”⁸⁵

254. Sir Kevin added that, if the UK had backed down “without any of those conditions being met”, that would have carried “its own damage”.

⁸¹ Public hearing, 3 February 2010, page 24.

⁸² Public hearing, 3 February 2010, pages 24-25.

⁸³ Public hearing, 3 February 2010, page 25.

⁸⁴ Public hearing, 3 February 2010, pages 25-26.

⁸⁵ Public hearing, 3 February 2010, page 26.

255. In the context of securing the UK's strategic objectives, Sir Kevin told the Inquiry that his concern in his advice to Mr Hoon in December:

"... was the risk, as one feels in one's dark moments, that maybe we are not going to get any of these criteria achieved. It wasn't looking as if Saddam was going to back down and really comply. It wasn't looking as if the Americans were not going to pursue the military course if compliance failed. There was a clear sense of impatience, I think in Washington.

"The planning for post-conflict didn't seem to me to be very robust ...

"So those concerns were ones which led me to say to ... [Mr Hoon] at the point when we were also not going to get our northern option and were moving to a southern one, which seemed to me to be very significant, that this is the time to reappraise and to think hard before going forward. It wasn't that I was against going forward."⁸⁶

256. Asked whether, by January 2003, it was too late to reappraise the position because the UK was committed politically to the US and military preparations were going into high gear, Sir Kevin replied that he did not "think it was too late".⁸⁷

257. Sir Kevin added:

"... by the end of 2002, not to have proceeded ... without ... very strong reasons, such as Saddam ... actually meeting the conditions, would have given us a real problem ...

"... [H]aving indicated an intention, with conditions, to work with the United States on the military track, to have gone back on that point would have carried risks and doubts."

258. In May 2010, Sir Kevin Tebbit told the Inquiry:

"... by Christmas 2002/3, I was very concerned that the penalties of breaking with the Americans, even if our conditions were not fully met, were going to be very severe."⁸⁸

259. Asked about the penalties, Sir Kevin replied:

"I think the penalties of having gone so far by that stage on a joint venture ... were very awkward ... I felt it would be helpful for Ministers to pause around January in 2002/3, when we were being presented with a completely different plan, and when it wasn't clear necessarily that our conditions were going to be met, that there was a risk that the Americans might proceed without a second resolution, which we

⁸⁶ Public hearing, 3 February 2010, pages 35-36.

⁸⁷ Public hearing, 3 February 2010, pages 36-37.

⁸⁸ Private hearing, 6 May 2010, page 11.

regarded as absolutely essential. There was a risk that Saddam wasn't going to disarm. There was a risk that we were not going to get the broad Coalition that we wanted, and I ... felt at that stage it was quite important to consider all the issues, including the cost of not proceeding with the Americans."⁸⁹

260. Sir Kevin stated that he was "reconstructing events on the basis of personal recollection".⁹⁰ He had:

"... recorded my concerns and the message was very clear: we need to work harder at making sure our conditions are fully understood and taken up by the US Administration."

261. Sir Kevin Tebbit told the Inquiry in February 2010 that he thought Ministers had had a discussion about the issues, but he was "not sure about the detail".⁹¹

262. Asked whether he had seen a point at which the Government at the most senior decision-making levels had fully reviewed and thrashed out the whole range of its options, Sir Kevin Tebbit replied that he "never saw that process taking place" and that he was not "party to those discussions in No.10".⁹²

263. Sir Kevin added that, in the second half of January, he had sensed "that was the point when Ministers were coming to major decision point", and "it was also the point where Hoon was recommending the southern option to Government". His "understanding was that there was a pretty full discussion".⁹³

264. In May 2010, Sir Kevin Tebbit told the Inquiry:

"Over Christmas I recall being concerned that ... suddenly we were looking at a different option, the South, which we hadn't been planning for.

"... I was very concerned before things went further it would be very good for Ministers to sit down and really discuss this fully ... I wrote my concerns to Geoff Hoon in a private note, manuscript ... advising him that I really thought he ought to talk to his colleagues ... and look at it in the round again and pause. I was very concerned that the machine seemed to be moving, and I don't just mean the military machine. I just mean the process seemed to be going on without a full Ministerial discussion.

"Geoff Hoon said to me ... I understand, I think that's very important. He said, I just want a note from you on one aspect, and that is the US/UK relationship and the implications of not proceeding, how important is this to us in bilateral terms. So I wrote him a note purely on that issue, as a sort of aide memoire, for one part

⁸⁹ Private hearing, 6 May 2010, pages 11-12.

⁹⁰ Private hearing, 6 May 2010, page 12.

⁹¹ Public hearing, 3 February 2010, page 25.

⁹² Public hearing, 3 February 2010, page 37.

⁹³ Public hearing, 3 February 2010, pages 38-39.

of the discussion he was going to have with his colleagues. Looking at the record, it looks as if that's the only thing I was bothered about, and that gives a slightly misleading impression.

"I think he did have those discussions with colleagues. The record is not entirely clear, but Ministers clearly had a very serious discussion in the period 16-18 January, but it doesn't seem to have been a formal meeting."⁹⁴

265. Sir Kevin added:

"In my own calculations, I didn't feel particularly comfortable about it. I mean, we are talking about this purely from the point of view of how important we were to the Americans.

"... [M]y own evidence may seem certainly slanted because of the way in which the documents were around and have fallen, and I can't find the note that I wrote to Geoff Hoon over Christmas.

"I think we need to remember ... The main purpose of our military build-up was to help convince them [Saddam Hussein and the Iraqis] that we were in deadly earnest ... and that they would do much better to pursue the UN route and disarm and allow the inspectors back, and then none of this military action would be necessary.

"So the most important objective ... was ... to have a real impact on Iraqi perceptions ... It was not the most important thing to actually have impact on American perceptions. That was obviously a vital thing, but ... a secondary issue. It wasn't the first thing I thought about.

"... [I]n that sense it didn't make much difference whether we were going to the North or the South, but frankly I thought the North would have more effect on Iraqi perceptions if we could have achieved it ..."⁹⁵

266. Asked whether there was any high level discussion across Whitehall of the issues he had raised in his minute of 14 January, Sir Kevin replied:

"No, I don't think so ... the context is important here. My discussion with Geoff Hoon before that was much wider, and it covered the whole range of issues in terms of what were our basic interests and what were we trying to achieve, and the risks of carrying on without a full Ministerial discussion.

"He [Mr Hoon] simply asked me personally to give him my fullest view about the nature of the US/UK relationship in all its aspects, not to consult anyone, entirely privately, because he wanted to have all the information that might be necessary at his fingertips, should he get into the type of discussion with his colleagues.

⁹⁴ Private hearing, 6 May 2010, pages 19-20.

⁹⁵ Private hearing, 6 May 2010, pages 21-22.

I provided him with that. Frankly I was quite embarrassed to see the thing on file because it was intended purely as an aide memoire for him personally.”⁹⁶

267. Asked if he could provide a short note of his recollection of the contents of his manuscript note, Sir Kevin told the Inquiry:

“... I think it is very difficult, because I couldn’t do it honestly, I don’t think.”

“... I did worry we were walking into something without thinking carefully about it ...

“... [M]y advice was saying ... in the circumstances, we have got to a stage where it is better all round for us to continue, but continue to push hard for our conditions, rather than to pull out, because I couldn’t think of a good reason for pulling out in the circumstances we were in, because we hadn’t exhausted the track, we hadn’t ... given up trying to bring allies with us, trying to build coalitions, trying to achieve success through the diplomatic route, and therefore there was no grounds, in my view, for pulling out. Were we to think of doing so, there could be lots of damage ... to our bilateral relationship with the Americans.

“That doesn’t mean to say that if we decided in March 2002 we weren’t going to have anything to do with this at all, there would be damage to our relationship. It would have been much smaller, I think, at that stage. It was being at the point that we were by late December, we would have needed very good reasons for not continuing, and it didn’t seem to me at that stage that those reasons existed.

“Nevertheless, my main concern at that point was to provoke the Ministers to have a full discussion, rather than simply to say the American relationship is so important, you should just carry on regardless.”⁹⁷

268. Mr Hoon told the Inquiry that he did not receive advice from Sir Kevin Tebbit about the need for a Cabinet discussion.

269. In a statement for the Inquiry, Mr Hoon wrote that he:

“... was never advised either formally or informally by ... Sir Kevin Tebbit, to the effect that there should be a discussion among Cabinet colleagues about the proposed UK deployment to the South of Iraq.”⁹⁸

270. Referring to Sir Kevin’s oral evidence in February and May 2010 about a private handwritten note suggesting a Cabinet discussion, Mr Hoon stated:

“If he did send such a note, I did not receive it. There is no record of it anywhere. Had I received such a note ... I would have marked it to say that it had been read, together with any further comment or question I might have had ... [I]t would have

⁹⁶ Private hearing, 6 May 2010, pages 24-25.

⁹⁷ Private hearing, 6 May 2010, pages 25-26.

⁹⁸ Statement, 2 April 2015, pages 4-5.

been recorded and filed by my Private Office. That is precisely what happened in respect of a private note I did ask Sir Kevin for in respect of the risks to our wider relationship with the US of not being involved on the ground in Iraq [Sir Kevin's minute of 14 January 2003] ... If it was important to have such a discussion amongst Cabinet colleagues, I would have expected to receive formal advice to that effect."

271. There is no dispute about the fact that Mr Hoon and Sir Kevin Tebbit discussed the potential impact on US/UK relations if the UK were to be unable to act alongside the US if military action was taken; and that Sir Kevin was asked to produce private advice for Mr Hoon.

272. Sir Kevin Tebbit's advice of 14 January covered only potential damage to the US/UK strategic relationship because that was what Mr Hoon had asked him to do.

273. The evidence from Mr Hoon and Sir Kevin is clear on that point.

274. The Inquiry cannot, however, resolve the differing accounts provided by Sir Kevin Tebbit and Mr Hoon about the circumstances of that request; and whether Sir Kevin had advised Mr Hoon that Ministers should pause and take the opportunity for a full discussion of the UK's options.

275. The Inquiry accepts the evidence that Sir Kevin prepared a note over Christmas 2002 as he told the Inquiry; and that Mr Hoon did not receive it.

276. Given the nature of the advice, and the importance of the issues it addressed, the Inquiry would have expected a document of the nature described by Sir Kevin Tebbit to have been preserved in both his Private Office and Mr Hoon's, notwithstanding the fact that it was handwritten.

277. No handwritten note from Sir Kevin Tebbit to Mr Hoon was included amongst the papers first disclosed to the Inquiry by the MOD.

278. Although the Inquiry specifically asked the MOD to search for such a document, including contacting Mr Hoon's and Sir Kevin's Private Secretaries at the time, it has not been found.

279. Sir Kevin Tebbit clearly had concerns in early 2003 about the implications of a switch in the UK military focus from the North to the South of Iraq.

280. At the Chiefs of Staff meeting on 6 January 2003 he had noted that the option being discussed was significantly different from that on which Ministers had been consulted.⁹⁹

281. Sir Kevin's recollection of the document he had written is detailed. The Inquiry has no reason to question his evidence.

⁹⁹ Minute Johnston to Private Secretary [FCO], 6 January 2003, 'Iraq: Chiefs of Staff Meeting, 6 January'.

282. Similarly, if Mr Hoon had received a handwritten document of the nature described by Sir Kevin, the Inquiry considers it is more likely than not that he would have remembered it, even after a number of years. The Inquiry therefore accepts that Mr Hoon did not receive it.

283. There is no evidence that Sir Kevin spoke about the need for a collective discussion with Sir Andrew Turnbull or with other Permanent Secretary colleagues.

284. Regardless of whether or not Mr Hoon was provided with specific advice about the need for a collective discussion, it should have been clear to him from the advice he did receive, which is set out in this Section and Section 6.1, that a significant change of direction was proposed and that there were major issues to be addressed.

285. Sir Kevin Tebbit would have been right to advise in January that Ministers should have paused for a full discussion of the policy on Iraq, the risks of success and failure, the advantages and disadvantages of different options, and the implications of the decisions taken.

286. As Section 7 sets out, decisions of this importance, which raise a number of challenging questions, are best addressed by a Cabinet Committee on the basis of considered inter-departmental advice.

287. Such a collective discussion should then have been reported to Cabinet before the deployment was announced.

288. As Section 9.4 shows, Cabinet did discuss the decision to deploy to Helmand in May 2006, in January of that year.

289. The absence of planning and preparations for the UK role after the conflict is addressed in Section 6.5.

Planning military operations

Military discussions with the US

290. In mid-January, Lt Gen Reith and Gen Franks discussed the role UK forces might play in combat operations.

291. Gen Franks wrote in his memoir that in January, only a small group of senior CENTCOM officers knew “significant aspects of the evolving concept” and only four people had the “full picture”.¹⁰⁰

292. On 17 January, Major General David Wilson, Senior British Military Adviser at CENTCOM, reported to Lt Gen Reith on a conference chaired by Gen Franks for

¹⁰⁰ Franks T. & McConnell M. *American Soldier*. HarperCollins, 2004.

CENTCOM commanders, key staff and Coalition partners from 15 to 16 January in Tampa, Florida.¹⁰¹ Gen Franks had described the event as “likely to be the last chance for such a gathering to take place. It therefore had to be conclusive”.

293. Lt Gen Reith told the Inquiry that he had had a conversation with Gen Franks on 16 January:

“... I told him that we still obviously weren’t committed necessarily to execution, but that the Prime Minister had approved a composite, one-division package. So that was the mix, that we eventually ended up with.”¹⁰²

294. At that meeting, Lt Gen Reith and Gen Franks had discussed Phases II and III and Gen Franks had “agreed that 3 Commando Brigade would be the best capability to attack into the al-Faw Peninsula”.

295. Lt Gen Reith told the Inquiry that Gen Franks’ feeling was that 7 Armoured Brigade 16 Air Assault Brigade could “probably secure the oilfields”, releasing the US 3rd Infantry Division and I Marines Division for “the main effort. So we would then have a discrete box in southern Iraq”.

296. Asked whether the UK was still suggesting that the US should have two sets of plans in case the UK could not contribute, Lt Gen Reith told the Inquiry:

“I told him that the Prime Minister had agreed to the package, and so therefore ... I’m making an assumption that he now expected us to participate.”¹⁰³

297. Maj Gen Wilson reported that “Phase IV responsibilities became a little clearer” at the Commanders’ Conference. Gen Franks had demanded that JTF-4 deploy as soon as possible to Kuwait and had welcomed Lt Gen Reith’s offer to embed four UK personnel in it. Gen Franks had also directed that “key Phase IV players should visit the Pentagon to ensure that planning was joined up”.¹⁰⁴

298. In his record of the meeting with Gen Franks, Lt Gen Reith explained that UK staff embedded in JTF-4 would have “reach-back” to the Phase IV planning team in PJHQ, giving the UK “considerable influence over US planning”.¹⁰⁵ He reported that Gen Franks had “agreed that we could plan on [the] UK having responsibility for the Basra region in Phase IV and would welcome our setting the standard for other nations. Clearly this will need Ministerial approval in due course.”

¹⁰¹ Minute Wilson to MA/CJO, 17 January 2003, ‘CENTCOM Component Commanders’ Conference: 15-16 Jan 03’.

¹⁰² Private hearing, 15 January 2010, pages 40-41.

¹⁰³ Private hearing, 15 January 2010, page 42.

¹⁰⁴ Minute Wilson to MA/CJO, 17 January 2003, ‘CENTCOM Component Commanders’ Conference: 15-16 Jan 03’.

¹⁰⁵ Minute Reith to PSO/CDS, 17 January 2003, ‘Discussion with General Franks – 16 Jan 03’.

299. Gen Reith told the Inquiry he had also told Gen Franks that he was “unhappy with the way the planning was going” because the US was “going into shock and awe” and the UK “had been very much the custodians of ‘Let’s worry about Phase IV’”.¹⁰⁶

300. Gen Reith said he had made that point to Gen Franks because the US were going to have a fairly extended air campaign followed by land entry as they had done in the 1991 Gulf Conflict. Gen Reith told the Inquiry he had said that “the oilfields were absolutely essential” for Phase IV:

“... to provide revenue for Iraq for its reconstruction, and therefore, we needed to secure the oilfields rather than have them destroyed. I also made the point to him that the more china that we broke, the more we would have to replace afterwards. So I left him with those thoughts, and ... between that meeting and obviously when we went in, they changed the phasing of the plan so that there was an early land entry.”

301. Major General Peter Wall, Chief of Staff to Air Marshal Brian Burridge and later GOC 1 (UK) Div from May 2003 to January 2005, wrote in his post-operation report that the HQ 1 (UK) Div plans team deployed to Kuwait on 19 January and “became embedded” in the 1 MEF Operational Planning Team.¹⁰⁷ The remainder of the Command Group, including Maj Gen Brims, arrived a week later to review 1 MEF options and start developing the Divisional plan.

302. Maj Gen Brims issued an initial Operational Order on 31 January, which described the Division’s mission as “to defeat enemy forces, secure key oil infrastructure and seize Umm Qasr port to prevent or mitigate environmental disaster and enable humanitarian operations. Subsequently the Div is to relieve 1st [US] MarDiv ... to support its rapid movement N[orth]”.¹⁰⁸

303. The UK and Australia participated in talks on post-conflict issues in Washington on 22 January. The briefing prepared for Mr Lee, the senior MOD member of the UK delegation, included outline assumptions for UK force contributions under four post-conflict phases. It cautioned that, in the absence of a US decision on timelines, these were only illustrative.¹⁰⁹ The suggested UK land force contribution under each phase was:

- US military administration (0-6 months): war-fighting forces (large scale);
- Coalition administration (6-12 months): large scale reducing to medium;
- civil administration (12-24 months): medium scale reducing to small; and
- full Iraqi governance (24 months plus): small scale reducing to advisory teams.

¹⁰⁶ Private hearing, 15 January 2010, pages 42-43.

¹⁰⁷ Report Wall to HQ 3 Cdo Bde, 6 October 2003, ‘Post Operation Report – Version 2 Operation Telic’.

¹⁰⁸ Operational Order 001/03, 31 January 2003, ‘Base OpO 001/03 for Op TELIC’.

¹⁰⁹ Minute Sec(O)4 to DG Op Pol, 21 January 2003, ‘Visit to Washington – Iraq Aftermath’.

304. The briefing included questions to which “we must first have answers” if the UK was to contribute along those lines, including whether the US envisaged “sectorisation” as in Bosnia or “central locations and force projection” as in Afghanistan as the model for Phase IV Coalition force structure. If sectorisation, would the US provide additional forces in the UK sector to perform humanitarian tasks for which UK capacity was limited?

305. After the talks, Mr Lee reported to Mr Hoon that, on the plus side, the US was beginning to take the post-conflict planning seriously and was willing to work with the UK and Australia in the various working groups, but there was little time left.¹¹⁰

306. Mr Lee recommended that Mr Hoon raise post-conflict planning in his next phone conversation with Secretary Rumsfeld, in terms that it was a vital issue that needed “to be sorted now because it affects both the UK decision to commit to hostilities ... and also international support”, and that there was a need for clarity on “who is responsible to whom for what on day after planning and then execution”.

307. Those talks and their outcome are addressed in more detail in Section 6.5.

JIC Assessment, 29 January 2003: ‘The Emerging View from Baghdad’

308. The JIC assessed on 29 January that retaining WMD was a vital Iraqi interest and that Saddam Hussein was unlikely to agree to relinquish power or go into exile.

309. The JIC predicted that once military action began, widespread lack of loyalty to the regime would become clear and a hard-fought professional defence of Baghdad was “unlikely”.

310. The JIC Assessment of 29 January 2003 sustained its earlier judgements on Iraq’s ability and intent to conduct terrorist operations.

311. At the request of the FCO, the JIC produced an Assessment on 29 January reviewing developments in Iraq from the viewpoint of the Iraqi regime, particularly Saddam Hussein, and possible Iraqi moves in the coming weeks.¹¹¹ The Assessment addressed both the possible response to the obligations set out in resolution 1441 (see Section 3.6) and Iraq’s potential responses to the military build-up and military action.

312. The Key Judgements included:

- “Saddam does not appear to realise the severity of the military attack he faces. Senior Iraqi officials, although increasingly convinced of the inevitability of a US-led attack, are unlikely to be telling Saddam about their concerns.”

¹¹⁰ Minute Lee to PS/Secretary of State [MOD], 23 January 2003, ‘Aftermath: Visit to Washington’.

¹¹¹ [JIC Assessment, 29 January 2003, ‘Iraq: The Emerging View from Baghdad’](#).

- “Saddam has not lost control or the capacity for rational tactical decisions. He continues to maintain regime cohesion, primarily through intimidation. He is unlikely to agree to relinquish power or to go into exile. He still believes he has a chance of averting military action or, once military action begins, forcing the Coalition to cease hostilities before his regime collapses.”
- “Once military action has begun, widespread lack of loyalty to the regime will become clear. Iraqis may not welcome Coalition Forces, but most will at least acquiesce in Coalition military activity to topple the regime, as long as civilian casualties are limited. A hard fought professional defence of Baghdad is unlikely, although elite military and security elements closely identified with the regime may fight until their positions become untenable.”
- “Saddam probably believes he has some strong political and military cards to play, even in the face of an inevitable attack ... He may use human shields, fire CBW against Coalition Forces, launch a pre-emptive attack on the Kurds, Coalition Forces building up in Kuwait or Israel, or sabotage Iraqi oil wells and water supply.”

313. The Assessment stated that: “Given the high level of uncertainty over Saddam’s response once he recognises his survival is at stake, we will need to plan for a wide range of humanitarian crises, including a possible humanitarian role for Coalition Forces.”

314. The Assessment also stated:

- Iraqis believed that the West was “squeamish about casualties”. The JIC continued to judge that Iraq’s capability to conduct terrorist attacks was “limited, especially outside the Gulf region”.
- The JIC had “previously judged that terrorism could be attempted against Coalition Forces during a military build-up if Saddam believed that an attack was inevitable”. There had been “no indication that Iraq was behind the recent attack on US contractors working for the US military in Kuwait”. That had, however, highlighted “the vulnerability of the large numbers of Coalition Forces concentrated in an area as small as Kuwait”.
- Iraq might well “seek to use its influence over some smaller militant Palestinian groups to encourage them to strike at US and Coalition interests in the Middle East in the event of a Coalition attack”. There were “also uncorroborated reports of Iraq assembling teams in various countries to attack UK and US interests in the event of war against Iraq”.
- “Despite the presence of terrorists in Iraq with links to Al Qaida”, there was “no intelligence of current co-operation between Iraq and Al Qaida”.
- There had been “no clear indication of any plan for a pre-emptive military strike against the Kurds, neighbouring countries or Israel”. Saddam would have “little incentive to launch such a strike while the Iraqi strategy focuses on convincing UNMOVIC that Iraq does not have WMD holdings”, but it might “become

an attractive option in the face of imminent Coalition military action". There was "unlikely" to be any advance warning of an attack on the Kurds. The JIC judged that "a pre-emptive limited artillery strike on Kuwait using CBW could be launched in as little as two hours". Preparations for an attack on Israel were "likely to be, more extensive and to stretch Iraqi capabilities to the limit".

- There were indications of "plans to sabotage oil fields to prevent them falling into Coalition hands".
- There were "continuing Iraqi military defensive preparations, including deployments and reinforcements of military units in the South, West and along the border of the Kurdish autonomous zone" which appeared to be "directed against the threat of both an internal uprising and external attack". That included "possibly 1,000 troops on the al-Faw peninsula, apparently in response to the Coalition build-up in Kuwait".
- Iraq's options for redeployment in the South were "limited": "Any significant redeployment in the South would risk triggering a Coalition attack by breaching the Southern No-Drive Zone." The regime did not "trust the Republican Guard enough to deploy them in Baghdad, except possibly as a last resort, leaving them exposed beyond the capital's boundaries".
- The regime was "maintaining 'business as usual': anybody thinking of deserting will face serious consequences [...] we may not see clear signs of dissent or defection until the regime is about to fall".
- The JIC judged that "most Iraqis will welcome the departure of Saddam. A few reports suggest that some Iraqis may fight to defend their homeland from what they see as external aggression [...] Overall we judge that while Iraqis may not welcome military forces, they will at least acquiesce in Coalition military action to topple the regime, as long as civilian casualties are limited ... [M]orale in much of regular army is low and ... many soldiers are reluctant to fight. But as long as Iraqi security officers remain with military units and able to enforce discipline, fear of execution is likely to keep regular units at their posts."
- Saddam Hussein was "already placing military targets in residential areas to score a propaganda victory in the event of a Coalition air campaign".
- "In the face of an attack, or even before hostilities if he judged that an attack was imminent" Saddam Hussein might take a number of actions, including seeking to "inflict high enough casualties on any Coalition ground forces, perhaps in Kuwait, including through use of CBW, to halt a Coalition attack and to swing public opinion in the West against hostilities".
- "Once hostilities were under way", Saddam might also "seek to cause an international outcry over the level of Iraqi or Coalition casualties"; and "pursue a scorched earth policy, including the destruction of oil wells and poisoning the water supply".

315. The JIC Assessment ended by stating that Saddam Hussein still believed he had “a chance of averting military action” or “forcing the Coalition to cease hostilities” before his regime collapsed.

316. The minutes of the JIC discussion of the draft Assessment recorded that:

“... it was difficult to predict if and when Saddam might launch pre-emptive strikes, but the paper should try and make a judgement on possible timescales. The trigger would probably be set when Saddam concluded that his fate was sealed, rather than any movements by Coalition Forces. Most of the Iraqi military would probably crumble quickly under attack. Saddam would maintain his hold of power until then, and there were no indications of possible coups beforehand. Whilst the Iraqi public might welcome the end of Saddam’s regime, they were also concerned about the human costs of fighting.”¹¹²

317. On 30 January, Mr Scarlett wrote to Sir David Manning with some “personal observations on the overall intelligence picture”.¹¹³

318. Mr Scarlett wrote:

“... as we get closer to the deadline, it is increasingly likely that the regime will hold until the invasion actually occurs. I am very comfortable with this assessment. A pre-invasion implosion (eg assassination or successful coup) cannot be excluded.”

319. Mr Scarlett suggested that, once an invasion was under way, Saddam Hussein:

“... knows the weaknesses of the Regular Army and does not expect them to resist effectively. He may genuinely have better hopes for the Republican Guard and place some reliance on their ability to delay the occupation of Baghdad and other cities. In his mind, he may not need such delay to last for long.”

320. Mr Scarlett wrote that, “given the perceived inability of his enemies to take significant casualties or setbacks”, some of the potential moves that Saddam Hussein could make, as highlighted in the JIC Assessment, “might make to give us pause even after a military operation begins”. Mr Scarlett wrote that those moves must be taken seriously. He noted in particular:

- “Attempted use of CBW and missiles ... immediately before an attack or (in Kuwait and southern Iraq) in the early stages of the attack itself.” That would be “very difficult to pull off”, but “even a small number of short range artillery rockets getting through would have a disproportionate effect” and it was “not unreasonable for Saddam to think it would give us second thoughts”.
- “CBW armed Al Hussein [ballistic missile] attack on Israel. Again very difficult to achieve, but the benefits of success are obvious.”

