

Defence Committee

Oral evidence: Strait of Hormuz, HC 2627

Monday 9 September 2019

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Members present: Dr Julian Lewis (Chair); Martin Docherty-Hughes; Mr Mark Francois; Graham P. Jones; Gavin Robinson; Ruth Smeeth; John Spellar.

Questions 1-109

Witnesses

I: Nick Childs, Senior Fellow for Naval Forces and Maritime Security, IISS, and Rt Hon The Lord West of Spithead, former First Sea Lord and Chief of the Naval Staff.

II: Rt Hon Penny Mordaunt MP.

Examination of witnesses

Witnesses: Nick Childs and Rt Hon The Lord West of Spithead.

Q1 Chair: Good afternoon, and welcome to this special session about the circumstances under which a British flag tanker came to be seized in the Gulf. I should say at the beginning that the Committee is disappointed that so far we have not received the sort of co-operation that we expect to receive from the Ministry of Defence.

Today's hearing is by way of a preliminary, with two experts who comprise the first panel. We are extremely grateful that the former Secretary of State for Defence, Penny Mordaunt, has agreed willingly to do a second panel by herself. We are conscious that she has not got all the documentary support that we would have expected her to have been supplied with by the MoD, and we will do our best to ensure that she is not disadvantaged by that omission.

Lord West and Mr Childs, will you just say a few words about your background and experience for the record?

Lord West: Yes. I joined the Navy in 1965, and have served all over the world in numerous types of ships. I was the Director of Naval Intelligence and the Chief of Defence Intelligence. I was Commander in Chief of the Fleet, and First Sea Lord. I know the Gulf—I first served there in 1966, and I have been there on numerous occasions since.

Nick Childs: I am Nick Childs. I am the senior fellow for naval forces and maritime security at the International Institute for Strategic Studies—so the senior naval specialist there. I have been with the institute for just over four years.

Before that, for most of my career I was a journalist, mainly with the BBC: more than 30 years with the BBC. In that time, I focused particularly on defence and security matters and international relations with a particular attachment to naval affairs.

Chairman, you know that I have written a couple of books on the modern history of the Royal Navy. In my previous incarnation as a journalist, I also have a pedigree in the Gulf that goes back not quite as far as Lord West's, but I cut my teeth in terms of reporting in the Gulf in the 1980s in what we then called the Gulf war between Iran and Iraq. That also included the tanker war of the late 1980s. I have been interested in that region since.

Chair: I am extremely grateful to both of you for sharing your expertise with us this afternoon. Please make allowances for the slightly unusual circumstances in which Parliament finds itself at the moment. There will be different members of the Committee slipping out and rejoining us at various times during the afternoon, but I am sure that one way or another we will cover the waterfront. We will start with Gavin.



HOUSE OF COMMONS

Q2 **Gavin Robinson:** Good afternoon, gentlemen. Lord West, are you aware of the evidence shared with our Government by the Government of Gibraltar around the seizure of *Grace 1*?

Lord West: I am aware of some of it, but not all of it because I was not privy to any of the negotiations. The material that I had seen made me feel that the actions taken were appropriate.

Q3 **Gavin Robinson:** Mr Childs, are you aware of evidence that was shared by Gibraltar with our Government?

Nick Childs: Again, not in detail. My understanding is that there were a number of elements of that information, including some intelligence, but some other indicators that provided a significant body of evidence that suggested there were sufficient grounds for having concern about the ship and taking some action.

Q4 **Gavin Robinson:** Lord West, I know you will use your judgment in answering this question. Without delving into the specifics of what you cannot share, what sort of evidence would you expect to be available in a situation like this? How much would it satisfy the UK Government? Would you expect it to be broad in detail, or would you expect it to be quite high level?

Lord West: In intelligence terms, one would be able to get some quite specific detail about where the ship had loaded, where it was going, what its position had been and where you expected it to be going to. Those sorts of details would be quite specific: more specific than normal intelligence information because of the way it is monitored and our link with the US, where both our nations share and use this intelligence globally for shipping contacts and the like.

Q5 **Gavin Robinson:** A direct application, then, to the EU sanctions and the violation thereof. There would have been a correlation there that was stark, or through which you have to bring some strands together.

Lord West: The correlation, or the issue of thinking of EU sanctions I don't believe would have been there initially when one was tracking and following the ship, and had seen this ship. Initially one would just be tracking and following where it was going. That would have come later when one said, "Hang on, why is it going in here? Where is it actually going to?" That is when you would start addressing those aspects. But it's a subject of interest. Basically, there are ships that are of interest: many hundreds of them that are being seen and tracked and followed at any given time.

Nick Childs: I have very little to add. My understanding is that the patchwork of elements were precisely as Lord West has suggested, with the added possibility that—this is my understanding again—this is also tracked against patterns of previous activities that were of a similar pattern. It was in that context that, as the approach of the ship was apparently clear, issues around the question of looking at the EU sanctions law and the possibilities of taking action at some point were looked into.



HOUSE OF COMMONS

Q6 **Gavin Robinson:** So you both have an appreciation of having seen some of the evidence that was there, or suggestions of the intelligence surrounding it, and it was appropriate to seize *Grace 1* because it was in defiance of EU sanctions—or is that an ancillary reason for seizure?

Lord West: I assess that the reason for its being seized was the EU sanction aspect of it. That was my assessment. It might have been trapped for lots of reasons, but that was the reason for the seizure.

Q7 **Gavin Robinson:** Mr Childs, do you concur with that?

Nick Childs: Yes; pretty much along those lines.

Q8 **Gavin Robinson:** To end this line of questioning, Lord West, can you characterise whether you believe that the seizure of *Grace 1* by the Government of Gibraltar with the aid of our Royal Marines was the right thing to do, or was it a mistake?

Lord West: I think it was the right thing to do, yes.

Q9 **Chair:** Can I delve a little bit further into this? We are told that the reason for the seizure, from our point of view, was the destination of the cargo—namely, that it was going to Syria, which was against EU sanctions—yet the suggestion has been that the United States were very keen that we should seize the vessel. They, presumably, have got reasons other than EU sanctions in the forefront of their mind. Can you throw any light on the attitude of the United States and why it was so keen that this tanker should be seized and why, indeed, it was so concerned when the tanker was ultimately released?

Lord West: I think the American interest in the tanker was the fact that it was full of Iranian oil, and the Americans are intent on stopping the Iranians from exporting oil to any countries, as part of their sanctions. That was the American interest in that particular tanker. Now, as I say, there are subjects of interest where the Americans may have an interest for a reason and we may have an interest for a reason, but they are targets of interest that are then tracked.

I have no doubt whatever—although, as I say, I was not party to these discussions—that the Americans were very keen to arrest this ship. They did not want it to be able to sell Iranian oil because of their sanctions against Iran. That is not the reason why the action was taken in Gibraltar, but I am sure it suited the Americans very well.

Nick Childs: Again, I would generally agree with the thrust of what Lord West laid out. Having said that, it may well be that elements of the intelligence picture and putting together the progress and activities of the ship may have included, in the standard sort of way, some kind of sharing of intelligence with the United States. I have seen the speculation out in the public domain about the impulses that then proceeded in terms of the seizure, but that is all the speculation I have seen.

My sense of it has been rather like Lord West's: that it was specifically as a result of an assessment from the Gibraltar authorities upwards about the



HOUSE OF COMMONS

issues around the potential destination of the ship's cargo—and not only the fact that that impinged on EU sanctions, but specifically that element in which EU sanctions had been enacted into Gibraltar law.

- Q10 **Chair:** I will start this one with you, Nick. Was it not blindingly obvious that Iran, which has had hostage-taking as its signature strategy from the days of the Ayatollah's revolution in 1979, would try to retaliate with the seizure of a British-flagged ship, even if they had not explicitly threatened to do so, within a short period of 4 July, when the first seizure was made?

Nick Childs: I think it would be true to say that that was going to be a very high likelihood in the context of not only this specific event but the fact that this had been part of, if you like, a series of escalatory moves, the backdrop of which was a growing tension between Iran and the United States in particular, and a growing tension around the fact that the Iranian economy was under some considerable pressure. Therefore, they were looking for, if you like, elements of signalling and escalation to underscore their level of concern.

I think it must have been—my understanding is that it was, in terms of the defence assessment of the potential implications of this—that there would be anger in Tehran, in all elements of the Iranian leadership, over those events. I am not sure that it is necessarily the case that it would have been possible then specifically to say, "that will manifest itself in a very specific response." Certainly, if I had been looking at this, one of the issues I would have raised as a concern would have been that if there were going to be a reaction it was not necessarily possible to predict exactly where that reaction would be and what form it would take.

- Q11 **Chair:** Lord West, you actually predicted in the House of Lords that something of this sort would happen, I believe. Is that right?

Lord West: Absolutely. Will you allow me to give you a little sequence? I am sorry about this. On 13 June there were those two attacks with mines or whatever they were on the two tankers in the Gulf. I tried to get a private notice question in, asking for an assessment from the Government of what actions were being taken to look after shipping. It was not allowed by the Government, but hopefully they were aware that I had asked it and someone was looking at this.

On 18 June, I asked a PQ—"What action is being taken to protect UK merchant shipping?"—and was given a bland and not very good response. I spoke with Earl Howe, who is the Minister there, and said, "Hardwired into the DNA of naval officers at Dartmouth after day one is to move towards the sound of the guns, and the sound of the guns is in the Gulf. We need to start deploying some ships because something is going to happen."

Then on 4 July the *Grace 1* was captured. I wrote some letters to the papers and spoke on the BBC, ITV and Sky saying that this was a real concern—a real threat. I tried to raise a PNQ asking exactly what actions



HOUSE OF COMMONS

were being taken to safeguard UK shipping, because it was under threat. I know how you can safeguard UK shipping; there are ways of doing it.

There were a series of intel reports saying that the Iranians were about to do something. This was broad intel among the shipping community, not hard intel from the Americans or our own special agencies. On 10 July, Montrose stopped the *British Heritage* from being taken. I raised another PQ about what actions might be being taken to stop such an attack and, lo and behold, on 19 July the *Stena Impero* was captured. That was hardly a surprise, was it?

Q12 **Chair:** Why are we not surprised?

Lord West: It was hardly a surprise. I think that the actions we took were poor and that we did not look after UK shipping. We are responsible. The ships our Royal Navy protects are those that are flagged to the UK. Having ships flagged to the UK is useful for us economically and we are responsible for looking after them, but we were not looking after them. We did not take control of UK shipping going through the Strait of Hormuz. Ships could have been held in safe areas; even with the limited numbers of ships we had there—and they were too limited because we should have deployed earlier—we could have done something. I am, as you can probably see, quite angry about this, because I think it was a real failure.

Q13 **Martin Docherty-Hughes:** As the Member of Parliament for Clydebank, I was slightly disappointed that Lord West's list of achievements did not mention that he went to Clydebank High School. But I will forgive him that.

Lord West: And I am very proud of that.