¹¹² Minutes, 29 January 2003, JIC meeting.

¹¹³ [Minute Scarlett to Manning, 30 January 2003, 'Iraq: JIC Assessment and Personal Observations'](#).

- “A move against the Kurds either immediately before or after a Coalition invasion ...”

321. Mr Scarlett reminded Sir David that the JIC had judged, “over many months”, that “once the invasion starts Saddam’s regime is likely to prove brittle and fold quickly”. It was therefore correct to prepare a military strategy to “make this ‘quickly’ very quick indeed”.

322. Mr Scarlett wrote that circumstances required the UK to look carefully for areas in which things might go wrong. The remaining questions in his mind, other than the potential use of CBW and revenge tactics, were:

- Tough resistance from individual military units capable at least in the available time of inflicting significant casualties on the attacking force.
- Uprisings against regime forces or general blood letting especially in southern cities such as Basra. This is our proposed Area of Operations (AOR). If you have an AOR, you cannot disclaim responsibility for what happens within it.
- The end game in Baghdad especially the fate of Saddam himself ... how do we ensure that Saddam’s power in his own capital is truly broken ...?”

Mr Blair’s meeting with President Bush, 31 January 2003

323. In preparation for Mr Blair’s meeting with President Bush on 31 January, the MOD drew attention to the implications which any delay in military action beyond the spring would have for its ability to provide a major contribution to military action, and the need for the US and UK to have agreed military objectives.

324. The MOD briefing of 29 January comprised a general update and sections on targeting, “aftermath”, and Saddam Hussein’s options, including “Fortress Baghdad”.¹¹⁴

325. The MOD “line to take” suggested for Mr Blair was that, if military operations were to be delayed beyond April/May, the UK would “struggle to put together this scale of force again for the autumn, especially if the fire strike continues. So militarily we could bear some delay but not too much.”

326. The background briefing for Mr Blair advised that, if operations were not initiated in the spring, the UK would “face some awkward choices”. Some “key elements of the UK contribution were unique” – including the Commando Brigade, the Assault Brigade and a specialist helicopter carrier ship. The MOD suggested:

“If operations were not going to start until the autumn, we would need to consider bringing some forces back to the UK in the meantime. Our ability to provide a major contribution later in the year will also be severely constrained if the fire strike continues beyond the spring.”

¹¹⁴ [Letter Williams to Rycroft, 29 January 2003, ‘Prime Minister’s Briefing – Iraq’.](#)

327. The MOD also advised Mr Blair that agreement on the objectives for a military campaign would be needed.

328. In relation to targeting, the “line to take” offered to Mr Blair was that the UK was “working up our strategic objectives for a military campaign. We need to relate this to the legal base we establish.” It was: “Very important that UK and US objectives are aligned soon and in advance of commitment to action so that we can come to a clear and common understanding on **targeting issues** and the **information campaign**.” That would need “careful handling domestically”.

329. The detailed advice from the MOD on targeting is set out later in this Section as part of the consideration of planning for the air campaign.

330. The background briefing for Mr Blair explained that the current thinking was that the objectives would be published “close to, or at the start of hostilities”. The MOD explained that the military objectives would enable it to “satisfy” itself “that they represent[ed] minimum use of force as required by international law”, and to use the CDS Directive to indicate “what military missions are legitimate, including ... what targets we can legitimately attack from the air; and plan Information Operations”.

331. A “publicly agreed set of aligned military objectives”, being prepared by the Cabinet Office, would enable the UK to participate in a “joined up **information operations campaign**”.

332. Mr Drummond sent Mr Rycroft a minute setting out a “few OD Sec points, just in case they slip through the briefing” provided by the FCO and MOD.¹¹⁵ Those included the need to agree joint military campaign objectives for publication “shortly before any conflict starts” and that the UK should offer a draft.

333. The development of objectives for the military campaign is addressed later in this Section.

334. A document entitled ‘Countdown’ set out a checklist of issues for Mr Blair’s discussion with President Bush.

335. A document entitled ‘Countdown’ appears in the No.10 files for 30 January 2003.¹¹⁶ The document comprised six sections, including:

- “Military Questions.” Whether there were sound plans – in the event that Saddam Hussein used WMD, attacked Israel, or destroyed oil wells – to keep rival groups and tribes apart; and to avoid civilian casualties.

¹¹⁵ [Minute Drummond to Rycroft, 28 January 2003, ‘Iraq: US Visit’.](#)

¹¹⁶ [Note \[Blair to Bush\], \[30 January 2003\], ‘Countdown’.](#)

336. When Mr Blair met President Bush on 31 January, it was clear that the window for peaceful disarmament would only be a few weeks. The military campaign could begin around 10 March.

337. Mr Blair and President Bush had a two hour meeting in Washington on 31 January followed by a press conference and an informal dinner.¹¹⁷ The discussions are addressed in Section 3.6.

338. On military planning, Mr Blair and President Bush discussed the possibility that Iraqi forces would fold quickly. Mr Blair asked about planning for the post-conflict period. In his view a UN badge would be needed. That would help with the humanitarian problems. Mr Blair and President Bush discussed an initial military occupation, how to handle the dilemma of managing the transition to civil administration and the nature of an Iraqi government.

339. Mr Blair concluded that the US and UK needed to prepare to organise on a “war footing”, working very closely together “particularly on our public communications”.

340. Sir David Manning recorded that it was clear that the window of opportunity would be only a few weeks. Otherwise the US would take military action. The military campaign could begin “around 10 March”, and earlier if Dr Blix’s report on 14 February was tough. The timing was “very tight”.

341. The Inquiry asked Mr Blair at what point he had concluded that the US “had definitely decided on military action in March 2003”.¹¹⁸

342. In his statement for the Inquiry, Mr Blair wrote:

“It was clear from continuing discussion with the US in late 2002/early 2003 that March was the likely date for military action. That firmed up as it became plain that there was no significant shift in the attitude of Saddam. The December Declaration ... was incomplete, as Blix noted ... His first report was to the effect that there was not full compliance, essentially around interviews. There were various possible alternatives to military action surfacing, including proposals for Saddam peacefully to give up power.”¹¹⁹

Planning for an air campaign

THE UK CONTRIBUTION TO AN AIR CAMPAIGN

343. On 31 January, Mr Hoon wrote to Mr Blair, advising him that he intended to announce the agreed air package on 6 February.¹²⁰

¹¹⁷ Letter Manning to McDonald, 31 January 2003, ‘Iraq: Prime Minister’s Conversation with President Bush on 31 January’.

¹¹⁸ Statement Request for Rt Hon Tony Blair, 13 December 2010, page 6.

¹¹⁹ Statement, 14 January 2011, page 11.

¹²⁰ Letter Hoon to Prime Minister, 31 January 2003, ‘Iraq: Announcement of Air Package’.

344. Mr Hoon wrote:

“You will recall that we agreed the air package for planning purposes in September. With some small adjustments at the margins, the planned package now comprises 118 fixed-wing aircraft, including those routinely based in theatre in support of the No-Fly Zones.”

345. Mr Hoon told Mr Blair that, because there remained “some uncertainty” over basing arrangements for some elements of the package, he would speak of “up to” 118 aircraft rather than providing a firm number. He added that the US was also “wrestling with some of the same uncertainties”.

346. On 6 February, Mr Hoon told Parliament that the UK already maintained a “significant presence” in the Middle East of “around 25 aircraft and 1000 personnel”.¹²¹ He announced that, in the event of operations against Iraq, it was envisaged that the UK would increase its presence to “around 100 fixed-wing aircraft supported by around 7,000 personnel” in the “days and weeks ahead”.

347. In addition, the Joint Helicopter Command would “deploy a very substantial proportion of its equipment and personnel”. Its contribution would consist of 27 Puma and Chinook support helicopters and “about 1,100 people”.

348. In response to a question from Mr Bernard Jenkin (Conservative), Mr Hoon said that UK forces would be “in the Gulf for as long as it takes to disarm Iraq and the regime of Saddam Hussein”.¹²²

THE PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

349. The principles of international humanitarian law (IHL) governing military operations are set out in the Box below.

350. The guidance issued to the Armed Forces on the application of IHL during military operations is addressed in more detail later in this Section.

Overview of international humanitarian law

International humanitarian law (IHL) is also known as the Law of Armed Conflict (LOAC) or the Law of War. IHL is part of international law and governs the conduct of armed conflict, sometimes referred to as *jus in bello*. It is distinct from the law governing the resort to armed conflict, *jus ad bellum*, which derives from the United Nations Charter (see Section 1.1).

IHL aims to limit the effects of armed conflicts for humanitarian reasons. It aims to protect persons who are not or are no longer taking part in the hostilities, the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict

¹²¹ House of Commons, *Official Report*, 6 February 2003, columns 455-456.

¹²² House of Commons, *Official Report*, 6 February 2003, column 457.

in the conduct of hostilities.¹²³ It derives mainly from the four 1949 Geneva Conventions and their Additional Protocols, and from the 1907 Hague Regulations, but also from other international conventions and protocols covering specific areas, as well as from customary law; that is, those rules derived from the established practice of states.

The cardinal principles of humanitarian law are authoritatively set out in an advisory opinion of the International Court of Justice:

“The first is aimed at the protection of the civilian population and civilian objects and establishes the distinction between combatants and non-combatants; States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilian and military targets. According to the second principle, it is prohibited to cause unnecessary suffering to combatants: it is accordingly prohibited to use weapons causing them such harm or uselessly aggravating their suffering. In application of that second principle, States do not have unlimited freedom of choice of means in the weapons they use.”¹²⁴

The key elements of LOAC which apply to targeting of military objectives during a conflict are set out in the 1977 Protocol Additional to the Geneva Conventions of 1949 (Protocol I). The main principles can be summarised as:

- **Distinction.** The parties to the conflict must at all times distinguish between the civilian population and combatants, and between civilian objects and military objectives, and shall direct their operations only against military objectives (Article 48).
- **Proportionality.** Military objectives must not be attacked if the attack is likely to cause civilian casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated (Article 57:2:b).
- **Military Necessity.** Offensive operations must be limited to those which are necessary i.e. only those which are required to secure a definite military advantage. If there is a choice between targets for obtaining a similar military advantage, the objective to be selected shall be that the attack on which may be expected to cause the least danger to civilian lives and civilian objects (Article 57:3).
- **Feasible Precautions.** In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects. Those who plan or decide upon an attack must take a number of specified precautions, focusing on the principles outlined above (Article 57).

PRELIMINARY DISCUSSIONS ON TARGETING

351. To allow planning to proceed, the MOD sought Lord Goldsmith’s views in early February on the considerations that should apply to the selection of targets during an air campaign.

¹²³ International Committee of the Red Cross, 29 October 2010, *The ICRC’s mandate and mission*; International Committee of the Red Cross, 29 October 2010, *War and international humanitarian law*.

¹²⁴ Report ICJ, 1996, *Legality of the Threat or Use of Nuclear Weapons*, pages 226 and 257.

352. The MOD set out its position on targeting in advice prepared for Mr Blair’s meeting with President Bush on 31 January.¹²⁵

353. The MOD advised that, although detailed assessments of civilian casualties resulting from the air campaign could be produced on a “target-by-target” basis, the target set was not yet sufficiently well defined to allow an estimate to be produced for the air campaign as a whole. Analysis based on estimated civilian casualties during operations over Iraq between 1998 and 1999 suggested that the civilian casualties for an air campaign would be around 150 killed and 500 injured.

354. No assessment had been produced of civilian casualties arising from “urban operations in Basra”. Experience from World War II suggested that between 200 and 2,000 civilians could be killed in urban operations in Basra, depending on “circumstances, duration and the degree to which civilian casualties are minimised”.

355. On 3 February, Mr Hoon’s Private Office wrote to Lord Goldsmith’s Office with a paper on the UK’s military campaign objectives. It was intended to form a basis for discussion of possible targets during an air campaign at a meeting with Lord Goldsmith and Mr Straw the following day.¹²⁶

356. The paper set out three potential options for disarming Iraq:

- Enforced inspections – military force being used to support UNMOVIC inspectors on the ground.
- Enforced destruction (air) – a sustained campaign of selective targeting using precision guided weapons and other aerial bombing techniques against known weapons sites.
- Enforced dismantling/destruction (land) – ground operations enabling the international community to take control of WMD sites.

357. Each option provided a rationale within which specific targeting or other legal issues could be considered.

358. The paper concluded by stating that the first two options would not deliver the UK’s objectives. The third option would require an integrated air and ground campaign to meet any military resistance from the Iraqi Armed Forces and to minimise risk to Coalition Service Personnel. The paper stated:

“But the key driver of resistance to Coalition operations is the Iraqi regime itself. Not only would removal of the regime potentially bring the need for military action to an early conclusion, the prospect of a new and representative administration in Iraq

¹²⁵ [Letter Williams to Rycroft, 29 January 2003, ‘Prime Minister’s Briefing – Iraq’ attaching Briefing MOD, \[undated\], ‘Targeting and Military Objectives’.](#)

¹²⁶ Letter Williams to Brummell, 3 February 2003, ‘Potential Operations in Iraq: Military Objectives and Campaign’ attaching Paper ‘The Disarmament of Iraq’.

would minimise the potential for Iraqi reversion to a WMD programme once military action was complete.”

359. The paper also set out the elements of the US plan and addressed whether they were necessary and proportionate. It concluded that the current US Concept of Operations could “achieve a conventional military defeat, but that the use of force in achieving this aim is potentially proportionate and necessary”.

360. At that stage, Mr Hoon and MOD officials did not know Lord Goldsmith’s views on whether resolution 1441 provided a legal basis for military action without a further authorisation by the Security Council (see Section 5).

361. The record of the meeting between Lord Goldsmith, Mr Hoon and Mr Straw stated that Mr Hoon had said a way of approving individual and generic targets should be found “beforehand”, along with a method of handling emergent targeting needs during the course of the campaign.¹²⁷

362. Lord Goldsmith was clear that, in such an integrated campaign, it was “practically impossible to make a distinction” between UK and US operations. That significantly increased the legal task and reinforced the necessity for a robust audit trail. Scrutiny was to be expected.

363. Lord Goldsmith said it would be important to tackle difficult targets early but he was “open to an approach where straightforward targets could be packaged”.

364. Mr Hoon asked whether it was “possible to clear easy packages early in order to make a start on the large numbers of targets” which had to be addressed. Air Commodore Mike Heath, Head of the Directorate of Targeting and Information Operations (DTIO), outlined how full collateral considerations could not be taken into account “until very shortly before the operation”.

365. Lord Goldsmith welcomed the broad approach outlined in the paper:

“It correctly identified the regime as a target, but was currently too tentative in identifying it as a necessary target ... The conclusion at the end of the paper that this campaign was “potentially proportionate” was insufficiently robust and a more explicit conclusion was required.”

366. Mr Straw asked that more work be done to clearly identify the controlling elements of the regime.

367. Mr Blair agreed that the overall strategy of the air campaign was to contribute to the collapse of the Iraqi regime or at least prevent it from using WMD.

¹²⁷ Letter Williams to McDonald, 5 February 2003, ‘Potential Operations in Iraq: Military Objectives and Campaign’.

368. Mr Blair also underlined the importance of minimising civilian casualties.

369. The assessments made by the Government before, and during, initial combat operations of the number of Iraqi civilian casualties are addressed in Section 17.

370. Mr Blair was briefed on the targeting aspects of an air campaign by Mr Hoon, Adm Boyce and Air Cdre Heath on 6 February.¹²⁸

371. Mr Blair agreed “the overall strategy of the air campaign, creating an overwhelming effect so that the regime collapsed or at least was disabled from using WMD in a conflict, leading to the overall objective of Iraqi disarmament”. He underlined the importance of “minimising the number of civilian casualties and ensuring that all targets were appropriate and proportionate” and that consideration should be given to “how best to explain publicly the scale and nature of the campaign”.

372. Mr Blair asked for a note explaining the rationale behind the targets chosen for the proposed air campaign, and an assessment of the likely accuracy of the campaign.

373. Mr Watkins provided that advice on 10 February.¹²⁹ He wrote that the plan was to mount near simultaneous attacks of air, ground and information operations:

“The air campaign has been crafted to ensure success ... without going beyond what is necessary to achieve specific military campaign objectives. It will appear to involve overwhelming force – but it is not intended to turn Iraq into a wasteland. The targets have been selected for the effect that their disabling or destruction would have on the regime rather than to inflict physical damage. The target sets therefore mostly represent only a fraction of those that could be attacked in each category ... This approach should minimise the number of civilian and potentially military casualties; ease the issues of reconstitution in the aftermath of conflict; and facilitate the earliest possible military withdrawal.”

374. Target sets for the air campaign included “all those facilities which would enable the regime to activate and deploy WMD”.

375. The land campaign would begin in the first few days but precise timings were not known. Mr Watkins wrote that “whether the UK brigades will become heavily engaged in fighting will very much depend on the effectiveness of the air campaign and initial US land operations”.

Objectives for the military campaign

376. The UK shared its draft military campaign objectives with the US in mid-February.

¹²⁸ [Letter Rycroft to Watkins, 6 February 2003, ‘Iraq: Prime Minister’s Meeting, 6 February’.](#)

¹²⁹ Letter Watkins to Rycroft, 10 February 2003, ‘Iraq: The Military Campaign’.

377. Sir David Manning described the objectives to Dr Rice as compatible with but not identical to US objectives.

378. It was recorded at the Chiefs of Staff meeting on 29 January that political and military synchronisation and timing “remained fluid”.¹³⁰ The Cabinet Office was preparing a revised paper on the UK’s objectives that “sought to align the UK and US positions that currently differed”.

379. The minutes recorded that Adm Boyce noted that the issues of timing and objectives were urgent and that the US might “leave the UK with little warning of military action”.

380. The current timelines indicated that US ground forces would not be available in the North before the third week in March, “although there was still a coercive effect to be achieved by continuing to pursue the option”.

381. CENTCOM continued planning to mitigate against a decision by President Bush to act earlier than the planning assumptions: “However, the preparedness of US ground forces was behind schedule; as a result A day [Assault Day] was moving towards G day [the day that the ground campaign would begin] rather than G to A.”

382. Mr Bowen sent Sir David Manning a copy of the latest draft of the objectives on 29 January.¹³¹ He wrote:

“It will be important before the Coalition embarks on military action to ensure that we share the same military objectives with the US, otherwise the strategic direction of the campaign risks falling apart. After your return from the US I suggest we discuss how best to do this.”¹³²

383. Mr Bowen explained to Sir David Manning that the objectives “flow from our policy objectives published on 7 January”. They had not been agreed by departments, although Ministers had seen them and were “generally content”.

384. The main tasks of the Coalition were listed as:

- remove the current Iraqi regime;
- overcome the resistance of the Iraqi security forces;
- deny the Iraqi regime the use of weapons of mass destruction;
- identify and secure the sites where weapons of mass destruction and their means of delivery are located; and
- secure essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraqis.”

¹³⁰ Minutes, 29 January 2003, Chiefs of Staff meeting.

¹³¹ [Letter Bowen to Manning, 29 January 2003, ‘Iraq: Military Campaign Objectives’ attaching Paper \[unattributed and undated\], ‘Iraq: Military Campaign Objectives’.](#)

¹³² [Letter Bowen to Manning, 29 January 2003, ‘Iraq: Military Campaign Objectives’.](#)

385. On 11 February, Mr Bowen sent Sir David Manning a revised draft of the UK’s military campaign objectives, incorporating comments from Mr Straw and Whitehall departments.¹³³ The draft stated:

“The UK’s overall objective for the military campaign is to create the conditions in which Iraq disarms in accordance with its obligations under UNSCRs and remains so disarmed in the long term.”

386. The Coalition’s main tasks in support of that objective were to:

- a. overcome the resistance of the Iraqi security forces;
- b. deny the Iraqi regime the use of weapons of mass destruction now and in the future;
- c. remove the Iraqi regime, given its clear and unyielding refusal to comply with the UN Security Council’s demands;
- d. identify and secure the sites where weapons of mass destruction and their means of delivery are located;
- e. secure essential economic infrastructure, including for utilities and transport, from sabotage and wilful destruction by Iraqis; and
- f. deter wider conflict both inside Iraq and the region.”

387. The UK’s wider political objectives in support of the military campaign and the immediate military priorities in the aftermath of hostilities are addressed in Section 6.5.

388. The MOD comments on the draft objectives focused on whether they provided “enough top cover to derive appropriate CDS and targeting directives to enable us to work in coalition with the US”.¹³⁴

389. On 12 February, the Chiefs of Staff noted that work on the UK objectives paper had been concluded, but not finally endorsed. The paper would be “ready for release at the start of any offensive campaign”.¹³⁵

390. Mr Hoon discussed the objectives with Secretary Rumsfeld in Washington on 12 February.¹³⁶

391. Sir David Manning sent a copy to Dr Condoleezza Rice, President Bush’s National Security Advisor, on 14 February.¹³⁷ He explained that the UK military campaign objectives were “compatible but not identical” to ‘Iraq: Goals, Objectives, Strategy’ (a US document handed to Sir David by Dr Rice on 31 January – see Section 6.5).

¹³³ [Minute Bowen to Manning, 11 February 2003, ‘Iraq: Military Campaign Objectives’ attaching Paper Cabinet Office, February 2003, ‘Iraq: Military Campaign Objectives’.](#)

¹³⁴ [Letter Lee to Bowen, 4 February 2003, ‘Iraq: Military Campaign Objectives’.](#)

¹³⁵ Minutes, 12 February 2003, Chiefs of Staff meeting.

¹³⁶ Letter Manning to Rice, 14 February 2003, ‘Iraq: Military Campaign Objectives’.

¹³⁷ Letter Manning to Rice, 14 February 2003, ‘Iraq: Military Campaign Objectives’.

392. Sir David explained that the UK and US were committed to ridding Iraq of WMD and recognised the need to remove the current Iraqi regime if military action proved necessary, but the UK document avoided references to “liberation”. No firm decision had been taken, but the likelihood was that the UK would publish its objectives if and when military action was decided.

393. After discussion with Lord Goldsmith, a final version of the military campaign objectives was placed in the House of Commons Library by Mr Hoon on 20 March.

The Phase IV plan

394. During February, UK officials became increasingly concerned about the risk that the UK might agree to take responsibility for a geographical sector of Iraq before the implications had been examined.

395. The UK would not make a commitment to administer a division-sized area in the medium to long term.

396. The first detailed estimate of the type (but not the size) of force required to deliver different tasks was in Lt Gen Reith’s draft Concept of Operations for Phase IV of 25 March. That is addressed in Section 8.

397. On 14 February, Mr Ehrman reported to Mr Peter Ricketts, FCO Political Director, that at a “[Sir David] Manning meeting” on post-conflict issues, Sir David had “expressed strong concern that junior CENTCOM planners seemed to be dreaming up an ever larger area of Iraq for the UK to administer”.¹³⁸ The Chiefs of Staff had advised Mr Blair that it would be easier for the UK to play a smaller post-conflict role if it was part of a Coalition fighting force; the opposite now seemed to be the case.

398. Sir David had said that:

“[Mr Richard] Armitage [US Deputy Secretary of State] was talking of military administration for two years. The Pentagon seemed to be more sensible, talking of six months. Did we [the UK] not need to reduce our 40,000 troops to around 5,000 by the end of six months? And who would pay for all this? Some on the US side seemed to be saying: you pay for what you administer.”

399. Mr Ehrman informed Mr Ricketts that Sir David Manning had asked the MOD:

“... to get the best information they could, at a senior level, on what size of sector was really being proposed for the UK; and FCO, with MOD, then to let No.10 have views on the issues which would be involved in its administration, and how we would seek to deal with these.”

¹³⁸ [Minute Ehrman to Ricketts, 14 February 2003, ‘Iraq: Day After’.](#)

400. On 17 February, the inter-departmental Iraq Planning Unit (IPU), based in the FCO, sent Mr Ehrman a paper on sectorisation as part of his briefing for a meeting on post-conflict issues, including sectorisation, chaired by Lt Gen Pigott.¹³⁹ The paper, not yet agreed with the MOD, recommended that the UK should make clear to the US that it was unwilling to take responsibility for a sector for more than 60 days unless its presence was authorised by the UN and there was to be an early move to a UN transitional administration. The paper is described in Section 6.5.

401. The IPU paper's broad assumption in favour of administration of a small sector for a short period was reflected in the guidance for UK officials attending the US inter-agency Rock Drill on post-conflict issues on 21-22 February.¹⁴⁰

402. On 19 February, the Chiefs of Staff discussed post-conflict planning in the context of the forthcoming Rock Drill.¹⁴¹

403. Before the meeting, MOD officials recommended that the Chiefs of Staff agree a set of assumptions about "the scale, posture and duration" of post-conflict UK military operations in order to inform IPU preparations for the Rock Drill.¹⁴²

404. Officials recommended that the Chiefs of Staff:

- "a. **Agree** the assumption that our aim should be to reduce to a medium scale post-conflict TELIC¹⁴³ commitment as soon as possible and pursue discussions with the US and potential Coalition allies (to determine our AOR and burden sharing) that will facilitate this.
- b. **Note** that without a UN mandate for occupation (not necessarily the same thing as a second UNSCR) finding Coalition partners will be more difficult and that the UK may face an enduring commitment that will be difficult to sustain and damaging to the long-term health of the Armed Forces.
- c. **Agree** that in discussions with the US, the scale and nature of UK involvement is made conditional on satisfactory UN involvement.
- d. **Agree** the assumption that the UK will administer a sector of Iraq; within the constraint imposed by the maximum level of commitment being medium scale; this would correspond to the UK's *initial* AO, *not* one of the somewhat larger sectors currently being considered in US planning.

¹³⁹ [Minute Iraq Planning Unit \[junior official\] to Ehrman, 17 February 2003, 'Iraq: General Pigott's Meeting: Sectorisation and UN Involvement' attaching Paper \[unattributed and undated\], 'A UK Geographical Sector of Iraq?'](#).

¹⁴⁰ [Minute Chilcott to Private Secretary \[FCO\], 20 February 2003, 'Iraq: Day-After \(Phase IV\)' attaching Paper \[unattributed and undated\], 'Iraq Day After: Guidance for Officials at US ROCK Drill'](#).

¹⁴¹ Minutes, 19 February 2003, Chiefs of Staff meeting.

¹⁴² [Minute Chorley to COSSEC, February 2003, 'Iraq Aftermath – Medium to Long Term UK Military Commitment'](#).

¹⁴³ Operation TELIC was the name given to the UK's military operation in Iraq.

- e. **Note** that some US thinking now sees a role for HQ ARRC as a follow-on HQ for post-conflict Iraq ...
- f. **Agree** that if the political gains are sufficient, we should entertain a role in Iraq for HQ ARRC – **but note** that a countrywide military remit for HQ ARRC (ie as HQ CJTF-I) risks the UK assuming too great a proportion of the responsibility for the stability and security of Iraq from the US ...”

405. The MOD warned that:

“Once fully deployed the level of our commitment to Op TELIC will be large scale across all three services. Unless very significant risk is to be placed on the deployed force, and UK forces more widely, the force must be reduced to medium scale by October/November this year; this implies that the reduction must begin by July/August. Factors that drive this conclusion are:

- a. A large scale commitment can only be sustained with the callout of certain trade groups of reserves, who have already been mobilised in toto.
- b. There will be severe disruption of the Formation Readiness Cycle and Operational Commitments Plot that will have deleterious effects on training and wider capability in the medium to long term.
- c. A longer deployment at large scale would imply a breach of Harmony Guidelines¹⁴⁴ for a very significant number of Service Personnel which may lead to a marked reduction in morale, retention and, eventually recruitment ...

“Once reduced to medium scale – all other things being equal – it would be possible to maintain a medium scale commitment to Iraq indefinitely ... though this would, of course, constrain our ability to take on other new tasks. Such a commitment would, however, be extremely expensive ...”

406. In “pure military terms”, assuming that there was a “rapid and successful conclusion to the conflict *and a permissive environment*”, the UK would only be able to “support” the proposed AOR in southern Iraq until August. Beyond that there would need to be “substantial Coalition support”. Without it, the UK could be left with “an unsustainable commitment”. The area currently proposed included “a very substantial proportion of the Iraqi population, a substantial oilfield content and responsibility for key religious sites”.

407. At the Chiefs of Staff meeting on 19 February, Lt Gen Reith reported that Mr Blair wanted:

“... an exemplary aftermath but [was] not committed to any particular size of UK AOR pending further advice on objectives, capability and capacity to sustain. It was ... unclear who the US anticipated placing as sector leaders given that few other

¹⁴⁴ Harmony Guidelines are explained in Section 16.1.

nations would be able to support the task within three months. Therefore, there may be an unsupportable expectation that the UK would control a relatively large area. Pragmatically, however, aftermath operations would commence locally whenever and wherever hostilities ceased, not necessarily coincident with any plan.

“The FCO view was that other nations should be involved as soon as possible and that early commitment to any nascent US sector plan should be avoided ...

“The UK line to take at the Rock Drill would be the commitment in principle to the immediate involvement in aftermath ops but not yet to any long-term plan, noting the PM’s wish to exert maximum influence in aftermath planning. Clarity was needed on the proposed command chain in Phase IV and whose political and legal authority would prevail.”¹⁴⁵

408. The Chiefs of Staff agreed that humanitarian operations formed an essential part of the overall campaign, not least as a force protection measure, and should therefore attract Treasury contingency funding. Adm Boyce directed that humanitarian assistance be covered in the joint FCO/MOD position paper on post-conflict issues for the Rock Drill, which should make clear the potential for conflict and post-conflict phases to run in parallel from an early stage.

409. Adm Boyce summarised the key points of the discussion on post-conflict preparations, including:

- The Rock Drill should be used “to secure maximum [UK] influence without early commitment to detail”.
- A “UN-approved international civilian administrator” would be required.
- UK Phase IV activity should centre on the region around Basra.
- The UK military commitment should be “scaled down from large to medium in the autumn”.¹⁴⁶

410. Lord Boyce told the Inquiry:

“... the initial expectation was that we would be there for a while, without defining exactly what it was. But we certainly weren’t expecting, the day after achieving success, to start drawing down our numbers; we were expecting to be there for a considerable period of time.”¹⁴⁷

¹⁴⁵ Minutes, 19 February 2003, Chiefs of Staff meeting.

¹⁴⁶ This is the only reference to reducing troop numbers “in the autumn” seen by the Inquiry. All subsequent references are to a reduction “by the autumn”.

¹⁴⁷ Public hearing, 3 December 2009, page 101.

411. Lord Boyce explained: “I thought we would be there for three or four years at least, and said so at the time.” He added:

“The theoretical planning against the Defence Planning Assumptions is you don’t do this sort of operation for an extended period longer than about six months. But it never seemed to me very likely that we would be out [of] there in six months.”

412. Asked about the assumption that the UK contingent would reduce to “Brigade level” or “medium scale”, Lord Boyce replied:

“For the job that we would have to do in the Basra area, it might have been that a Brigade size might have been sufficient, as conditions pertained in the middle of 2003.”¹⁴⁸

413. On 20 February, Mr Dominick Chilcott, Head of the IPU, sent Mr Straw an IPU guidance note for officials taking part in the Rock Drill.¹⁴⁹

414. Mr Chilcott’s covering minute to Mr Straw stated:

“There is barely any mention of the UN in the CENTCOM plans we have seen for Phase IV (post-conflict) to date. But there are gaps in the plan, which is still fluid and which we have the opportunity to influence. We shall encourage the US players at the Rock Drill to draw the conclusion that the job of administering Iraq is too large even for the US to undertake, that putting together a large Coalition – drawing on Arab countries – is the key to success, and that this can only be achieved by getting UN authorisation for Phase IV.”

415. The attached guidance note stated that the UK and US agreed that “there must be a phased approach to the ‘day after’”. For the UK, that meant “(a) military administration, (b) a UN transitional administration and (c) handover of power to a new Iraqi government”. The US referred to “stabilisation”, “recovery” and “transition to security”.

416. On sectorisation, the guidance stated:

- UK will have, in the very short term, to administer the area where its forces are at the end of hostilities. No commitment to administer divisional size area in the medium to longer term. More likely a small area around Basra.
- No commitment to administering any part of Baghdad.
- Where we are involved in administration, will want to be so in an exemplary fashion.”

417. The guidance stated that the UK force would reduce from large scale (three brigades plus) to medium scale (one brigade plus), “if possible by the autumn”.

¹⁴⁸ Public hearing, 3 December 2009, page 102.

¹⁴⁹ [Minute Chilcott to Private Secretary \[FCO\], 20 February 2003, ‘Iraq: Day-After \(Phase IV\)’ attaching Paper \[unattributed and undated\], ‘Iraq Day After: Guidance for Officials at US ROCK Drill’.](#)

418. Mr Stephen Pollard, Head of MOD Overseas Secretariat (Sec(O)), showed the IPU paper to Mr Hoon the same day.¹⁵⁰ He explained that a more detailed cross-government paper, setting out potential UK involvement in Iraq in the short, medium and long term, would be prepared after the Rock Drill.

419. The first paper matching that description was the ‘UK Vision for Phase IV’ sent to No.10 on 26 February, described in Section 6.5. Section 6.5 also describes how sectorisation remained unresolved after the Rock Drill and how the UK was unclear about how large its AOR was likely to be during the stabilisation phase.

Iraq’s response to an invasion

420. A JIC Assessment on 10 February warned of the possibility of terrorist attacks against Coalition Forces in Iraq, during and after conflict.

421. On 10 February, at the request of the MOD and the FCO, the JIC produced its second Assessment on the potential terrorist threat in the event of conflict in Iraq.¹⁵¹

422. The earlier Assessment, produced on 10 October 2002, is described in Section 3.5.

423. The Assessment’s Key Judgements included:

- “Al Qaida associated terrorists in Iraq and in the Kurdish Autonomous Zone in Northern Iraq could conduct attacks against Coalition Forces and interests during, or in the aftermath of, war with Iraq.”
- “In the event of imminent regime collapse, Iraqi chemical and biological material could be transferred to terrorists including Al Qaida ...”

424. The Assessment is considered in more detail in Section 3.7.

425. The JIC judged on 19 February that Iraqi conventional forces in southern Iraq could rapidly be defeated and that southern Iraq was “the most likely area for the first use of CBW against both Coalition Forces and the local population”.

426. On 19 February, at the request of OD Sec, the JIC issued an Assessment, ‘Southern Iraq: What is in Store?’, of the situation in southern Iraq and what might happen before, during and after any Coalition military action.¹⁵²

427. In the discussion of the draft Assessment, the points made by the members of the JIC included:

- It was an “important paper for informing planning following a Coalition attack”.
- Saddam Hussein “might target oilfields but whether he would try fundamentally to destroy the wells was not known”. It would be “useful to have more

¹⁵⁰ [Minute Pollard to PS/Secretary of State \[MOD\], 20 February 2003, ‘Iraq: Day After’.](#)

¹⁵¹ [JIC Assessment, 10 February 2003, ‘International Terrorism: War with Iraq’.](#)

¹⁵² [JIC Assessment, 19 February 2003, ‘Southern Iraq: What’s in Store?’.](#)

information on Saddam's options given the efforts which would be needed for reconstruction of the oilfields".¹⁵³

- Saddam was "likely to use CBW first in southern Iraq, if anywhere". The implications needed further discussion in the final Assessment "to bring out the scale of the potential humanitarian crisis", which would, in the initial period, need to be dealt with by Coalition troops.

428. The JIC's Key Judgements were:

- The Iraqi forces currently guarding southern Iraq are a relatively weak first line of conventional defence. They face rapid defeat. There is little evidence so far that the Iraqis are preparing for a hard-fought defence of Basra and other urban centres.
- Southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population.
- Coalition Forces will face large refugee flows, possibly compounded by contamination and panic caused by CBW use. They may also face millions of Iraqis needing food and clean water without an effective UN presence and environmental disaster from burning oil wells.
- Iran does not have an agreed policy on Iraq beyond active neutrality. Nevertheless Iran may support small-scale cross-border interventions by armed groups to attack the Mujahideen e-Khalq (MEK). The Islamic Revolutionary Guards Corps (IRGC) will continue to meddle in southern Iraq. Iranian reactions to a Coalition presence in Southern Iraq remain unclear but are unlikely to be aggressive.
- Post-Saddam the security situation in the south will be unpredictable. There is a high risk of revenge killings of former regime officials. Law and order may be further undermined by settling of scores between armed tribal groups.
- Popular support for any post-Saddam administration in the South will depend on adequately involving the Shia in the government of Iraq as a whole as well as engaging the remains of the state bureaucracy in the South, local tribal leaders and Shia clerics in local government."

429. The Assessment stated that there was "limited intelligence on the particular conditions of southern Iraq". It had, therefore, "Where possible tried to show how southern Iraq may differ from other parts of the country" and "to give as full a picture as possible of the conditions there". It had also "referred to intelligence describing conditions prevailing throughout the country".

¹⁵³ Minutes, 19 February 2003, JIC meeting.

430. The JIC stated that:

“Unlike central and northern Iraq the regular army is not reinforced in the South by divisions of the elite Republican Guard, which are forbidden by UNSCR 949 [1994] from moving into the No-Drive Zone south of the 32nd parallel.”

431. The JIC stated that the regime was “particularly concerned about the lack of loyalty of the Shia” who constituted the “majority of conscripts in the regular army”. The absence of the Republican Guard coupled with low morale, poor equipment and limited training of the Regular Army led the JIC to conclude that the forces guarding southern Iraq were “**a relatively weak first line of conventional defence. They face rapid defeat in the face of a massive military onslaught.**”

432. There were indications that a division of the Regular Army had redeployed “southwards” to al-Qurnah, “a key town located at a strategic road junction”, and that elements of another had deployed to the al-Faw Peninsula “in mid-January, apparently to counter a possible amphibious landing there”. The JIC knew “little about Iraqi plans for the defence of Basra, but there is as yet no sign of preparations for a hard-fought defence of this or other urban centres in southern Iraq”. There was no mention in the Key Judgements that the al-Faw Peninsula had been reinforced.

433. The Assessment stated that reporting indicated that Saddam Hussein’s regime had “contingency plans for a regional military command structure”, and that he had:

“... appointed his cousin Ali Hassan al-Majid [Chemical Ali] as regional commander of the southern sector ... (covering the provinces of Basra, Dhi Qar, Maysan and Muthanna) with authority over all forces in the area. Iraq practice in the Iran/Iraq war suggests this would include tactical control over CBW. Ali is a loyal member of Saddam’s inner circle. He was a brutal Governor of occupied Kuwait in 1990-91. He also played a leading role in suppressing the Shia uprising in 1991 and Kurdish rebels in the late 1980s (using chemical weapons against the Kurds). His appointment may reflect an Iraqi leadership view that a particularly loyal and ruthless figure is needed to take command in the South in a crisis, both to suppress the Shia and to maintain discipline among the Iraqi forces.”

434. The JIC Assessment stated:

“The relative weakness of Iraqi forces in the South and the fact that those forces will face the brunt of a Coalition attack mean **southern Iraq is the most likely area for the first use of CBW against both Coalition Forces and the local population.**”

435. The Assessment added that one report from August 2002 had indicated that there were:

“... Iraqi plans to use CBW in southern Iraq to cause mass casualties among the Shia in the event of a US-led attack. The regime would seek to pin the blame for the resulting high-level of casualties on the Coalition.”

436. In its Assessment of 19 February 2003, the JIC stated that: “Reporting has previously indicated that the regime is concerned about a Shia uprising in the South after the outbreak of hostilities.” Recent reporting had confirmed its judgements that the Shia would be:

“... cautious in opposing Saddam until they see the regime is finished and its capability to retaliate is substantially weakened. The experience of 1991 will be a major influence ... Even if the initial severity of any Coalition attack makes clear that the regime is finished, the Shia may still fear what the regime could do to them in its dying days ... Overall we judge **there will be no immediate, unified Shia response to a Coalition attack.**”

437. The Assessment stated that:

“Given the Shia in southern Iraq have borne the brunt of regime oppression since 1991, there is a high probability of revenge killing of Ba’ath officials, both Sunni and Shia. This could be particularly widespread and bloody, if the regime collapses quickly and few Ba’ath officials have the chance to escape ... the extent of any further breakdown of law and order is difficult to predict. But there will be large numbers of armed groups and some potential for tribal score settling ... Overall there is a risk of a wider breakdown as the regime’s authority crumbles. There are no indications ... of Shia preparations for an all-out civil war against Sunni Iraqis.”

438. The JIC also assessed:

“We know very little about the Iraqi Shia. [...] they are not politically organised above the local, tribal level and there are no clear candidates for overall Shia leadership. They are very diverse, straddling the urban/rural and secular/Islamist divides. They have had little opportunity to discuss their preferred political arrangements. Shia politics post-Saddam therefore look highly unpredictable.”

439. In relation to Iraq’s response, the Assessment stated that there was:

“... no conclusive intelligence on Iraqi plans but they could:

- defend oil wells against attack;
- set fire to them to stop production, cause pollution and disrupt Coalition Forces; and
- cause long-term, possibly irreparable, damage to prevent others from benefitting from future production.

“The potential environmental disaster, coupled with the possible use of CBW ... could cause widespread panic and contamination. This could result in hundreds of thousands of displaced persons and refugees, many needing immediate help.

“... [I]nterruption of food supplies ... could boost the number of refugees and displaced persons throughout Iraq ... Tackling such problems in southern Iraq will

be complicated by possible CBW contamination ... The UN will be particularly badly placed if a humanitarian disaster occurs in the South while fighting continues in close proximity.”

440. The points in the Assessment on the post-Saddam Hussein political and security landscape are set out in Section 6.5.

441. The Assessment also warned that: “The establishment of popular support for any post-Saddam administration cannot be taken for granted.” The factors that could undermine it included:

- “damage to holy sites”;
- “major civilian casualties”;
- “heavy-handed peace enforcement”; and
- “failure to rapidly restore law and order”.

442. In an Assessment issued on 26 February of how Iraq would respond in northern Iraq to a Coalition attack, the JIC judged:

“The Iraqi regime would be willing to use CBW against the Coalition and the Kurds.”¹⁵⁴

443. The Assessment made clear that that judgement was a continuation from earlier Assessments.

444. The International Institute for Strategic Studies (IISS) published an Adelphi Paper,¹⁵⁵ *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*, in January 2003.¹⁵⁶ It included a number of contributions addressing what might happen in the event of a military invasion of Iraq which had originally been prepared for a one-day workshop, ‘Iraqi Futures’, held in October 2002.

445. Key points which were raised in relation to a military invasion of Iraq are set out in the Box below.

¹⁵⁴ [JIC Assessment, 26 February 2003, ‘Iraq: Prospects in the North’](#).

¹⁵⁵ The IISS website describes the Adelphi series as “the principal contribution of the IISS to policy-relevant original research on strategic studies and international political concerns”.

¹⁵⁶ Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.

Iraq at the Crossroads: State and Society in the Shadow of Regime Change

Mr David Ochmanek, a senior analyst at RAND and a former member of the US Air Force and a Deputy Assistant Secretary of Defense for Strategy in the Pentagon from 1993 to 1995, concluded that a robust invasion force would be needed because Saddam Hussein's troops were "unlikely to crack unless faced with an overwhelming adversary".¹⁵⁷

Dr Toby Dodge, a Research Fellow at the ESRC Centre for the Study of Globalisation and Regionalisation, University of Warwick, wrote that the Iraqi regime had sacrificed the military efficiency of the Iraqi armed forces to ensure they did not pose a threat to Saddam Hussein's continued rule. That meant that although conventional military opposition to an invasion might be short lived, a coup launched against the regime from within the security services would happen, if at all, in the final moments of any war. The military campaign would be fought in the cities of Iraq, primarily Baghdad, against a background of intense media coverage.

Dr Faleh A. Jaber, an Iraqi sociologist based in London, argued that the Iraqi Army might react in ways comparable to 1991 with sections opting for mutiny, some surrendering and others fighting to defend the Government. A coup was unlikely unless the US succeeded in attracting a considerable segment of the "ruling tribal alliance" to its side.

In a separate essay, Dr Jaber concluded that, in the light of the inherent weakness of organised political parties in the South, the response to an invasion could range from sustained, organised or disorganised rebellions to mob-like violence or gangster-like retribution. That would help bring Ba'athist rule to an end, but could also bring forward unfettered chaos.

Several contributors to the Adelphi Paper warned of the potential for violent disorder in post-conflict Iraq (see Section 6.5).

446. Mr Blair read the Adelphi Paper in mid-February and asked a number of questions, including:

- “• What is our military's assessment of the likely consequences of an attack on Iraq; ie how many casualties; how quickly the collapse?
- Why do we not think the SRG [Special Republican Guard] will dig in, inside Baghdad and fight a guerrilla campaign?
- What is the prospect of a pre-emptive BW or CW attack on our troops in Kuwait, and are we certain we are adequately prepared and our troops protected?
- Why will the 2,000 key individuals and the 26,000 SRG personnel ... not fight to the death, given the hatred of them by ordinary Iraqis?”¹⁵⁸

¹⁵⁷ Dodge T & Simon S (eds). *Iraq at the Crossroads: State and Society in the Shadow of Regime Change*. IISS Adelphi Paper 354. Oxford University Press, January 2003.

¹⁵⁸ [Letter Rycroft to McDonald, 20 February 2003, 'Iraq: Political and Military Questions'](#).

447. Mr Blair’s questions about post-conflict issues, including how to prevent the Shia “rising up to take over from the Sunnis”, are addressed in Section 6.5.

448. In its response on 24 February, the MOD advised that the US plan was to achieve “overwhelming effect very early in the campaign” and to dislocate the regime (by decapitating command and control and disrupting communications), supported by the deployment of ground forces into Iraq and their move “towards Baghdad”.¹⁵⁹ The MOD stated that, apart from the practical consequences of those elements of the plan, they should “remove any doubt in Iraqi minds about the Coalition’s determination to remove the regime”. It was “therefore possible that the regime will collapse ... in the first few days. Nonetheless it is impossible to predict ... and US planning assumes up to 125 days of decisive ground operations”.

449. The SRG would be “the final line of defence in inner Baghdad ... [and] may have tactical control of CBW within the city”. Security elements close to the regime might “fight until their position becomes untenable”. Lack of training and the attitude of the population might “mitigate the SRG’s ability to mount a protracted guerrilla campaign”. There were fewer SRG personnel in Baghdad than the Adelphi Paper estimated; and “their capability to mount any form of organised resistance ... is minimal”.

450. Iraq retained “the capability (through a variety of means) pre-emptively to deliver CBW against Coalition Forces in Kuwait. The question is one of intent.” There was “no intelligence” to indicate that the regime was “currently planning a pre-emptive strike”. In the MOD view, that was “highly unlikely whilst Saddam believes war can be averted”. If he was convinced that war was “inevitable and imminent”, that “might make a pre-emptive move more attractive” but it was “more likely that Saddam would deploy CBW after the onset of the campaign”. The planned levels of Nuclear Biological Chemical (NBC) defence equipment “should enable all troops to withstand initial BW or CW attack” (see Section 6.3).

451. On the potential number of casualties, the MOD stated:

“This question is easier to ask than to answer. Casualty estimation is an imprecise and contextual process, requiring a significant number of assumptions to be made for it to take place at all. Whilst the range of outcomes of a specific engagement in which both sides choose to fight may be predicted with reasonable confidence, forecasting which engagements will take place, in what sequence and under what conditions is much less certain.”

452. The MOD explained that it was harder still to take account of low-probability, high-impact events, such as a successful chemical or biological attack. In the worst foreseeable case, a surprise chemical attack could result in up to 100 individuals being killed and over 200 needing medical treatment.

¹⁵⁹ [Letter Watkins to Rycroft, 24 February 2003, ‘Iraq: Political and Military Questions’.](#)

453. Estimates of potential UK casualties from a ground campaign, excluding Special Forces casualties and casualties incurred through fighting in urban areas, were between 30 and 60 individuals killed and between 120 and 200 individuals wounded.

454. The total Iraqi land battle casualties were assessed as “in the order of 500-1,200 killed and 2,000-4,800 wounded”. Detailed assessments of likely casualties from the air campaign, including civilian casualties, could only be made on a “target-by-target” basis and this work was “in hand”. The MOD stated:

“Iraqi civilian casualties from anything other than the air campaign are likely to be relatively few, unless Coalition Forces become engaged in fighting in urban areas.”

455. The MOD estimates were based on assumptions that:

- Iraqi forces would not suffer a rapid, total collapse at the start of the campaign;
- the campaign would last 30 days; and
- the US and UK operational plans did not change in any significant way.

The Red Team

On 15 January, Mr Hoon had asked for work on predicting Saddam Hussein’s possible responses to military action to be taken forward in the context of a comprehensive “red teaming” of the military plan to identify all conceivable risks to its success.

The “Red Team” was established within the Defence Intelligence Staff (DIS) and was led by Major General Andrew Ridgway, the Chief of Defence Intelligence (designate).¹⁶⁰ Its purpose was:

“... to provide COS [Chiefs of Staff] and key planners within the MOD and Whitehall with an independent view of current intelligence assumptions and key judgements, to challenge if appropriate and to identify areas where more work may be required.”

Papers were copied to the Chiefs of Staff, PJHQ, the MOD, the FCO, the IPU and the JIC. There is no evidence that they were seen in No.10.

The first Red Team report was issued on 28 February.¹⁶¹ Its key judgements drew heavily on earlier JIC Assessments and included:

- the need for Coalition Forces to assume immediate responsibility for law and order to avoid other forces stepping into an internal security vacuum;
- that most Iraqis would initially view the Coalition as a liberating force, but support was likely to erode rapidly if the interim administration was not acceptable to the population and it could not see a road map towards a pluralist, representative Iraqi-led administration; and

¹⁶⁰ Minute MOD [junior official] to APS2/SofS [MOD], 25 February 2003, ‘Iraq: Red Teaming in the DIS’.

¹⁶¹ [Minute PS/CDI to APS2/SofS \[MOD\], 28 February 2003, ‘Iraq Red Team – Regional Responses to Conflict in Iraq and the Aftermath’ attaching Paper, DIS Red Team, ‘Regional Responses to Conflict in Iraq and the Aftermath’.](#)

- the risk of creating fertile ground for Al Qaida, which could deliberately cause civilian casualties to undermine the establishment of a representative Iraqi-led administration.

The report stated that Al Qaida:

“... seeks removal of Western presence/influence from the Gulf and wants to see the US/UK operation go badly. AQ are currently in some disarray but will wish to take the opportunity presented by the US/UK operation to re-establish credibility and encourage widespread anti-Western activity in the region. However:

- Initially AQ shared a common goal with the Coalition: regime change. Once completed, goals will diverge rapidly and UK/US forces will present a rich target for terrorist attack.
- AQ feared the establishment of a pluralist, representative Iraqi government as it undermines their argument that Muslims can only achieve self-determination in a unitary Islamic theocracy. They could deliberately cause civilian casualties to undermine the Coalition’s position.”

Debate on the UK role in combat operations

456. By 21 February, HQ 1 (UK) Div and 3 Commando Brigade were fully deployed and at full operating capability and 16 Air Assault Brigade was expected to be deployed within days.

457. Discussions had begun with the US about a more substantial role for 7th Armoured Brigade, which was expected to be fully deployed in Kuwait by 10 March.

458. The MOD provided No.10 with an update on military preparations on 21 February.¹⁶² It stated:

- The National Contingent HQ was fully deployed in Qatar and at full operating capability.
- The Maritime Contingent Commander and his staff were deployed in Bahrain. All ships were at sea, mostly in the Gulf.
- HQ 1 (UK) Div was fully deployed in Kuwait and was at full operating capability. Its support elements would not reach full operating capability until ships transporting elements of equipment arrived in theatre in early March.
- The deployment of 3 Commando Brigade was complete, with all units at full operating capability.
- The deployment of 16 Air Assault Brigade to Kuwait was due to be completed “within the next couple of days”.

¹⁶² Minute Williams to Manning, 21 February 2003, ‘Iraq: Update’ attaching Paper [undated], ‘Iraq: Defence Update 21 Feb 03’.

- The “main body” of 7 Armoured Brigade personnel was expected to arrive in Kuwait between 25 February and 10 March. An initial capability of two armoured battlegroups would be complete in theatre by 3 March, with the “vast majority” of their equipment in place by 9 March. They would have full operating capability by 20 March.
- Deployment of aircraft had “only just begun”.

459. The MOD wrote that “the precise timing of the commencement of the land campaign” had not been finalised. Land operations were expected to begin in “the first few days” of the campaign.

460. While the overall US plan remained as briefed to Mr Blair, its details might “yet develop in important ways”. Much of that revolved around timings; if the current uncertainty over the deployment of US land forces through Turkey was not resolved, it could “require changes to the plan in the South to compensate for lack of ‘Northern effects’”.

461. The latest “in a succession of US deadlines for Turkish agreement” on land forces was 22 February, “after which (they say) they would send their 4th Infantry Division south”.

462. The US was “looking at a number of variations on the current plan”. If implemented, those might give UK forces “(particularly 7 Armoured Brigade) a more substantial role than under the current plan”. The MOD stated:

“No commitment to any changed plan will be given to the US, even in principle, without Ministerial approval.”