Martin Docherty-Hughes: You should be. I just thought I would get that on the record. I said to you, Chair, that I think Lord West has probably answered this question, and I think he will probably do so again emphatically. The *Stena Impero's* company headquarters is actually in Clydebank, so not just as a member of the Committee but as a constituency MP this gives me grave cause for concern.

I ask both of you, and it might just be an emphatic yes: was the level of Royal Navy assets available in the region sufficient to protect British-flagged vessels properly?

Lord West: My answer is no. I think we should have had three or four there. We effectively had *Montrose*. In that series of questions I asked, I said "Look, we've got to start moving ships." I was told by people in Government, "Well, if you do that it is an escalation." The great joy of ships, which again we learn at Dartmouth, is that you can deploy them; the ship can go through Suez and it could be going to Diego Garcia, Mombasa or Mumbai—it could be going anywhere—but you then have it close by in the region, so if something happens it can move.

Q14 **Martin Docherty-Hughes:** Why do you think they made that mistake?



HOUSE OF COMMONS

Lord West: I don't know, but with my experience of being in the MoD, I imagine that on the fourth floor or somewhere, there were some people thinking, "Oh, we don't want to do that, because someone will then say there should be more frigates or things for the Royal Navy. We don't want to make that sort of message." I imagine there were some political shenanigans about it, forgetting the real reason the military are there.

Q15 **Martin Docherty-Hughes:** Cost?

Lord West: I think it was to do with cost and to do with the spending review coming along and people fighting their little corners, forgetting, as I say, the prime role of our military, which is to look after our nation and its people—in this case to look after British-flagged ships, for example. There definitely were not enough ships there. There were not enough. Now, with four there, there are.

Q16 **Martin Docherty-Hughes:** Nick, do you have anything to add?

Nick Childs: Certainly with the benefit of hindsight, it looks as if it was a failure to respond adequately to what unfolded. Looking at it from an analytical perspective, one has to remember that, in some ways, what was in the Gulf at the time was actually a slight improvement on what had been there before. Up until quite recently, in spite of the fact that there has been quite a long history of maintaining a not insignificant capability in the region, one thing that had fallen away, because of increased pressures and reduced resources, was a proper surface combatant presence in the region. That had actually just increased again with the arrival of *Montrose* in a persistent forward presence role.

One of the concerns was probably that the potential strategic implications and the requirement to add an extra element of deterrence and reassurance on both sides—deterrence to the Iranians and reassurance to UK commercial shipping—perhaps had not been fully appreciated at the top level in terms of a requirement to respond. There may have been a background of concern about not wishing to escalate things too far and therefore compound the problem. Clearly, as Lord West hinted, no matter how good a ship is, it cannot be in more than one place at one time, and there were always going to be pressure points where, with the best will in the world, one ship was not going to be able to do everything.

However, I do not think the UK had been idle—again, I am not privy to the precise actions that were taken—in adding to the warnings to UK-flagged shipping and specific interested shipping organisations, and the Royal Navy had not been idle in having that presence out there, in the form of *HMS Montrose* being robustly present, and therefore at least raising, to some extent, the response.

In terms of reinforcing the presence, yes, in some ways, the Royal Navy has underscored eventually its ability to respond when required, even with relatively limited and scarce assets. There were also balances to be made about whether adding a ship, two ships or whatever would undercut commitments elsewhere: there are not ships to spare, and it may have raised longer-term issues for future planning if that presence had arrived



HOUSE OF COMMONS

and become stuck in this mission over a period of time. One concern, which probably was not totally absent from thinking, must have been that one of the Iranians' potential motivations for raising the temperature, or raising the bar, in a significant way was to impose costs on the opposition—on their opponents—which will be significant over time if they have to be maintained.

Lord West: Sorry, am I allowed to come in again? I have to say that I'm afraid Nick sounds rather like the fourth floor. The bottom line of the military is that we should be there to protect our people and our ships. It is no good saying, "This is going to escalate." If you are saying that we must never ever do something because of escalation, and that means that we do not protect our people, our property and our nation, we are in a very dangerous circle.

- Q17 **Martin Docherty-Hughes:** I will come in to support Lord West there. Given the fact that the company that owns this ship is based in my constituency, I have to say that I disagree. I agree with Lord West—Bankies stick together. My problem is that the security level for UK-based vessels was raised on 9 July. *HMS Montrose's* intervention to protect vessels was on 11 July. Given the intentions of the Iranian regime and the Guard—as they have often done within the Gulf—someone in Main Building clearly knew that this was an issue and the decision to put other assets in the Gulf to protect British-registered vessels, such as those registered to a company in my constituency, should have been taken. When do you think that should have been done? I would have thought that it would be done well before 9 July.

Lord West: I go back to that litany that I went through. On the timings, I am afraid that it should have been done well before that—I agree entirely—because of course by 12 July, they suddenly said, "*Duncan's* coming out to you—*Duncan* will be on her way." Well *Duncan* could actually already have been there if they had deployed her when it was quite clear that things were going to happen. It was quite clear earlier that something was going to happen and, although having *Montrose*, a base and changing crew there is jolly good, up until not that many months ago we always had a frigate or destroyer in that region. There had been a dropdown—this was not a huge increase. Certainly, before that we had even more.

We have got a shortfall in the number of ships, but you always go for the enemy you know. You go for where you know that the problem is. That is always the way that you have to take military action. It seems almost as if there is suddenly a lack of what I was trained for, for 50-odd years. I am just amazed that some of those decisions were not made—amazed.

- Q18 **Martin Docherty-Hughes:** Nick, the question comes back as Lord West has articulated his position. Do you agree that the timing was right for the MoD to wait, based on your previous answer?

Nick Childs: In terms of Lord West's further intervention, all I was trying to do was to set out at least some of the potential decision weighing that



HOUSE OF COMMONS

was going on. Having said all that, clearly there was a sense—and I am not sure it was the MoD; at least maybe not as far as the naval service was concerned—that the point was reached at which the balance of the decision was taken not to take action. Clearly, there were other potential actions that might have and could have been taken earlier, although they are not specifically to do with escorting in the Strait of Hormuz, including moving *Duncan* forward sooner, making more of the presence that was already there, particularly in the form of the RFA support ship—the Bay class—and perhaps more overtly signalling and reminding of that presence.

- Q19 **Martin Docherty-Hughes:** You stated that the decision may not necessarily have been taken through the MoD. I cannot imagine the naval service not wanting to have more assets in the Gulf.

Lord West: I would be utterly amazed if the naval part of the MoD was not advising way earlier that there should have been a movement of ships out there and that more should have happened. I would be amazed. I do not know, because I make a point of not going and asking them—I could find out if I wanted—as I like to be able to speak freely. I do not know, but I would be amazed—it would be lovely if this Committee were able to ask that—if the naval advice was not that there should be movement, because that is, as I said, in our DNA from when we start being trained at Dartmouth.

Nick Childs: I agree. My suspicion is that that is the case. My sense is that probably at a higher level the balance between the application and the deployment of some capability that would restore an element of deterrence on the Iranian side and reassurance on the UK shipping side didn't weigh sufficiently, relative to the concerns about what the implications were.

- Q20 **Martin Docherty-Hughes:** That is an absolute failure of decision making, given the fact that we now have a UK-registered vessel in the hands of the Iranian state.

Lord West: As a bluff sailor, I would say yes—absolutely. I think it is a failure of decision making. That is why that ship is there. Thank God that that British-flagged ship didn't have British people on board. I think the Iranians were amazed to find that they weren't. We know from bitter experience with the Iranians that they like taking hostages, they lie, they break the law, they break rules and they do that. We are very, very lucky that they haven't got 20 Brits there, who would still be there, I hasten to add. They wouldn't have let them go.

- Q21 **Chair:** If you had been confronted, as commander in chief of the fleet, with the scenario of the Gulf and the sort of threat that the Iranians could mount, what sort of system would have been adequate to protect British shipping? Wouldn't it have been fairly obvious to introduce something like a mini-convoy system, for example? Bearing in mind that the last sighting of the *Grace 1* under its new name was very close to the Syrian port of Tartus after it had several days with its transponder turned off, it



HOUSE OF COMMONS

does rather look as if the assurances given by the Iranian Government that this oil would not be discharged to a sanctioned state have been broken.

Lord West: Absolutely. I said on the BBC, when they were talking about releasing the *Grace 1* because they were going to be given assurances from the Iranians, that Iranian assurances aren't worth the paper they are written on, if they are written on paper, because they lie. You just can't trust them. It looks as though they knew jolly well that that is where it was going. It looks as though that is where it has gone to discharge its oil.

Q22 **Chair:** And so your recommendation would have been, from the moment the decision was taken that the *Grace 1* was going to be seized and the British were going to be held responsible, there should have been a ramping up of naval assets in the Gulf against an entirely predictable piece of retaliation from the Iranians. Ideally, how would that protection have worked? It has been stated on the Floor of the House by the Foreign Secretary, for example, that the owners of the ship that was seized by the Iranians did not co-operate in giving 24 hours' notice to the British of their intention to sail through the strait.

Lord West: This is always a problem, but we have mechanisms for the control of merchant shipping. I believe that, certainly on 4 July, we should have started implementing those methods of control of merchant shipping. There is a reservist pool that goes to Dubai and sits there—it is left over from the time of the tanker war—so there is residual capability there. I think we should have made a serious effort for full control of British-flagged merchant shipping. You can look at the AIS feeds and see exactly where these various ships are. You can see where they are meant to be going, because they lay down their voyages. We could have taken much firmer control of that.

I believe that on 4 July, we should also have immediately moved *Duncan* and looked at another ship to come—probably *Kent* or *Defender*—and be moved up the batting order. We are very short of ships, as Nick has said—there is a real issue here—but we could have done that, and I believe we should have done it. This is an operational requirement. You could call it an emergency and take action. You don't just sit with your eyes closed and your head in the sand and hope it all goes away, because these things don't go away. The Iranians have a track record on this sort of thing. I believe that that is what we would should have done. We would have then been able to say to ships, "Right, we know you are going through here." We could have called them up—we have certain rights over British-registered ships—and told them, "Wait in your current position," or got them to anchor further down off Muscat, and then when we had collected three or four together, we could have taken them through.

During the tanker war, of course, we found that lots of shipping companies—for example, all the Taiwanese ones—re-flagged their ships to the red ensign, because we protected British-flagged ships and we controlled them by doing control of shipping and using convoys. I think we should have instituted that right back on the day that—in fact, we should



HOUSE OF COMMONS

have been thinking about it when it was known that they were about to try to capture the *Grace 1*. Certainly, from the moment it was done, we should have done that.

- Q23 **Chair:** Nick, you will remember that the strategic defence review of 1998 envisaged a reluctant reduction from 35 to 32 frigates and destroyers. We now have only 13 frigates and six destroyers, and not all of them can be at sea at the same time. Do you agree with former Defence Minister Tobias Ellwood, who said in the context of these rather inglorious events that the size of the Royal Navy is simply too small to manage the United Kingdom's interests across the globe?