463. The MOD wrote that Saddam Hussein remained focused on averting a US attack and it was only once he had determined that was “unavoidable and imminent” that he would consider pre-emptive options. Saddam Hussein currently had the capability to pre-emptively:

- Militarily re-occupy the Kurdish Autonomous Zone within 72 hours. A humanitarian crisis would result.
- Mount a limited CBW strike on Coalition Forces/civil populace of Kuwait. In the very worst case this could be effected within hours of a decision to do so.
- Mount a limited CBW strike on regional neighbours (most likely Israel). Again in the very worst case this could happen within hours of a decision.”

464. The MOD’s ability to provide “unambiguous intelligence” warning of those events would be minimal.

465. The MOD was content that the current draft of campaign objectives offered “a coherent basis for UK participation” but recognised that a legal basis for the use of force was needed before the objectives could come into effect. It also required

Lord Goldsmith's endorsement of the MOD's assessment that the US military plan represented minimum use of force, and a handling plan for announcing the objectives.

466. Gen Franks told Mr Blair that he expected the conflict to be over in weeks rather than months.

467. Mr Blair stated that there was a need for a strategy that destroyed the regime but minimised civilian casualties.

468. Mr Blair met Gen Franks on 25 February.¹⁶³ Mr William Farish, US Ambassador to the UK, Mr Powell, Sir David Manning and Adm Boyce were also present.

469. Gen Franks told Mr Blair that threats came, in ascending order, from:

“... the Iraqi Army, which would offer little resistance; the Republican Guard, located between 25 and 100 km from Baghdad; and the Special Republican Guard (SRG) stationed in downtown Baghdad to defend the regime itself. In Baghdad, there were the highest risks of collateral damage and civilian casualties, including those caused by the use of human shields.”

470. Gen Franks told Mr Blair that any campaign against Iraq would be “over in weeks rather than months” and that “the force available was equal to the task”. Resources were “robust and capable in the west and south, and in the air, and information management was getting better”. The northern front was problematic “because of the Turks”.

471. Mr Blair asked if Gen Franks had “any idea” of the scale of likely civilian casualties and “underlined our preference for a short conflict”.

472. Gen Franks replied that:

“... during the 43 days of the Gulf War, 3,300 targets had been attacked. Plans for this campaign envisaged attacking 1,500 targets in the first 96 hours. Some 11 percent of weapons did not hit their precise target. So we must expect some civilian casualties. But the intensity of the initial attack was key to reducing the duration of the conflict.”

473. Gen Franks said that dual-use facilities, where civilians worked alongside military personnel, “were a real problem”; they raised the risk of civilian casualties and the destruction of infrastructure that could delay reconstruction.

474. Adm Boyce stated that civilian casualties were likely to be in the “low hundreds”. Gen Franks stated that ways to minimise civilian casualties were being explored.

475. Mr Blair concluded that “we must set out our strategy: to destroy the regime but minimise civilian casualties”.

¹⁶³ Letter Cannon to Owen, 25 February 2003, ‘Iraq: Prime Minister’s Meeting with General Franks’.

476. There was also a discussion about the role of the UN in a post-Saddam Hussein administration (see Section 6.5.)

477. When Mr Hoon met Gen Franks, he stated that the UK was keen for a serious and substantial role for UK forces.

478. Gen Franks told Mr Hoon that it was “not yet necessary to clarify the final plan”. He “understood the strategic requirement for a UK profile”.

479. The same day, Gen Franks had attended a working breakfast hosted by Adm Boyce and briefed the Chiefs of Staff.¹⁶⁴ Sir David Manning, Sir Richard Dearlove and Mr Watkins were also present.

480. Mr Watkins sent a record of the meeting to Mr Hoon (who was due to meet Gen Franks in Qatar on 26 February), stating that Gen Franks had said the US would “make the call on Turkey tomorrow” and that while the ability to deploy “heavy armour” from the North would have been helpful, it was not critical.

481. Mr Watkins advised Mr Hoon to press Gen Franks on the precise utilisation of UK forces in Phase III (the conflict phase of operations): “Politically and constitutionally, Ministers need to know this and in good time.”

482. Mr Hoon and Air Marshal Brian Burridge, UK National Contingent Commander (NCC), met Gen Franks in Qatar on 26 February.¹⁶⁵

483. The record of the meeting reported that there was a chance to get a northern option in place through the Parliamentary process in Turkey, but sadly the Parliamentary debate had been suspended.

484. Gen Franks had said there were now 195,000 US troops in the region and, when that figure rose to 250,000 in mid-March, he would be ready to support any “policy decision”.

485. Gen Franks believed that it would “be possible to reach an agreement” on targeting. He recognised the difficulties associated with dual-use targets but there could be “serious military consequences” if they shied away from some of the communication facilities. Mr Hoon explained he would have “no problem clearing the targets where there was a definite military advantage”.

486. Mr Hoon had noted the “proportionally very significant investment which the UK had made to the force build up” and “was keen for a serious and substantial role for British forces”.

¹⁶⁴ Minute Watkins to Secretary of State [MOD], 25 February 2003, ‘Meeting with General Franks: 26 February’.

¹⁶⁵ Minute Williams to DG Op Pol, 27 February 2003, ‘Secretary of State’s Call on General Franks (CENTCOM) – 26 February 2003’.

487. Gen Franks had said that “the British forces with whom he had talked had made this clear to him”. There were a variety of roles which could be assigned to units under his command and “it was not yet necessary to clarify the final plan”. He would be in a better position to do so in seven to 10 days (5 to 8 March).

488. Mr Hoon asked whether the UK role would only be determined after offensive action had started. Gen Franks said that was not the case but he had to have early flexible options in case there was a requirement to move before the armour was ready. He “understood the strategic requirement for a UK profile in any operation”.

489. On 28 February, Mr Hoon’s Private Office sent Sir David Manning an update on military planning.¹⁶⁶ With respect to post-conflict operations, it warned that the UK was “currently at risk of taking on a very substantial commitment” that it would have “great difficulty in sustaining beyond the immediate conclusion of conflict”. That is addressed in detail in Section 6.5.

490. On 4 March, Lt Gen Reith advocated an expanded combat role for UK forces to the Chiefs of Staff.

491. On 4 March, Lt Gen Reith sent the Chiefs of Staff two papers setting out proposals for employing UK land forces on combat missions with or without “a dedicated ‘UK box’” based on “the agreed 1(UK) Div AO”.¹⁶⁷

492. Lt Gen Reith explained that a “UK box” would “allow UK forces to move first in a ground offensive and thereby set the conditions for the ‘exemplary performance’ in Phase IV”, but US resistance to the creation of a UK box would “probably only be overcome by high level intervention”.

493. Lt Gen Reith asked the Chiefs of Staff whether, in those circumstances, he should “explore integration of UK niche elements into US planning on a task, time and space limited basis”, or whether “the ‘exemplary performance’ for Phase IV should override opportunities to make a significant contribution to Coalition Phase III operations”.

494. In the first of the two papers, Lt Gen Reith set out:

- 1 (UK) Div’s mission was likely to be “to attack to defeat enemy forces within boundaries, secure key oil infrastructure and seize Umm Qasr port to prevent or mitigate environmental disaster and enable humanitarian operations”. Subsequently the UK division would relieve US forces to support their rapid movement north.

¹⁶⁶ Letter Williams to Manning, 28 February 2003, ‘Iraq: Military Planning and Preparation’ attaching Paper [unattributed], 28 February 2003, ‘Iraq: Military Planning Update – 28 February 2003’.

¹⁶⁷ Minute Reith to COSSEC, 4 March 2003, ‘Op Telic Employment of UK forces’ attaching Paper CJO, 3 March 2003, ‘Op TELIC Land Options for 1(UK) Armoured Division – Update’ and Paper CJO, 4 March 2003, ‘Op TELIC Land Options for 1(UK) Armoured Division – Alternative Options’.

- 3 Commando Brigade would seize the oil infrastructure on the al-Faw Peninsula, Umm Qasr port, and set the conditions for Coalition mine countermeasures operations and the clearance of the Khawr Abd Allah waterway.
- 16 Air Assault Brigade and 7 Armoured Brigade would relieve US forces: 16 Air Assault Brigade would assume responsibility for the security of the Rumaylah oilfields and 7 Armoured Brigade would be responsible for the isolation of Basra, securing az-Zubayr, and the protection of oil infrastructure within its boundaries.
- Security of Basra International Airport and Basra itself were described as “be prepared to” tasks.

495. Lt Gen Reith commented:

“Critically, this plan only really sees 3 Cdo Bde being committed to combat operations with the net effect ... that the balance of the UK land element may be largely involved in Phase IV operations unless there is some form of egress from Basra or movement to the south or west by 6 Armd Div [Iraqi forces].”

496. Lt Gen Reith summarised that the plan:

“... probably doesn’t appropriately reflect the level of our commitment of ground forces. Moreover, the whole issue of teeing soldiers up for combat operations must, potentially, be difficult on the basis of the tasks currently on offer for 7 and 16 Bdes. In other words, whilst the task is eminently manageable, it probably represents, for the Army, a poor return, militarily, on the forces committed.”

497. Lt Gen Reith addressed the advantages and disadvantages of “UK ownership of its full AO from the start”. Under the existing Base Plan, the UK AO would expand into space vacated by US forces as they moved north and UK forces would not be able to shape their own Phase IV AOR. Lt Gen Reith explained that one of the contingency plans already worked up by the Land Component Command (LCC) assumed full UK ownership of its AO from the start. It would see all three UK brigades “potentially being committed to combat operations and being responsible for defeating all enemy forces ... This plan also allows UK forces to shape the AO in Phase III for Phase IV by employing an appropriate balance of kinetic and non-kinetic effect.”

498. Lt Gen Reith concluded: “There can be no doubt at all that this represents a far better option for UK forces than the Base Plan”.

499. In the second paper, Lt Gen Reith explained that his forthcoming meetings with Lt Gen McKiernan and others would “almost certainly be the last chance that the operational commanders will have to discuss the plan face to face before ground operations commence”. US commanders were likely to press him on UK land contributions beyond the provisions in the Base Plan.

500. Lt Gen Reith put forward two options:

- “National focus with limited operational exposure.” The Base Plan, involving “operations within the AO as presently defined, concentrating on making the early transition from Phase III to Phase IV, with an end state defined as ‘exemplary performance’ in Phase IV within Basra region”. One advantage of the Base Plan was that it preserved UK combat power “for the major Phase IV task in the AO (Basra, for example is a city of 1.5m people and may not be a benign environment)”.
- “Coalition focus with unconstrained operational exposure.” This approach reflected a number of contingency plans (CONPLANS) in different stages of development and involved “selective deployment of UK formations where their capabilities are most efficiently used, consistent with the requirement to service the Basra AO”. Among the disadvantages of this approach was a reduction in the number of troops available for Phase IV operations in the UK AO, which “may impact on our ability to produce exemplary early effect during Phase IV”.

501. Lt Gen Reith concluded:

“US commanders are likely to press on branch planning and UK land contributions beyond the provisions of the Base Plan.

“The situation is changing: the potential for a UK Box remains my aspiration but is in practical terms receding ...

“In discussing the campaign, and subject to their [the Chiefs of Staff] agreement, CJO [Chief of Joint Operations, Lt Gen Reith] will balance the desire to husband our land forces for Phase IV in our own AO, against the possible Coalition requirement to take a greater part of the Phase III effort, with the risks this implies in terms of the ease with which we transition to Phase IV.”

502. The Chiefs of Staff discussed the papers on 5 March.¹⁶⁸ They rejected the proposal for a UK box.

503. In Lt Gen Reith’s absence, Maj Gen Fry sought guidance from the Chiefs of Staff on offering “UK ‘niche’ contributions beyond the provisions of the Base Plan” in the context of the requirement to deliver an exemplary Phase IV.

504. The Chiefs of Staff noted that until the arrival of US 4th Infantry Division, the UK would be providing “a disproportionately high percentage of the combat power in the South and that it would disadvantage the Coalition campaign to ring-fence UK land forces in a national boundary”. A more flexible approach would be needed and a “balance had to be struck between achieving closure to Phase III and the delivery of an ‘exemplar’ Phase IV”.

¹⁶⁸ Minutes, 5 March 2003, Chiefs of Staff meeting.

505. Adm Boyce directed Lt Gen Reith to “push for a ‘niche’ role for the UK ... and make it clear that the UK was ready to be asked to contribute further in order to exploit any operational opportunities that arose during the campaign”, subject to US logistics support and assurances that UK forces would be “relieved-in-place” as soon as possible for Phase IV activities in the South.

506. Discussing a draft of a Ministerial note on Phase IV operations, the Chiefs of Staff noted that delivering an exemplary Phase IV required “the concomitant resources and OGD [Other Government Departments] commitment”. Adm Boyce stressed that Phase IV could not be delivered by military activity alone.

507. Adm Boyce directed that the Ministerial note should include indicative numbers to give a better understanding of what was being provided in terms of medium scale and large scale commitment. The minutes recorded:

“It was also important to emphasise that MOD commitments should be guided by DPAs [Defence Planning Assumptions], which provided for large scale up to 6 months. Medium scale was to be considered a divisional HQ plus a bde [brigade] of troops. Undertaking such an operation for longer would break harmony guidelines and was likely to lead to the Department’s failure to meet its PSA [Public Service Agreement] targets.”

508. The MOD advised Mr Blair on 6 March that the UK might play additional “cutting edge” roles in combat operations.

509. On 6 March, Mr Watkins informed Sir David Manning that the MOD’s assumption that UK land forces would “hold ground behind the advancing US formations” had been “overtaken by events”.¹⁶⁹ The “continuing impasse over Turkey” could result in the UK playing “additional ‘cutting edge’ roles”.

510. Both 3 Commando Brigade and 16 Air Assault Brigade had achieved their full operating capability and 7 Armoured Brigade was expected to do so “by about 18 March”. Although the timing of the start of military action remained uncertain, “a sizeable proportion of the UK land package” was now likely to be in a position to participate in combat operations from the start of the ground campaign.

511. Mr Watkins wrote:

“As a result, 1(UK) Div is now likely to represent a higher and more significant proportion of the overall combat power available in the early stages of the ground campaign.”

512. Mr Hoon and the Chiefs of Staff judged that “it would not be wise at this late stage to seek a major revision to the US plan”, but that it could make better use of some of the

¹⁶⁹ [Letter Watkins to Manning, 6 March 2003, ‘Iraq: Options for Employment of UK Land Forces’.](#)

niche capabilities in 1 (UK) Div. Mr Hoon had agreed that the UK should encourage US commanders to identify a niche role.

513. The US was looking at a number of variations to its plan, including involving 7 Armoured Brigade in “decisive manoeuvre operations beyond south-eastern Iraq” and “possibly in a decisive phase around Baghdad”. That would raise a number of issues, including for post-conflict operations:

“At the beginning of Phase IV ... operations, 1(UK) Division would initially find itself spread across two different areas at once. While 7 Armoured Brigade was engaged in combat operations around Baghdad, 1(UK) Division would have only its two light brigades available to deal with any immediate problems in south-eastern Iraq. At the very least we would need US assurances that they would facilitate rapid re-adjustment at the earliest opportunity, to allow 7 Armoured Brigade to rejoin the rest of 1(UK) Division.”

514. Mr Watkins explained that Mr Hoon and the Chiefs of Staff had therefore agreed that the UK “should not actively seek this sort of wider role, but that we should be prepared to consider any unsolicited US requests on their merits”. The MOD would produce further advice on the outcome of discussions with the US, but warned it was likely that “decisions may need to be made very rapidly”.

515. In early March, Lt Gen Reith discussed the expansion of the UK combat role with US commanders. He continued to advise the Chiefs of Staff to extend the UK AO.

516. Lt Gen Reith visited the Middle East from 5 to 7 March where he discussed optimising the use of 1 (UK) Div combat power “in some detail” with General John Abizaid, Gen Franks’ Deputy Commander (Forward), and then with Lt Gen McKiernan.¹⁷⁰

517. The record of the visit stated that Lt Gen Reith “offered” two options for UK forces to play a role in later operations:

- using 7 Armoured Brigade to provide additional combat power to either 1 MEF or 5 Corps in their advance on Baghdad; or
- 16 Air Assault Brigade to be deployed forward by air to the Baghdad area to “assist in developing stability in case of sudden regime collapse”.

518. A manuscript note on Maj Gen Fry’s copy of the record stated:

“CDS was most unhappy ... COS [Chiefs of Staff] & SofS [Secretary of State] riding instructions were to not offer anything outside the UK AO but be receptive to requests (‘request mode rather than push mode’). CDS wanted to talk to CJO

¹⁷⁰ Minute Dutton to PSO/CDS, 7 March 2003, ‘CJO Visit to Middle East 5-7 Mar 03’.

[Lt Gen Reith] immediately – but will close the loop on Saturday [8 March]. In the meantime this note is being kept away from Ministers’ offices.”¹⁷¹

519. General Sir Mike Jackson, Chief of the General Staff, visited UK forces in Kuwait between 6 and 8 March and was involved in Lt Gen Reith’s discussion with Lt Gen McKiernan.¹⁷²

520. In his report to Adm Boyce, Gen Jackson offered two observations on the Phase III plan:

- that the UK’s “limited role” was “by no means ideal given the considerable capabilities” inherent within 1 (UK) Div; and
- “just how little combat power the US have on the ground” now that 4th Infantry Division could not deploy in time to influence the outcome. “Holding a little under one third of the available coalition armour, 1 (UK) Armoured Division has combat power that may prove decisive for operations around Baghdad.”

521. Gen Jackson added that it was for that reason that US forces had “made very clear their wish” to use 7 Armoured Brigade for subsequent tasks. That would be discussed at the Chiefs of Staff meeting that week.

522. On what might happen after combat operations, Gen Jackson wrote:

“... I judge that, realistically, it will be some time before Coalition partners join US and British forces in any real strength, if at all. I draw two conclusions from this: first, that as much as possible of Iraq’s administrative and military structure should be preserved; and second, that we should beware rapid US drawdown on the American assumption that UK (perhaps through the ARRC) will form the focus for an international force that in the event fails to materialise.

“... GOC 1 Div [Maj Gen Brims] made it clear to me that in clarifying his role in Phase IV, he needed simply to know what his title was, to whom he would be responsible, and how quickly a civil administrator would be appointed. While he judges that Basra has adequate short-term food stocks, it will urgently need water, electricity and medical supplies ... Only the ICRC has humanitarian stocks in position ... there was little confidence within 1 Div that DFID has a coherent plan in place. I support GOC 1 Div’s intent to manage Phase IV with as light a touch as possible, but it will be important to establish the rule of law quickly – the question, as in Kosovo, will be whose law?”

523. Gen Jackson concluded:

“We are ready not just to demonstrate solidarity with our Coalition partner, but to contribute considerable and potentially decisive combat power to achieve rapid

¹⁷¹ Minute MA/CJO to PSO/CDS, 7 March 2003, ‘CJO Visit to Middle East 5-7 Mar 03’.

¹⁷² [Minute CGS to CDS, 10 March 2003, ‘CGS Visit to Op TELIC’.](#)

success in Phase III. Rapid success will set the conditions for Phase IV, which in turn will determine the overall success of the enterprise.”

DEVELOPMENT OF PHASE IV PLANNING

524. On 6 March, Mr Blair chaired the first Ministerial meeting convened solely to address humanitarian and other post-conflict issues.

525. Officials recommended that the UK should not seek responsibility for general administration of a geographical area of Iraq in the medium term and pressed Ministers to take an urgent decision on the issue.

526. No decision was taken.

527. After Cabinet on 6 March, Mr Blair chaired a meeting on post-conflict issues with Mr Brown, Mr Hoon, Ms Clare Short (International Development Secretary), Baroness Symons (joint FCO/DTI Minister of State for International Trade and Investment), Sir Michael Jay (FCO Permanent Under Secretary) and “other officials”.¹⁷³

528. The annotated agenda and the meeting are described in more detail in Section 6.5.

529. With the invasion possibly only weeks away, the IPU explained that US and UK planning assumed that, in the “medium term after the conflict”, Coalition Forces would be “re-deployed into six or seven geographical sectors in order to provide a secure environment for the civil transitional administration to conduct humanitarian assistance and reconstruction work”. The US expected the UK Division in Iraq to be responsible for a geographical sector, which would be very expensive and carry wider resource implications. The UK Division would probably be based in or near Basra, with the size of its AOR depending on a number of factors, including the permissiveness of the environment and the size of the Division in relation to the rest of the Coalition.

530. The annotated agenda stated:

“Ministers need urgently to take a view on this before the military planning assumptions become a fait accompli.”

531. The questions Ministers were asked included:

- To choose between options for a medium-term post-conflict military presence. The Chiefs of Staff believed it would be necessary to reduce the UK’s military contribution from about 45,000 to 15,000 in the “medium term (by the autumn)” to “avoid long term damage to the Armed Forces”. At the same time, the US expected the UK to contribute forces “for the security of a geographic area ... over the medium term”. The IPU considered it “reasonable to assume that a

¹⁷³ [Letter Cannon to Owen, 7 March 2003. ‘Iraq: Post-Conflict Issues’.](#)

brigade should be able to manage a single, well-populated province” the size of Basra, but there were four options available:

- a brigade responsible for security in a single province;
 - a UK divisional headquarters could take responsibility for security, under Coalition command, in a wider area of Iraq (US planners envisaged Basra, Maysan, Dhi Qar and Wasit being a single sector), supported by Coalition partners, which, the paper recognised, could be difficult to find;
 - deployment of the ARRC in addition or as an alternative to a brigade; or
 - withdrawal of all forces in the medium term, although it was warned that would be politically difficult.
- Whether to follow the US plan, which had to be right, to administer Iraq as a whole and not seek general UK responsibility for the administration of any geographic area in the medium term. In any area where the UK took responsibility for security, it could, with a UN mandate, also take on wider responsibility for reconstruction (including humanitarian assistance and aspects of civil administration), but that would “very likely be beyond the resources of the UK alone and have implications for domestic Departments”.

532. MOD advice to Mr Hoon was explicit about the inadequacy of those preparations.

533. The MOD briefing for Mr Hoon stated:

“... any UK involvement in the administration of post-conflict Iraq will necessarily require a significant civilian administrative and specialist component; this component has not yet been identified or resourced by OGDs. **This is the key issue.**

The success of civil administration will be essential to Iraq’s long term future. The UK military cannot do this on their own.

“... [T]he current Defence Planning Assumption is that UK forces can only sustain large scale operations for a period of six months without doing long term damage to capability. This implies that UK forces reduce to a medium scale (i.e. roughly one brigade) post-conflict TELIC commitment.

“... US planning is currently tending to assume UK involvement in Phase IV at a level that is the maximum, if not higher than, that we can sustain. **If Ministers wish to set limits on the UK’s Phase IV contribution they should be set now so that US planning can be adjusted ...**

“... [A]s US planning stands, the UK will need substantial support from other nations. There are no arrangements yet in place formally to gather such support. Such support will be largely contingent on a *suitable* second/third UNSCR and a UN mandate for the occupation of Iraq. The FCO need to build on their recent ‘market

survey' to identify candidates and persuade them to shorten the time it will take them to deploy."¹⁷⁴

534. Possible levels of UK commitment to Phase IV were set out in an annex:

- i. **Maximum payoff (and maximum cost):** Tackle a problem area (eg Basra) with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector. HQ ARRC taking on the CJTF(I) role early for six months. UK involvement (but not military) in a reconstruction pillar. This would be contingent on US burden sharing ...
- ii. **Regional (+):** The SE Sector with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector. No HQ ARRC but UK involvement (including military) in a reconstruction pillar and a significant staff contribution to CJTF-I.
- iii. **Regional:** The SE Sector with a UK two-star lead (subsequently becoming a multinational HQ). A UK Brigade in the SE sector.
- iv. **Regional (-):** A UK Brigade in the SE sector – not UK led. UK involvement (including military) in a reconstruction pillar.
- v. **Regional (- -):** A UK Brigade in the SE sector – not UK led."

535. Mirroring the urgency expressed in the IPU Annotated Agenda, the MOD warned that, in the absence of settled UK policy on the scale or duration of the UK contribution to post-conflict Iraq, that contribution risked being determined "by decisions being taken by CENTCOM now".

536. The MOD identified a number of specific concerns, including:

- US plans envisaged the UK having responsibility for security in one of seven sectors. The UK had neither agreed formally nor challenged the US assumption. Nor had other departments scoped what non-military UK contributions could be sustained. The UK was "currently at risk of taking on an unsustainable task if there is no further Coalition contribution to the occupation of Iraq".
- If the UK did lead a military sector, there was a risk of the UK military being "intimately involved" in the civil administration, "not a role they would seek". There was "a pressing need to identify civil capacity across the international civil admin effort, including to support civil administration in a UK military sector".
- The UK was "carrying some risk of early humanitarian assistance failures in the UK AO".

¹⁷⁴ [Minute Sec\(O\)4 to PS/Secretary of State \[MOD\], 6 March 2003, 'Iraq: Aftermath – Medium to Long Term UK Military Commitment'](#).

537. The policy considerations included:

- the degree to which the UK wanted to stand “shoulder to shoulder” with the US – “a fundamental political judgement ... where are the UK’s red lines?”; and
- the UK’s attitude to the future of Iraq. “Does the UK wish to become intimately involved in reconstruction and civil administration? This is not a military task ... but it will both affect and be affected by the level of military engagement. It will also have significant resource implications, across government.”

538. The briefing concluded with a section on the worst case scenario:

“Much of the above is predicated on best-case assumptions for the progress of a conflict (swift, short and successful), the condition of Iraq post-conflict (infrastructure not greatly damaged by fighting, limited internecine conflict) and the degree of international buy-in with civil and military resources, including cash (considerable and UN endorsed). The Secretary of State may wish to take the opportunity of this meeting to remind his colleagues that there is at least a credible possibility that none of these conditions will obtain.

“Even if there is a second (and possibly third) UNSCR this is no guarantee of broad-based international buy-in into Phase IV ... [T]here is a real possibility of the UK (along with the US and a few forward leaning smaller military nations) being committed to Phase IV engagement without international burden sharing and without an immediate exit strategy. At its worst this could expose the UK to an enduring large scale military commitment (20-30,000 in theatre) – and the commensurate civil support required to contribute to the rebuilding of Iraq ... The potential consequences are severe ... This is not the most likely risk, but it is one that increases the further the outcome post-conflict is from a UN-mandated solution.”

539. In the speaking note for Mr Hoon attached to the brief, officials highlighted concerns about the tendency of discussion of the post-conflict phase, and the IPU annotated agenda, to focus on the military contribution:

“A military presence will be a necessary but not a sufficient condition for success in Iraq. **A large, organised and properly funded humanitarian assistance plan (supported by DFID) is needed from the outset.**”

540. Mr Nicholas Cannon, Mr Blair’s Assistant Private Secretary for Foreign Affairs, briefed Mr Blair that Ministers needed to make progress on three interlinked issues: the humanitarian response; the UN mandate; and whether the UK should take on a geographical sector in Iraq.¹⁷⁵ Basra was “the obvious choice” if the UK decided to take on one of seven geographical sectors in Iraq.

¹⁷⁵ [Minute Cannon to Prime Minister, 5 March 2002, ‘Iraq: Post-Conflict Issues’.](#)

541. The conclusions of the meeting on 6 March included:

- DFID and the MOD should draw up a plan for immediate humanitarian action in the UK AO.
- Planning for a medium-term post-conflict action should continue on the assumption that a UN mandate would be forthcoming.
- The FCO should prepare a Phase IV plan with other departments, including the key decisions for Ministers to take.
- The Phase IV plan should cover sectorisation.

542. The “UK overall plan for Phase IV” was shown to Mr Blair on 7 March.¹⁷⁶ Much of the plan, prepared by the IPU, was drawn from the Annotated Agenda prepared for the meeting on 6 March.¹⁷⁷ That is addressed in Section 6.5.

Commitment to military action

543. On 7 March, Mr Lee sent Mr Hoon’s Private Office a “critical decision checklist”, setting out the issues which needed to be resolved before forces could be committed to action.¹⁷⁸ Those included:

- legal authority for use of military force;
- Parliamentary approval;
- confirmation that the military plan was viable and the risks acceptable;
- agreement of host nations to conduct offensive operations from their territory;
- provision of resources for immediate humanitarian assistance;
- targeting policy and delegation;
- agreement with the US on Phase IV assumptions; and
- finalisation of military campaign objectives.

544. Mr Lee asked No.10 to be notified using the checklist.

545. Adm Boyce decided on 10 March that UK forces should focus on achieving the UK objectives in its planned AO.

546. The Chiefs of Staff were concerned that Lt Gen Reith’s recommendation to allow operations further north would overstretch UK resources in both the combat and post-combat phases.

547. Lt Gen Reith sent the Chiefs of Staff an update on military planning options on 10 March.¹⁷⁹ It reflected the undertaking (in Mr Watkins’ letter to Sir David Manning of

¹⁷⁶ Minute Rycroft to Prime Minister, 7 March 2003, ‘Iraq: Weekend Papers’.

¹⁷⁷ Minute Rycroft to Prime Minister, 7 March 2003, ‘Iraq: Weekend Papers’.

¹⁷⁸ [Minute Lee to PS/Secretary of State \[MOD\], 7 March 2003, ‘Critical Decision Checklist’](#).

¹⁷⁹ Minute Reith to COSSEC, 10 March 2003, ‘Iraq – Military Planning Options Update’ attaching Paper CJO, 10 March 2003, ‘Iraq Military Planning Options – An Update’.

6 March) that the MOD would provide further advice on the outcome of discussions with the US.

548. Lt Gen Reith wrote that the update also followed discussion among the Chiefs of Staff about “a less constrained approach to operations such that [the] UK can make a decisive contribution to Phase III operations, without impacting on the strategic goal of an exemplary Phase IV plan”.

549. Lt Gen Reith recommended that the Chiefs of Staff agree that:

- with UK forces likely to be at Full Operating Capability (FOC) before any committal to combat, UK combat elements could enhance the US plan;
- NBC (nuclear, biological and chemical) and specialist engineer elements be released to US forces for use during the seizure of the Rumaylah oilfields;
- the Joint Commander be authorised to allow 1 (UK) Div to operate north of the current planned UK AO, no further than Al Amara, “if this enhances 1 MEF’s ability to achieve its mission, on the understanding that the Division will only exploit forward as far as security and transition to Phase IV within the current AO allows”; and
- plans should be developed with the US for subsequent use of UK forces in the event of sudden regime collapse or if decisive additional combat power were required.

550. In the attached paper, Lt Gen Reith advised:

“Further opportunities to support a Coalition main effort also exist and will be event driven ... Whilst each scenario will differ, there will be occasions where an imperative for Phase III success could drive us to balance risk between supporting the main effort and our Phase IV exemplary action. Further work is needed in this area.”

551. Lt Gen Reith outlined the plan to extend the UK AO to the north at the Chiefs of Staff meeting on 10 March.¹⁸⁰ He explained that the “current UK AO could potentially result in enemy forces around Basra interfering with Phase IV operations”. There was “a clear military task to ensure that enemy forces in the areas outside the current UK AO were unable to interfere with the UK Main Effort”.

552. On 10 March, the Chiefs of Staff discussed Lt Gen Reith’s paper. It endorsed the NBC and specialist roles as time limited tasks within the UK’s AO.

553. Lt Gen Reith highlighted potential roles for UK forces in the event of sudden regime collapse. Adm Boyce directed Lt Gen Reith to develop options and brief the Chiefs of Staff accordingly.

¹⁸⁰ Minutes, 10 March 2003, Chiefs of Staff meeting.

554. The Chiefs of Staff were “concerned that extending the AO would overstretch Phase III and Phase IV resources and potentially detract from the Main Effort in the UK AO”.

555. Adm Boyce directed Lt Gen Reith “to proceed with the main effort, of an exemplary Phase IV, in the original AO (Southern AO) with operations in the Northern AO as required to achieve a speedy and successful Phase III and to shape Phase IV”.

556. AM Burrige wrote in his Hauldown Report on 8 May:

“Our overriding consideration was for the GOC [Maj Gen Brims] to condition his own AO, in preparation for stability operations (Phase IV), rather than inherit circumstances [created by others] ...”¹⁸¹

557. Lt Gen Reith’s advice of 11 March for the Chiefs of Staff on the gaps in UK and US planning for post-conflict operations, including the absence of a detailed UK/US policy on the role of the military in maintaining law and order and detaining civilians, is addressed in Section 6.5.

Mr Blair’s meeting, 11 March 2003: agreement to the military plan

558. Sir Kevin Tebbit raised the absence of an agreed legal basis for military action with Sir Andrew Turnbull on 5 March.

559. Sir Kevin Tebbit wrote to Sir Andrew Turnbull on 5 March, stating:

“I am sure you have this in hand already, but in case it might help, I should like to offer you my thoughts on the procedure for handling the legal basis for any offensive operations ... in Iraq – a subject touching on my responsibilities since it is the CDS [Chief of the Defence Staff] who will need to be assured that he will be acting on the basis of a lawful instruction from the Prime Minister and the Defence Secretary.

“It is not possible to be certain about the precise circumstances in which this would arise because we cannot be sure about the UN scenario involved ... Clearly full UN cover is devoutly to be desired – and not just for the military operation itself ...

“My purpose in writing, however, is not to argue the legal merits of the case ... but to flag up ... that the call to action from President Bush could come at quite short notice and that we need to be prepared to handle the legalities so we can deliver ...

“In these circumstances, I suggest that the Prime Minister should be prepared to convene a special meeting of the inner ‘war’ Cabinet (Defence and Foreign Secretaries certainly, Chancellor, DPM [Deputy Prime Minister], Home Secretary possibly, Attorney General, crucially) at which CDS effectively receives his legal and constitutional authorisation. We have already given the Attorney General information

¹⁸¹ Report Burrige to CJO, 8 May 2003, ‘NCC Operation Telic Hauldown Report: 07 Feb 03 – 08 May 03’.

and MOD briefings on objectives and rationale, and I understand that John Scarlett is conducting further briefing on the basis of the intelligence material.

“While it is not possible to predict the timing of the event precisely ... [it] could conceivably be as early as 10 March ... in the event, albeit unlikely, that the Americans lost hope in the UN and move fast. Michael Jay may have a better fix on this, but I guess the more likely timing would be for Security Council action around the weekend of 15/16 March, and therefore for a meeting after that.”¹⁸²

560. Copies of the letter were sent to Sir Michael Jay and Sir David Manning.

561. Sir Michael commented that both Adm Boyce and Gen Jackson had told him that they would need “explicit legal authorisation”.¹⁸³ Sir Kevin’s proposal “would be one way of achieving this: though the timetable looks a bit leisurely”.

562. On 5 March, the US requested the UK Government’s agreement to the use of British bases in the UK and overseas.

563. On 5 March, the US requested the UK’s permission to use Diego Garcia and RAF Fairford for operations against Iraq.¹⁸⁴

564. Mr Straw’s Private Office wrote to No.10 on 11 March reporting that the request followed “a series of informal requests and notifications” over the past few weeks to FCO and MOD officials.¹⁸⁵ Both departments had taken the view that a more formal request should be made “to remind the US that any use by the US forces of British bases or Diego Garcia must be on the basis of joint decision, as laid down under existing agreements”.

565. The US had formally requested the UK Government’s agreement to the use of RAF Fairford, Diego Garcia and, possibly, other British bases for military operations against Iraq. It was now pressing for a response “as soon as possible”.

566. The FCO advised that “under international law, the UK would be responsible for any US action in breach of international law in which the UK knowingly assisted”. The draft response was “premised on a decision that UNSCR 1441 and other relevant resolutions” provided “the authority for action”.

567. On 7 March, Lord Goldsmith sent Mr Blair formal advice on the legality of military action against Iraq without another resolution of the Security Council, further to resolution 1441.

¹⁸² [Letter Tebbit to Turnbull, 5 March 2003, \[untitled\]](#).

¹⁸³ [Manuscript comment Jay to Ricketts, 5 March 2003, on Letter Tebbit to Turnbull, 5 March 2003, \[untitled\]](#).

¹⁸⁴ Letter Sinclair to Rycroft, 11 March 2003, ‘US request to use Diego Garcia and RAF Fairford for possible operations against Iraq’.

¹⁸⁵ Letter Sinclair to Rycroft, 11 March 2003, ‘US request to use Diego Garcia and RAF Fairford for possible operations against Iraq’.

568. Lord Goldsmith’s advice of 7 March, which set out his reasoning in considerable depth, is addressed in detail in Section 5.¹⁸⁶

569. Lord Goldsmith’s conclusions are summarised in the Box below.

Lord Goldsmith’s advice, 7 March 2003

Lord Goldsmith identified three possible bases for the use of military force. He explained that neither self-defence nor the use of force to avert overwhelming humanitarian catastrophe applied in this case.

Lord Goldsmith concluded that he remained “of the opinion that the safest legal course would be to secure the adoption of a further resolution to authorise the use of force”, and that he had “already advised” that he did “not believe that such a resolution need be explicit in its terms” if it established that the Security Council had “concluded” that Iraq had “failed to take the final opportunity offered by resolution 1441”.

Lord Goldsmith added:

“Nevertheless, having regard to the information on the negotiating history which I have been given and to the arguments of the US Administration which I heard in Washington, I accept that a reasonable case can be made that resolution 1441 is capable in principle of reviving the authorisation in 678 without a further resolution.”

Lord Goldsmith added that that would:

“... only be sustainable if there are strong factual grounds for concluding that Iraq has failed to take the final opportunity. In other words, we would need to be able to demonstrate hard evidence of non-compliance and non-co-operation. Given the structure of the resolution as a whole, the views of UNMOVIC and the IAEA [International Atomic Energy Agency] will be highly significant in this respect. In the light of the latest reporting by UNMOVIC, you will need to consider extremely carefully whether the evidence ... is sufficiently compelling to justify the conclusion that Iraq has failed to take the final opportunity.”

570. Lord Goldsmith stressed, in paragraph 36 of his advice, that the lawfulness of military action depended on the question of proportionality as well as the existence of a legal basis:

“Any force used pursuant to the authorisation in resolution 678:

- must have as its objective the enforcement [of] the terms of the cease-fire contained in resolution 687 [1991] and subsequent relevant resolutions;
- be limited to what is necessary to achieve that objective; and
- must be a proportionate response to that objective, ie securing compliance with Iraq’s disarmament obligations.”

¹⁸⁶ Minute Goldsmith to Prime Minister, 7 March 2003, ‘Iraq: Resolution 1441’.

571. Lord Goldsmith continued:

“That is not to say that action may not be taken to remove Saddam Hussein from power if it can be demonstrated that such action is a necessary and proportionate measure to secure the disarmament of Iraq. But regime change cannot be the objective of military action. This should be borne in mind in considering the list of military targets and in making public statements about any campaign.”

572. Mr Hoon wrote to Lord Goldsmith on 10 March forwarding two papers:

- one on targeting considerations (addressed later in this Section); and
- a second, ‘Disarming Iraq’, written to underpin “the choice of military tasks in the Government’s draft campaign objectives”.¹⁸⁷

573. On 11 March, Ministers discussed legal issues, including holding back for a few days the response to a US request for the use of UK bases, and the viability of the military plan.

574. Mr Blair held a meeting on 11 March with Mr Prescott, Mr Hoon, Lord Goldsmith and Adm Boyce.¹⁸⁸ Mr Straw attended part of the meeting. Sir Andrew Turnbull, Mr Powell, Mr Alastair Campbell (Mr Blair’s Director of Communications and Strategy), Baroness Morgan (Mr Blair’s Director of Political and Government Relations), Sir David Manning and Mr Rycroft were also present .

575. Mr Blair was advised beforehand that the main purpose of the meeting was to confirm viability of the overall military plan.¹⁸⁹ Suggested questions for Mr Blair to raise included:

- Did the US have a winning concept?
- Did he agree with Mr Hoon that: specialist roles should be secured for the UK; the UK area should be extended northwards; and options should be explored for reinforcing US forces?
- What conditions should UK forces expect in Basra?
- How would the US “reorganise” if UK forces were not involved?

576. Mr Bowen advised Sir David Manning that the US request for the use of UK bases was to be discussed at Mr Blair’s meeting with Lord Goldsmith, Mr Straw and Mr Hoon on 11 March.¹⁹⁰ He understood that Mr Straw and Mr Hoon had copies of Lord Goldsmith’s advice.

577. As Section 5 makes clear, Mr Straw, Mr Hoon, Dr John Reid, Minister without Portfolio and Labour Party Chair, and the Chiefs of Staff had all seen Lord Goldsmith’s

¹⁸⁷ Letter Hoon to Goldsmith, 10 March 2003, ‘Iraq: Targeting Policy’ attaching Paper ‘Disarming Iraq’.

¹⁸⁸ [Letter Rycroft to McDonald, 11 March 2003, ‘Iraq: Legal and Military Aspects’.](#)

¹⁸⁹ Minute Rycroft to Prime Minister, 11 March 2003, ‘Iraq Military: 1300 Meeting’.

¹⁹⁰ Minute Bowen to Manning, 11 March 2003, ‘US Use of British Bases’.

advice of 7 March before Mr Blair's meeting on 11 March, but it is not clear how and when it reached them.

578. Ms Cathy Adams, Legal Counsellor in the Legal Secretariat to the Law Officers, advised Lord Goldsmith that she understood "the principal purpose of the meeting to be to discuss the ad bellum issue".¹⁹¹

579. An hour before the meeting took place, MOD Legal Advisers provided questions for Mr Hoon to raise at the meeting, explaining:

"... some in the FCO – whether having read the AG [Attorney General]'s letter or not, I don't know – are beginning to believe that the legal base is already OK. It seems to us – and I have discussed this with Martin Hemming [the MOD Legal Adviser] – that the position is not yet so clear."¹⁹²

580. The document provided for Mr Hoon stated:

"Questions for the Attorney General

"If no 2nd resolution is adopted (for whatever reason), and the PM decides that sufficient evidence exists that Iraq has failed to take the final opportunity to comply offered by 1441, is he satisfied that the currently proposed use of force would be lawful under international law?

"Comment: The AG's minute to the PM is equivocal: he says 'a reasonable case can be made' [for the revival argument] but also says that his view is that 'different considerations apply in different circumstances' [meaning the nature of the Security Council discussions under OP12]. He ends his summary thus: 'If we fail to achieve the adoption of a second resolution we would need to consider urgently at that stage the strength of our legal case in the light of circumstances at the time'.

"If the answer is yes to the above, can it be assumed that the Attorney will be able to confirm formally at the time that CDS's order to implement the planned operation would be a lawful order (anybody subject to military law commits an offence if he disobeys any lawful command).

"Comment: Notwithstanding the current uncertainties, when it comes to the crunch, CDS will need to be assured that his orders are lawful. As the Attorney points out in his letter, 'on previous occasions when military action was taken on the basis of a reasonably arguable case, the degree of public and Parliamentary scrutiny of the legal issue was nothing like as great as it is today'."

¹⁹¹ Minute Adams to Attorney General, 11 March 2003, 'Iraq: Meeting at No.10, 1PM'.

¹⁹² [Email DG OpPol-S to SofS-Private Office-S \[MOD\], 11 March 2003, 'Urgent for Peter Watkins' attaching Paper 'Questions for the Attorney General'.](#)

581. The record of the meeting on 11 March reported that Mr Blair had started by addressing the legal basis for military action.¹⁹³ He stated that Lord Goldsmith's "advice made it clear that a reasonable case could be made" that resolution 1441 was "capable of reviving" the authorisation of resolution 678 (1990), "although of course a second resolution would be preferable".

582. Adm Boyce and Mr Hoon described the military plan, the proposed UK involvement, possible Iraqi tactics, and responses to them. Adm Boyce was "confident that the battle plan would work". The record stated that Mr Blair asked a number of questions and confirmed he was "in general content with it".

583. Mr Blair stated that "we must concentrate on averting unintended consequences of military action. On targeting, we must minimise the risks to civilians."

584. Other points recorded by Mr Rycroft included:

- Adm Boyce said he "would need to put a short paragraph in his directive to members of the Armed Forces".
- The paragraph "should be cleared with the Attorney General".
- The UK would send the US a positive reply to its request to use Diego Garcia and RAF Fairford "in a day or two, with the usual conditions attached".
- Mr Hoon and Adm Boyce advised that "once we had given our approval, the US might give very little notice before the start of the campaign".
- Sir Andrew Turnbull asked whether a legal basis for military action was required for civil servants, as well as for members of the Armed Forces.
- Mr Hoon asked whether the Attorney General's legal advice was ever disclosed.
- Mr Blair asked for a quick study into the precedents for that.

585. Mr Campbell wrote in his diaries that:

- Mr Hoon had "said he would be happier with a clearer green light from the AG".
- Mr Blair had been "really irritated" when Sir Andrew Turnbull had "said he would need something to put round the Civil Service that what they were engaged in was legal". Mr Blair was "clear we would do nothing that wasn't legal".
- Lord Goldsmith had provided "a version of the arguments he had put to TB, on the one hand, on the other, reasonable case".
- Mr Hoon had advised that the response to the "US request for the use of Diego Garcia and [RAF] Fairford" should be that it was "not ... automatic but had to go round the system". Mr Blair had said he "did not want to send a signal that we would not do it".

¹⁹³ [Letter Rycroft to McDonald, 11 March 2003, 'Iraq: Legal and Military Aspects'](#).

- Mr Hoon and Mr Straw were telling Mr Blair that the US could act as early as that weekend, and “some of our forces would have to be in before”.¹⁹⁴

586. Mr Hemming wrote to Mr David Brummell, the Legal Secretary to the Law Officers, on 12 March stating:

“It is clear that legal controversy will undoubtedly surround the announcement of any decision by the Government to proceed to military action in the absence of the adoption of a further resolution by the UN Security Council. The CDS is naturally concerned to be assured that his order to commit UK Armed Forces to the conflict in such circumstances would be a lawful order by him. I have informed the CDS that if the Attorney General has advised that he is satisfied that the proposed military action by the UK would be in accordance with national and international law, he [CDS] can properly give his order committing UK forces.

“In view of the rapidly developing situation, I thought that the Attorney would wish to know what I have said on this question.”¹⁹⁵

587. Lord Goldsmith and Mr Brummell agreed that:

- It would be proper for Mr Brummell to confirm to Mr Hemming that the proposed military action would be in accordance with national and international law.
- “[It] would be necessary to prepare a statement setting out the Attorney’s view of the legal position which could be deployed at Cabinet and in Parliament the following week.”¹⁹⁶

588. Mr Brummell wrote to Mr Hemming on 14 March to “confirm” that Lord Goldsmith was “satisfied that the proposed military action by the UK would be in accordance with national and international law”.¹⁹⁷

589. Copies of the letter were sent to the Private Offices of Mr Hoon, Adm Boyce and Sir Kevin Tebbit, as well as to Mr Bowen and Ms Juliet Wheldon, the Treasury Solicitor.

590. Lord Boyce told the Inquiry:

“... the propriety and/or the legality of what we were about to do was obviously a concern of mine, not least of it, since, somewhat against my better instincts, we had signed up to the ICC [International Criminal Court]. I always made it perfectly clear to the Prime Minister face-to-face, and, indeed, to the Cabinet, that if we were invited

¹⁹⁴ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

¹⁹⁵ [Letter Hemming to Brummell, 12 March 2003, ‘Iraq – Position of the CDS’](#).

¹⁹⁶ [Minute Brummell, 13 March 2003, ‘Iraq: Legal Basis for Use of Force – Note of discussion with Attorney General Thursday, 13 March 2003’](#).

¹⁹⁷ [Letter Brummell to Hemming, 14 March 2003, ‘Iraq – Position of the CDS’](#).

to go into Iraq, we had to have a good legal basis for doing so, which obviously a second resolution would have completely nailed.”¹⁹⁸

591. Lord Boyce added:

“... that wasn’t new, it was something which I had told the Prime Minister that I would need at the end of the day, long before March. This is back in January when we started to commit our forces out there, and, as you say, I received that assurance. This was an important issue, particularly because of the speculation in the press about the legality or otherwise and, as far as I was concerned particularly for my constituency, in other words, soldiers, sailors and airmen and their families had to be told that what they were doing was legal. So it formed the first line of my Operational Directive which I signed on 20 March, and it was important for me just to have a one-liner, because that was what was required, as far as I was concerned, from the Government Law Officer, which, as you say, I received.”¹⁹⁹

592. The background to Lord Goldsmith’s response and the subsequent discussions on the legal basis for military action are addressed in Section 5.

593. Following Mr Blair’s meeting, the MOD provided details of the military plan and proposed that commanders should be given discretion to make further contributions outside the agreed UK AO.

594. Mr Watkins sent Sir David Manning an outline of the military plan for Iraq and advice on the decisions needed on the development of the UK’s role.²⁰⁰

595. Mr Watkins wrote:

“The US Concept of Operations can achieve a conventional military defeat, and the use of force to secure regime change offers the best route to achieve Iraq’s disarmament consistent with the principle of the minimum use of force ... Overall, the plan represents a robust basis for the committal of UK forces.

“We should confirm to the US our willingness – subject to decisions by UK commanders at the time – to contribute specialist capabilities (NBC, engineering and bridging) to facilitate their advance from the South, and to a limited expansion northwards of our Area of Operations during the conflict phase: we need to confirm this by mid-week. We should continue to explore other options for contributing to the US decisive main effort, but without commitment at this stage.

¹⁹⁸ Public hearing, 3 December 2009, page 82.

¹⁹⁹ Public hearing, 3 December 2009, pages 88-89.

²⁰⁰ [Letter Watkins to Manning, 11 March 2003, ‘Iraq: the Military Plan’.](#)

“Following further military-to-military discussions in theatre, the Defence Secretary [Mr Hoon] believes that it is timely to take stock of the US plan and take decisions on the further development of the UK role within it.”

596. Mr Watkins wrote that the original US plan envisaged the US 4th Infantry Division seizing the Kirkuk oilfields, but that plan had been “compromised by Turkish delays”. The US plan in the North therefore remained “fragile”.

597. Mr Watkins advised that the commitment of specialist NBC, engineering and bridging capabilities “would reinforce key gaps in US capability and facilitate a rapid US advance, without detriment to the tasks required of UK forces in our Area of Operations”.

598. On the expansion of the UK AO northwards, Mr Watkins explained:

“The US Land Component Commander has ... developed a plan that would expand the UK Area of Operations by up to 150km up to and beyond al-Amara [in Maysan province] (but short of al-Kut [in Wasit province]) ...

“The case for pushing a UK formation northwards will ultimately have to be judged at the time. Clearly it will depend to some extent on what is happening in the Basra area. It is also the case that an exemplary Phase IV operation depends on a satisfactory conclusion to the conflict phase. The Defence Secretary therefore judges that the senior UK operational commander (the Chief of Joint Operations [Lt Gen Reith]) should be authorised to expand the Phase III Area of Operations northwards if that is required to achieve a satisfactory outcome to Phase III. The focus for the UK in Phase IV should, however, remain the South-Eastern Area of Operations as currently understood.”

599. Mr Watkins explained that, given delays in the deployment of some US forces, there were certain scenarios in which the US might need the additional combat power that the UK land component could provide:

“In circumstances where the situation in the UK’s existing Area of Operations was benign, and where Iraqi forces had generally collapsed, it might be possible for 1 (UK) Division to provide forces to contribute to decisive US action in addition to the specialist contributions and the northward expansion described above. The Defence Secretary believes that the Chief of Joint Operations should be authorised to participate in planning discussions with the US without commitment, and on the understanding that any decision to commit UK forces to reinforce the US in decisive action would be a matter for Ministers.”

600. Mr Watkins explained that, on that basis, Mr Hoon judged:

- The “first priority” should be for the UK to confirm its willingness to contribute specialist capabilities to facilitate the US advance from the South.
- Second, “provided that UK commanders judge[d] this sensible in the circumstances at the time”, the UK should be “forward-leaning” on the

idea of extending the UK Area of Operations north during the conflict phase. If that was required to achieve a satisfactory conclusion to Phase III, on which “an exemplary Phase IV depends”.

- Third, the UK “should be prepared to continue exploring options for reinforcing US forces at decisive points ... but without commitment at this stage”.

601. Mr Hoon spoke to Secretary Rumsfeld that evening, setting out the risks to starting operations at the time of a full moon and the political implications of not giving the second resolution sufficient time to secure votes (see Section 3.8).²⁰¹

602. The MOD reported that Secretary Rumsfeld had said Gen Franks was looking at how to “work around” a position in which the UK could not participate in military action but which assumed that the UK would be available for post-conflict activities. Mr Hoon had responded that the UK would not want to be in that position and restated the case for waiting a few more days.

603. In a subsequent press briefing, Secretary Rumsfeld said that it was unclear what the UK role would be in the event that a decision was made to use force: “until we know what the resolution is, we won’t know the answer to what their role will be”.²⁰²

604. Secretary Rumsfeld subsequently clarified his comments, saying that he had “no doubt of the full support of the United Kingdom for the international community’s efforts to disarm Iraq”.²⁰³ Obtaining a second resolution was important to the UK and the US was “working to achieve that”. He added:

“In the event that a decision to use force is made, we have every reason to believe that there will be a significant military contribution from the United Kingdom.”

605. In his memoir, Mr Blair wrote that Secretary Rumsfeld had been “trying to be helpful”, but it had not helped and “by then the military were absolutely determined, rightly, that they would be part of the action from the outset, and took amiss any sense that we might be in the second rank”.²⁰⁴

606. In the entry for 11 March in the edition of his diaries published in 2012, Mr Campbell wrote that the incident was “indicative of the difficulties” of working with the US.²⁰⁵ Secretary Rumsfeld’s clarification was the result of a further telephone call from Mr Hoon “making it clear that we were with them”.

²⁰¹ Letter Watkins to Manning, 11 March 2003, ‘Iraq: Call to Donald Rumsfeld’.