Nick Childs: In short, I think that would be my view. If I can unpack that a little bit—

Chair: Please do.

Nick Childs: You are right about the drawdown over a long period of time. Another interesting element of the statistics, if you like, is that if you look into the IISS's "Military Balance" back in the late 1980s—we had the last tanker war in 1987 to '88—the Royal Navy order of battle of destroyers and frigates was 49. We are dealing with 19 now. I think, particularly since the 2010 SDSR, with the reduction to 19 destroyers and frigates, there was an understanding that that was below the operational requirement for standing tasks and commitments for the Navy then, but it was a risk that was being taken in the hope and expectation that it could be reversed at some point or other.

The fact is that, since then, those requirements have, if anything, increased. We have had the resurgence of concern about Russia in the North Atlantic; we are having the transformation of the Navy back into a carrier-centric Navy, which will provide a whole range of extra strategic options and a significant stepping back up the ladder of strategic capability, so far as power projection is concerned, but which is also imposing costs on fulfilling all the other commitments; and then there is the declared ambition to have a forward presence further out into the Asia-Pacific region. All those are compounding the overstretch, if you like, of capabilities.

There are ways of mitigating that, and of bringing in new technology in the future, to help with forward presence. The potential increase in hull numbers, although admittedly some way off, if it happens at all, will mitigate that. However, at the moment, there is a significant overstretch, which is likely to be compounded by a long-term requirement—if there is one—for extra presence, once again, in the Gulf.

Lord West: We have global commitments. We are a permanent member of the Security Council. Global merchant shipping is run from the UK. We still actually have quite a lot of ships that are UK-flagged, which we are responsible for looking after. We have 14 dependencies worldwide that we are responsible for looking after. We are the biggest investor in south Asia



HOUSE OF COMMONS

and the south-east Asia Pacific rim of any European country. This means that we have global commitments. For that, we need a maritime force.

I have no doubt whatsoever that going down to 19 destroyers and frigates is too few. For one ship on deployment—one ship away—you need three ships. We are talking about, effectively, six ships deployed. That is pathetic for a great maritime power with the commitments that we have. We have slowly slid down into this position, I am afraid, under successive Governments. It is unsatisfactory, and it is quite clear that, at some stage, this is going to bite us. It is biting us to an extent here in the Strait of Hormuz, but there could be a situation somewhere in the world that is a lot worse than that.

It is absolutely crucial that we actually start building some ships as a matter of some urgency. I am delighted we now have a shipbuilding tsar—I don't like people being called tsars, but I gather that is what he is called—someone responsible for shipbuilding, but our shipbuilding strategy, which has been in place now for some months, is a bit of a joke, because a shipbuilding strategy with no ships being ordered is about as much use as a ferry company with no ferries, so we bloody well need to get going, don't we? Sorry, I shouldn't have said that word.

Martin Docherty-Hughes: Say it again!

Chair: A bit of salty sea language. So, if we can't do this by ourselves, the question arises as to with whom we should be co-operating. John, I think you are going to take up that theme.

Q24 **John Spellar:** Why do you think that on 24 and 30 June, the US asked for UK naval engagement in the Gulf? Is there a practical contribution, given what you have just said, that the Royal Navy could have made, or was the US looking particularly for political support?

Lord West: Shall I kick off? First, I will just say this. The Chairman was talking about alliances. Most things are done in alliances, so that was an absolutely fair statement. Indeed, that has been used as an excuse to drive down the numbers of ships we have, I'm afraid. But I absolutely accept that everything, pretty well, will be done in alliances. Very seldom will we have to do something on our own.

As regards the situation in the Strait of Hormuz, the Americans see our Navy as very important and very useful. They like to be tied to it. Indeed, when we talk of the special relationship with America, the biggest part of that is the intelligence-sharing aspect, the intelligence world; and the other one is the nuclear, and the nuclear submarine, world—that naval link. They see our Navy as an excellent Navy, which it is; it's excellent. They are very worried it is going down in size, but if they can work with it, they are delighted to.

I think it is understandable, as we share the Fifth Fleet base in Bahrain with them, we work very closely with them. They rely on us for mine-hunting capability, pretty well. We are joined very closely together, and I can understand that they would want us to be involved.



HOUSE OF COMMONS

Having said all that, realpolitik is realpolitik and we must not delude ourselves. I am sure the Americans would have been delighted to pull us in with them, because in the context of the debate over—is it the JCPOA? I always get the initials for it wrong. Trump has stepped out of that, whereas we and the other countries want it to continue. The Americans would be very keen to pull us out of that grouping and make us part of the Trump view that actually we must penalise Iran; we must put pressure on them—make it worse.

So there are those two strands—I don't know whether I explained that very well. Yes, they would like to use us and utilise that, but it would be silly to think that there were not other aspects as well.

- Q25 **John Spellar:** But are these necessarily logically linked, given that one is about the maintenance of free passage, which has been a prime policy of Britain throughout the centuries, and the other is about the immediate circumstances—quite separate—with Iran? These are perfectly separable, are they not?

Lord West: I think you're absolutely right. I have just explained the two parts. I think personally it was good that we got involved with the Americans doing this, because free passage is so important. And they understand that as well. It is important because it's not just there; it applies all round the world. Therefore I think it was a perfectly valid thing to do. And it was quite clear that—I'm afraid that very often with the EU you cannot get proper military action from them quickly. It is extremely difficult. What we needed to do was establish some ability of ensuring freedom of navigation through the Strait of Hormuz, and doing that with the Americans and then with us made absolute sense.

- Q26 **John Spellar:** Given the considerations that you have just outlined, why do you think, or do you think, it was reasonable for the Government to have opted for the EU-led mission rather than the mission proposed by the United States?

Lord West: For the reasons I gave about the JCPOA. They thought that they would be able to stay linked into the EU and that this would mean we did not have this difficulty over that particular issue, but what they failed to realise—I'm afraid this comes up quite often, on the EU army and things—is that the EU is not, I'm afraid, a good organisation in terms of getting proper military structures. They managed to do something off the horn of Africa with great difficulty, but these things are not, I'm afraid, something that our European allies are good at, and therefore it went wrong.

- Q27 **John Spellar:** Finally on that, given their commitment to free passage, would you have expected the United States to have offered help to protect British vessels before the capture of the *Stena Impero* on 19 July?

Lord West: Yes, I am surprised that there was not some better co-ordination there. I would have thought that the Americans would have got more involved in that.



HOUSE OF COMMONS

Q28 **Chair:** Do you not think that the Americans were offering to assist, but that the British were reluctant to take up the offer? Perhaps that is a question we should put to the next witness.

Lord West: I wouldn't know the answer to that. I would be saddened to think that we might turn down the offer of our allies—and the Americans are our allies—to look after our shipping. I would be a bit sad, but I just don't know.

Q29 **Chair:** We will ask our next witness, who has had notice of that. Nick, any response?

Nick Childs: Just to circle back on the start of this particular round of questioning, yes, it was the case that in the context of what was happening at sea, this was absolutely an area where to a large extent the US and the UK have very similar views in principle on freedom of navigation. The issue was to some extent, in terms of hesitation, exactly as Lord West suggested—indeed, it is possible to postulate that what was happening at sea was a symptom, which it was, of the striking change that was taking place in the US-Iranian relationship as a result of the Trump decision to pull out of the JCPOA and the policy of maximum pressure. The hesitation on the part of the UK was a concern about being seen to be too closely aligned to that when the UK was not aligned to it.

At the same time, it is true that it is not just the Royal Navy that has been pulled hither and thither, and is overstretched; the US navy is also still straining under the vast orb of responsibilities that it faces. It has seen its assets pulled out of the Gulf to support the Asia-Pacific swing and pivot. They have been gapping their carrier, and looking forward to the potential arrival of *HMS Queen Elizabeth* as a way of—particularly in that theatre—being able to sustain a deterrent capability in the longer term. Having said that, I think there was an impulse of political opportunism, if you like, to some extent, on the part of the US to pull the UK into that orbit. The hesitation was understandable although, having said that, I was surprised that the option that was come up with was an EU option, because there will always be problems with that.

What has come out of all this is that, despite all the hesitations I have offered there, it is becoming fairly clear—going back to the question that the UK cannot in the long term do this on its own—that whatever framework ends up being put together, if that is indeed the long-term requirement, it will probably have to be one, and I think this has come out, with the US essentially in the lead, because only the US still has those command-and-control and overarching enabling capabilities that will allow a credible and sustainable long-term response to this. In that context, it is one in which the UK and the US can play a part alongside each other.

However, I remind the Committee that in the context of US offers that were out there and of the principles of freedom of navigation, we are also in a different world now, in which certainly the current Administration treats everything in a much more transactional way. Let's not forget the remarks of the US Secretary of State, Mike Pompeo, who said, "We are



HOUSE OF COMMONS

happy to lead, but in terms of actually protecting your ships, it is up to the people who have responsibility to protect those ships.” They are not, as a rule, US ships.

That is one of the assumptions that have been undercut in the last few weeks and months. Some of the assumptions—what everyone had expected would unfold in the event of a crisis in the Strait of Hormuz, if it really flared up—that there would be US leadership and a US umbrella, almost without question, as an international public good to support international principles of freedom of navigation, are not quite what we got.

Likewise, there would also be an assumption that those who had strategic interests would fall in behind. Again, because of the political misalignment, that has not happened either. That is where a lot of the difficulties are occurring now, and it is where the Iranian leadership has been able to have effect, if you like, in highlighting and putting pressure on some of those misalignments.

Q30 Ruth Smeeth: Good afternoon, gentlemen. Could both of you give us an outline of how difficult it is to police this part of maritime space? How challenging is it to police the Strait of Hormuz?

Lord West: It is extremely challenging. It is constrained waterways, so swarm attacks—we will call them swarm attacks, not that they have been attacking, although I think they have been attacking to an extent—by Iranian vessels are on you very quickly.

Your radars are affected—you get very long ranges suddenly—and, therefore, it is quite difficult sometimes to pinpoint where exactly ships are, so tracking can be difficult. There is a certain amount of air cover. There is a lot of traffic going backwards and forwards. There are fast dhows and smuggling going across. They are always zipping backwards and forwards, so there are lots and lots of surface targets.

You are dealing with merchant ships, the owners of which are sometimes, as was said, not that keen to have been held up in order to be with you. You have to manoeuvre to get yourself between these Iranian boats and your own ships. That is not easy at times.

It goes on for quite a long time. Although it is about 20 miles wide, there is a long period that you are in danger, so to speak, from these attacks. So, yes, it is very tiring. You have to be very alert. Your ops teams have to be very good, and you have to have very clear rules of engagement. It is quite tricky when things come rushing towards you, especially when they radiate attack missile radars from the shore, which they were doing—Silkworm-type radars from the shore.

You have to make judgments all the time about what to do, because you could easily start escalating things. That is why this is so dangerous and that is why it is such a dangerous game that the Iranians are playing. We know why they are playing it, but it is very difficult.