²⁰² US Department of Defense, 11 March 2003, ‘DoD New Briefing – Secretary Rumsfeld and Gen. Myers’.

²⁰³ *BBC News*, 12 March 2003, *Text of Donald Rumsfeld remarks*.

²⁰⁴ Blair T. *A Journey*. Hutchinson, 2010.

²⁰⁵ Campbell A & Hagerty B. *The Alastair Campbell Diaries. Volume 4. The Burden of Power: Countdown to Iraq*. Hutchinson, 2012.

607. Adm Boyce also spoke to Gen Myers on 11 March.²⁰⁶ He reported that, following his visits to Op TELIC theatre, and discussions with commanders, units were ready and people would be deployed by 19 March.

608. Gen Myers indicated that he had told Gen Franks to work the “no UK option”.

609. The minutes from the Chiefs of Staff meeting on 12 March stated that Secretary Rumsfeld had spoken publicly about the possibility of the US commencing action “without the UK at her side”.²⁰⁷ The political decision to commit UK forces to Phases III and IV had “not yet been made, though planning continued as directed by HMG”.

610. In response to the request for a statement on the basis for his assurance to Mr Blair that the US plan for the invasion represented a “winning concept”, Lord Boyce wrote:

“The threat was carefully assessed, including taking into account the possible deployment of CW/BW weapons by Saddam, and measured against the capability of the Coalition Forces. There was complete confidence from CENTCOM and ourselves that Iraqi forces could be defeated.”²⁰⁸

611. Lord Boyce’s statement in respect of Phase IV is addressed in Section 6.5.

612. Asked whether Ministers had a clear sense of how important the UK contribution had become to the campaign plan, Lord Boyce told the Inquiry: “I think so ...”²⁰⁹

613. Lord Boyce added that his personal view was that the US could not have begun the military campaign without the UK contribution: Secretary Rumsfeld’s comments that the US could manage on its own were right, but the US would not have managed on its own on 19 March.²¹⁰

614. Lord Boyce told the Inquiry:

“... as far as the fighting phase is concerned we were satisfied we were there. As far as the aftermath planning was concerned, we thought we had something which was going to cope with, as far as our imagination allowed us to look; our imaginations didn’t basically go wide enough ... to what actually transpired when the time came.”²¹¹

DIS Memorandum, 11 March 2003: ‘Basra: Post-Saddam Governance’

615. The DIS produced a Memorandum on the “post-Saddam” political and security environment Coalition Forces were likely to encounter in Basra City on 11 March.²¹²

²⁰⁶ Minute Zambellas to CDS, 12 March 2003, ‘Record of CDS/CJCS Telephone Call: 11 Mar 2003’.

²⁰⁷ [Minutes, 12 March 2003, Chiefs of Staff meeting.](#)

²⁰⁸ Statement, 7 January 2011.

²⁰⁹ Public hearing, 27 January 2011, page 62.

²¹⁰ Public hearing, 27 January 2011, page 63.

²¹¹ Public hearing, 27 January 2011, page 99.

²¹² [Paper DIS, 11 March 2003, ‘Basra: Post Saddam Governance’.](#)

616. The Memorandum included an assessment of the likely reaction in the first 72 hours after a Coalition attack. The DIS stated that, while judging the overall attitudes of the populace to the regime was “fraught with difficulty”, “there seems little doubt that the vast majority of Basra’s inhabitants are opposed to the regime and would welcome its removal”.

617. Reflecting on the lessons of the 1991 uprising and that, in 2003, the “circumstances might be very different”, the DIS identified “several noteworthy characteristics”:

- **“Total collapse of the Security forces and civil administration:** Though there was some fierce fighting ... security forces within the city ... quickly collapsed ... Within days (even hours) Basra became an administrative and governmental vacuum.”
- **“Lack of political or popular leadership:** ... With no real religious leadership within Basra City and with the majority of rural tribal leaders unwilling to lend support to the urban uprising there was ... no one to curb the worst excesses of the populace.”
- **“Popular targeting of regime installations:** ... typically ransacked and burnt to the ground.”
- **“Reprisals against regime associated personnel:** ... Much anecdotal reporting and academic accounts identify Basra (along with Karbala) as the site of the worst excesses of the uprising, with summary executions and indiscriminate massacres of security personnel.”
- **“General collapse of law and order:** ... the insurrection in Basra soon descended into general anarchy, with looting a major feature ... [W]anton destruction of public buildings and even the pillaging of museums occurred in Basra.”
- **“Entry of Iranian backed Iraqi groups:** It seems apparent that Iranian backed Shia groups (including forces linked to the Supreme Council for the Islamic Revolution in Iraq, SCIRI) entered the environs of Basra on the second or third day of the uprising ... they also pursued an Islamic revolutionary agenda – destroying examples of ‘unislamic’ practice ...”

618. Addressing the likely reaction of the civil populace in 2003, the DIS stated that it had “no definitive intelligence” but there were “a number of scenarios that might occur”, possibly simultaneously in the city. Those included:

- **“Spontaneous civil uprising:** ... either before or during Coalition engagement with Iraqi forces in Basra governorate is unlikely ... [R]ecollections of 1991 ... are likely to lead to an extremely cautious reaction ...”
- **“Reprisals:** ... only high ranking regime personnel and those associated with particularly repressive behaviour would be targeted ...”

- **“Resistance activity:** ... Both SCIRI ... and the Dawa Party would appear to have well-established urban support networks ... and have over the years committed numerous acts of sabotage and assassination ... Equally we assume that urban support structures for the rural based Shia opposition ... may well exist. The Iraqi Communist Party might also retain an underground presence. We have little idea of the size or capability of such groups but many resistance networks might try to seize controls of local neighbourhoods within the southern cities ... once the regime has collapsed ... Many of these groups have access to considerable weaponry including small arms and RPGs [Rocket Propelled Grenades].”

619. The DIS stated that some of the groups “may pursue an agenda inimical to Coalition interests ... and might resent Coalition presence”; and that criminals and opportunists “looking to exploit the situation would supplement resistance groups pursuing an ‘anti-Saddam’ agenda”.

620. The DIS also warned that:

“The continued activity of armed groups will set a dangerous precedent for Basra’s future political landscape. We must expect political groupings with a religious (Shia) agenda and Iranian backing to emerge very quickly within Basra (and across southern Iraq) ... [I]t would be highly destabilising for such groups to base their political influence on their control of armed elements. The armed wings of such groups will need to be disarmed or disbanded.”

621. The DIS also warned that it expected the civil police “at least initially” to “disappear from view”, and that many of the population were “fearful of a generalised breakdown in law and order”. Disarming the populace “might be interpreted as running contrary to cultural norms and could be resisted”.

622. The DIS had “no intelligence on regime planning to mount an urban defence of Basra City” but stated that “individual or localised resistance could occur”. It also identified the forces which were likely to be at the disposal of the regime. Those are set out in Section 8.

623. The DIS advice on reactions to subsequent Coalition control of Basra, including the assessment that UK forces would be “required in the city to provide security”, is addressed in Section 6.5.

624. General Franks wrote in his memoir that:

“Intel[ligence] estimated that the vast majority of Basra’s population of almost one million Shiites would remain neutral, neither helping nor hindering, while the British dealt with the Ba’athist leadership of the garrison.”²¹³

²¹³ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

JIC Note, 13 March 2003: 'Saddam's Plan for Baghdad'

625. In its meeting on 12 March, the JIC discussed a letter on the defence of Baghdad circulated to members by Mr Julian Miller, Chief of the Assessments Staff, on 6 March.²¹⁴

626. In addition to the points already covered, the JIC concluded that the paper "should also say something about the possibility of CB use".

627. A JIC Note issued on 13 March set out the JIC's understanding of Iraqi military preparations in Baghdad, and an initial view of their potential effectiveness.²¹⁵

It judged that:

- The Iraqi regime expected the Regular Army only to delay any Coalition attack en-route to Baghdad. It wanted to "drag out fighting and play for time, hoping that international pressure will force the Coalition to halt its attack and come to a negotiated settlement, leaving Saddam in power".
- Much of the Republican Guard (RG), including Iraq's best-equipped military units, was based around Baghdad. That was roughly 35,000 of the RG's 75,000 troops, with 600 of Iraq's best tanks and 900 other armoured vehicles. Defensive positions had been prepared 15-25 km to the west and south of the city. "Less significant preparations" had been made to the north and the east. Those defences had "clear vulnerabilities" and were "not sufficient to stop a Coalition assault".
- Iraqi security and militia organisations, backed by RG special forces brigades, were responsible for the inner city. Together they "could muster at least 10,000 men in Baghdad, possibly many more". There was "no evidence of a systematic fortification of the city for use by large-scale conventional ground forces" but surviving RG forces could retreat into Baghdad and "quickly prepare ad-hoc fall-back positions. Even a few thousand lightly armed troops could require disproportionate time and resources to overcome, with significant risk of Coalition and civilian casualties."
- Iraq's plans for Baghdad depended on the "morale and cohesion of its forces, including the ability of the authorities to continue exercising effective command and control". Intelligence "strongly" suggested that morale was already low.

628. The JIC did not know whether Saddam Hussein would remain in Baghdad. Baghdad was the best defended area and the best place for him to influence events. Saddam Hussein was "very security-conscious". Until there was "intense fighting" in Baghdad, the JIC assessed that Saddam Hussein would be able to move around Baghdad without detection.

²¹⁴ Minutes, 12 March 2003, JIC meeting.

²¹⁵ [Note JIC, 13 March 2003, 'Saddam's Plan for Baghdad'](#).

629. The JIC stated that it had “previously judged that Saddam would be willing to use chemical and biological warfare (CBW) against the Coalition and the Iraqi population”.²¹⁶

630. The JIC assessed that it was “likely that, even if it had not done so already, the regime would use CBW in the defence of Baghdad if it could”. That “would depend on the survival of leadership command and control, and of some delivery means, such as artillery”. Intelligence indicated that the Special Republican Guard and Special Security Organisation retained “control over CBW munitions” and that the regime had “been distributing protective CBW clothing and medical supplies for treating exposure to nerve agents to units around Baghdad”.

Two additional UK units deployed

On 10 March, Mr Hoon was asked to agree two additional UK deployments:

- 1st Battalion The Duke of Wellington’s Regiment, to guard Prisoners of War as a consequence of the plan for UK units to provide “reliefs-in-place of US ground forces”;²¹⁷ and
- 202 Field Hospital (Volunteer), to increase the number of field hospitals from two to three in response to concerns that the medical capability could be “overwhelmed early in the course of operations”.²¹⁸

Mr Hoon announced both deployments on 13 March, stating that they would provide 1 (UK) Div with “further flexibility to respond to a range of possible tasks and circumstances”.²¹⁹

631. Mr Blair agreed the military plan on 13 March.

632. Mr Blair held a further meeting to discuss the military plan and timetable with Mr Prescott, Mr Straw, Mr Hoon and Adm Boyce on 13 March.²²⁰ That discussed the timing of the start of the military campaign and formal approval of the military plan set out in Mr Watkins’ letter of 11 March.

633. There was “a discussion about the timing of the end of the UN process ... and the start of military action”. It was agreed that Mr Blair would pursue the timing issues with President Bush.

²¹⁶ [Note JIC, 13 March 2003, ‘Saddam’s Plan for Baghdad’](#).

²¹⁷ Minute Johnson to APS/SofS [MOD], 10 March 2003, ‘Iraq: Reinforcement of 1 (UK) Division for Handling Prisoners of War’.

²¹⁸ Minute Johnson to APS/SofS [MOD], 10 March 2003, ‘Iraq: Retention of a Third Field Hospital’.

²¹⁹ House of Commons, *Official Report*, 13 March 2003, columns 19-20WS.

²²⁰ [Letter Manning to Watkins, 14 March 2003, ‘Iraq: The Military Plan’](#).

634. Adm Boyce advised that:

“... the full moon meant that a later start date [...] would certainly be preferable, but that the projected date was not a show stopper. The US military shared the preference for a later date, but had been told to accept the earlier date.”

635. Sir David Manning confirmed Mr Blair’s approval for the plan in a letter to Mr Watkins the following day.²²¹

636. On 17 March, Mr Watkins replied to a separate letter from Sir David Manning of 14 March, asking whether the MOD was confident that the military planning took full account of the risks and problems identified in the JIC Assessment of Saddam Hussein’s plans to defend Baghdad.²²²

637. Mr Watkins wrote that it “largely confirms the analysis” in the MOD advice of 28 February. In particular, it underlined the Iraqi regime’s “dilemma” about whether to withdraw the RG’s heavy armour into Baghdad. The US intention was to make it difficult for heavy units to reinforce the light forces providing the inner-city defence. The Special Republican Guard was not trained to mount a guerrilla campaign.

638. Mr Watkins also wrote that:

“The setting alight of oil-filled trenches has the potential to cause some delay. As with Iraqi use of CBW, there is not much – apart from information operations – we can do to stop the Iraqis doing it. But their effect on Coalition Forces is likely to be limited ... As the JIC paper notes, this tactic may be a two-edged sword ... because it is unlikely to encourage loyalty amongst the local population ... But we must be willing to recognise that the regime is likely to be willing to inflict extreme suffering on its own population and seek to blame the Coalition.

“A key variable is the extent to which the regime’s orders will be obeyed and the impact of the early campaign on Iraqi forces’ will to fight. If necessary, General Franks is prepared to mount an air assault to create an enclave within the city from which operations could be mounted to combat resisting forces. As we noted on 28 February, in the worst case this could be a messy and protracted process.”

639. Sir David Manning commented: “I take it that this amounts to a statement that MOD have taken account of the factors/risks identified in the JIC paper.”²²³

²²¹ [Letter Manning to Watkins, 14 March 2003, ‘Iraq: The Military Plan’.](#)

²²² [Letter Watkins to Manning, 17 March 2003, ‘JIC Paper: Saddam’s Plan for Baghdad’.](#)

²²³ [Manuscript comment Manning on Letter Watkins to Manning, 17 March 2003, ‘JIC Paper: Saddam’s Plan for Baghdad’.](#)

640. ACM Burridge told the Inquiry that the “Republican Guard had been planned to form a ring around Baghdad”. Saddam Hussein could also use weapons of mass destruction and:

“... irregular warfare ... to try and draw us into urban warfare.

“He had developed the view ... that western militaries don’t do urban warfare. He had also developed the view that large numbers of civilian casualties – he had a Grozny [Chechnya] vision in mind [unfinished sentence]

“The idea that the world’s media would show this terrible destruction which, in his rather warped perception, would put him on the moral high ground ...

“What we didn’t know was to what extent he would front load those southern cities, Basra in particular, and we subsequently recognised he put small elements of the Republican Guard in amongst the Ba’ath militia the Al Quds and people such as that, to ... make them militarily more effective and ... to put the frighteners on the 51 Division people who had effectively melted away, and they were coerced into getting back into their equipment.”²²⁴

641. ACM Burridge also told the Inquiry:

“Be under no illusion we believed that he did have tactical battlefield weapons with chemical or biological tips. He had used them previously ...

“So – but what we did know was that this wasn’t the same as fighting through the central front in Warsaw Pact days when the entire battle space would be drenched in chemical agents. This was relatively limited. This was the sort of capability that normally you would choose to manoeuvre around, rather than have to consider a complete change of tactic ...

“So – and we were happy with the level of individual protection, and I take from that not only suits, and it is well recorded that had some of the suits were out of their perceived shelf life. They had to be tested and extended, and the same with canisters, inoculation programmes and the taking of NAPS [nerve agent pre-treatment] tablets. So we were clear what we were up against, and we were contented that we could deal with that element of risk.”²²⁵

Cabinet, 17 March 2003

642. A specially convened Cabinet at 1600 on 17 March 2003 endorsed the decision to give Saddam Hussein an ultimatum to leave Iraq and to ask the House of Commons to endorse the use of military action against Iraq to enforce compliance, if necessary.

²²⁴ Public hearing, 8 December 2010, pages 38-39.

²²⁵ Public hearing, 9 December 2009, pages 44-45.

643. Mr Blair told his colleagues that he had called the Cabinet because “an impasse” had been reached at the United Nations.²²⁶

644. The Government had tried its “utmost”, and had “tabled a draft ... resolution, amended it, and then been prepared to apply tests against which Iraq’s co-operation ... could be judged”. Although the UK had been “gathering increasing support from members of the Security Council”, the French statement “that they would veto a resolution in all circumstances had made it impossible to achieve a new ... resolution”. France, with Russia in support, “were not prepared to accept” that if Saddam Hussein “did not comply with the United Nations obligations, military action should follow”. The UK was in a situation it had “striven to avoid”: “There would be no second resolution and military action was likely to be necessary ... to enforce compliance by Saddam Hussein with Iraq’s obligations.”

645. The points made during discussion included that, in conducting military operations, it would be important to show “we wished to protect civilians, seek the surrender of Iraqi conscripts, and protect religious and cultural sites”.

646. Mr Blair concluded that:

“... the diplomatic process was now at an end. Saddam Hussein would be given an ultimatum to leave Iraq; and the House of Commons would be asked to endorse the use of military action against Iraq to enforce compliance, if necessary.”

647. The Cabinet: “Took note.”

648. The discussion in Cabinet is addressed in Section 3.8.

The ultimatum to Saddam Hussein

649. In an “Address to the Nation” at 8pm Eastern Standard Time on 17 March, President Bush stated that “the final days of decision” had been reached and issued an ultimatum giving Saddam Hussein and his sons 48 hours to leave Iraq.²²⁷

650. In a message to Iraqis, President Bush stated:

“If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you ... The day of your liberation is near.

“... It is not too late for the Iraqi military to act with honor and protect your country by permitting the peaceful entry of Coalition Forces to eliminate weapons of mass destruction ...”

²²⁶ [Cabinet Conclusions, 17 March 2003.](#)

²²⁷ The White House, 17 March 2003, *President says Saddam Hussein must leave within 48 hours.*

651. President Bush explicitly warned all Iraqis against destroying oil wells or using weapons of mass destruction: “War crimes will be prosecuted. War criminals will be punished.”

652. The British Embassy Washington reported that a White House spokesman had “amplified” the President’s statement and said that, if Saddam were to comply with the deadline and go into exile, US troops would still enter Iraq in order to pursue and disarm WMD; and that he hoped the international community would consider prosecuting Saddam Hussein for war crimes even in the case of exile.²²⁸

653. Separately, the Embassy reported that President Bush had decided to publish the names of nine Iraqis who were regarded as either war criminals or having decisive command and control responsibilities.²²⁹

Debates in Parliament, 18 March 2003

654. Debates on Iraq took place in both the House of Commons and the House of Lords on 18 March 2003 (see Section 3.8).

655. The Government motion for the debate included an invitation to the House of Commons to:

- note the opinion of the Attorney General that, Iraq having failed to comply and Iraq being at the time of resolution 1441 and continuing to be in material breach, the authority to use force under resolution 1441 had revived and so continued that day;
- believe that the United Kingdom must uphold the authority of the United Nations as set out in resolution 1441 and many resolutions preceding it, and therefore support the decision of Her Majesty’s Government that the United Kingdom should use all means necessary to ensure the disarmament of Iraq’s weapon’s of mass destruction;
- offer wholehearted support to the men and women of Her Majesty’s Armed Forces on duty in the Middle East; and
- in the event of military action require that, on an urgent basis, the United Kingdom should seek a new Security Council resolution that would affirm Iraq’s territorial integrity, ensure rapid delivery of humanitarian relief, allow for the earliest possible lifting of UN sanctions, an international reconstruction programme, and the use of all oil revenues for the benefit of the Iraqi people and endorse an appropriate post-conflict administration for Iraq, leading to a representative government which upholds human rights and the rule of law for all Iraqis.²³⁰

²²⁸ Telegram 359 Washington to FCO London, 19 March 2003, ‘US/Iraq: Update, 18 March’.

²²⁹ Telegram 353 Washington to FCO London, 18 March 2003, ‘Iraq: Top Crooks’.

²³⁰ House of Commons, *Official Report*, 18 March 2003, column 7604.

The final preparations for conflict

656. On 18 March, Sir David Manning wrote to Dr Rice, formally confirming the UK's agreement to US use of Diego Garcia and RAF Fairford for "operations to enforce compliance by Iraq with the obligations on weapons of mass destruction laid down in UNSCR 1441 and previous relevant resolutions".²³¹

657. The CDS Directive to Lt Gen Reith, the UK Commander Joint Operations for Operation TELIC, was issued at 2300 on 18 March. Operations would not begin before 1800 the following day.²³²

658. At the first Ad Hoc Meeting on Iraq on 19 March, Mr Scarlett provided an update on the intelligence picture "highlighting Iraqi military deployments and the poor morale of Iraqi forces".²³³

659. Adm Boyce stated that the "British forces were balanced and ready for action"; and that the "US military were well advanced in their preparations for immediate humanitarian relief".

660. The minutes of the Chiefs of Staff meeting on 19 March reported that military planners were looking at accelerating the plan "in anticipation of an early collapse of the Iraqi 51st Division in the South".²³⁴

661. Adm Boyce also informed the Chiefs of Staff that he had signed and issued the Execute Directive for Op TELIC, the military operation against Iraq, to Lt Gen Reith earlier that day.²³⁵

662. The Directive set out: the situation and legal basis for operations; the UK Government's political, strategic and military objectives; the concept of operations and detailed instructions for the mission.²³⁶

663. The details in respect of combat operations are set out in Section 8.

664. The provisions on IHL and on targeting and Rules of Engagement are addressed later in this Section.

665. The instructions for the post-conflict phase are described in Section 6.5.

²³¹ Letter Manning to Rice, 18 March 2003, [untitled].

²³² Letter Watkins to Manning, 18 March 2003, 'Iraq: Military Operations'.

²³³ Minutes, 19 March 2003, Ad Hoc Meeting on Iraq.

²³⁴ Minutes, 19 March 2003, Chiefs of Staff meeting.

²³⁵ Minutes, 19 March 2003, Chiefs of Staff meeting.

²³⁶ [Directive CDS to CJO, 18 March 2003, 'Chief of Defence Staff Execute Directive to the Joint Commander Operation TELIC, Edition 2'](#).

666. Shortly before midnight on 19 March, the US informed Sir David Manning that there was to be a change to the plan and US air strikes would be launched at 0300 GMT on 20 March.²³⁷

667. Early on the morning of 20 March, US forces crossed into Iraq and seized the port area of Umm Qasr.²³⁸

668. The invasion of Iraq is addressed in Section 8. The continuing discussions about the planning and preparations for a post-conflict Iraq and the UK's role in that are addressed in Section 6.5.

669. The Military Campaign Objectives were published on 20 March.²³⁹ They are addressed in Section 8.

670. Lord Goldsmith's approval had been sought for the document.²⁴⁰

671. The final version reflected Lord Goldsmith's request for a number of amendments.²⁴¹

JIC Note, 19 March 2003: 'Saddam: The Beginning of the End'

672. The record of the JIC discussion on 19 March stated that the draft Note, 'Saddam: The Beginning of the End', "tried to answer some difficult questions about Saddam's likely actions as the endgame approached, but the picture was moving fast and predictions remained difficult". Saddam was "likely to go out fighting". The JIC also asked that the Note be reordered "to include judgements on Iraq's CBW intentions, possibly against a Shia uprising; Saddam's intentions in each of the three main geographical areas of Iraq; threats to the oilfields; regime and military cohesion in the light of army desertions; Saddam's ability to maintain control ... and the defence of Baghdad. The Daily Updates needed to record developments in these areas."²⁴²

673. The JIC Note produced on the same day stated that the Iraqi regime was making its final preparations for war.²⁴³ Saddam Hussein had publicly activated his regional command structure on 15 March and Iraq's military and security services were "on the highest state of alert". The JIC stated that "Saddam's scope for extreme and unpredictable action" was increasing as the prospect of an attack increased. The timing and sequence of his next moves were "already highly uncertain".

²³⁷ Letter Manning to McDonald, 20 March 2003, 'Iraq'.

²³⁸ Ministry of Defence, *Operations in Iraq: Lessons for Future*, December 2003.

²³⁹ House of Commons, *Official Report*, 20 March 2003, column 1087.

²⁴⁰ Letter Bowen to Brummell, 14 March 2003, 'Iraq: Military Campaign Objectives' attaching Paper, March 2003, 'Iraq: Military Campaign Objectives'.

²⁴¹ [Letter Brummell to Bowen, 16 March 2003, 'Iraq – Military Campaign Objectives'](#).

²⁴² Minutes, 19 March 2003, JIC meeting.

²⁴³ [Note JIC, 19 March 2003, 'Saddam: The Beginning of the End'](#).

674. The JIC judged:

“There are indications that regime cohesion is under increasing pressure, but no sign that it will collapse before military action begins. Reporting suggests desertion rates are rising in the Republican Guard (RG), up to some 20 percent. One report also indicates that members of the RG are waiting for an attack to begin before escaping. Media reporting shows small numbers of Iraqi soldiers already offering to surrender. The regime proved able, however, to restore stability rapidly after limited anti-regime protests in mid-March.”

675. The JIC assessed that Saddam Hussein was focusing on the defence of Baghdad:

“Imagery indicates elements of the Special Republican Guard (SRG) have been deployed near to Saddam International airport and SRG security units have been dispersed in central Baghdad. One report indicated SRG had also been deployed in the northern outskirts of Baghdad in the direction of Tikrit. Imagery indicates Republican Guard units deploying to the South, West and East 30km outside the capital, apparently to concealment sites for protection against air strikes.”

676. The JIC judged that Iraq had “a useable CBW capability, deliverable using artillery, missiles and possibly unmanned aerial vehicles”. While a report in mid-March had indicated that Iraq’s chemical weapons had not been assembled, there was intelligence to suggest that Iraq planned to use them. Reporting also suggested that Iraq could try to blame civilian deaths resulting from CBW use on the Coalition.

677. The JIC added that:

- “Intelligence on the timing of CBW use is inconsistent [...]”
- Intelligence on the deployment of CBW was “sparse”.
- “Uncorroborated reporting” suggested the “delivery of CW shells to Republican Guard units ... south of Baghdad”.
- There was “no evidence” that ballistic missiles destroyed by Coalition air action in February “were equipped with CBW warheads”, but the JIC could not be sure that it “would receive indications prior to an attack”.
- Saddam Hussein retained “ultimate control of CBW use”, but there were suggestions that he had “contingency plans to devolve military decision making, including CBW, to regional commands, if communications are cut with Baghdad”.
- Saddam Hussein “might take this decision early, once the severity of the initial attack becomes clear or in the face of Kurdish or Shia uprisings”, although the possibility of Saddam offering concessions to remain in power “would argue against pre-emptive attacks and devolving control”.
- An “early strategic U-turn, once Saddam realises the intensity of the attack ... and the risk of losing control of his CBW capability” could not be ruled out, and he might “then order early CBW attacks”.