HOUSE OF COMMONS

You need to have sufficient assets to be able to do this. Now, one frigate can look after two or three ships going up there, unless they came under real attack, which would be a different ball game, really. You need sufficient assets to be able to do this, in terms of overhead assets monitoring what's going on—central air commander control—so you are able to co-ordinate all of your own assets and to see where all the possible enemy assets might be, what their actions are and where they are going.

It is very complex and difficult, and it is something that a British warship and an American warship can do. Certainly, British warships—our ships—can do it. *Montrose* has done an absolutely brilliant job recently. Having said all that I did about not having enough ships and bad decision making, the quality and ability of our people and our ship are brilliant, I am glad to say, because the Navy still does that. But, my goodness me, you have to have enough there. It is not fair asking them to do these things, if they have not got sufficient assets.

- Q31 **Ruth Smeeth:** Your argument is that the senior service is doing us proud, but it is a matter of whether there is enough of them.

Lord West: Yes, you need two or three escorting groups through, really. That can be done if you are doing that in conjunction with the Americans. Yes, the Americans are not that keen possibly to do it all on their own. They think that the Brits do tend to pull their weight. They don't think a lot of the European nations do pull their weight.

- Q32 **Ruth Smeeth:** *The Times* reported last week that *HMS Montrose* has faced 115 confrontations with Iran since the start of July, with fast attack craft, as you outlined, and drones. It also believed that the IRGC had been given approval to use live weapons including cruise missiles against *Montrose*. What other capabilities do you think we should be deploying to the area, based on the genuine threat level?

Lord West: If they start using live weapons, we are in a different world entirely. I'm afraid that it is slightly above my pay grade, but, as a military man, if people start doing that, I like to take out where those weapons are that they are going to use against me. I would want to take out where the swarm attacks come from, and the way you do that is by having cruise missiles, American carrier air and land-based air. We are talking about a war, and no one wants a war, because we just do not know exactly where that will go. Of course, we could take out all the Iranian surface vessels, their submarines and their aircraft, but you have not then stopped the war. They control groups—Hezbollah, Hamas—and they have terrorists in all sorts of places. It is a Pandora's box.

That is a slightly different thing. If it is on a small scale, a couple of Silkworm missiles fired at *Montrose*, *Montrose* is capable of defending herself against that, but you don't want to keep your ship in a space where that is happening all the time, because you will be unlucky on one occasion, and then—as I know very well, having it on my ship—you have dead sailors and a lost ship. You do not play games there. I am afraid it escalates up.



HOUSE OF COMMONS

Nick Childs: I absolutely agree with the picture that Lord West has set out. It goes back to the point that, genuinely, if we are ramping up to that stage, we are potentially in a full-on, very serious knife fight of armed conflict. Going back to the original part of your question, the issue is that it is an extremely complex, difficult environment—very confined, complex and contested—in which you have to be concerned about a whole range of capabilities that the Iranians have been able to employ.

That, again, is one of those discontinuities between the tanker war of the 1980s and now: western international conventional naval capabilities have thinned out and the Iranians have massively developed their asymmetric capabilities, from swarming to mines, which were always there, but also the anti-ship missiles, which pose a real problem, and submarines. All those things you have to be wary of and bear in mind in terms of how you put forward a capability. This is not a counter-piracy operation against skiffs; it is something where you have to have, at least in terms of the ships you deploy, high-capability ships with highly trained crews that are equipped to deal with this as an individual ship, at a certain level. I think *Montrose* is one of those.

But you can only comprehensively deal with that over a prolonged period, because this is really hard stuff. It is all hard and it is hard all the time if you are doing it on a continuous basis. That is why you have to get back to the fact that, if we are doing it in a sustained way, it will be a contribution that the UK can and should make because of interests in the region and the capabilities we have, but only in an international context, probably under the umbrella of the United States, who have particularly those intelligence, surveillance and reconnaissance assets that can begin to clarify an extremely difficult pea soup of problems that you are facing in a very confined space.

If I may, I will also reiterate the Admiral's point about the other problem you have to face, which is that, particularly these days, you cannot just concentrate on the Strait of Hormuz. Even in a limited way, responses that the Iranians may or may not wish to apply in the future to keep up the pressure and to try to keep people honest go beyond Hormuz. They go into the rest of the Gulf, but they also include the Bab el-Mandeb strait and the Red Sea and using proxies there. It was only a couple of years ago that the Bab el-Mandeb was the main focus, so we could be pulled in various different directions; then, beyond that, the non-maritime potential responses that Iran could offer up as a way of maintaining the pressure.

Lord West: It is one of the reasons that the OPV-2 is not an answer. The OPV-2 is very good for things like the West Indies, and things like that, but you can't really put them in a situation where you could suddenly have hot war fighting. You need frigates. That's why we really need to start ordering and building more frigates.

Nick Childs: It is also why with the frigates—and obviously there is the Type 26 programme that is out there and the Type 31 programme that will materialise at some point—one of the issues you have to face is that even though it is a grey zone of not-quite-conflict you have still got to have a



level of capability in this particular scenario against a state-based threat like Iran, where you have sufficient capability actually to carry out that self-defence mission. So it does blur the issues of where and when you can make major distinctions between just a maritime security threat, a counter-piracy threat where an OPV-2 may be the answer, and something like this where something like a 23—but also a Type 31 that has the proper self-defence capabilities in there to be able to look after itself—is there. So in terms of balancing those constant capability issues, going forward, with the new frigates, that is an issue too.

Q33 Ruth Smeeth: Moving on slightly, given the challenges that you both outlined in terms of putting together an international maritime protection framework, what would you believe the main political challenges are, rather than strategic challenges, to bringing together that kind of coalition?

Lord West: We have slightly talked through this in terms of the Americans—the slight difference in view on the JCPOA, where I think the UK view is it is very unfortunate that President Trump has pulled out of this. They are now talking about re-enriching uranium, and there is no doubt that the sanctions against Iran are hurting them dramatically, and therefore they are lashing out. That is part of the reason for this business on the Strait of Hormuz. They want other people to suffer in the way they are suffering.

I think keeping together with the Americans—it is rather that point that John Spellar raised: I think at the moment you can say that freedom of navigation is very important and therefore we will work with the Americans doing this as a maritime force, but as Iran lashes out even more there will be this difficulty of how do we move forward there, because if the Iranians behave in too bad a way—and, let's face it, they have a very bad track record—you will come to a stage where probably one has to say, "Well, actually, notwithstanding all of that, we probably agree that we will have to make their sanctions hurt more." I am not sure that is a very good thing, but I think we might well end up going down that sort of route. I do worry about what Iran will do, and I also worry about what some people might do if the Iranians really do start their nuclear programme properly again.

Nick Childs: The political problems, I think, start, as Lord West said, at the top of this misalignment in terms of policy towards Iran overall; but then in the context particularly of European responses, at a slightly lower level there are clearly differences in terms of how Europeans see the stakes even in a maritime context, as far as the Strait of Hormuz is concerned. There are differences in terms of lack of consensus on whether an international maritime security response would be helpful or escalatory. At the bottom of that particular pile of hesitations there is the issue of the extent to which Europe in particular can respond in a meaningful way with the types of capabilities that we have outlined before, that would be needed to have a credible force in the region. You could open the aperture wider and say, "Actually, remember that 85% of the oil that comes out of the Gulf heads east." There are potentially other players in this mix that



have greater stakes. Australia has joined the international maritime construct. There are precious few others, because they all have political issues and hesitations. India would probably prefer to have a state that is semi-detached. China is probably making a rather different set of assumptions about what the vulnerabilities of its shipping and energy sources are, because of its relationship with Tehran. Japan obviously has certain inhibitions to long-range deployments to carry out this sort of mission. Those are all the problems. Having said that, if this persists as an issue and Iran continues to provoke and raise the temperature, over time there may be—I do not know whether this will be the case—a change of attitude and the beginning of a coalescing around an idea that this is a long-term issue of rules-based order that needs to be dealt with, but I think that will take some time.

- Q34 **Chair:** Thank you. I would like to start to draw it together now. What does this say about our decision-making arrangements, and what lessons can be drawn, for example in regard to the functionality of the National Security Council? I get the impression, Lord West, that as a uniformed former very senior military adviser, you do not think military advice has been at the forefront of how this scenario played out. Would that be correct?

Lord West: As I said, I would be amazed if naval advice within the MoD was not that we should have got more assets there earlier and that we should have taken control of merchant shipping earlier. I would be amazed if that was not the advice that was given, so I can only assume that within the MoD someone was saying, “No, we don’t agree with you”, for whatever the reasons were. I think those reasons were probably to do with the spending round coming up and money—a plethora of reasons, some of which Nick was going through—rather than realising that when it comes to military affairs and when there is a crisis, you must focus on that with your military straight away. In that sense, I don’t think there was.

I would love to know whether the NSC actually made a judgment. They should have been making judgments. I know it’s boring that I’m telling you I was saying these things to the Government, but they should have been looking at this and making judgments then. I bet you they weren’t. I would be interested to know.

We have got problems in this country. For example, we had a national security strategy that did not even mention that we are an island, but let us forget about that. There are problems, but the NSC should have been looking at this on 13 June in some detail. I would love to know whether they were. I know you can say that the deployments of military forces might not be something they should focus on, but I think they should look at that. I would love to know what advice was coming from the MoD to the NSC. This is a failure. If I was seeing these things and saying these things to Government and putting down questions in the House and asking them, with all of that timescale—there must have been an awful lot of people who understood that. How the hell did this just not happen? I think how it did not happen needs to be looked at, because you can bet your bottom



HOUSE OF COMMONS

dollar that this will happen again. Without a doubt, this will happen again somewhere, and we need to get it right.

Q35 **Chair:** Do you agree, Nick?

Nick Childs: In general, I would agree. I would throw one extra element into this, and it goes to some extent to what Lord West is saying. In this particular instance, I do not think we can ignore the fact that this was a naval and maritime issue of a type that we have not focused on in a significant way for a significant amount of time. That perhaps goes to the issue in terms of the national security apparatus. A general point I would make, albeit that the NSC has to cover a whole gamut of different issues, balances and trade-offs, is that this may be an example of where there is a problem when the expert military advice, in the particular scenario we are talking about, doesn't get fully fed up the chain to the final decision makers. Whether the naval input in this case was fully reflected at the top level, when it came to making decisions and policy choices, is in the back of my mind. I just throw that out there.

Q36 **Chair:** Do you feel that the arrival of the National Security Council has interposed a barrier or created a gap between the top military advisers at the heads of the Armed Forces and the decision makers in Government? Do you feel military advice is sufficiently direct when it is just channelled through perhaps a single individual?

Lord West: It goes through the CDS, doesn't it?

Chair: Exactly.

Lord West: I think there is sometimes a risk there. The fact that we don't have the Chiefs of Staff committee in the way that there used to be a Chiefs of Staff committee can be a weakness. I know all the good things about jointery and that sort of thing, but equally these are different domains and very useful things used to come out of the Chiefs of Staff committee and you can still then focus it through. There is a risk there, but I wouldn't want to overstress it.

On the point Nick makes about naval advice, in any wash-up on this, I would love to know if the Navy was advising that. If it wasn't, I would myself want to chop a few legs off. Luckily I'm not around to do that anymore. As I say, that is hard-wired into your DNA from day one at Dartmouth. You move to the sound of the guns and you move your assets. Indeed, before jointery really took over—going back 20 years—the First Sea Lord and the Commander in Chief would have been moving those assets and then would have said to the Government, "By the way, I've moved these assets here." That would have happened. That's the difference in where we are now.

I'd love to know if that advice was there and exactly what the sequencing of advice was, because it did not work.

Q37 **Martin Docherty-Hughes:** Lord West, who would hold that advice back from senior Ministers? If there was enough concern from the naval



HOUSE OF COMMONS

service, which has led to this situation for a ship registered in my constituency, who would hold that back from Ministers?

Lord West: It is not done in such an obvious way, but certainly, in my experience, at the very end of my time in the MoD, I think sometimes Ministers did not get the pure advice from a single service. It was somehow being lost within the civil service, within the centre, and that did not come up as clear advice to them. I believe that sometimes the Minister wasn't given the opportunity to hear that. You had to really go and batter on their doors to try to do that.

- Q38 **Martin Docherty-Hughes:** It is obvious that someone in the military structure is making advice, via this system, to Ministers, but somebody who is not in the military structure decides that it's not really that relevant to hand over to Ministers.

Lord West: Well, this can happen. When I was First Sea Lord I advised very firmly that we should not have gone into Helmand province. That advice from me, as First Sea Lord, wasn't given to Ministers.

- Q39 **Chair:** Finally, I would like to read you an extract from a letter from the Secretary of State for Defence, Ben Wallace, about this inquiry. Talking about the Government's contingency planning for the Iranian response to the seizure of *Grace 1*, he says: "As it is a live operation with extremely delicate defence and diplomatic engagements, the Ministry of Defence are unable to explain the detail of even recent planning. Exposing even recent planning publicly would undermine the very operation and effect we are seeking to achieve in the Gulf, and thereby impose unnecessary risk on both the national interest and our armed forces personnel in the region. For this reason, the MoD will be constrained from explaining all of the detail in a publicised forum."

You have seen the sorts of questions we've been asking for the last hour and a bit. Is there anything that we have been raising in a publicised forum that has in anyway compromised or endangered our armed forces, in your professional judgment?

Lord West: I don't believe there is anything that would; otherwise, I wouldn't have answered them. I don't believe there is anything that has endangered our forces involved in operations. What I can't make a judgment on is whether there is some decision making to do on a political basis, and to do with allies and things. Whether there is something there, I just don't know; there might be, but I don't know.

Chair: Obviously, however, if a witness gives an answer and says, "I really can't go into that for sensitive operational reasons", any sensible Committee would accept that. We will certainly return to the question of getting evidence from officials, which I hope will answer some of the points that you felt you could not deal with because of lack of first-hand involvement.

Can I thank both of you? We are right on time, at quarter past four, and I would like to express the Committee's thanks and ask Penny Mordaunt to

take her seat.

Examination of witness

Witness: Penny Mordaunt MP.

- Q40 **Chair:** Penny, I would like to thank you most warmly, on behalf of the Committee, for your willingness to do this, particularly as you obviously do not have the support that you would usually expect to have, in terms of an official, were you still Secretary of State, though you were Secretary of State at the time.

I would like to assure you that if there is anything where you feel your memory is unreliable, or you're making your best guess at some fact that you are not in a position to confirm, we will fully understand that.

I believe you would like to start off by making a short, three-minute statement about the overall situation, to the best of your memory and with the information that you have managed to extract from the Ministry of Defence.

Penny Mordaunt: Yes, thank you. First of all, I should refer the Committee to my interests with regard to the Royal Navy. As the situation is ongoing, I know the MoD has agreed to provide a private briefing for the Committee. I will err on the side of caution if I think my evidence might undermine the current operation and ongoing efforts to protect shipping.

I am very pleased to give evidence today, as well as to help the Committee with regard to a timeline of events, which I have assembled and which I can go into in my evidence, if that is helpful. However, I think that the following five points are the salient ones.

First of all, regarding the Royal Navy and the MoD, including the fourth floor, there has not been a cigarette paper between them on the advice that they have put to me and that I have put to others. I have been supported in that by CDS, so, again, he has represented the views of the Royal Navy at every forum that we have been at together. They have done an incredible job of protecting large numbers of vessels going through the straits—not all, it should be noted, British interests. We have been doing this for other nations, as we always do, and seeing ships through those waters. It has been a relentless job for *HMS Montrose*, the MTO and other naval personnel, over a sustained period of time, and they deserve credit and our thanks for all they are doing. When you have that briefing, I think you will find that the examination of that will stand that up.

While I recognise that a much bigger fleet and working with other nations that have an interest in securing these sea lanes would make a task easier, it would not yield enough ships to protect and provide escorts for every vessel. The key to protecting shipping is co-ordination and organisation of merchant shipping, so that naval assets can be used to best effect. That would definitely have made a difference in the case of the *Stena Impero*. I think it would have made a difference in that particular instance. The use of other assets and personnel—either naval or private



HOUSE OF COMMONS

sector—to protect shipping is possible only with the agreement of merchant ships and, in my view, a different set of rules of engagement. I suggest you might like to explore that with the MoD.

Fourthly, and perhaps most importantly, there must be greater and continual ministerial oversight of situations through ministerial Cobras. We must provide that forum, where you can thrash out those tensions between the political imperatives and concerns of the situation, and what is operationally required—in this case, to protect shipping. That, I think, did not happen, despite several Secretaries of State pushing for it, and it should have happened. In such scenarios, it is vital that those leading on the political strategy are around the table with those Departments that are carrying out the operations. This was a highly complex and politically sensitive situation, with fine judgments being made. In my view, only at those ministerial Cobras do you get the right level of clarity on all those fronts, and in the detailed discussions that are needed between Ministers to make such decisions. You can't run or take operational decisions in real time through NSC meetings.

Fifthly, and finally, the United States is a critical partner in any joint operation to protect shipping in the Gulf. Those are the five points I wanted to make.

- Q41 **Chair:** Thank you very much. May I clear up a couple of things before we get into the more rigorous questioning? On the Cobra point, I believe I am right in saying that when the Foreign Secretary made his statement on 22 July, the seizure of the *Stena Impero* had already happened—that statement was made on the Monday, and he was talking about Cobra meetings that had been held over the previous weekend and the last couple of days. That was when the “retaliation”, as the Iranians would put it, had already taken place. Are you telling us that, as far as you know, you were not able to secure any Cobra meetings between the taking control of the ship off Gibraltar and the seizing of the second ship all those days later?

Penny Mordaunt: Throughout that period—I have a detailed timeline—consistent requests for ministerial Cobras were not acted on.

- Q42 **Chair:** Requests made by you?

Penny Mordaunt: Made by me, and I can give you details of when and why, and the reasons given.

- Q43 **Chair:** To whom?

Penny Mordaunt: To various people, but ultimately, through her military assistant, to the Prime Minister.

- Q44 **Martin Docherty-Hughes:** Thank you for your statement. I am utterly gobsmacked that your orders as a Secretary of State, a Minister of the Crown, were not carried out. Is that what you are saying?

Penny Mordaunt: No, that is not what I am saying. It would perhaps be helpful to run through the timeline of events.



HOUSE OF COMMONS

Q45 **Chair:** Before we do that, who decides whether a Cobra meeting will take place?

Penny Mordaunt: I have been told that it is the Prime Minister who decides on that.

Q46 **Chair:** Presumably on the basis of advice from the National Security Adviser, or of somebody else, or of the Cabinet Secretary, which in this case happened to be one and the same person.

Penny Mordaunt: I would imagine that a range of people give advice to the Prime Minister, but I have been told clearly in my requests that it is the Prime Minister who decides. My final, and fifth, attempt to secure such a meeting was finally successful and resulted in that first ministerial Cobra on 10 July. That was the first meeting we were able to secure for Ministers. Obviously there were NSC meetings, but in terms of getting the traction that I described, that was the first ministerial Cobra.

Q47 **Chair:** So there was no Cobra meeting before the decision to go ahead with the Royal Marines taking control of the *Grace 1*.

Penny Mordaunt: There was not a ministerial Cobra, but on that issue I would not have expected there to be. That is for the Ministry of Defence. It is an operational matter. It is a request. It is obviously very sensitive and of high-level secrecy, so you would not have expected that to have gone to a ministerial Cobra meeting.

Q48 **Chair:** After the seizure, or impounding, of that ship had taken place, you were straight away requesting Cobra meetings—is that right? But you didn't get them until the 10th.

Penny Mordaunt: Including prior to the *Grace 1*.

Q49 **Chair:** So you were hoping that there would be a Cobra meeting before the—

Penny Mordaunt: On the wider situation in the Gulf. Clearly, there had been, from May and before, all sorts of tensions. Since the US petrochemical sanctions had been put in place, there were clearly further attacks going on on other vessels, so I was very keen that we have ministerial oversight over Cobra meetings. Throughout the whole situation there were officials Cobra meetings but not with Ministers.

Q50 **Chair:** Once again we come back to this question that there seems to be a bit of a disconnect these days. As you may be able to tell from my line of questioning, to some extent I put it down to the interposition of the National Security Council between the military advisers and the MoD on the one hand and the Prime Minister on the other. Do you feel that there is insufficient linkage between the people qualified to give military advice and the person in charge of taking ultimately the key decisions?

Penny Mordaunt: I would say a couple of things. First, although there are some very important issues in the timeline that the Committee should be aware of, in dealing with this situation that has been going on for a long time, operations have been in place, working with the US and other



partners, to protect shipping in this area. That has been going for a long time, but the questions are: how did that need to step up and how did it need to change in the light of the threats? The NSC is an evolving body. I think it is a good initiative, not least for the reason that Lord West gave—lack of ministerial oversight in 2006 and so forth in Afghanistan—so I think it is a useful forum, and it is evolving and improving. It is a forum for discussing things strategically. It discusses things sometimes thematically, sometimes about a region. What it is not there to do, I think, is to take operational decisions on a real-time basis or to get into the detail that you need when you balance judgments that the Committee has pointed to—the political strategy and judgments versus the operational options in front of you. Throughout this whole process—I won't go into the detail of what the submissions were—the Ministry of Defence was putting various options to the National Security Council. But what was clear—this is why I asked for this forum—is that there needed to be a much more granular meeting where we could thrash the issues out, and not just within the timeframe that we had for NSC meetings.

- Q51 Martin Docherty-Hughes:** I am sure, Penny, you recognise that because the *Stena Impero's* registered HQ is in my constituency, and although I am a member of the Committee, I had a constituency concern. In terms of the acceptance of a ministerial Cobra meeting on 10 July, you had requested ministerial Cobra meetings a full five times. When did you make the first application? Was it the NSC that rebuffed that?