- The JIC continued to judge that “in the face of death and the destruction of his regime”, Saddam would “try to wreak as much havoc as possible”, but his ability to do so could be limited.
- There was a “further risk ... that CBW could become available to extremist groups either as a last vindictive act by Saddam, or through the loss of control in the final days of his regime”.

678. In his account of the campaign, Gen Franks wrote on 20 March:

“For the past two days we had been receiving increasingly urgent Intelligence reporting that Republican Guard units in Baghdad had moved south to the city of al-Kut – and that they had been issued mustard gas and an unknown nerve agent.”²⁴⁴

Joint minute on the UK military contribution to post-conflict Iraq

679. Most of the issues raised at Mr Blair’s meeting on 6 March, including sectorisation, remained unresolved as the invasion began.

680. On 19 March, Mr Straw and Mr Hoon informed Mr Blair that:

- the UK would not be expected to contribute resources to anything other than security during the first phase of the US post-conflict plan;
- it would be premature to take a view on the merits of sectors for the following phase; but
- it would help the US and military planners to agree on the UK’s medium-term contribution.

681. The minute concluded with a warning that Coalition partners were thin on the ground. If the campaign did not go well, there would not be many who were prepared or able to take part.

682. Mr Straw and Mr Hoon considered only the UK’s military presence in Iraq. They made no reference to the civilian contribution.

683. Sir Kevin Tebbit expressed concern about the transition from a primarily military effort to longer-term civilian-led reconstruction. It would be necessary to work hard to avoid dependence on the Armed Forces to carry out civilian tasks.

684. Mr Straw and Mr Hoon sent Mr Blair a joint minute on the UK military contribution to post-conflict Iraq on 19 March.²⁴⁵

²⁴⁴ Franks T & McConnell M. *American Soldier*. HarperCollins, 2004.

²⁴⁵ [Minute Straw and Hoon to Prime Minister, 19 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’](#).

685. The draft was subject to “intensive consultations at official level in the MOD and FCO”.²⁴⁶

686. In the FCO, Mr Ricketts sent the draft to Mr Straw’s Private Office with the comment:

“This is a clear note on a crucial issue. If the Secretary of State [Mr Straw] could OK it (I showed him a slightly earlier draft this morning) it can go to No.10 tonight, for discussion at the PM’s meeting at 0830 on 20 March.”²⁴⁷

687. In the MOD, the draft was cleared by Adm Boyce and Sir Kevin Tebbit.

688. Sir Kevin commented:

“In terms of our military capacity, with an eye to the aftermath, it would clearly be preferable to confine ourselves to SE Iraq and not bite off more than we can chew. I accept, however, that we should be prepared, initially, for our forces to be fairly widely dispersed across Iraq, depending on how Phase III goes, because without successful Phase III, Phase IV becomes harder, if not academic. The trick will be to be able to regroup in a smaller area of SE Iraq once hostilities are ended.

“I also agree that we should be clear about our medium/long term scale of military commitment. While we are putting all we can into the war effort, we should plan ahead to stay broadly within ... [Strategic Defence Review guidelines].²⁴⁸

“What concerns me most is the process of transiting from a primarily military effort to the civil-led longer term humanitarian and reconstruction phase. Recent history does not offer too much encouragement and we shall have to work hard to avoid ‘dependence culture’ on the Armed Forces to do things which should be for civil departments – initially through aid, subsequently through Iraqi own efforts. The politics of the issue do, I believe, point in the same direction. To meet the PM’s wish for us to play an exemplary role, we shall need to remember that memories of the UK in the region from the 1920s are not all positive, and we should make clear our desire to hand over and withdraw on the right basis as early as we can.”²⁴⁹

²⁴⁶ [Minute Chilcott to Private Secretary \[FCO\], \[undated\], ‘Iraq: The UK’s Military Contribution to Post-Conflict Iraq’.](#)

²⁴⁷ [Manuscript comment Ricketts to Private Secretary \[FCO\], \[undated\], on Minute Chilcott to Private Secretary \[FCO\], \[undated\], ‘Iraq: The UK’s Military Contribution to Post-Conflict Iraq’.](#)

²⁴⁸ It is not clear whether Sir Kevin Tebbit referred to the SDR or the Defence Planning Assumptions. The MOD has been unable to provide a version of Sir Kevin Tebbit’s manuscript note including the missing words.

²⁴⁹ [Manuscript comment Tebbit on Email DCMC CRISIS 04-S to CDS/PSO-S, 19 March 2003, ‘Joint Defence and Foreign Secretaries Minute to PM on “Sectors”’.](#)

689. In their joint minute, Mr Straw and Mr Hoon warned that some issues “could confront us as early as next week” and invited agreement to five propositions:

- “(a) The maximum size of task that UK forces would contribute to in the early days should not exceed our overall military capability. A focus in the South-East of Iraq would be reasonable.
- (b) The UK contribution to such a task in advance of a Security Council resolution would be limited to the facilitation of humanitarian assistance and a secure environment and the elimination of WMD.
- (c) We therefore need to agree urgently with the US a realistic authorising Security Council resolution for post-conflict Iraq.
- (d) We should agree urgently a plan with the US to help us find military partners to enable us to draw down and, in due course, design an exit strategy.
- (e) In broad terms the MOD will need to draw down its scale of effort to nearer a third of its commitment by the autumn.”²⁵⁰

690. Mr Straw and Mr Hoon gave little detail of what UK forces would be required to do immediately after the invasion:

“Much will depend on how the campaign develops, but in the first few weeks we should expect Coalition Forces to be spread across Iraq. The expectation is that UK forces will end up in southern Iraq, loosely centred on Basra. However, we should be prepared for elements of our forces to be dispersed fairly widely across Iraq ...

“US military planning continues to be fluid. But it envisages Coalition Forces re-deploying into a more tailored security framework as soon as the situation permits. The military task will be to facilitate a secure environment (including law and order, deterring adventurism and a variety of military-technical tasks) to enable immediate humanitarian relief to be conducted ...

“The expectation is that UK forces would be responsible for a task focused on Basra and other key military objectives in the South-East of Iraq, which could include 20 percent of the Iraqi population. This task is broadly proportionate to the size of the UK’s contribution to overall Coalition land forces ...

“In parallel, and under the overall military command, the US plan to bring in a transitional administration²⁵¹ to co-ordinate immediate civil relief and humanitarian assistance. The transitional administration is making plans for allocating its limited resources, including provision of public sector salaries, on a nation wide, Coalition basis. There is no expectation that the UK would be asked to contribute any

²⁵⁰ [Minute Straw and Hoon to Prime Minister, 19 March 2003, ‘Iraq: UK Military Contribution to Post-Conflict Iraq’.](#)

²⁵¹ A footnote explained: “The Office of Reconstruction and Humanitarian Assistance (ORHA) becomes the transitional administration once it is established inside Iraq.” ORHA’s role is described in more detail in Section 6.5.

resources to anything other than security. So there is no suggestion that the UK would be left to foot the bill for the civil administration or the costs of humanitarian relief and reconstruction in any area.”

691. Mr Straw and Mr Hoon reported that US planning remained “sensibly flexible” once the initial phase was over and “a major part of Iraq has been stabilised”. They advised that US planning:

“... recognises that parts of Iraq will be more permissive than others and that security could well be provided through something other than sectors. It would be premature now to take a view on the merits of sectors for this stage. We are well placed to influence US thinking with a number of military officers and officials embedded within their military headquarters and in ITCA [International Transitional Civil Authority]. **It would be helpful for them, and for military planners generally, to agree what our scale of effort should be in our medium-term contribution to Iraq.**”

692. Mr Straw and Mr Hoon advised that it would be necessary to reduce the UK military contribution “to nearer a third by no later than the autumn in order to avoid long-term damage to the Armed Forces” and to remain within current Defence Planning Assumptions: “If Ministers wanted us to, we would need decisions now so that we would be able to recommend what would have to give elsewhere.” Scaling down to nearer a third would limit the UK contribution thereafter to “a maximum of around one brigade, a two-star headquarters and possibly a contribution to higher level command and control”. They recommended telling the US now, for planning purposes, that this was the upper limit of the UK contribution.

693. Mr Straw and Mr Hoon also recorded that the ARRC [Allied Rapid Reaction Corps] featured in current CENTCOM planning as a multi-national headquarters that could play a role in post-conflict Iraq, but would be the subject of a separate paper (see Section 9.1).

694. Mr Straw and Mr Hoon ended with a section on “**Setting the conditions for success**”. The conditions in which UK forces operated needed to be conducive to success. There needed to be a resolution authorising international activity in the post-conflict period; and:

“We should also let the US know the key importance of internationalising the security arrangements now so that we can reduce our commitment as set out above. And we would expect US support in building a wider Coalition to operate alongside our forces, allow us to draw down and eventually to provide us with an exit strategy.”

695. Mr Straw and Mr Hoon concluded:

“We should be realistic about the limited prospects of our finding any genuine military capability to help us take this task on. New ... Coalition partners are thin

on the ground and, if the post-conflict phase does not go well, there will not be many nations who will be prepared or able to take part.

“And finally, we shall need to return to this issue once we are clear how the campaign is developing and look at our wider contribution in the round.”

696. The Cabinet Office took a different position on whether it would be “premature” to take a view on the merits of sectors.

697. Before the joint minute from Mr Straw and Mr Hoon reached No.10, Mr Drummond advised Mr Rycroft that “we need Ministers to decide on sectors”. The joint minute and sectors should be on the agenda for the Ad Hoc Meeting on Iraq (the “War Cabinet”) on 20 March.²⁵²

698. Mr Drummond suggested that Ministers would want to agree the proposals in the joint minute:

“... provided they are satisfied that:

- UK Forces will be capable of providing security for an area around Basra including about 20 percent of Iraq’s population.
- How long will we have this responsibility, and what is the exit strategy (benign security environment created, UK forces replaced by others). Will we be able to limit ‘our area’ to say Basra by the autumn, when we want to withdraw two-thirds of our troops?
- That the assertion that the transitional administration will handle civil administration including humanitarian reconstruction issues is correct: This is clearly the plan, but it must be doubtful that ORHA [the Office of Reconstruction and Humanitarian Assistance] will have the capacity, and therefore the troops on the ground may be called on to help. The UK certainly doesn’t have civilian capacity to help govern 20 percent of Iraq.”

699. The invasion of Iraq began overnight on 19/20 March 2003. Military operations during the invasion are described in Section 8.

700. Discussion of the issues raised in the joint minute from Mr Straw and Mr Hoon continued after the start of the invasion and is addressed in Sections 6.5 and 8.

701. The transition from conflict (Phase III) to post-conflict (Phase IV) military operations began immediately Coalition troops started to occupy Iraqi territory.

702. When that transition began, the Government had not taken firm decisions on the nature or duration of the UK’s military commitment in post-conflict Iraq or on the extent of the UK’s AOR. There had been no systematic analysis of the UK’s

²⁵² [Minute Drummond to Rycroft, 19 March 2003, ‘Iraq Ministerial Meeting’.](#)

military or civilian capacity to fulfil its likely obligations in the South in a range of circumstances, including:

- **in the prolonged absence of an authorising resolution;**
- **in the absence of additional Coalition partners;**
- **in a hostile security environment with low levels of Iraqi consent; and**
- **over different timescales, in particular the medium and long term.**

703. Each of those issues had been identified as a potential risk to UK strategic objectives in Iraq, but no detailed contingency plans or preparations were in place to mitigate those risks.

Guidance to the Armed Forces on the application of international humanitarian law

704. Guidance on the principles and application of international humanitarian law (IHL) was disseminated to those engaged at all levels in military action through a number of different mechanisms.

705. The CDS Directive to CJO on 18 March 2003, the ‘Execute Directive to the Joint Commander for Operation TELIC’, set out: the situation and legal basis for operations; the UK Government’s political, strategic and military objectives; the concept of operations and detailed instructions for the mission.²⁵³ It included a paragraph to the effect that all military operations, by UK forces and from UK territory, were to be conducted in accordance with the UK’s Obligations under the Law of Armed Conflict (otherwise known as IHL) and UK national law.

706. The principles of IHL are set out in the Box earlier in this Section, ‘Overview of international humanitarian law’.

707. The CDS Directive also contained a number of annexes, including a Targeting Directive and a draft Rules of Engagement (ROE) profile, although at the time of issue that had not yet been authorised by Ministers.

708. ROE are explained in the Box below.

²⁵³ [Directive CDS to CJO, 18 March 2003, ‘Chief of Defence Staff Execute Directive to the Joint Commander Operation TELIC, Edition 2’.](#)

Rules of Engagement

Rules of Engagement (ROE) are defined by the MOD as “directions for operational commands that set out the circumstances and limitations under which armed force may be applied by UK forces to achieve military objectives for the furtherance of UK government policy”.²⁵⁴ They are the means by which Ministers provide political direction and guidance to commanders on the application of force, within identified legal constraints, and they have specific Ministerial authority.

The ROE Compendium, Joint Service Publication 398, is divided into 21 “Rules”, each of which addresses a different type of action (and each has a number of options ranging from prohibition, through qualified permissions, to unrestricted use of the capability).²⁵⁵ The Compendium thus offers a menu of options from which a “ROE profile” can be selected (and, if necessary, amended) and authorised by Ministers for each operation.

An ROE profile is issued “as a set of parameters to inform commanders of the limits of constraint imposed or of freedom permitted when carrying out their assigned tasks ... In passing orders, subordinate commanders at any level must always act within the ROE received but they are not bound to use the full extent of the permissions granted.” The profile is also disseminated as appropriate to subordinate commanders.

The ROE profile for Operation TELIC, issued to the Joint Commander on 18 March 2003, rehearsed the legal basis relied upon by the UK in taking military action against Iraq and approved by the Attorney General.²⁵⁶ It stated that Iraq “has failed to comply with the terms of Resolution 1441” and was “in further material breach of its obligations”. The UK Government had concluded that military action was necessary to enforce Iraqi compliance with UNSCRs 678, 687 and 1441, and it was “therefore necessary” to remove the current regime from power “in order to create the conditions in which Iraq could be disarmed in accordance with its obligations”.

All military operations were “to be limited to what is necessary to create those conditions”; and all military action was to be carried out in accordance with the Law of Armed Conflict, “which requires that at all stages the principles of distinction, proportionality, and military necessity are to be applied to the use of minimum force”.

709. ROE for sites of religious or cultural significance are addressed later in this Section.

710. The content of the CDS Directive was further disseminated through Directives from the CJO to the National Contingent Commander (NCC) and to the three UK Contingent Commanders for Maritime, Land and Air.²⁵⁷ The CJO Directive included copies of the ROE and Targeting Directives. Each Commander was reminded that he was to ensure that UK personnel complied with IHL and with national ROE.

²⁵⁴ JSP 398, 2000, ‘United Kingdom Compendium of National Rules of Engagement’.

²⁵⁵ JSP 398, 2000, ‘United Kingdom Compendium of National Rules of Engagement’.

²⁵⁶ [Directive CDS to CJO, 18 March 2003, ‘Chief of Defence Staff Execute Directive to the Joint Commander Operation Telic, Edition 2’.](#)

²⁵⁷ Directive Reith to BurrIDGE, 19 March 2003, ‘Joint Commander’s Directive to the UK National Contingent Commander Operation TELIC’.

711. Each of the Directives contained a paragraph on Prisoners of War and detainees, reminding the recipient that they had a legal liability to acquaint themselves with the Geneva Conventions and Protocols, and that they were responsible for ensuring that all members of UK contingents and components complied with them. The Directive also referred to the requirement that any handling of Prisoners of War and detainees must be conducted strictly in accordance with the provisions of JWP-1-10, the Joint Warfare Publication on the handling of Prisoners of War.

712. In addition to the Directives issued to senior commanders, all personnel deployed were issued with an aide memoire on the Law of Armed Conflict, setting out the basic rules of the Law of Armed Conflict in simple language and in a portable form so all service personnel could carry them on their person.²⁵⁸

Guidance on targeting

713. On 13 March, the MOD Legal Adviser sought Lord Goldsmith's views on a draft Targeting Directive.

714. On 10 March, Mr Hoon wrote to Lord Goldsmith with a draft of the 'Disarming Iraq' paper which underpinned the choice of military tasks in the Government's draft campaign objectives.²⁵⁹

715. Mr Hoon also provided a second paper on targeting considerations. Potential targets were examined by category with a description of the intelligence surrounding it, its military necessity, targeting considerations and a suggested level to which authority would be delegated for decisions on attacks.

716. Delegation was based on an assessment of the likely civilian casualties, categorised as:

- “• ... no civilian structures within [...] metres of aim point; casualty estimate: LOW [...].
- ... assessment of whether any civilian objects in weapon effect radius; casualty estimate: LOW or MEDIUM [...].
- ... assessment using attack specific data; civilian casualty estimate: LOW; MEDIUM or HIGH [...].”

717. One category was “Regime Leadership Targets”, including Presidential Palaces, and comprised “secure facilities” from where regime leaders could exercise command and control. The targets were designed to prevent Saddam Hussein from governing Iraq and deny him command and control of the Iraqi Armed Forces, including use of WMD.

²⁵⁸ Aide Memoire on the Law of Armed Conflict JSP381, version extant in September 2004 published by the Baha Mousa Inquiry.

²⁵⁹ Letter Hoon to Goldsmith, 10 March 2003, 'Iraq: Targeting Policy' attaching Paper 'Disarming Iraq' and Paper 'Operation TELIC: Targeting Consideration'.

718. The paper stated that, to be effective, all targets identified as being active, or historically used as regime command centres, must be disabled. Issues of proportionality were to be “judged against the proportionality of the entire set [...] against the military necessity of achieving denial of WMD use”.

719. Mr Hoon wrote that the targeting paper would “form part of the guidance to senior military commanders” to whom authority was delegated and that they would “take decisions based on the same target clearance process” that was used for Ministerial decisions on targeting and “on the basis of the legal advice available directly to them”.

720. The paper informed, but was “not a substitute” for, the Targeting Directive, which formed part of the CDS Directive to the CJO for Op TELIC.

721. The paper stated that any delegation would be exercised in accordance with international law and with the benefit of legal advice. Mr Hoon wrote that agreement of the paper was “independent of any overall decision to authorise the use of force” and would have no impact on the UK’s operational policy until such a decision was taken.

722. On 13 March 2003, an official sent AM Burrige a 2001 policy paper entitled ‘Joint Targeting and Battle Damage Assessment for UK Forces’, which was described as the “benchmark” for the process by which target authorisation and delegation should be conducted.²⁶⁰

723. The paper provided comprehensive guidance on definitions and principles of targeting, and contained detailed annexes on:

- legal considerations for “targeteers”;
- guidance on calculation of collateral damage predictions and casualty estimates;
- process maps for decision-making;
- a pro forma targeting checklist; and
- guidance on Battle Damage Assessment.

724. The paper stated that IHL principles were:

- the need to be satisfied that the target was required to fulfil a military objective;
- that all reasonable steps had been taken to avoid and in all cases minimise collateral damage to civilians and civilian objects; and
- that the anticipated military advantage outweighed the expected collateral damage.

²⁶⁰ Minute Harris to UK NCC, 13 March 2003, ‘Targeting Lexicon’ attaching Paper, 23 January 2001, ‘Joint Targeting and Battle Damage Assessment for UK Forces’.

725. On 13 March, Mr Hemming wrote to Ms Adams with a draft of the Targeting Directive and the CDS Directive.²⁶¹ He wrote that some assumptions “may need adjustment” in the light of Lord Goldsmith’s advice, and of Ministers’ and Adm Boyce’s views.

726. Mr Hemming wrote that, in particular, Mr Hoon had “not yet formed a view about the nature and extent of any delegation in relation to the targeting of key regime individuals”. He added: “We expect to know his views shortly.”

727. The Targeting Directive attached to Mr Hemming’s letter set out a number of designated target sets that would not require the application of the UK’s collateral damage estimation methodology, including a category of “Regime Leadership Personnel”. That category included Saddam Hussein, Uday Hussein and Qusay Hussein.

728. Mr Hemming explained the process through which the Targeting Directive would work:

- Mr Hoon would approve the authorisation proposal.
- Adm Boyce would issue the Directive to Lt Gen Reith.
- Lt Gen Reith would pass authority to AM Burrige and sub-delegate authority to Air Vice Marshal Glenn Torpy, Air Contingent Commander, for particular categories of targets.

729. There were nine legal advisers integrated into the clearance process: three at each level for the relevant commander. Each lawyer had the ability to seek advice from further up the command chain and each legal office was overseen by the next legal office in the chain of command.

730. Mr Hemming wrote that the Targeting Directive was kept “under constant review” and targets authorised by AM Burrige or AVM Torpy would be reported to, and monitored by the DTIO on a daily basis. The DTIO would report to Adm Boyce and Ministers.

731. Lord Goldsmith emphasised that Mr Hoon would need to satisfy himself that adequate arrangements were in place to ensure that targets fully complied with the UK’s obligations under IHL.

732. Lord Goldsmith also asked to receive daily reports on the targets attacked.

733. Ms Adams replied to Mr Hemming on 19 March with Lord Goldsmith’s views in the light of a further briefing he had received on 17 March.²⁶²

²⁶¹ Letter Hemming to Adams, 13 March 2003, ‘Iraq Targeting’ attaching Paper ‘Op TELIC – Targeting Directive’.

²⁶² Letter Adams to Hemming, 19 March 2003, ‘Iraq: Targeting Directive’.

734. Lord Goldsmith said it was for Mr Hoon “to decide, on the basis of military and political advice, the extent to which he should delegate his authority to approve targets”. However, “given the heightened scrutiny of the proposed campaign”, Lord Goldsmith emphasised that Mr Hoon needed to satisfy himself that adequate arrangements were in place to ensure that targets approved under the delegated authority would fully comply with the UK’s obligations under IHL.

735. Lord Goldsmith saw no legal objection in principle to delegation “provided that”:

- the scope of the delegation was clearly defined (to protect the position of the relevant commander);
- clear instructions were given that the commander to whom authority was delegated was required to comply with IHL;
- Mr Hoon was satisfied that arrangements had been made to ensure that the commander to whom authority had been delegated had access both to adequate legal advice on IHL and technical advice from UK targeteers trained in the requirements of IHL; and
- the public record, “especially in Parliament”, reflected the reality of the target clearance process and the fact of delegation.

736. Lord Goldsmith considered it “unwise” to delegate authority to attack targets that would raise “significant legal issues” or which were “politically sensitive”. Those targets should remain subject to “appropriate political control”.

737. Mr Hoon needed to be satisfied that arrangements were in place “to do everything feasible to avoid accidental harm to refugees, humanitarian convoys and other civilians”. Lord Goldsmith stressed the need to ensure that attacks on airports or air fields did not impede the delivery of humanitarian assistance.

738. Ms Adams wrote that Lord Goldsmith had considered the process of approving targets under delegated authority, including the arrangements for the provision of legal advice, as explained in Mr Hemming’s letter.

739. Lord Goldsmith believed that the proposed delegation in the Targeting Directive was “acceptable” subject to seven points where he suggested amendments or clarification.

740. One of those points was Lord Goldsmith’s understanding that the Targeting Directive would be issued “for the time being without delegated authority to attack individual members of the Iraqi regime”.

741. Such targets were likely to be “highly politically sensitive” and Mr Hoon should consider very carefully whether to delegate authority for those targets. If Mr Hoon were minded to do so, Lord Goldsmith requested further briefing on the considerations Mr Hoon believed would justify the targeting of specific individuals and recommended that Mr Straw was involved in any consideration of the issue.

742. Lord Goldsmith also asked to receive copies of the daily reports on targets attacked under delegated authority.

743. On 20 March, Lord Goldsmith advised Mr Hoon that he would need to consider whether an individual was a legitimate military target and proportionality in considering delegation of authority to attack Iraqi leadership targets.

744. On 20 March, Lord Goldsmith wrote to Mr Hoon with advice about the points he should address in considering whether to delegate authority to target particular individuals in the Iraqi regime.²⁶³ The letter followed a meeting the previous evening between Mr Hoon, Lord Goldsmith and Mr Straw.

745. Lord Goldsmith referred to his previous advice that Mr Hoon must be satisfied that adequate arrangements were in place to ensure that targets approved under the delegated authority complied with the UK's obligations under IHL. The delegation granted for the campaign was "extremely wide" and AM Burrige had "been granted authority to authorise attacks which, collectively, could cause significant civilian casualties".

746. Lord Goldsmith wrote:

"While I recognise the need for some delegation, given the likely speed and extent of the campaign, I think it right to note that when we met in Jack [Straw]'s office in the House on 4 February I proposed a system under which we could have personally approved more targets identified for the first stage of the campaign. Given the degree of public interest in the IHL aspects of the campaign, you will of course have to be prepared to justify publicly and in Parliament the decision to delegate authority to approve targets in the event of any controversial incidents."

747. Lord Goldsmith set out two issues that Mr Hoon should consider in deciding whether to delegate authority for "individual leadership targets".

748. First, Mr Hoon must be satisfied that targeting a particular individual was a legitimate military objective under IHL. There were two circumstances in which individuals might be a legitimate target:

- if they were a member of the armed forces of Iraq within the meaning of Article 43 of the 1st Additional Protocol to the Geneva Conventions (AP1); or
- civilians "for such time as they take a direct part in the hostilities" under Article 5(13) of AP1.

749. The assessment of whether an individual fell under either category of being a legitimate target was "a question of fact to be made on the basis of the actual status, functions and activities of the person concerned". An individual's constitutional position could not by itself justify the conclusion that he was a member of the Armed Forces.

²⁶³ Letter Goldsmith to Hoon, 20 March 2003, [untitled].

750. Lord Goldsmith said that in relation to the “three ‘dramatic’ targets”, Mr Hoon would need to be satisfied that there was “sufficient evidence to justify the conclusion that they actively participate in military command and control”. It was not enough “to assess that a person is likely, if certain circumstances occur, to take over military command and control”. Article 51(3) AP1 did not allow for the pre-emptive targeting of civilians.

751. Second, having established that an individual was a legitimate target, Mr Hoon should consider “the question of proportionality”.

752. The proportionality assessment would need to be considered at the time an attack was authorised, based on the place where the person was suspected to be and having regard to IHL.

753. Lord Goldsmith had “no doubt” that AM Burridge would consider carefully whether any proposed attack was proportionate:

“But given the sensitivity of targeting individuals and the distinct possibility that an attack may not succeed (either because the intelligence was wrong or because the individual moved on before the strike took place), my advice is that you should consider carefully the possibility of giving guidance to the commander on how he is to assess proportionality in relation to these targets. You should bear in mind in this context the delegation proposed in your letter would give Air Marshal Burridge authority to authorise an attack on any of the three key individuals which would cause unlimited civilian casualties, no matter where the individual was located. So, for example, an attack on such an individual could be authorised without reference to Ministers if intelligence suggested he were in a school, hospital, mosque or densely populated residential area of Baghdad.”