Mr Francois: You said 11 July.

Penny Mordaunt: I can tell you that 14 June was the last time I attempted to do this verbally. I was doing this through my private office and they were having either phone calls or face-to-face conversations. After 14 June, I decided I wanted an audit trail of this, and I got them to put it in writing. I think I tried three times before the 14th. On 19 June, I sent a formal recorded written request via my MA to the Prime Minister's MA that we needed a ministerial Cobra meeting, and I expressed that my concerns were that we were very likely to be facing having a ship taken and we needed certain operational decisions to be taken. On 21 June, there was an officials Cobra meeting, and on 25 June, and then we had an NSC on 25 June where we discussed various matters to do with the situation.

On 27 June, I received a reply to my formal note saying: "The decision to call a ministerial Cobra is for the Prime Minister. Events to date have not been judged to warrant this. However, Ministers and the Prime Minister have been kept fully informed throughout. Ministerial decisions have been taken when necessary and appropriate. Cobra officials have been keeping under review whether ministerial escalation should be recommended, and to date has considered the National Security Council the appropriate forum in which to support a ministerial discussion. If there are significant further developments, then a decision to call a Cobra ministerial or to include the Gulf of Oman as a topic on the National Security Council will sit with the Prime Minister."



HOUSE OF COMMONS

Q52 **Chair:** Who was the note from?

Penny Mordaunt: That was from the Cabinet Office.

Q53 **Chair:** Was it signed by anyone in particular?

Penny Mordaunt: Yes, but I won't give that in open session. I then put in another formal request and insisted that—

Q54 **Martin Docherty-Hughes:** This is on the 27th?

Penny Mordaunt: I don't have the exact time.

Q55 **Martin Docherty-Hughes:** This is now the second formal request?

Penny Mordaunt: Yes, this is the second formal written request—it would have been, I think, on the 27th—that I wished not only to discuss the operational matters at the next NSC but for my request for a ministerial Cobra to be heard at the NSC, which it was. That was heard on the 9th, which led to the ministerial meeting on the 10th. That was the timeline.

Q56 **Martin Docherty-Hughes:** That is a full 10 days after that second formal request. It took another 10 days to have a ministerial Cobra meeting.

Penny Mordaunt: It was at the next NSC, which took place on the 9th, where that formal request was heard and granted.

Q57 **Chair:** Will you let us have a copy of the timeline after the session, perhaps, if there is anything you can let us have?

Penny Mordaunt: Yes, I can send you that.

Chair: That would be very helpful.

Penny Mordaunt: My timeline runs from 13 May through to when I left the Department.

Q58 **John Spellar:** Briefly pursuing that, did you actually seek a meeting with the Prime Minister to bring this matter to a head?

Penny Mordaunt: I met the Prime Minister frequently. I will put it in these terms: I was seeking every possible way to ensure that she, but also other colleagues, knew of my concerns. From memory, I also spoke with the Secretary of State for Transport, who felt similarly, and the Foreign Secretary.

Q59 **John Spellar:** Can we move to the detail not so much of what happened here but of our engagement with what was going on in Gibraltar? As far as you can recall, when did the Government of Gibraltar send its request for assistance from the Royal Marines in detaining the *Grace 1* oil tanker?

Penny Mordaunt: I would not know that. My involvement in this has been purely on an operational basis. I can tell you that we received on 28 June a request for support for that action.

Q60 **John Spellar:** Did that request go to the Foreign Office?



HOUSE OF COMMONS

Penny Mordaunt: It was from the Foreign Office. The MoD and I received that request from the Foreign Office.

- Q61 **John Spellar:** One presumes, therefore—correct me if I am wrong—that the Foreign Office would have been acting on a request from the Government of Gibraltar.

Penny Mordaunt: That you would have to address to the Foreign Office. I would not be able to answer that, I am afraid.

- Q62 **John Spellar:** In the course of their communications with you, did they disclose any evidence from the Government of Gibraltar that the *Grace 1* was acting in violation of EU sanctions?

Penny Mordaunt: Yes. In terms of what I have seen myself—I will not go into the details—and in the submission that I would have signed off for the Royal Marines to be involved in this action, I would have had details of why we were doing it, that it was lawful and other considerations.

- Q63 **John Spellar:** Presumably the main lawful basis of that would have been that it was in breach of EU sanctions.

Penny Mordaunt: Correct.

- Q64 **John Spellar:** So what was the EU's response to the detention of *Grace 1*, and did they share the view that the tanker was in violation of their sanctions?

Penny Mordaunt: Again, you will have to direct that to the Foreign Office. The only discussions I would have had touching on that issue would have been when I was talking to my opposite numbers in other EU nations about their providing support for protecting shipping in the Gulf.

- Q65 **John Spellar:** I must say, from experience of dealing with operations, including ones on which the Foreign Office may well have been in the lead, the Ministry of Defence normally engages in getting into the depths of the basis of the decision, rather than accepting a memorandum that says: "Please apprehend on sight".

Penny Mordaunt: You are being rather unfair on that. We did get into the weeds on that; we have an obligation to do that. I have to know that we are acting lawfully. You were asking me about particular correspondence or requests that had come from Gibraltar to the FCO. I would not have been involved in that. I take the information that I have to take decisions from submissions and answers to questions that I ask. I do not work over at the Foreign Office, so if you are asking me questions about what correspondence Gibraltar has sent, I do not know.

- Q66 **John Spellar:** In a way, I am not even asking what the details of that correspondence from Gibraltar were. I am really asking whether the MoD were asking the Foreign Office: "You are asking us to use military force in pursuit of this. This is on the basis, presumably, of a request from a sovereign nation to take this action, and we are taking this action at their request. What is the basis of their request, and is it therefore, under international law, a lawful request?" Surely you would have wanted to



HOUSE OF COMMONS

satisfy yourself as to the strength of that when taking such a serious decision, rather than just taking it on trust.

Penny Mordaunt: We do that; that is part of our processes when we take decisions. I have to understand the basis on which we are acting and whether it is lawful. That is covered in our process. That is a slightly different question from the one you originally asked me, which was about my own experience of what Gibraltar may have said to the Foreign Office.

Q67 **John Spellar:** No, no. It is more about the basis of the request, and whether it was a legal request, to enable us to have the assurance that we could authorise military force on the basis of that request. In order to do that, you have to know something about the nature of the request, I would say, and also something about the legality of the request that you are dealing with. Ultimately, it is the Secretary of State for Defence who is authorising the potential use of lethal force.

Penny Mordaunt: Yes. Absolutely, on all fronts, I was satisfied of that. In the evidence that was put in front of me and in the legal advice I received, I was satisfied of that.

Q68 **John Spellar:** That must have included the basis under which the Government of Gibraltar had made that request, because we were providing military aid to them.

Penny Mordaunt: Yes, it did.

John Spellar: Right, thank you.

Q69 **Mr Francois:** Penny, under the circumstances it is doubly good of you to come today, and I think the Committee greatly appreciates it. Thank you.

Following the capture of Grace 1, what contingency planning was undertaken on the potential for retaliation by Iran against British-flagged vessels in general?

Penny Mordaunt: A lot was done. In addition to various options that were put to the NSC and that we had been planning, including Op Sentinel and working with other international partners, we did a very large number of things. We already had a system that had been in place for some time and which was known as shadowing—people don't like to describe it as escorting ships; so shadowing ships, we strengthened that—

Q70 **Mr Francois:** Sorry, what is the squeamishness about escorting? We have escorted ships for decades.

Penny Mordaunt: If the MoD legal department were here, they would—basically, I think, there are certain legal obligations under escorting a vessel as opposed to what we were doing, and could only do, and so they refer to it as shadowing. But I don't think there is any particular material difference in what the Committee is focused on.

Mr Francois: All right.



HOUSE OF COMMONS

Penny Mordaunt: We bolstered staffing in the maritime trade organisation. I also got carried out prioritisation of particular vessels, so that we really were ensuring that we knew which vessels were going to be potentially at high risk of being taken. That might include cargo; it might include crew. I also was keen to find out whether any of the master mariners were Reservists, making them an extra target, and there were other things that were put to the National Security Council as options for us to increase, and to set up a more robust way of taking ships through the straits.

Q71 **Mr Francois:** Okay. You have given us a detailed run-through of the timelines. All this happened while Theresa May was Prime Minister. Don't you think it extraordinary that if a Defence Secretary, of all people in Government, requests a meeting of Cobra, No. 10 does not agree? Of all the Departments to ask for a meeting of Cobra, if the MoD, for military reasons, asks No. 10 to convene Cobra, don't you think it extraordinary that No.10 should say no?

Penny Mordaunt: There is perhaps a lack of understanding about why ministerial oversight is critical and the value that ministerial Cobras bring to the decision-making process. Throughout this whole period, we have had very high calibre officials working together, looking at the situation—my MoD officials in there as well. But I think that until you have the Secretary of State for Transport, the Secretary of State for Defence, the Foreign Secretary, the Treasury and others around the table together—thrashing out some of the very difficult and fine judgments that needed to be taken, in this case, balancing the political imperatives against what was operationally going to be needed—you don't really get to the heart of it. Fundamentally, you don't get decisions made, never mind the right decisions. For me, that was extremely frustrating. I think it is wrong; it has to be appreciated that, in a scenario such as this, that is what you need, and you need to be having them daily. You need to be dealing with the situation in real time. Just to have official oversight of it, great though those people are, is not going to give you what you need.

Q72 **Mr Francois:** Just to give a different example, during the floods in the West Country in 2014, Cobra was in almost daily session, with Ministers from the relevant Departments very closely overseeing what was and was not happening. Another example—forgive me, Chairman—is that when we had the chaos at Gatwick because of the drones, Cobra never met. The point of Cobra, as I think we have understood it, is, in time of crisis, to bring together senior Ministers to assess the situation and give very clear political direction to officials about what must happen. You have given a very diplomatic answer, but I put it to you again: is it not absolutely extraordinary that, when a Defence Secretary says, "Prime Minister, I really think Cobra should get together.", No. 10 says no?

Penny Mordaunt: I think there was a great difference in my experience of the Cobra set-up between my time as MinAF and my time as Secretary of State. It had been hollowed out—not necessarily on the official front, but for ministerial oversight. Clearly, on the Defence side of things, our operational drumbeat was much reduced from what it has been in



HOUSE OF COMMONS

previous years, but for these kinds of situations, where there is a commercial aspect, political or foreign affairs elements to the decision making and a need to get people around the table to thrash these things out, that is not where it needed to be—including, when those meetings take place, the back-room support available.

- Q73 **Mr Francois:** We have both sat in it, in our different roles as MinAF, Penny. You said something very interesting there; you talked about Cobra being “hollowed out”. During the Welsh floods, for instance, David Cameron was the Prime Minister. He was a very different Prime Minister from Theresa May. Can you just expand a bit on what you mean by hollowed out?

Penny Mordaunt: I would describe my experience of Cobra meetings as MinAF as being properly resourced; you had the expertise on hand, and they were regular ministerial meetings. During my time as Secretary of State, when you had a ministerial Cobra, the back-room operation was not there. I quickly changed that, but that was my experience coming in to the Department.

Mr Francois: All right, thank you.

- Q74 **Chair:** May I just ask who is in charge of Cobra? Who does that Cobra come under, in terms of the most senior official? Is it the Cabinet Secretary, or a national security adviser?

Penny Mordaunt: My understanding is that it is Cabinet. At one point it was due to come to Defence, but it is not in Defence’s remit.

- Q75 **Chair:** Cabinet Office or Cabinet Secretary?

Penny Mordaunt: It is the Cabinet Office.

- Q76 **Mr Francois:** It is held in the Cabinet Office, isn’t it, and it is the Cabinet Office that provide the secretariat.

Penny Mordaunt: Yes. In terms of triggering Cobra, it is clearly Cabinet Office and ultimately the PM.

- Q77 **Chair:** Can I ask one last thing before Mark moves on? Would you say that the reason for the Cobra meetings’ not being granted until the situation had deteriorated a lot further was mainly because of administrative hollowing out, or do you think there was a political dimension to do with not wishing to ramp up tension in the context of the Gulf crisis and the different approaches of America and the United Kingdom?

Penny Mordaunt: I think it is a sensitive issue, and therefore people would want to keep tight control of it. But I do also think that fundamentally there is a lack—this is just my sense, appreciation of the importance—not just in terms of it being really important to have ministerial civilian oversight but in terms of the value that is brought by Ministers, who ultimately can take political decisions but can also make decisions that change the options that officials have—of having those types of meeting. Just relying on the NSC—as I say, I think it’s a really



HOUSE OF COMMONS

important body—for these real-time events is not enough. I just think there is a lack of understanding about that.

Chair: Thank you for being so frank. Martin, you want to ask a question—very briefly.

- Q78 **Martin Docherty-Hughes:** Just briefly, Chair; thank you. Penny, I just want to go back slightly in that timeframe. You said, I believe, that on 14 June, through your ministerial aide, you put a request to the Prime Minister's ministerial aide for a Cobra meeting. I can't imagine that, as Secretary of State, you would do that on a regular basis. I imagine that, as Secretary of State, you would do it only if you thought there was a real reason to have a Cobra meeting. So were you slightly taken aback that the ministerial aide from the Prime Minister's office came back and said no.

Penny Mordaunt: In fairness, I had a very short stint as Secretary of State and for much of it I was asking for ministerial Cobras. But if the Secretary of State for Defence and also, I believe, the Secretary of State for Transport and, possibly, the Foreign Secretary were asking for that forum, I think it is quite wrong that it wasn't dealt with.

- Q79 **Martin Docherty-Hughes:** Would that decision have been made by the ministerial aide or by the then Prime Minister?

Penny Mordaunt: The response that I received to that final request was from the Cabinet Office. The ministerial aide was my military assistant; it was MA to MA. They would not be the decision makers; they are the communication route.

- Q80 **Martin Docherty-Hughes:** But that military assistant came back on 14 June and told your MA that the verbal request had not been granted. I take it that that verbal request would have been turned down by the Prime Minister.

Penny Mordaunt: I don't know that. I don't know that, but in terms of—

- Q81 **Chair:** But would officials have turned it down without asking the Prime Minister first?

Penny Mordaunt: I can speculate, but I only want to give you factual answers—so good luck with that one!

Chair: Fair enough. Mark, please carry on.

- Q82 **Mr Francois:** Following the raising of the security level for British vessels on 9 July and *HMS Montrose's* intervention to protect a British vessel on 11 July, were there any plans to send additional assets to the region before the *Stena Impero* was captured on 19 July?

Penny Mordaunt: Yes. Throughout this process—so, way beyond these events—the Ministry of Defence was putting up a whole range of options to the NSC. I'll just go through the timeline. On the 9th, there was an NSC, and that's when my request and my concerns were heard and the Cobra ministerial meeting was granted. During that ministerial Cobra,



HOUSE OF COMMONS

which was on 10 July, the attempt on the *British Heritage* was made. There were a number of actions that we got a decision on. I won't go into the detail, but it was beefing up what we were doing. There were particular legal issues that needed to be resolved. We placed a liaison officer into the Department for Transport. And on 11 July, I took *HMS Duncan* off her NATO task and sent her that way. So that's the sequence of events.

Q83 Mr Francois: You had the authority, as Defence Secretary, to redeploy that ship without having to refer to other Government Departments for a consensus?

Penny Mordaunt: I think the difficulty in this situation—

Mr Francois: I think you made the right decision; I'm just—

Penny Mordaunt: The difficulty was that I felt that I needed to have confidence that I had others' permission to move a ship into that area. These are not trivial considerations. Moving more ships into that region is something that needed to be considered in terms of, "Is this the right look for the outcomes that we want to see?" I am of the same school of thought as Lord West. It is not often that you hear that, but I felt that we should be moving assets. However, I thought that needed to be a collective decision. It was clearly a cause for concern for some.

Q84 Mr Francois: I am sorry, I may have missed this, but how was that collective decision taken?

Penny Mordaunt: We have had the confidence to do that stemming from that ministerial Cobra. I think there had been a reluctance for us to move assets, but we were able to thrash it out at that meeting.

Q85 Mr Francois: Remind us of the date that that took place?

Penny Mordaunt: That was 10 July.

Q86 Mr Francois: So, the day before. Thank you.

Lastly—then I will hand back—I want to follow on from something the Chairman was saying when he read from the Secretary of State's letter of 5 September and he read out part of the operative paragraph. The following sentence was, "However, I am keen to ensure Defence works with the Committee and have therefore tasked MoD officials with organising a briefing on this subject, noting that many of the issues it involves sit outside my Department's responsibility."

Now, Penny, you are no longer responsible for organising that briefing, but, if you will forgive me, in my experience, having been on this Committee for over a year now, I have never yet been to a briefing to this Committee by the MoD that told us anything at all that we could not have read in *Jane's* or in *The Daily Telegraph*. In the United States, our counterparts in the HASC are briefed in a Faraday cage to an extremely high level of classification. The Ministry of Defence here treats us like school children and never tells us anything that we could not find out any



HOUSE OF COMMONS

other way. If you were us, would you bother to continue turning up to such briefings?

Penny Mordaunt: I would. I am not responsible for organising this. So much of this—to give yourselves the best situational awareness—is about intelligence and a bigger picture than what is in the public domain.

Mr Francois: Forgive me, but that is my point: they never tell us any of that; they say it is classified.

Q87 **Chair:** The suspicion we have, Penny, is that this is an embarrassing episode. There was a failure. It was very clear that the Iranians would do what they always do, which is retaliate in this way, and that—possibly for not very sound political reasons—you were not given the support that you needed in order to ensure that we were properly prepared to protect the shipping in question. That may have rather more to do with the reluctance of the Ministry of Defence to assist the Committee, even though, in the end, they will have to do so.

Penny Mordaunt: At times, I have not shied away from beating up the MoD. I would say two things in relation to that. I think there are two issues here. I am being very frank about where I think errors have been made. I was—and I am—very cross at the lack of opportunity for Ministers to thrash out issues, which I think would have given officials more options, would have gripped the situation, as I would have liked. I would say, though, that in the case of the *Stena Impero*—I probably don't have all the information, but I do have some information and timelines on what happened with her—I don't think there are many things that would have made a difference, because of what happened with her in particular. The provision that was made—admittedly I would love more ships; I have said that from day one in this place—by the Royal Navy, working with the United States, as we can only do in that region, was good. The work that the MTO was doing, with the Department for Transport—

Q88 **Chair:** MTO?

Penny Mordaunt: Maritime Trade Operations—the Royal Navy-staffed air traffic control, if I can describe it that way, stationed out there. The work they were doing protected enormous numbers of ships; it was good. I think some particular issues went wrong in the case of the *Stena*, but they were successfully protecting enormous numbers of ships. They were doing a good job and would have carried on doing a good job and are carrying on doing a good job. It is just that some things went wrong in the *Stena's* case.

Q89 **Chair:** One of which was that the shipping company did not co-operate as it should have done by giving 24 hours' notice of its planned movements. Is that right?

Penny Mordaunt: I think there were two things. Again, I am getting my information from the Permanent Joint Headquarters and from a direct conversation I had with the commander of maritime component literally after the event; I was in Bali at the time and I phoned him. First, she did



HOUSE OF COMMONS

give information, but the information that both the master and *Stena's* chief security officer gave was not what they then did. They gave different transit times. That is the information I have. I think there was a particular issue with what she was doing. I think the ship followed all the other advice and requests made of her in the security notice that the Department for Transport issued. However, the times were different. I think she gave three hours' notice, but the timings were wrong, so she set off earlier than she said she was going to.

Q90 Chair: According to what the Foreign Secretary said in his statement, I think they were supposed to have given more like 24 hours' notice.

Penny Mordaunt: It was 24 hours, yes. There was a particular issue there. We cannot speculate in that case, but for every other vessel, the Royal Navy protected them, so I do not actually think that the Navy or the MoD dropped the ball on this. I think they did a pretty good job with what they had.

Chair: Really, one reason for wanting to hold this session was precisely because we suspected that there were factors like this—for example, the shipping company having been the author, to a considerable extent, of their own misfortune—not that that justifies in any way what Iran did. That is why we felt that we should hold a session like this and that it would not do any harm to the present ongoing situation.

Mr Francois: One last one. Penny, as I said, we on this Committee do not always feel that the Department takes us seriously. That is why, sometimes, when their witnesses come before us, they get a really hard time. The last time the Permanent Under-Secretary appeared before us, *Private Eye* did a kind of skit of the hearing, and in their words he was stretched off the pitch.

This is not aimed at you personally in any way, but I hope that, as it were, others are listening: if the Ministry of Defence treat the Committee with greater respect, they might find that some of their witnesses get a slightly easier time. However, while they continue to do what they do, we will probably do what we do. I just hope somebody over in main building is listening and takes some notice. Time will tell.

Q91 Chair: And what is more, we did not even have to have a Cobra meeting to determine that deterrent threat.

Moving on, if we may, I take from what you said before that you concur with the overall conclusion of our two previous expert witnesses that the number of vessels in the surface fleet is inadequate. Given that that is the case, and as long as that remains the case, we have to co-operate with others. Can you tell us briefly, because we need to draw to a close, what was the nature of the request that the United States made on 24 and 30 of June for us to be involved with them in the Gulf in protecting shipping, and—remember this is what came up in the previous session; we flagged it up that we would ask this—did the US offer their assets to help protect British vessels before the capture of *Stena Impero* on 19 July?



Penny Mordaunt: Yes. This is a key question. First, I absolutely agree that this incident shows the importance of our having a strong Royal Navy, not just with more hulls, but with fast ships and frigates that are capable, can defend themselves, can be put in harm's way and can keep up with tankers. That is absolutely right. With regard to the United States, we could not do anything without the United States, so during, prior, many years in advance, we have been working with the United States using assets, and also the intelligence, the command and control networks that are needed to mount any kind of effort. We have been doing that, so it was not the case that US help was turned down. It always has been the case that we have used that. So that's one issue.