754. Lord Goldsmith advised that there were a number of points to consider in deciding what guidance Mr Hoon might give, including:

- What was “the concrete military advantage of killing each particular individual?”
- If Mr Hoon was prepared to contemplate the delegation of authority with a high estimate of casualties, was it feasible to place an upper limit on the casualties which might be caused by an attack?
- Since the extent of the military advantage was likely to change as the campaign progressed, it would be important to keep the delegation under constant and careful review.

755. Following further exchanges with Lord Goldsmith, Mr Hoon replied on 7 April confirming the delegations to AM Burridge and that they would be kept under constant review.

756. On 28 March, Dr Simon Cholerton, MOD Assistant Director Iraq (Secretariat), advised Mr Hoon on the considerations raised by Lord Goldsmith.²⁶⁴ Dr Cholerton was to meet Mr Hoon later that day.

757. Dr Cholerton wrote that the MOD had previously thought it unlikely that time-sensitive intelligence on the whereabouts of key individuals would be available to enable a Coalition attack specifically directed at an individual. That position had changed since the campaign “began in earnest” and significant resources were being devoted to obtaining further intelligence. AM Burrige was “now very keen” to establish the UK position “as soon as possible”.

758. Dr Cholerton advised that the MOD was satisfied that all named individuals were legitimate objectives under IHL; they were either members of the Iraqi Armed Forces or assessed to be taking a direct part in hostilities.

759. In providing guidance for assessing the proportionality of an attack, Dr Cholerton wrote that the MOD could place strict limits upon AM Burrige, such as an upper limit on the number of civilian casualties as suggested by Lord Goldsmith. He added:

“Alternatively, we could remind the NCC [AM Burrige] in guidance that these factors should be taken into account in coming to any decision, and suggest an overall limit on civilian casualties of no more than [...]”

760. Dr Cholerton assured Mr Hoon that the military justification for the targets would be reviewed on “a day by day basis” and he would be advised “as soon as there was any significant change with the position”.

761. Later that day, Dr Cholerton sent a second piece of advice to Mr Hoon following their meeting with Air Cdre Heath and Mr Hemming.²⁶⁵ Mr Hoon had asked how delegation could be varied according to the location of the individual.

762. Dr Cholerton set out an approach which discriminated between the categories of site where the target was believed to be located:

- “military location”;
- “special location” – such as medical facilities, places of religious worship, historic and cultural sites, places of mass recreation and educational establishments “and other child centred facilities”; and
- “non-military location” – described as “any place or premises that are neither a military location or a special location”.

²⁶⁴ Minute Cholerton to PS/Secretary of State [MOD], 28 March 2003, ‘Op TELIC: Targeting Individuals’.

²⁶⁵ Minute Cholerton to APS/Secretary of State [MOD], 28 March 2003, ‘Op TELIC: Targeting Individuals’.

763. Dr Cholerton recommended that Mr Hoon should delegate target clearance authority to AM Burrige:

- For Category A individuals in a military location with potentially HIGH numbers of civilian casualties [...] or in a non-military location with potentially MEDIUM numbers of civilian casualties [...].
- For Category B individuals in a military location with potentially MEDIUM numbers of civilian casualties or in a non-military location with potentially LOW numbers of civilian casualties [...].

764. That delegation was on condition that Mr Hoon was “informed as soon as possible of the planned attack” and, if at all possible, before it took place.

765. The names of the individuals listed under either category would be provided separately.

766. Dr Cholerton recommended, where targets were “outside the above casualty ceilings” or were located at a “special location”, that Mr Hoon delegated unlimited authority to AM Burrige. That was subject to the condition that Mr Hoon “*must* be informed” of his decision to attack in advance, and that the attack could only take place after AM Burrige had received confirmation that Mr Hoon had not overruled his decision.

767. In deciding whether or not to overrule AM Burrige’s decision, Mr Hoon would be provided with details about the target’s identity, location and an estimate on the number of civilian casualties.

768. If Mr Hoon was content, that approach would be set out in an annex to the CDS Directive and AM Burrige would not be able to delegate those responsibilities further.

769. Mr Hoon wrote to Lord Goldsmith on 29 March, setting out the approach recommended by Dr Cholerton.²⁶⁶ On whether the named individuals were legitimate targets, Mr Hoon wrote:

“I have satisfied myself that the individuals we were considering who are not formally members of the Iraqi Armed Forces are taking a direct part in hostilities by their senior functions in the Iraqi military command structure. Each of them is therefore in principle a legitimate target who may, subject to the proportionality test, be lawfully attacked.”

770. An Annex was attached to the letter setting out the two categories of individuals. Category A was entitled “dramatic” and comprised Saddam, Qusay and Uday Hussain. Category B was entitled “significant” and listed four senior members of the Iraqi Armed Forces.

²⁶⁶ Letter Hoon to Goldsmith, 29 March 2003, ‘Iraq: Targeting Individuals’ attaching Paper ‘Iraq: Personalities’.

771. Lord Goldsmith responded on 30 March, highlighting areas where Mr Hoon’s approach might require clarification.²⁶⁷

772. Lord Goldsmith noted that “military location” had been defined using the language of Article 52(2) AP1, which defined a “military objective”, but without the second limb of that definition.²⁶⁸ It was not therefore the case that all military locations would necessarily be military objectives. Lord Goldsmith added:

“In any event, the location is not the objective; the objective is the individual. It is not obvious why as a matter of law there should be a higher (civilian) casualty limit for your category of “military location” as defined.”

773. Lord Goldsmith asked if it had been intended that military locations could include dual-use facilities, which could fall under the current definition. If that was not the case, Lord Goldsmith recommended revising the definition to refer to locations which were considered part of the military infrastructure.

774. In relation to attacks on individuals believed to be in a location which was not itself a military objective, Lord Goldsmith wrote that Mr Hoon would need to be able to demonstrate that he was not making a civilian object, such as a school, the object of the attack: “Attacks must be limited to strictly military objectives (in this case the individual): see Additional Protocol 1, Article 52.”

775. Lord Goldsmith noted paragraph 1979 of the International Committee of the Red Cross (ICRC) Commentary to Article 51(3), which suggested that the attacks must be carried out “with means which are not disproportionate in relation to the objective, but are suited to destroying only that objective”. While it was “not entirely clear” what the commentary meant, it was indicative that “any decision to attack one of the individual leaders”, if it caused substantial loss of civilian life, would be “legally and politically controversial”, especially if the attack failed to take out the individual leader targeted.

776. Those points also had to be considered in addition to the requirement that “incidental civilian loss/damage should not be excessive in relation to the military advantage”. Lord Goldsmith wrote that there could otherwise be a “strong risk” of the UK being accused of directing attacks at the civilian population and objects in breach of IHL. He advised that consideration applied “even more strongly in relation to any attacks which you might be asked to approve on individuals believed to be in ‘special locations’, since many of these locations are entitled to special protection under IHL and it may be prohibited to commit acts of hostility directed against them”.

²⁶⁷ Letter Goldsmith to Hoon, 30 March 2003, ‘Iraq: Targeting Individuals’.

²⁶⁸ Article 52(2) AP1 provides that: “In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”

777. On AM Burridge's authority outside the delegated limits, Lord Goldsmith wrote that Mr Hoon had "not delegated authority" because effectively AM Burridge could not proceed without Mr Hoon's approval. He added:

"It does not seem entirely clear why you have not said this in terms, particularly given the need for clarity in the scope of any delegation in order to protect the position of the commander (which I emphasised in my earlier advice)."

778. Lord Goldsmith wrote that his understanding was that Mr Hoon would not seek his advice on the lawfulness of the attack, given the time-sensitive nature of such targets:

"This is a matter for you. However, the judgement as to whether such attacks are lawful is likely to be a very difficult one to make. You will therefore wish to satisfy yourself that the legal position has been fully considered, bearing in mind that you could ultimately be held legally responsible for any such decision."

779. Mr Hoon replied on 7 April, confirming that he had decided to continue with the delegations as he had set out in his letter of 29 March but that he would keep them under constant review.²⁶⁹

780. Mr Hoon confirmed that he appreciated the distinction between military location and military objective, acknowledging that it could include dual-use facilities. He added that, in deciding on the delegation for Category A targets, he had considered that any high number of casualties at a military location "would be somewhat less controversial than at any other sort of location". He had hoped that this was in keeping with Lord Goldsmith's suggestion that he should consider placing limitations on the circumstances in which attacks might be authorised by considering their locations.

781. Mr Hoon wrote that the process whereby he could overrule AM Burridge's decisions was created because Mr Hoon could not take advice "in the normal way in the time available". He explained:

"... I can overrule the National Contingent Commander's decision, but I cannot take it for him. Air Marshal Burridge only refers to me when he has already decided that he believes an attack should go ahead, and that it would be lawful based upon the legal advice available to him. As you are aware, we have already tested this mechanism and Brian Burridge is in no doubt about the position: the decision to attack remains his."

782. Mr Hoon concluded that the position remained different for matters outside AM Burridge's other delegations. Those would continue to be referred to Mr Hoon and he would take Lord Goldsmith's advice in the normal way.

²⁶⁹ Letter Hoon to Goldsmith, 7 April 2003, 'Iraq: Targeting Individuals'.

783. In his post-operation report, AM Burrridge drew attention to the risks which might have arisen because directives on targeting and ROE were only issued shortly before operations began.

784. AM Burrridge produced his post-operation report on 8 May 2003.²⁷⁰ On lessons identified, he wrote that the MOD was “understandably reluctant to press for legal advice at the highest level on issues relating to the *jus in bello* before the Attorney General had advised on the *jus ad bellum*”. The impact was “that a significant number of assumptions had to be made in the planning process which, had they been wrong, might have had a serious impact upon the conduct of the operation”.

785. AM Burrridge continued:

“Several key directives (ROE and Targeting in particular) were issued only shortly before operations began, and certainly too late for safe implementation had they contained significant changes. While the traditional Law of Armed Conflict provided at least the hymn sheet, many questions remained outstanding, and some of the staffing issues (such as targeting delegations) betrayed a corporate difficulty in coming to terms with the prospect of war-fighting operations of this scale and character. Of particular importance was the juxtaposing of the ROE and Targeting Directives, which has probably never been more significant. The final ROE profile was received in my Headquarters two hours before operations commenced.”

786. AM Burrridge wrote that the UK’s history over the last 12 years of “peacekeeping in relatively benign environments” had reduced its ability to “exercise military judgment guided only by the principles of LOAC”. That had “manifested itself at every level, not only during the lengthy consideration of where targeting delegations should lie, but also at the tactical level where complaints of over-regulation were followed by complaints of insufficient guidance”.

787. In the period leading up to operations, and even in the early stages of combat, AM Burrridge stated that the questions asked across all three environments revealed that “the lack of further guidance was at first disconcerting”. That lesson was “quickly and successfully learned, that responsibility should rest at the lowest level and that military commanders respond well to the freedoms given to them despite the attendant responsibilities”.

788. Witnesses to the Inquiry emphasised the care which had been exercised in establishing the legal framework for military operations and the authority delegated to UK commanders.

²⁷⁰ Report Burrridge to CJO, 8 May 2003, ‘NCC Operation Telic Hauldown Report: 07 Feb 03 – 08 May 03’.

789. Mr Bowen told the Inquiry that the MOD had “very clear rules” about undertaking operations and tasks within a legal framework.²⁷¹ He stated:

“On every occasion there will be a legal opinion. On many occasions when we are operating in coalition with others, we find ourselves having to say to coalition partners, because we are closely engaged with them, that is not an acceptable target or this has to be done in a different way. That is a dialogue that goes on absolutely constantly and nobody in the Ministry of Defence has any difficulty about conveying that view, that legal view. And if it means that an operation or an undertaking has to be aborted, then that’s what happens. There is no question of ... saying ‘Oh well, there is a greater good to be served by working with a coalition’. The answer is you don’t do it because it is illegal, and that’s not something that there is any chance taken on.”

790. Speaking about its distinction to the US system, ACM Sir Brian Burridge set out the UK approach to targeting to the Inquiry:

“We are absolutely doctrinally rigid. We use a template called strategy to task to target. So that we can show an audit trail, and are required to show an audit trail, from any target back to the strategy, thereby passing through all the aspects of the law of armed conflict such as discrimination, military necessity, et cetera. We are required to do that for our Law Officers in this country and we go through that process with every target.”²⁷²

791. ACM Burridge said that US colleagues were “new to that as a discipline” but recognised its value because “it made the dialogue with the international community a little easier”.

792. ACM Burridge added:

“... in being the conscience, as it were, quite often there will be nuances even amongst the same operational team on the front bench at CENTCOM. So someone who is able to say actually, to me, it looks a bit like this – and I do remember on a couple of occasions saying ‘General, that may look okay in Washington, but let me just tell you how it might look in London, or more so, Berlin or Paris or wherever.’ It is not to say they needed reining in, it is just to get these nuances right they needed the input from someone perhaps whose perspective was a little different.”

793. Lt Gen Sir Robert Fry told the Inquiry that Sir Brian Burridge had been able to influence the US “in terms of tactical engagement, targeting, the nitty gritty of operational combat on a regular basis”.²⁷³

²⁷¹ Public hearing, 7 December 2009, pages 56-57.

²⁷² Public hearing, 8 December 2009, pages 13-14.

²⁷³ Public hearing, 16 December 2009, page 33.

794. Mr Hoon told the Inquiry that the campaign was “very much about creating an effect on the ground and making clear to the Iraqi people that our target was Saddam Hussein and his regime, rather than ... a more conventional military attack on the country as a whole”.²⁷⁴

795. Mr Hoon said that “in the early phase” he saw “pretty much every target that was going to be attacked” but did not know whether the attack would actually take place.²⁷⁵

796. Asked about lessons learned in relation to targeting, Mr Hoon told the Inquiry that he learned how accurate modern weapons were because he had initially been “fairly cautious” in his approach to targeting:

“If I was told that there was a civilian facility alongside a military one, we had quite a debate. Saddam Hussein had some – at least 50 palaces located around the country that he would move from one to the other, and we had quite a debate about, if we hit one of these targets, what about the people who worked there? Were they necessarily part of the regime?”²⁷⁶

797. Lord Goldsmith told the Inquiry that he was satisfied with the assurances he received about targeting issues.²⁷⁷ He described how he approached it with care, asked questions, and was satisfied about the basis of the decisions which had been made.

798. DSF1 told the Inquiry that AM Burrige had the same delegated authority for collateral damage as the US Secretary of Defense, and that the UK system had delegated “a lot more authority” to the NCC than the US had.²⁷⁸

799. Air Chief Marshal Sir Glenn Torpy, UK Air Contingent Commander in 2003, was asked if he had been satisfied with the delegations afforded to commanders for targeting. He told the Inquiry:

“I think we made very significant progress in the run-up to the second Gulf War building on the experience we had had during the No-Fly Zones, the first Gulf War, and the Secretary of State ... realised that the only way to maintain the tempo of the campaign was to delegate responsibility down to the lowest possible level. So I had a delegation. Brian Burrige had a delegation, and I thought it worked very effectively, and we cleared a lot of targets before the campaign even started.”²⁷⁹

800. Lord Boyce told the Inquiry:

“We had a differing view from the Americans and the Americans came more to our way in terms of the proportionality, legality, collateral damage and all those sorts of

²⁷⁴ Public hearing, 19 January 2010, page 76.

²⁷⁵ Public hearing, 19 January 2010, pages 77-78.

²⁷⁶ Public hearing, 19 January 2010, page 79.

²⁷⁷ Public hearing, 27 January 2010, pages 222-223.

²⁷⁸ Private hearing DSF1, page 21.

²⁷⁹ Public hearing, 18 January 2011, page 12.

things. We shaped quite a lot of the American thinking in terms of how one should actually not trash the joint and try to leave something at the end for us to regenerate from; which was very much the view – the view of some Americans was you reduce it [sic] rubble and sort it out afterwards. That was not our view.”²⁸⁰

Sites of religious and cultural significance

801. UK forces deployed in Iraq were given clear guidance about the need to preserve sites of religious or cultural significance.

802. The ROE profile for Op TELIC included clear guidance on the approach to sites of religious or cultural significance:

“Offensive action must be directed only against military objectives ... All feasible precautions are to be taken to avoid, and in any event to minimise, loss of civilian life and damage to civilian objects, particularly sites of religious or cultural significance and specially protected objects.”²⁸¹

803. The UK’s legal obligations are set out in the Box below.

Legal obligations for the preservation of religious, historic and cultural property

Whilst the Law of Armed Conflict Provision (LOAC) has sought, generally, to mitigate the impact of armed conflict, specific rules have been agreed in international treaties with the object of protecting civilian property and objects with religious, historic or cultural significance in particular.

Both the 1907 Hague and the 1949 Geneva Conventions include such provision.

Article 27 of the 1907 Hague Convention IV (Respecting the Laws and Customs of War on Land), provides:

“In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes”.²⁸²

²⁸⁰ Public hearing, 27 January 2011, page 33.

²⁸¹ [Directive CDS to CJO, 18 March 2003, ‘Chief of Defence Staff Execute Directive to the Joint Commander Operation Telic, Edition 2’.](#)

²⁸² The Hague, 18 October 1907, ‘Convention respecting the Laws and Custom of War on Land’ and Annex ‘Regulations concerning the Laws and Customs of War on Land’.

Article 5 of The 1907 Hague Convention IX (Concerning Bombardment by Naval Forces in Time of War) provides:

“In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic purposes, historic monuments, hospitals and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.”

Further protection for historic monuments and places of worship is provided by Article 53 of First Protocol to the Geneva Conventions of 1949, which states that, without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other international instruments, it is prohibited:

- “(a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) to use such objects in support of the military effort;
- (c) to make such objects the object of reprisals.”²⁸³

The First Protocol to the Geneva Conventions, according to its terms, entered into force on 7 December 1978. It was ratified by the UK on 28 January 1998.

In 1954 the terms of the Convention for the Protection of Cultural Property in the Event of Armed Conflict were agreed at an Intergovernmental Conference at the Hague (“the 1954 Hague Convention”).

Under the terms of the Convention “Cultural property” was defined in Article 1 as comprising:

- “(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books, and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of [such] property...”;
- “(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);
- (c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b) ...”

²⁸³ Protocol Additional (1) to the Geneva Conventions, Article 53, 12 August 1949.

Parties to the 1954 Hague Convention agree:

- to make provision in times of peace for the protection of cultural property from the foreseeable effects of armed conflict;
- “to respect cultural property situated within their own territory as well as within the territory of other [parties to the Convention] by refraining from any use of the property and its immediate surroundings for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property.

The 1954 Hague Convention imposes explicit obligations on Occupying Powers to support “competent national authorities” of an occupied country to safeguard and preserve its cultural property and where those competent national authorities are unable to do so, to take “as far as possible, and in close cooperation with those authorities, the most necessary measures of preservation”.

The First Protocol to the 1954 Hague Convention, also agreed in 1954, contains provisions banning the export of cultural property from occupied territory and requiring the restitution of such property removed in contravention of the terms of the Convention.

The Second Protocol to the Convention contains further reinforcing provisions:

- Article 9 imposes, without prejudice to the provisions of the Convention, an express obligation to prohibit and prevent any illicit export or other removal or transfer of cultural property or unauthorised excavation of it;
- Article 15, includes provisions requiring parties to the Convention to impose criminal sanctions on persons who, in violation of the Convention and the Protocol, make cultural property the object of attack, use cultural property in support of military action, or cause extensive damage to, vandalise, or steal such property.

The 1954 Hague Convention and the First Protocol, according to their terms, entered into force on 7 August 1956. The Second Protocol entered into force in on 9 March 2004.

The UK, US and Iraq signed the Convention in 1954. Iraq ratified the treaty in 1967: the US in 2009. The UK has not, to date, ratified the Convention or the First Protocol and it has not signed the Second Protocol.

In 1998 the UK signed, and in 2002, ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Parties to the 1970 UNESCO Convention agree to outlaw and take measures to prevent the unlawful import, export or transfer of ownership of cultural property.

On 30 December 2003, the UK enacted the Dealing in Cultural Objects (Offences) Act 2003, which made it an offence for any person to dishonestly deal in a cultural object ‘tainted’ as defined in the Act.

Under the terms of the Act, a cultural object is “tainted” if its removal or excavation from a building, structure or monument of historical, architectural or archaeological interest, (including any site comprising the remains of a building, structure or of any work, cave or excavation) constituted an offence under the law of the UK or any other country or territory.

804. On 18 February 2003, Mr George Lambrick, Director of the British Council for Archaeology, wrote to Dr Lewis Moonie, MOD Parliamentary Under Secretary of State and Minister for Veterans.²⁸⁴ The letter was primarily about an ongoing maritime heritage issue but Mr Lambrick also raised concerns about the steps being taken to minimise potential damage to cultural sites in Iraq.

805. Mr Lambrick asked that the Government take steps to ratify the 1954 Hague Convention “as soon as possible and – at the very least – that Government should declare its commitment to abide by the provisions of the Convention in any forthcoming conflict”.

806. Dr Moonie replied on 20 March, acknowledging that Mr Lambrick had also written to Mr Hoon along similar lines.²⁸⁵

807. Dr Moonie stated that the UK had signed but not yet ratified the 1954 Hague Convention or its protocols but hoped “to be in a position to do so soon”. He added that although the Convention was yet to be ratified, the UK remained “fully committed to the protection of cultural property in time of armed conflict in accordance with international law”.

808. Dr Moonie wrote:

“In all our military planning, no matter the campaign, very careful attention is applied to ensure that we do all we can to minimise the risk of damage to all civilian sites and infrastructure. Of course damage to infrastructure inflicted by Iraqi forces cannot be ruled out, and it remains a priority concern for the Coalition to address this threat.”

809. The Inquiry received a joint written submission from 13 heritage and cultural organisations on 17 February 2010 which addressed the problems faced by UK forces with respect to safeguarding the cultural heritage in Iraq.²⁸⁶

810. The submission stated that archaeological and cultural heritage experts had made numerous attempts to alert political and military personnel engaged in the anticipated invasion of Iraq “on both sides of the Atlantic” about the importance of cultural sites. It stated that “because no UK government department had taken responsibility for cultural heritage matters, most such letters were met with little or no response”.

811. The submission stated that, on 2 February 2003, Dr Peter Stone, an archaeological and cultural heritage expert from the University of Newcastle, was approached informally by a serving officer in the Royal Navy seeking help to identify archaeological sites in Iraq that might require protection in the event of a conflict.

²⁸⁴ Letter Lambrick to Moonie, 18 February 2003, ‘The Sussex’.

²⁸⁵ Letter Moonie to Lambrick, 20 March 2003, [untitled].

²⁸⁶ Paper UNESCO and 12 others, 17 February 2010, ‘The Problems Faced by British Forces with Respect to Safeguarding the Cultural Heritage in Iraq’.

812. The MOD told the Inquiry that the Royal Navy officer was part of the Defence Intelligence Human Factors (DI-HF branch), which was part of DTIO.²⁸⁷

813. Professor Stone wrote later in his book, *The Destruction of Cultural Heritage in Iraq*, that he worked with Professor Roger Matthews, Director of the British School of Archaeology in Iraq, and Dr Neil Brodie, a specialist in the illicit trade of antiquities, to provide the MOD with an itemisation of the locations and details of the most important historic sites in Iraq.²⁸⁸

814. Professor Stone wrote that those sites were added to the British military maps for the conflict and British Military Field Orders identified them as places to be avoided. Professor Stone reported that the list was also drawn to the attention of Lord Goldsmith, who provided advice on the legality of potential targets, and was also shared with Coalition partners.

815. Mr Hoon told the House of Commons on 3 April 2003 that:

“The Coalition is taking every precaution to avoid damage to the holy sites in Najaf and Karbala. By contrast, we know that Saddam Hussein has plans to damage these sites and blame the Coalition. Indeed his forces have used the site at Najaf as a defensive position, firing on United States forces, who commendably did not return the fire.”²⁸⁹

816. On 12 April, Mr Jacques Chirac, the French President, and Mr Bashar al-Assad, the Syrian President, raised the looting of culturally significant sites, including museums and archaeological remains, in conversations with Mr Blair.²⁹⁰ That is addressed in Section 9.1.

817. Mr Hoon’s Private Office sent a paper to No.10 on 14 April in response to the concerns raised on 12 April about culturally significant sites.²⁹¹ It stated that both the US and the UK had stressed their commitment to protecting sites such as mosques, medical facilities, heritage sites and schools:

“The Coalition consulted widely before the commencement of the military campaign, including with the archaeological community. A comprehensive list was established that included such Iraqi sites, and was designed to ensure that these were avoided as far as possible during the bombing campaign. We are confident that minimal damage has been done to Iraqi religious, cultural and archaeological sites a result of Coalition activity.”

²⁸⁷ Minute DI-HF to DJEP Public Inquiries Head, 17 September 2010, ‘Iraq Inquiry: Protection of Cultural Artefacts’.

²⁸⁸ Stone PG & Farchakh Bajjaly J. *The Destruction of Cultural Heritage in Iraq*. The Boydell Press, 2008.

²⁸⁹ House of Commons, *Official Report*, 3 April 2003, column 1069.

²⁹⁰ Letter Lloyd to Owen, 12 April 2003, ‘Iraq: Prime Minister’s Conversation with President Chirac’; Letter Lloyd to Owen, 12 April 2003, ‘Iraq: Prime Minister’s Conversation with President Bashar’.

²⁹¹ Letter Williams to No.10, 14 April 2003, ‘Protection of Significant Sites in Iraq’ attaching Paper ‘Protection of Significant Sites in Iraq’.

818. In September 2003, the Department for Culture, Media and Sport (DCMS) produced a review of its involvement in the preparations for the Iraq conflict.²⁹²

819. Referring to Dr Stone's involvement in identifying sites of cultural heritage significance, the review stated that DCMS had only become aware of Dr Stone's work "after the event". DCMS recommended that:

"In any future such cases DCMS should be consulted and kept in the loop since inevitably DCMS Ministers will be questioned subsequently about any damage which occurs to cultural heritage sites."

820. The review stated that "by and large" it seemed that instructions to avoid targeting historic sites and buildings were heeded by the Coalition Forces. The most important heritage sites were undamaged in the fighting and their special status appeared to have been respected.

821. The Inquiry has not addressed individual targeting decisions.

822. Robust systems and processes were put in place for taking targeting decisions, and targeting decisions were properly supported by legal advice.

823. Ministers were concerned about the consequences of the air campaign and the selection of targets and were proactive in their review of the guidance.

824. The final versions of Directives and ROE were sent at a very late stage in the preparations for military operations, but the Inquiry is satisfied that comprehensive guidance was available to those taking decisions.

825. International humanitarian law principles and considerations were properly emphasised, and explained in easily comprehensible terms.

826. There was consultation with archaeological experts (in particular Professor Stone), but the Inquiry questions whether the approach taken by the MOD to secure expert advice in advance of the conflict could be said to constitute "wide consultation". It considers that DCMS should have been asked for advice.

²⁹² Report DCMS, [undated but approved on 9 September 2003], 'Iraq: A Review of DCMS Involvement: April-July 2003'.