Q92 **Chair:** I just want to be clear. I understand that they may have ways that may be a bit sensitive about ongoing co-operation, but they asked us to join their sort of taskforce, and presumably, for largely political reasons, we decided not to do that. Did they offer to help us protect our ships?

Penny Mordaunt: No. Just to clarify, in terms of what was covering when these incidents were taking place, we were working with the United States. Indeed, I think some of the footage that you saw during the course of that time was taken from their assets, so the notion that we were not doing that is false. Where this line has crept in is where we were talking about future operations, where we were going to considerably beef up the presence and how we were working with other nations. On the foundation for that, there was only one nation that could have been in overall command of any operation that was stood up, and that was the United States because they are the only people that have the ability to be a platform for that kind of operation, for reasons that you are probably very aware of. So there were a number of potential options for what might happen in the future, and, again, would have taken a number of months to build up. One of them was a US construct. The decisions that had to be taken on whether to join that or not—whether to go with that or with a different kind of model being proposed by other nations—was a decision for the future. It was not about the period in which this happened.

Q93 **Chair:** I just want to nail this down and then I will pass over to Martin, who will explore the EU option in some detail.

I want to get this clear. I understand you are talking about future long-term arrangements and whether it would be focused more with the US or more with the EU, but I think I am right in saying that in the 22 July statement by the Foreign Secretary, he referred to this. He said that "because freedom of navigation is a vital interest of every nation, we will now seek to put together a European-led maritime protection mission to support safe passage of both crew and cargo in this vital region. We have had constructive discussions with a number of countries in the last 48 hours and will discuss later this week the best way to complement this with recent US proposals in this area."

Again, the question arises. That is being presented to Parliament by the Foreign Secretary, so Parliament thinks, "This is one of our firm, solid reactions to this terrible seizure that has happened", but in reality, they



HOUSE OF COMMONS

seem to have gone for a model that you are saying would not have been very effective unless there had been continuing United States co-operation. Is that right?

Penny Mordaunt: As well as the American option, there were discussions around the UK and France leading two task groups within that. I think also it is worth mentioning that many other nations were involved in the discussions: the Gulf, India and other members of the Five Eyes community, so it was not just the EU and the US.

Q94 **Chair:** Okay, but was there no specific offer of short-term US help to deal with the immediate crisis, rather than this question about what should be the longer-term structure in the Gulf for security?

Penny Mordaunt: I cannot stress this enough, but this was an ongoing, existing—

Q95 **Chair:** Conversation?

Penny Mordaunt: Operation, if you like. It has been going on for a long time, because this is not new activity. Prior to this, there have been other threats from Iran in the region. Clearly, the situation politically was escalating, but the situation in terms of protecting shipping had been going on for some time.

Q96 **Chair:** I understand that. In the light of the seizure of the *Stena Impero*, did the United States specifically offer some direct assistance to help us protect British ships, over and above this long-term structural conversation?

Penny Mordaunt: In terms of escalating and increasing what we are doing under a US construct, that was first raised—clearly it had been under discussion between officials and the military—at the NSC on 18 June, and potentially prior. This is something that we had been talking about for some time. It was not a discussion saying, “We are now going to do this.” It was a discussion around, “Can we pursue this line? Can we start building up our options?”

Q97 **Chair:** You haven’t told me whether there was a specific US offer to assist and protect British ships in light of the fact that the ship had been seized.

Penny Mordaunt: No. Nothing over and above what was being done. I had many conversations with my officials. The US has helped us in this. Every offer of assistance throughout any period of time, we have taken—

Chair: We did not turn down a specific—

Penny Mordaunt: We did not turn down help from the United States. We were in discussions about what else we could do to make this more sustainable in the future. In the immediate term—by that, I mean six months—there was no option other than a US-led task group.

Q98 **Martin Docherty-Hughes:** Just a final two questions, Penny. Thank you very much for coming today, because it has been very enlightening. In terms of the EU section of it, why did the Government opt for the EU-led



HOUSE OF COMMONS

mission to protect vessels in the strait, rather than the mission proposed by the Americans? Specifically, what discussions took place with EU leaders about such a coalition?

Penny Mordaunt: I think there is a misunderstanding that these are two competing things. Clearly, in the interim—for at least six months—the US platform was the only way of doing this, but I think it was very important that we internationalised the situation. Therefore, it was mooted that we and France lead two task groups. That was part of the same construct.

I think it was very important to internationalise it, because ultimately you want people to give assets and help and to lean-in. The Brits, as usual, are assisting everyone else's vessels through, but clearly other nations had huge interests in making sure that those shipping lanes were open. Having other nations in the lead on that was an important message, to give people confidence to lend assets to come and also help.

Q99 **Martin Docherty-Hughes:** That would just specifically be France? Anyone else?

Penny Mordaunt: No, lots of other nations. Again, the MoD will be able to give you details—but Gulf nations, India, Australia and many others.

Q100 **Martin Docherty-Hughes:** Some would say—and given how you have articulated the answer, you're answering it already—that the idea of an EU mission, as opposed to a US mission, is not the right way to look at it. But some folks think that it was a mistake to focus on what they perceive as an EU-led mission, instead of accepting requests for co-operation by the United States, because, as some previous evidence said, the other EU nations were not as capable as the United States to deliver on the ground.

Penny Mordaunt: The way I have described it is that you have these task groups within the construct that was there and that has been operating for some time. If, then, in future months, people wanted to have a rotating command, then you could do that, but you would have to build some infrastructure into it.

Q101 **Martin Docherty-Hughes:** And you had confidence in specifically, say, our EU partners at that time to be able to do that as well?

Penny Mordaunt: Yes. I had quite detailed conversations with Madame Parly about what we could do. At the time, we were discussing a task group—two task groups—either side of the straits.

Q102 **Martin Docherty-Hughes:** Finally, just regarding the lessons learned from the episode, the first one that comes to mind, given some of your evidence today, is that when the Secretary of State for Defence makes five requests to the Prime Minister for a ministerial Cobra meeting, you shouldn't really need to do that. Would you think that's one of the major lessons?

Penny Mordaunt: With the caveat that for the *Stena*, because that is—

Q103 **Martin Docherty-Hughes:** I mean specific to the Gulf, because even



HOUSE OF COMMONS

while I represent a constituency issue with the *Stena*, I think the overarching issue in terms of the unfolding of events was clear for everybody to see, and therefore, as the Secretary of State for Defence, the idea that you had to make five requests for a ministerial Cobra meeting is a lesson that they need to learn in Downing Street.

Penny Mordaunt: Yes. I think that when your Secretaries of State—and I don't think I was the only Secretary of State making these requests—and particularly of a Department like that says that we need to get more granular and we need a bit more real-time oversight for Ministers on a situation, and those requests are made repeatedly—you know, we're not making them for fun.

Also, although politicians are not necessarily valued at this precise moment in time, it is hugely important that you get those key decision makers in those kinds of meetings. You cannot make these operational decisions in weekly National Security Council meetings.

Q104 **Martin Docherty-Hughes:** I would like you to say if there are any other lessons that need to be learned. But just briefly, from the point of view that you said some of the predecessors—

Mr Francois: The lesson is that it tells you all about that Prime Minister that you ever needed to know.

Martin Docherty-Hughes: I totally agree; it's not often that we agree.

You mentioned that your predecessor had asked—is it?—in relation to the situation in the Gulf. In terms of Cobra meetings for the exact same reason, did their predecessor ask it? You said that other Secretaries of State had requested these ministerial Cobra meetings. Was that specifically in relation to events unfolding in the Gulf?

Penny Mordaunt: Sorry, you mean other Secretaries of State at the time?

Q105 **Martin Docherty-Hughes:** Other Secretaries of State for Defence, yes.

Penny Mordaunt: So, for example, I spoke—again, I say this from memory; I don't have a note of it—to the Secretary of State for Transport early on about how we really needed to ensure that our communications were good.

The Department for Transport takes the lead on liaising with merchant shipping, so all the information goes through there—how we could really thicken the communications and all of that—and the importance of getting key political decisions made, which would then enable us to do more on the operational front.

Q106 **Martin Docherty-Hughes:** Were any of your predecessors as Secretary of State for Defence made similar requests?

Penny Mordaunt: As I said, my experience of coming into the Department—having seen how it used to run when I was MinAF—was that

it was, I think, a hollowed-out Cobra operation for Ministers, so I would imagine that that had not been done.

Q107 **Martin Docherty-Hughes:** Is there anything else you would like to add?

Penny Mordaunt: There are a couple of things. First, I hope that my evidence has demonstrated that the Royal Navy and the MoD—I will just state this to the Committee: if the Royal Navy had any concerns that were not being passed up to me or over the road, it would have found a way to pass those to me—have been very forward-leaning, they have thought about things in huge detail and they were very well prepared.

They came up with a range of things that we could have done. They were politically savvy; they understood the political sensitivities of this situation and, therefore, were coming up with constructs where we could allow the EU to take a much more forward role, while ensuring that we could operationally operate with the US. They did a really good job and the Royal Navy did a really good job protecting those ships. There is no one more frustrated that they did not get to the *Stena* in time than Dean Bassett and the Navy out there. I hope that has set the record straight with regards to that.

I have raised my concerns about ministerial oversight. I will take the opportunity to say again that this is why we need to have not just more hulls, but hulls that are highly capable, are fast ships and can look after themselves.

Q108 **Chair:** Could the Iranians do the same thing again now?

Penny Mordaunt: The Iranians have been doing this for a long time.

Q109 **Chair:** Do we have enough assets now in the Gulf to ward that off?

Penny Mordaunt: We are continuing to increase the amount of assets out there. Again, I have not been in the Department for a while, but I have no reason to doubt that they are continuing that trajectory. What I would say is that you want enough assets out there that when things go wrong, as they did with the *Stena*, and that error was made, you can cover that, ideally. If we sent the whole fleet there, it would not be enough, but we can only do this by working with partners and really ensuring that merchant shipping is co-operating with us.

The final thing that I would also add is about rules of engagement, which is something that you might wish to cover in a private session with the MoD. There are obviously very clear rules about what you can and cannot do in international waters and territorial waters, if you are approached by a vessel in those circumstances. I would suggest that—given the history of Iran and what it has been doing with shipping in this region—if they approach you in international waters, and want to see whether you are compliant with environmental standards or want you to identify yourself and prove that you are who you are claiming to be, you are allowed to take a slightly more defensive position than current rules of engagement allow. I think that is an area that needs to be explored and pushed.



HOUSE OF COMMONS

Chair: Ex-Secretary of State, we would like to thank you very much indeed for being so willing to come forward at a difficult time in Parliament's current procedures and for being so frank with the Committee. We hope that you feel that it has been time well spent, as well.

Penny Mordaunt: Thank you.

Chair: Thank you. The session is concluded.